

Report of	Meeting	Date
Director of Development and Regeneration	Development Control Committee	25.7.2006

ENFORCEMENT ITEM

USE OF LAND FOR THE PARKING, STORAGE AND MAINTENANCE OF CONTRACTORS VEHICLES PLANT AND EQUIPMENT,ERECTION OF A BUILDING AND SITING OF A CONTAINER,LAND REAR OF 1-5 POMPIAN BROW BRETHERTON

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action in respect of the above case.

CORPORATE PRIORITIES

2. This report raises no issues of corporate priorities.

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

BACKGROUND

4. This report relates to an area of land lying to the rear of the residential properties on Pompian Brow. The land was formally occupied by a farmhouse and outbuildings, which were demolished over 25 years ago leaving an orchard originally associated with the farmhouse. The site is currently being used to park vehicles and store contractors plant and other equipment when not in use. In addition a container has been sited on the land together with the erection of storage buildings that are used for storing equipment. The occupier also keeps hens and geese on the land.

Complaints have been received from local residents concerning the use of the site and noise disturbance from comings and goings and activity on the site. In addition burning of material has taken place on the site resulting in an abatement notice being served by Enviromental Services.

POLICY

5. The land is designated as Green Belt in the Adopted Chorley Borough Local Plan Review.

Within the Green Belt as defined by policy DC1 of the Local Plan, planning permission will not be granted except in very special circumstances, for development other than agriculture, forestry, outdoor sport and recreation and other uses that preserve the openness of the Green Belt.



6. The site is also within the Bretherton Conservation Area where policy HT7 of the Local Plan Review seeks to ensure that all new development within or affecting the setting of a Conservation Area will preserve or enhance the character or appearance of the area.

ASSESSMENT

7. The main issues are whether the development is appropriate within and harmful to the character and appearance of the Green Belt and Conservation Area and whether the amenities of local residents are adversely affected. The use of land for the parking/storage of motor vehicles is not one of those activities referred to in National or Local Planning Policy as appropriate in the Green Belt. Neither am I aware of any special circumstances sufficient to overcome the strict policy presumption against inappropriate such as this in the Green Belt. Whilst the site is screened to an extent by vegetation the site is open to views from surrounding residential properties who have to look onto this collection of equipment and other storage which together with noise generated from activities carried out on the land are detrimental to the amenities of residents living near to the site and detracts from the character and appearance of the Greenbelt and Conservation area

COMMENTS OF THE DIRECTOR OF FINANCE

8. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

9. No comments.

RECOMMENDATION

10. That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control - without planning permission the change of use of the land from agriculture to a mixed use of the land for agriculture and the parking, storage and maintenance of contractors vehicles plant and equipment and the siting of a vehicle container body.

Requirements of the Enforcement Notice

Cease the use of the land for the parking, storage and maintenance of contractors vehicles plant and equipment and the siting of a vehicle container body, and remove all vehicles, plant, equipment and container body from the land.

Period for Compliance

3 months

Reason

The land is within the Green Belt as defined by the Adopted Chorley Borough Local Review. The development is not an appropriate use within the Green Belt and is contrary to Policy DC1 of the Local Plan and Planning Policy Guidance Note 2 Green Belts, being inappropriate development and harmful to the character and appearance of the Green Belt. There are no special circumstances to justify an exception to the presumption against inappropriate development in the Green Belt.

The use of the site is detrimental to the amenities of local residents by virtue of noise, disturbance and visual intrusion, which detracts from the character and appearance of the Conservation Area.

RECOMMENDATION

11. That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control - without planning permission the erection of a building.

Requirements of the Enforcement Notice

Demolish the building and remove the materials from the land.

Period for Compliance

3 months

Reason

The land is within the Green Belt as defined by the Adopted Chorley Borough Local Review. The development is not an appropriate use within the Green Belt and is contrary to Policy DC1 of the Local Plan and Planning Policy Guidance Note 2 Green Belts, being inappropriate development and harmful to the character and appearance of the Green Belt. There are no special circumstances to justify an exception to the presumption against inappropriate development in the Green Belt.

The use of the site is detrimental to the amenities of local residents by virtue of noise, disturbance and visual intrusion, which detracts from the character and appearance of the Conservation Area.

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10 July 2006

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Background Papers

None