

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	6 August 2013

ENFORCEMENT ITEM

Title: The unauthorised erection of a two storey brick building on land 30 metres East of Lane Ends, Gales Lane, Mawdesley.

PURPOSE OF REPORT

1. To seek authority for the serving of an enforcement notice to remove the unauthorised development from the land.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 174 of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

- i. Without planning permission the erection of a two storey brick built building on land to the East of property Lane Ends, Gales Lane, Mawdesley and to North of property Gales House, Gales Lane, Mawdesley.
- ii. Demolish the two storey building erected upon the land and to remove the foundations and slab from the land.
- iii. Remove all material resultant from the works carried out under 2(ii) from the land.
- iv. Period for Compliance

90 days
- v. Reason

The building is located within the Green Belt as defined by the Chorley Borough Local Plan Review (2003) and is detrimental to the character and appearance of the Green Belt and prejudices the purposes of the Green Belt in terms of encroachment into the countryside, contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review and Paragraph 80 National Planning Policy Framework

EXECUTIVE SUMMARY OF REPORT

3. The parcel of land subject of this report is located to the east of property Lane Ends, Gales Lane, Mawdesley and to north of property Gales House, Gales Lane, Mawdesley. The land is within the Green Belt and so the relevant guidance within the National Planning Policy Framework (the framework) and Policy DC1 of the Adopted Chorley Borough Local Plan Review applies. These policies prescribe certain types of development which can be considered appropriate within the Green Belt. Where development does not fall within the appropriate types of development, the framework states that it must be inappropriate

development by definition. The framework goes further to state that inappropriate development is harmful to the Green Belt and should not be approved except in 'very special circumstances.

- The building erected is not within any of the prescribed types of development considered to be appropriate development within the green belt and by definition is inappropriate nor have any very special circumstances been provided by the landowner for its retention.

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	x	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- A complaint was received by the Council that a two storey building had been erected on land to the East of Gales Lane, Mawdesley. To establish land ownership details that information was requested from the Land Registry and upon receipt the land owner was contacted and a site visit was undertaken whereupon the building subject of the complaint was inspected.
- The two storey building is of brick construction with an inner skin of blockwork, it has windows to the front and rear elevations and a roof constructed of corrugated material. It was seen that there was no defined use of the building however nor was not in use for any residential purpose. The land owner did not give any indication of any end use for the building other than to state at the time of the visit it was being used as a storage facility. The building does not benefit from any planning permission.
- The land upon which the building has been erected does not form the curtilage to any domestic property and therefore cannot benefit from any permitted development rights afforded by any Class within Schedule 2, Part 1, The Town & Country Planning (General Permitted Development) Order 1995 (as amended).

IMPLICATIONS OF REPORT

- This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	x
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- There are no financial implications to this report.

COMMENTS OF THE MONITORING OFFICER

11. The structure is unlawful because it would require planning permission which has not been obtained. The structure is contrary to the planning policies identified and so enforcement requiring its removal is a reasonable step. The Local Planning Authority must have regard to its Local Enforcement Plan. The recipient of the notice has a right of appeal to the Planning Inspectorate.

LESLEY-ANNE FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
S Aldous	5414	23.7.2013	