

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	10 December 2013

ENFORCEMENT ITEM

ERECTION OF BUILDING FOR USE AS FEED STORE AND PARKING OF A HORSE VEHICLE TRANSPORTER AND SITING OF TRAILER, LAND ADJACENT TO 367 SOUTHPORT ROAD, ULNES WALTON

PURPOSE OF REPORT

- To seek authority for the issue of an Enforcement Notice to under enforce against the unauthorised development.

RECOMMENDATION(S)

- That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
 - Without planning permission the erection of a building for use as a feed store.
 - Without planning permission the parking of a horse vehicle transporter and siting of a trailer for the collection and disposal of horse manure.

Remedy for breach

- The feed store building shall be used only for the storage of animal feed and for no other purpose.
- The horse vehicle transporter and trailer shall only be parked and sited within the area edged in blue on the plan accompanying the enforcement notice

Period for compliance

- One month

Reason for Issue of Notice

In order to protect the residential amenities of neighbouring residents.

EXECUTIVE SUMMARY OF REPORT

- Further horse related development has taken place on land already used for the stabling of horses and exercising horses although previous development has never had planning permission but the development is now lawful in planning terms and immune from enforcement action.

Confidential report	Yes	No
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Please bold as appropriate		
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CORPORATE PRIORITIES

4. 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

5. The case relates to a complaint that a mono pitch building has been erected on the land which comprises a single storey open fronted feed store erected on a concrete base measuring 3.6 m x 2.8m with an overall height of 2.5m .In addition a horse vehicle transporter is also being parked on the land and a trailer sited for the collection and disposal of horse manure. The land is already occupied by an existing stable block and an exercise ménage but there is no record of planning permission having been granted for this development however because these were constructed more than 4 years ago. They are now lawful and immune from enforcement action. To the south of the site lies another development of stables with planning permission. Immediately to the east lies a row of residential properties.

ASSESSMENT

6. The land is within the Green Belt and policy guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review and the Central Lancashire Rural Development Supplementary Planning Document (SPD) are relevant policy considerations. Development involving horses is considered appropriate development in the Greenbelt.

7. The Central Lancashire Rural Development Supplementary Planning Document (SPD) Part F relates to equestrian development and gives further detailed guidance on horse related developments which will be taken into account in assessing the acceptability of developments. This covers such matters as scale, siting, design, highway safety.

8. In the absence of the submission of a planning application for the development I have consulted the occupiers of residential properties that border the site in order to obtain their views on whether the development has had any impact on them. One response has been received. It refers to the Supplementary Planning Document policy on horses and the fact that the policy specifies that generally such development should be sited 30 metres away from neighbouring residential properties whereas this development is 10 metres or less from residential properties. There is noise from people coming and going, loud radios, children squealing, horses door kicking through the night /early hours, smell, vermin nuisance, flies and lights over winter to illuminate the feed store from a running car engine. In addition, since the feed store was erected, a midden trailer is now sited closer to the residential property and is unpleasant in winter months and unhygienic in summer months with smell and fly nuisance. In addition, a horse vehicle transporter is parked up against the boundary fence of the residential property restricting light and fumes from the running engine. There is concern that the feed store could become a further stable in future and further intensify the impact of the development on the residential properties adjacent.

9. The Environmental officer has been consulted and has no objection to the development and has no record of any complaints having been received concerning the site.

10. The feed store is a small scale building located next to an existing tree/hedgeline having limited outward impact. It does not provide any additional stabling. However concerns have been raised that the building could be converted at a later stage and have an impact on the neighbouring residential property. However, provided the building remains as a store then I do not consider that its use would give rise to any significant harm to the neighbouring residential properties and a restriction can be imposed to prevent its conversion at a later date. With regard to the parking of the horse box this is currently parked up next to the boundary fence to the adjacent residential property with the midden trailer parked next to the feed store. It is likely that the occupiers of the adjacent residential property would experience some loss of amenity as a result of the positioning of the horse vehicle transporter and midden trailer. However, it is my view that the harm could be mitigated and the relationship with the residential property improved if the vehicle and trailer were parked/sited away from the site boundary and this can be controlled by restricting the area within which they may be parked/sited.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

12. There are no immediate financial implications associated with the enforcement action.

COMMENTS OF THE MONITORING OFFICER

13. The person(s) served with any enforcement notice have a right of appeal to the Planning Inspectorate. If the notice is not complied with and is not subject of an appeal the person(s) served with the notice are liable to prosecution. The maximum fine on conviction in the magistrate's court is £20,000. The fine is unlimited in the Crown Court.

Lesley-Ann Fenton
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	3 December 2013	