

| Report of | Meeting | Date |
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| Director of Partnerships, Planning & Policy | Development Control Committee | 13 May 2014 |

ENFORCEMENT ITEM

Unauthorised residential use of a building at Club Equestrian Cuerden Farm Wigan Road Clayton Le Woods

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action to secure the cessation of the use of the building for residential purpose.

RECOMMENDATION(S)

2. That it is expedient to take enforcement action to secure the cessation of residential use of the building.

Alleged Breach

- i. Without planning permission the use of a building within the site area of Club Equestrian for a residential purpose.

Remedy for Breach

- ii. Cease the use of the building as shown on the attached Plan marked SA/1 for residential purposes and to only use the building as a general store for the livery stables.

Period of Compliance

- v. Three Months

Reason

- (a) Policy HS1.31, of the emerging Chorley Local Plan 2012-2026 Site Allocations and Development Management Policies, Development Plan Document, requires a master plan or development brief for sites identified for housing. Land to the east of Wigan Road is an identified site. The use of the building within this identified site allocation, as an isolated residential property is contrary to this Policy.
- (b) Policy EP1.15, of the emerging Chorley Local Plan 2012-2020 Site Allocations and Development Management Policies, Development Plan Document, requires a master plan or development brief for sites identified and protected for business, general industrial and storage and distribution. Land to the East of Wigan Road is an identified site. The isolated residential use of the building is contrary to this Policy.

EXECUTIVE SUMMARY OF REPORT

3. An existing timber clad, chalet style building is located to the North West of the ménage which has been on site for a number of years. The building had been used as a general store for the livery stables. A complaint has been received by the Council that chalet is being used for residential purposes.

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| Confidential report Please bold as appropriate | Yes | No |
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CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

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| 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 Council received a complaint regarding the use of an existing timber clad, chalet style building for residential purposes. The building is located to the North West of the riding ménage for the Club Equestrian Centre located to the East side of Wigan Road, Clayton Le Woods. A site visit was carried out where the owner was spoken to and a subsequent letter sent to him regarding the unlawful use. Additionally, since that visit the person utilising the building for residential purpose has contacted the Council requesting information as to a remedy for the unlawful use. Whilst he has been informed it is most unlikely any application would receive a favourable report no further contact has been received by the Council from him.
6. The site has now been allocated as a mixed use site including housing and employment as shown on the emerging Chorley Local Plan 2012-2026, which now carries significant weight in accordance with the Inspectors Partial Report.
7. Policies HS1.31 and EP1.15 of the emerging Local Plan, Site Allocations and Development Management Policies are relevant to the unlawful use of the building subject of this report, for residential purposes.
8. Policy HS1.31 and Policy EP1.15 identifies the land subject of this report as now being allocated and protected for housing and employment for the Plan period. Both Policies require the submission of a master plan or development brief on sites identified for housing allocations and employment to enable proper planning for the sites. The isolated use of this building for residential purposes is contrary to the proper planning for the defined allocations.

IMPLICATIONS OF REPORT

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

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| 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

10. No Comments

COMMENTS OF THE MONITORING OFFICER

11. The recipient has not obtained planning permission to use the building within the site area of Club Equestrian for a residential purpose therefore making this unlawful. The recipient should have obtained planning permission. The use of the building as residential use is contrary to the planning policies identified and so enforcement action requiring the recipient to cease use of the building for residential used 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.

DIRECTOR NAME: Lesley Ann Fenton
 DIRECTOR OF : Partnerships Planning & Policy

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
|---------------|------|---------|--------|
| Steve Aldous | 5414 | 30.4.14 | |