

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	3 September 2014

## **ENFORCEMENT ITEM**

### **CHANGE OF USE OF LAND FROM PASTURE LAND TO USE FOR THE REPAIR, MAINTENANCE AND SALE OF MOTOR VEHICLES AND DOMESTIC PURPOSES, INCLUDING THE STORAGE OF A CARAVAN ERECTION OF OUTBUILDINGS/STRUCTURES USED IN CONNECTION WITH THOSE USES, LAND OPPOSITE 71 CHURCH LANE CHARNOCK RICHARD**

#### **PURPOSE OF REPORT**

1. To seek authority to take enforcement action in respect of the unauthorised use of the land.

#### **RECOMMENDATION(S)**

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
3. Without planning permission the change of use of pasture land to a use for the repair, maintenance and sale of motor vehicles and domestic purposes, the storage of a caravan and siting of containers.

#### **Remedy For Breach**

1. Cease the use of land for the repair, maintenance and sale of motor vehicles and domestic purposes, including the storage of caravan and siting of containers.
2. Remove all motor vehicles and trailers from the land.
3. Remove the caravan from the land.
4. Remove the containers from the land.
5. Excavate and remove the area of hardstanding on the land.
6. Demolish and remove the outbuildings and car port structure from the land
7. Remove the interwoven fencing panels erected along the Southern boundary of the site fronting onto Church Lane.
8. Remove the greenhouse from the land.
9. Remove the trampoline from the land.

Period For Compliance

Six Months

Reason For Issue Of Notice

The development constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt unless very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to the policies of the National Policy Framework and Policy DC1 of the Adopted Chorley Local Plan Review.

## EXECUTIVE SUMMARY OF REPORT

- There is no planning permission for the development on the land and the landowner has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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## 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

- This case relates to an area of former pasture land off Church Lane Charnock Richard. The land forms part of a wider area of pasture land which is being used for the repair, maintenance and sale of motor vehicles and there appears to be domestication of the site with the storage of a caravan and a trampoline and greenhouse having been placed on the land. There is also a range of outbuildings erected on the land together with containers and car port structure used in connection with the unauthorised use of the land.

## ASSESSMENT

- 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 are relevant policy considerations.
- Within the Green Belt only those uses of land which are considered appropriate development will be permitted unless it can be demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.

9. In this case the uses of land do not fall within any of the categories of development considered to be appropriate development within the Green Belt and are therefore by definition inappropriate development.
10. The addition of a range of outbuildings, hardstanding and variety of domestic paraphernalia on the land also constitutes inappropriate development and this further adds to encroachment into the Green Belt and loss of openness.
11. There is no planning permission for the development on the land and the landowner has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It would be unlikely that planning permission would be granted should a planning application be submitted. No action has been taken to cease the use of the land and it appears that the landowner is not willing to comply voluntarily in this case. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

### IMPLICATIONS OF REPORT

12. 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

13. Other than the cost of officer time at this moment there will be no additional costs to undertaking the enforcement. The owners actions and response to the enforcement notice will dictate whether or not the Council will need to consider incurring any further costs at some point in the future

### COMMENTS OF THE MONITORING OFFICER

14. The issue of an enforcement notice that requires the use of the land within the Green Belt for repair, maintenance and sale of motor vehicles and the use of the land within the Green Belt for domestic purposes to cease is a reasonable step. The Local Planning Authority must have regard to its Local Enforcement Plan. The recipient of the enforcement notice has the right to appeal the enforcement notice.

JAMIE CARSON  
DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	20 August 2014	***