

Report of	Meeting	Date
Director of Development & Regeneration	Development Control Committee	13.03.2007

**ENFORCEMENT ITEM  
CHANGE OF USE OF WOODLAND TO DOMESTIC CURTILAGE THE COACH HOUSE  
LAKE VIEW CHORLEY ROAD**

**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 does not affect the corporate priorities.

**RISK ISSUES**

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

**BACKGROUND**

4. A retrospective planning application, application 06/01382/COU, has been considered at this meeting for the change in use of a strip of land to the rear of, The Coach House, Lake View, Chorley Road, Withnell. The land subject of that application measures 7.3m at its widest point, 2.1m at its narrowest point and 34.2m in length amounting to 112.5 square metres. This land forms part of a woodland area to the rear of the property and all land is within the designated Green Belt. This report is submitted as the application has been recommended for refusal.

**POLICY**

5. The property lies within the designated Green Belt. Green Belt Policy is set out in PPG 2: Green Belts and is re-stated in Policy DC1 of the Local Plan. Local Plan Policy DC1 states that, within the designated Green Belt, permission for development will not be granted, except in very special circumstances, for development other than in the categories set out in the policy. It is accepted that this use does not fall within any of those categories. Thus, there needs to be very special circumstances to justify a grant of permission. National planning policy on Green Belts is set out in PPG2. This sets out the concept of 'inappropriate' development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. So, in terms of PPG2, in order to justify permission, there would need to be very special circumstances, which clearly outweigh the harm caused by the development.

**ASSESSMENT**



6. Planning permission was granted in 1999 for the conversion of this coach house to a residential dwelling, the defined curtilage area to the rear of the property was approved at a distance of 8m from the rear of the property. The application considered by Members at this meeting proposes extending the garden curtilage to the rear of the property into designated Green Belt land. Extensions of garden curtilage that involves the change in use of land designated, as Green Belt does not fall within any of the categories defined within Policy DC1. Therefore, very special circumstances are required to support any such application. No very special circumstances have been forwarded in support of this application therefore; the development proposed is contrary to Policy DC1 of the Local Plan.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

7. No comments.

#### **COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

8. No comments.

#### **RECOMMENDATION**

9. 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 in use of land that is beyond 8m, when measured from the rear of the dwelling, The Coach House Lake View, Chorley Road, Withnell, from designated Green Belt to domestic curtilage.
  - (a) Remedy for Breach
    - i. Reinstatement of the land to the rear of the property that is beyond 8m, when measured from the rear of the dwelling, to woodland by removing:
      - a. All timber decking that has been laid.
      - b. All lighting columns and cabling associated with those lighting columns.
      - c. All retaining walls.
      - d. All plants within the planting bed
      - e. All items of domestic paraphernalia
  - (b) Cease use of the land to the rear of the property that is beyond 8m when measured from the rear of the dwelling, as domestic garden area.
  - (c) Period for Compliance

9 months.
  - (d) Reason

The development is considered to be harmful to the character and appearance of the Green Belt and very special circumstances have not been submitted in support of the application. The proposal is considered to be contrary to Policy DC1 and advice contained within PPG2: Green Belts.

JANE E MEEK  
DIRECTOR OF DEVELOPMENT & REGENERATION

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Steve Aldous	5414	28 November 2005	
<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Planning Application		05/00992/FUL	Union Street Offices