

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	21 April 2015

ENFORCEMENT ITEM : ERECTION OF BARBED WIRE FENCING, FORMER BUILDERS YARD, LICHFIELD ROAD, CHORLEY

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the erection of unauthorised barbed wire fencing.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission the erection of barbed wire fencing.

Remedy For Breach

Reduce the height of the barbed wire fencing to 2 metres in height.

Period For Compliance

One Month.

Reason For Issue Of Notice

The barbed wire fencing by reason of its appearance and height has an harmful impact on the occupiers of 10 Lichfield Road leading to a loss of amenity for the occupiers, contrary to Policy BNE1 of the Adopted Chorley Local Plan Review which seeks to protect neighbouring property from overbearing development.

EXECUTIVE SUMMARY OF REPORT

3. There is no planning permission for the barb wire fencing and the landowner has not submitted a planning application. Numerous letters and telephone calls have been made to the owner of the property and despite verbal promises made by him to remove the barbed wire he has failed to do so, or to reduce the fencing to no more than 2 meters in height. The fencing has an overbearing impact leading to an unacceptable loss of amenity.

Confidential report Please bold as appropriate	Yes	No
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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. This case relates to the site of a former builders yard. The Council received complaints last year concerning activities at the site relating to the repair of motor caravans and motorcycles and investigations are still ongoing regarding those activities.
6. In addition to this a complaint was also made concerning the erection of barbed wire fence around the site boundary which borders onto a residential property located immediately adjacent to the site

ASSESSMENT

7. The barbed wire fence comprises of 3 strands of barbed wire stretched between wooden support posts and metal supports which are themselves in part fastened to an existing brick boundary wall and existing outbuilding
8. The fence varies in height with parts up to 3 meters in height and is 2.7 meters high directly behind a residential property which backs onto the site and requires planning permission because it exceeds a height of 2 meters.
9. The fence has a stark appearance particularly when viewed from the adjacent residential property at 10 Lichfield Road whose main lounge window is situated only 1.6 meters from the fence and adds to the already restricted outlook which the occupiers of the property have from the property. This has an overbearing impact on the occupiers of the property and leading to an unacceptable loss of amenity.

IMPLICATIONS OF REPORT

10. 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

11. There will be no financial implications for the Council with regard to approving the recommendation above if the Enforcement Notice is adhered to. Should the Enforcement Notice not be adhered to, however, the Council is making a commitment to conclude the matter which may result in some costs being incurred.

COMMENTS OF THE MONITORING OFFICER

12. A fence has been erected in breach of planning control. The issue of an enforcement notice requiring a reduction in the height of the fence 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
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