

Report of	Meeting	Date
Director of Development & Regeneration	Development Control Committee	3 April 2007

## ENFORCEMENT ITEM

### ERECTION OF TIMBER POST AND PANEL FENCE 1.9M IN HEIGHT ADJACENT TO HIGHWAY USED BY MOTOR VEHICLES AND ERECTION OF GARDEN SHED– 41 WRAY CRESCENT ULNES WALTON LEYLAND PR26 8NH

## PURPOSE OF REPORT

- To consider whether it is expedient to take enforcement action in respect of the above case.

## CORPORATE PRIORITIES

- This report does not affect the corporate priorities.

## RISK ISSUES

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

## BACKGROUND

- A retrospective planning application for the erection of a boundary fence at 41 Wray Crescent, Ulnes Walton, Leyland, PR 26 8NH, application 07/00075/FUL refers, has been presented on this agenda with a recommendation for refusal. The application is for the retention of a timber post and panel fence to a height of 1.9m that has been erected along the northern boundary of this property, which is located on a corner location. In addition to the fence, a garden shed has been erected on land to the front of the property, which does not benefit from any permitted development rights and no planning permission has been sought for this shed.

## POLICY

- The property lies in the designated Green Belt.

## ASSESSMENT

- The issue to consider is whether the development meets with Policy DC1 and GN5. The proposal will be a prominent feature in the street scene by virtue of its size, its length design and colour treatment. Such a fence will have a significantly adverse impact on the character of the street due to its prominence on the boundary of this property that sits in a prominent corner location. The fence together with the shed by virtue of their heights, design and position on a corner plot will be out of character with the surrounding area which is predominantly open in nature and will have a detrimental impact on the street scene, and is therefore contrary to policy GN5, which seeks to ensure that the design of proposed development are well related to their surroundings.

It is considered that the fence and shed by reason of their heights, siting and design would harm the visual amenity of the Green Belt and is therefore contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review.

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

7. No comments.

#### **COMMENTS OF THE HEAD OF HUMAN RESOURCES**

8. No comments.

#### **RECOMMENDATION 1**

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 erection of a timber post and panel fence adjacent to a highway used by vehicular traffic that is over 1 metre in height.

(a) Remedy for Breach

- i. Reduce the heights of the posts and fence panels between points A and B, as shown on the attached plan, to a height of 1 metre when measured from ground level, thereby benefiting as permitted development granted by virtue of, Schedule 2, Part 2, Class A, The Town & Country Planning (General Permitted Development) Order 1995.

#### **RECOMMENDATION 2**

10 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 erection of a shed.

(a) Remedy for Breach

- i. Remove the shed from the land.

(b) Periods for Compliance

The periods of compliance for recommendations 1 & 2 are three months.

(c) Reason

- (i) The fence and shed are by virtue of their heights, design and position on a corner plot will be out of character with the surrounding area which is predominantly open in nature and will have a detrimental impact on the street scene, and is therefore contrary to policy GN5, which seeks to ensure that the design of proposed development are well related to their surroundings.

- (ii) It is considered that the fence and shed by reason of their heights, siting and design would harm the visual amenity of the Green Belt and is therefore contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review.

JANE E MEEK  
DIRECTOR OF DEVELOPMENT & REGENERATION

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Steve Aldous	5414	3 April 2007	
<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Planning Application		07/00075/FUL	Union Street Offices