

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	14 July 2015

## **ENFORCEMENT ITEM**

### **CHANGE OF USE OF LAND FROM RESIDENTIAL CURTILAGE TO A MIXED USE OF RESIDENTIAL CURTILAGE AND USE FOR PLANT HIRE/ GROUND WORKS DEPOT, LAND AT 80 BLACKBURN ROAD WHITTLE-LE-WOODS**

#### **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 from residential curtilage to a mixed use of residential curtilage and use as a plant hire and ground works depot including formation of a fenced compound area including the parking/storage of plant hire/ground works vehicles, equipment, machinery and the siting of storage containers and formation of access road to serve compound area.

#### **Remedy For Breach**

1. Cease the use of the land as a plant hire and ground works depot.
2. Dismantle the site compound area and remove the fencing materials from the land.
3. Cease the parking/storage of plant hire/ground works vehicles, equipment and machinery and remove the vehicles equipment and machinery from the land.
4. Remove the storage containers from the land.
5. Excavate and remove the materials laid to form the access road serving the compound area from the land.

#### **Period For Compliance**

Three 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 land which forms part of the residential curtilage of an existing dwelling house which is being used as a plant hire/ ground works depot in connection with the occupiers business .A fenced compound area has been established which is used to park and store vehicles equipment and machinery. Within the compound area there are containers used for storage purposes in connection with the business including domestic items. I initially wrote to the occupier earlier this year regarding the alleged breach of planning control and was advised that they did have an alternative site from which to operate and would remove the compound and relocate the use there. However, it appears that little or no progress has been made with regard to this and the use continues to operate from 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.
- 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.
- The addition of a compound area, containers and formation of an access road 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 occupier 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 by the owner 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. There are no budgetary implications at this stage.

**COMMENTS OF THE MONITORING OFFICER**

14. The proposed action is proportionate in this instance.

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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