

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	27 October 2015

ENFORCEMENT ITEM FORMATION OF CAR PARKING AREA, FIVE ACRES PLANT CENTRE, DAWBERS LANE, EUXTON

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised formation of a car parking area

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 formation of a hardstanding for use as a car parking area.

Remedy For Breach

Cease the use of the land as a car parking area and remove the material laid to form the hardstanding from the land.

Period For Compliance

Three Months.

Reason For Issue Of Notice

The area of hardstanding represents further encroachment into the Green Belt than the existing built development at the site in conflict with one of the five Green Belt purposes. It is considered that there is sufficient space within the confines of the existing built development at this site to accommodate parking without the need for this additional car park/ area of hardstanding. The proposal represents inappropriate development which is harmful to the Green Belt and it is not considered that sufficient very special circumstances have been provided which outweigh the harm the development will have on the Green Belt.

EXECUTIVE SUMMARY OF REPORT

3. Planning permission has been refused for unauthorised development involving a large area of hardstanding on land within the Green belt and such development is harmful to the Green belt. No appeal has been lodged against the refusal of permission and the development has not been removed. It is therefore considered expedient to take enforcement action to remove the hardstanding and harm from the Green Belt.

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. The Five Acres site was traditionally an established horticultural site, comprising numerous buildings used for horticultural purposes in conjunction with the associated land. However, in more recent years, part of the site (namely that which is nearest Dawbers Lane) diversified without the benefit of planning permission. This was regularised in 2010 through the approval of a Certificate of Lawfulness application which confirmed that A1, 61, 62 and B8 uses had been in place for at least ten years from the date of submission of the application (application ref: 10/00500/CLEUD).
6. Further development has now been carried out without planning permission for the formation of a hardstanding area measuring 70m x 25m which is being used as a car park by employees of the adjacent businesses. A retrospective planning application was submitted for the development and this was refused under delegated powers in July. Since then no appeal has been lodged against the refusal of permission and the hardstanding remains in place and continues to be used for parking vehicles. In those circumstances it appears that the unauthorised development will not be removed without formal enforcement action being taken.

ASSESSMENT

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. Whilst engineering operations are not necessarily inappropriate in the Green Belt it is considered that the area of hardstanding encroaches further into the Green Belt in conflict with one of the purposes of including land in Green Belt. As such the development represents inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. No justification has been provided as to why such a large car park has been provided which is particularly relevant in respect of consideration of promoting sustainable modes of transport. No justification has been provided as to why additional hardstanding space is required nor has sufficient evidence been provided that the current areas of hardstanding could not be used for parking. In conclusion sufficient very special circumstances have not been provided in respect of the proposals that outweigh the harm that will be caused to the Green Belt by reason of inappropriateness and as such the proposals are recommended for refusal.

IMPLICATIONS OF REPORT

9. 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

10. There are no direct financial implications associated with the report. Resources in terms of officer time are required to enact the enforcement.

COMMENTS OF THE MONITORING OFFICER

11. The enforcement action proposed is appropriate in this matter.

Jamie Carson

Director of Public Protection Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Planning Application	30.01.2015	15/00088/FUL	Civic Offices Union Street

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	14/10/2015	***