

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	15 December 2015

ENFORCEMENT ITEM

ERECTION OF SUMMERHOUSE/GARDEN TOOL STORE

209 TOWN LANE WHITTLE-LE-WOODS

PURPOSE OF REPORT

1. To seek authority for the issue of an Enforcement Notice in respect of the erection of a summerhouse/garden tool store.

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 a summerhouse/garden tool store.

Remedy For Breach

Demolish the summerhouse/garden tool store and remove the materials resulting from the demolition from the land.

Period For Compliance

Two Months

Reason For Issue Of Notice

The proposed development would be located within the Green Belt as defined by the Adopted Chorley Borough Local Plan Review, emerging Chorley Local Plan 2012 – 2026 and the adopted Central Lancashire Core Strategy. The proposed development constitutes inappropriate development in the Green Belt, substantial weight attaches to the harm to the Green Belt by reason of inappropriateness and further harm arising here by reason of the impact of the proposed development on the openness of the Green Belt. Very special circumstances are required if inappropriate development is to be approved in the Green Belt in accordance with paragraph 88 of the National Planning Policy Framework ('the Framework') however in this case no such circumstances have been provided. As such it is considered that the proposals are contrary to The National Planning Policy Framework, Policy DC1 of the Adopted Chorley Borough Local Plan Review, BNE1 of the emerging Chorley Local Plan 2012 – 2026 and the Council's adopted Householder Design Guidance Supplementary Planning Document.

The proposed development would be detrimental to the rural and open character of the

area by virtue of its scale and positioning in an exposed and prominent location. This is contrary to The National Planning Policy Framework, BNE1 of the emerging Chorley Local Plan 2012 – 2026 and the Council’s adopted Householder Design Guidance Supplementary Planning Document.

EXECUTIVE SUMMARY OF REPORT

- Planning permission has been refused retrospectively to retain the summer house/garden tool store and an appeal lodged against that refusal dismissed on appeal. The remains in place and it is therefore considered expedient to issue an enforcement notice to secure its removal.

Confidential report Please bold as appropriate	Yes	No
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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 the erection a summer house/garden tool store on land previously granted planning permission as extended domestic garden curtilage. The permission for the extension of curtilage was granted subject to a condition restricting certain permitted development rights to erect outbuildings on the land in order to protect the openness of the Green Belt .A summer house /garden tool store has been erected on the land in breach of the condition and a retrospective planning application was submitted for the building which was refused planning permission under delegated powers. An appeal lodged against the refusal of permission was dismissed, however the building still remains on the land and there appears to be no intention to remove it from the land.

ASSESSMENT

- The planning merits of the development have already been considered in refusing planning permission for the development and by the Inspector in dismissing the appeal. The building constitutes inappropriate development and causes harm to the character and appearance of the Green Belt. Following the appeal decision the summer house/garden tool store remains in place and its is considered expedient therefore to take enforcement action to secure the removal of the unauthorised development in order to protect the openness, character and appearance of the Green Belt.

IMPLICATIONS OF REPORT

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This report has implications in the following areas and the relevant Directors’ comments are included:

Finance	X	Customer Services	
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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

8. No comments

COMMENTS OF THE MONITORING OFFICER

9. The proposed action is proportionate having regard to the planning breaches and history to each site.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

Background Papers			
Document	Date	File	Place of Inspection
Planning Application	01.07.2014	14/00742/FUL	Civic Offices, Union Street, Chorley

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	17.11.15	