

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	15 December 2015

## **ENFORCEMENT ITEM**

### **REBUILDING OF FORMER FARMHOUSE, SOUTH OF SARSCOW FARM, SARSCOW LANE, ECCLESTON.**

#### **PURPOSE OF REPORT**

1. To seek authority to take enforcement action in respect of rebuilding of former farmhouse building.

#### **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 brick and concrete block walls and roof lintels to form a new building.

#### **Remedy For Breach**

Demolish the brick and concrete block walls and roof lintels shown cross hatched on the plan accompanying the notice and remove the materials resulting from the demolition 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 Planning Policy Framework and the Adopted Chorley Local Plan 2012-2026.

#### **EXECUTIVE SUMMARY OF REPORT**

3. At the end of March 2015, a complaint was received stating that building work was being carried out to the building. Following a site inspection, it was noted that the rear wall had been re-built and a damp proof membrane added, there were new window openings to the rear and a new door opening, the chimney had been repaired and the front of the building adapted and opened up, a steel girder added to strengthen the same. The majority of the

rear wall has been totally re-built; the work has gone further than a simple maintenance, improvement or alteration.

<b>Confidential report</b> 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

- This report relates to a former farmhouse abandoned in the mid-1950's and has remained derelict since this date. In 1974 an application was made to convert the building to a residential dwelling, this was refused because the work involved would constitute inappropriate development in the Green Belt. Planning permission was also refused in 2004, again to convert the building to a dwelling house. In 2008 pre-application advice was given with regards to converting the building to residential use, again the conclusion was negative towards the proposal and a structural engineer stated that the walls were in a poor state and approximately 38% of the area would require rebuilding. In 2012 the present owner of the property invited a planning officer to the site in order that the building could be assessed. The remains were seen to be in a dangerous state and unfit for any use.
- This year, major rebuilding work has taken place to the building, including rebuilding and double skinning the rear wall with a damp proof membrane, repairing the chimney, repairing the roof and installing a new RSJ support beam to the front elevation. Such works constitute development requiring planning permission. The owner of the land claims that the building is used for agricultural purposes and that the works carried out to the building are permitted development and does not require planning permission. They have further stated that they consider the works are not development but maintenance and repair. They have been advised to apply for retrospective planning permission with regard to the development carried out to the building, however to date no application has been submitted. The owner has also been advised that because the land is designated as Green Belt such development is considered inappropriate and unacceptable in planning terms.

## ASSESSMENT

- This is a former farm house, now abandoned and planning permission has been refused for residential use. The owner claims the building is being used for agricultural use; however there is little evidence of this. Even if the agricultural use was proven, any works to the building require prior notification of intention to carry out development, this has not occurred and therefore planning permission is required. In this case the works carried out to the building have resulted in the re-building of a substantial part of the former farmhouse.
- The land is within the Green Belt and policy guidance within the National Planning Policy Framework is a relevant policy consideration. 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.

9. Other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings, provided that the buildings are of permanent and substantial construction. The building in question was not of permanent and substantial construction before the building works were carried out and the resulting building is not designed for agriculture and the resulting development is inappropriate and contrary to the National Planning Policy Framework. 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

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	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

12. No comments.

## COMMENTS OF THE MONITORING OFFICER

13. The proposed action is proportionate having regard to the planning breaches and history of the site.

JAMIE CARSON  
DIRECTOR OF PUBLIC PROTECTION STREET SCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Colin Wordsworth	5414	25 November 2015	***