

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

ENFORCEMENT ITEM

CHANGE OF USE OF LAND FROM RESIDENTIAL CURTILAGE/ COMMERCIAL STABLES/ CATTERY TO A MIXED USE OF RESIDENTIAL CURTILAGE/ STABLES/ CATTERY AND USE AS A HAULAGE YARD, LAND AT CLOSE GATE FARM, BUCKHOLES LANE, BRINSCALL, WHEELTON, CHORLEY

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: Without planning permission the change of use from residential curtilage/ Stables/ Cattery to a mixed use of residential curtilage, stables, cattery and use as a Haulage Yard.

Remedy For Breach

1. Cease the use of the land as a haulage yard and remove the vehicles from the land.
2. Excavate the hardstanding area formed for the parking of haulage vehicles and remove the materials from the land.

Period For Compliance

Two 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.

The development by reason of its' appearance and noise generated has a harmful impact on neighbouring properties leading to a loss of amenity contrary to policy BNE1 of the Chorley Local Plan.

EXECUTIVE SUMMARY OF REPORT

3. The site has an authorised use as a dwelling, cattery and livery. The use of the land for a haulage yard has created a mixed planning use. Use as a haulage yard is an inappropriate use within the green belt and this has resulted in a loss of amenities to neighbouring properties. It is therefore expedient to take enforcement action.

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

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. This case relates to land which forms part of the curtilage of a new dwelling and related livery and cattery business (12/01158/FULMAJ refers) and lies within the Greenbelt. In September 2013, the site was granted a vehicle operator's licence for the siting of 6 HGV vehicles and 6 trailers (this is a separate issue to the need for planning permission). In September this year, hardstanding was laid to form a parking area for the parking area for the HGV operations to begin, and the movement of HGV type vehicles etc. has continued since its completion, in and out of the property. This is a breach of planning control and requires planning permission. A letter was sent to the owners of the business requesting confirmation that the use would cease and to confirm their intentions. To date there has been no response to the letter.

ASSESSMENT

6. The land is within the Green Belt and policy guidance within the National Planning Policy Framework is a relevant policy consideration.
7. 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.
8. 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 is therefore by definition inappropriate development.
9. The addition of a hard standing for the parking of the vehicles constitutes inappropriate development and this further adds to the encroachment into the Green Belt and loss of openness.
10. 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 to cease the use of the land. 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		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	23 November 2015	***