

Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	13 th September 2016

ENFORCEMENT ITEM

PLANNING PERMISSION 07/00028/FUL - NOOK FARM BARN, NOOK LANE, MAWDESLEY – DEVELOPMENT NOT CARRIED OUT IN ACCORDANCE WITH APPROVED PLANS.

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised erection of a garage.

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 large garage.

Remedy For Breach

1. Demolish the Garage 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 Local Plan.

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 Framework, BNE1 of the Chorley Local Plan 2012-2026 and the Councils' adopted Householder Design Guidance Supplementary Planning Document.

EXECUTIVE SUMMARY OF REPORT

3. The site is a converted barn within the Green Belt and has planning permission for use as a live-work unit. Within the curtilage of the land an extremely large garage has been built. In 2007, planning permission was granted for a double garage in the same position, 07/00028/FUL refers. The structure of the garage has been built for a number of years but is not 'substantially complete' and is minus a tiled roof, windows and doors. The size of the 'new' garage is considerably larger than the garage approved on the planning permission 07/00028/FUL and therefore it is considered expedient to issue an enforcement notice to secure its' removal and demolition.

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. This case relates to an extremely large garage which is within the curtilage of Nook Farm Barn, Mawdesley and within the Green Belt. Planning permission was granted in 2007, 07/00028/FUL refers, with regards to the erection of a detached garage, stables and 2.2 metre tall access gates. The size of the approved garage is far smaller in footprint to the building on site now. This is a breach of planning control and requires planning permission. Letters were sent to the owners of the property and their agent in 2015 and 2016, requesting them to make contact and inviting a planning application. To date there has been no response. Recently the barn has been put up for sale; a mortgage company now owns the property.

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. The planning merits of the development have already been considered and a double garage has been approved for the site, planning permission 07/00028/ FUL refers. The current building, which is considerably larger constitutes inappropriate development and causes harm to the character and appearance of the Green Belt. It 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.
9. There is no planning permission for the development on the land and the agent for the owner has recently 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. 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.
10. Due to the size of the new garage and the fact that it is within the green belt it is considered inappropriate to under enforce 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 MONITORING OFFICER

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

Asim Khan
Director of Customer and Digital

Background Papers

Planning Application **07/00028/FUL** dated 23/03/2007 Inspected at Union Street, Civic Office, Chorley.

Report Author	Ext	Date	Doc ID
Colin Wordsworth	5414	25 th July 2016	***