

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	11.12.2007

ENFORCEMENT ITEM

ERECTION OF STABLES – LAND OPPOSITE TAN HOUSE FARM SOUTH SIDE DELPH LANE CHARNOCK RICHARD

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action in respect of the above case.

CORPORATE PRIORITIES

2. This report does not affect the corporate priorities.

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

BACKGROUND

4. The case relates to the erection of a stable block on land to the south side of Delph Lane, Charnock Richard. Planning permission was granted; application 9/01/00623/FUL refers, for a stable block and sand paddock to be developed on this particular parcel of land. The approved design of the stable block was for a “U” shaped building for the stabling of six horses. Complaint was received that the stable block was not being erected in accordance with the approved plans.
5. The landowner has altered the design from the “U “ shaped design to two separate stable blocks that face each other. One of those blocks was erected and substantially completed and has been on the land for more than four years and enforcement action cannot be taken due to current immunity rules (that state for buildings that are substantially complete for more than 4 years the Council cannot take action). This stable block provides stabling for 4 horses. The second stable block is only partially erected and would provide stabling for a further 4 horses, it this second stable block that enforcement action is sought. The landowner is resolute that the Officer who considered the planning application, who no longer works for the Council, gave verbal agreement to the alteration in design, and that there are two independent witnesses who would corroborate that verbal agreement. The Council has received correspondence from one of those witnesses who does corroborate that fact.

ASSESSMENT

6. The correct course of action to agree an amendment to an approved scheme should have been the formal submission of amended plans by the landowner to the Local Planning Authority detailing the alterations to design, a judgement would then have to be made as to whether those amendments were capable of being treated as a minor amendments.



Should the submission not be capable of being treated as a minor amendment a full formal planning application would have been requested that would have been subject to public consultation. There are neither records of any plans being formally submitted nor any records, whether they be notes on the file, or correspondence, relating to this matter. It is a well-established principle of planning law that a Local Planning Authority is not prevented from taking action where an owner has acted on advice from a planning officer and where there has been no exchange of correspondence over what was being proposed.

POLICY

07. The site is within the designated Green Belt as defined by Policy DC1 of the Adopted Chorley Borough Local Plan Review. Within the designated Green Belt planning permission will not be granted, except in very special circumstances, for very limited forms of development including: (b) essential facilities for outdoor sport and outdoor recreation, or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes. PPG2 states that possible examples of such facilities include small stables for outdoor sport and outdoor recreation.
08. Policy EP8 establishes a set of criteria against which proposals for development involving horses are judged, these criterion, together with the Councils Supplementary Planning Guidance (SPG), "Development involving Horses" which elaborates the criterion defined within Policy EP8 clearly defines appropriate development.
09. Supplementary Planning Guidance Development Involving Horses directs that small private developments are those that involve no more than two or three horses, the second stable block will provide in excess of this number. The Guidance reflects criterion (a) of Policy EP8. The erecting of the second stable block will not comply with that guidance given.

COMMENTS OF THE DIRECTOR OF FINANCE

10. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

11. No comments.

RECOMMENDATION

12. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
 - i. Without planning permission the erection of a second stable block upon land to the south side of Delph Lane Charnock Richard.
 - ii Remedy for Breach
 - ii(a). Demolish the stable block erected upon the land.

- ii(b). Remove all material resultant from the works carried out under 12ii(a) from the land.

- ii(c). Period for Compliance
 Three Months.

- ii(d). Reason
 - i. The stable block erected by virtue of its scale is contrary to the provisions of criterion (a) and (d) of Policy EP8 of the Adopted Chorley Borough Local Plan Review and Adopted Supplementary Planning Guidance "Development involving Horses".

JANE E MEEK
 CORPORATE DIRECTOR (BUSINESS)

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	11 December 2007	
Background Papers			
Document	Date	File	Place of Inspection
Planning Application	16 July 2001	9/ 01/623/FUL	Union Street Offices