

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	09.12.2008

ENFORCEMENT ITEM

ALTERATIONS TO INCREASE HEIGHT OF OUTBUILDING - LAND AT LITTLE KNOWLEY FARM 19 BLACKBURN ROAD WHITTLE LE WOODS

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 works carried out to an existing pitched roof outbuilding at Little Knowley Farm consisting of raising its roof height. Permitted development rights do exist for the erection of buildings within the curtilage area of a dwelling, however there is a restriction on the height of buildings with pitched roofs of 4 metres without planning permission. In this instance the pitched roof erected exceeds 4 metres in height. A request for a planning application has been requested but has not been forthcoming and the landowner insists the height of the building does not exceed its original height. However, this would not change the need for planning permission because the building as altered amounts to development that exceeds 4 metres in height

ASSESSMENT

5. The development undertaken does not benefit as permitted development as defined within Schedule 2, Part 1, Class E The Town & Country Planning (General Permitted Development) Order 1995 (As amended). The development undertaken does not meet the conditions stated in that the roof height exceeds 4 metres.
6. The works undertaken to clad the existing building and raise its roof height has significantly increased the mass when compared to the original building resulting in a reduction to the openness of the green belt in this locality. The building is therefore considered to be inappropriate development within the Green Belt that is, by definition harmful to it [paragraph 3.2 to PPG2 (Revised)].

POLICY

7. The property lies within the designated Green Belt. Green Belt Policy is set out in PPG 2: Green Belts and is re-stated in Policy DC1 of the Local Plan. Local Plan Policy DC1 states

that, within the designated Green Belt, permission for development will not be granted except in very special circumstances, for development other than that defined within one of the seven criteria defined within that policy. The development does not accord with any of the accepted criteria and as no planning application has been submitted no very special circumstances have been put forward in support of the development.

COMMENTS OF THE DIRECTOR OF FINANCE

8. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

9 No comments.

RECOMMENDATION

10. 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 an outbuilding, which exceeds 4 metres in height.
- ii Remedy for Breach
 - ii(a) Reduce the height of the building to 4 metres in height and therefore benefit as Permitted Development as defined within Schedule 2, Part 1, Class E, The Town & Country Planning (General Permitted Development) Order 1995.
 - ii(b) Period for Compliance
Three Months
 - ii(c) Reason
 - i. The proposed development would be located within the Green Belt as defined by the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to Government advice contained in PPG2: Green Belts and Policy DC1 of the Adopted Chorley Borough Local Plan Review which seeks to control and retain the openness of the green belt by defining development that is considered to be appropriate within the Green Belt. It is considered that the outbuilding is inappropriate development and by virtue of its height and mass is harmful to its openness and therefore contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review.

JANE E MEEK
CORPORATE DIRECTOR (BUSINESS)

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	11 November 2008	
Background Papers			
Document	Date	File	Place of Inspection