

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	13 January 2009

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.

RECOMMENDATION(S)

2. 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 from 7 metres 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
 - ii(c) Three Months
 - ii(d) Reason:

The development is 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 by reason of its height and bulk and the building detracts to an unacceptable degree from the open and rural character of the Green Belt. Contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review

EXECUTIVE SUMMARY OF REPORT

3. 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 Class E in that the roof height exceeds 4 metres and measures at 7 metres to ridge.
4. 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)].
5. 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

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. No alternative options have been considered.

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	X
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

8. 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 to qualify as permitted development there is a restriction to the height allowed for buildings with pitched roofs, the height permitted being 4 metres. In this instance the pitched roof is 7 metres to ridge and is therefore not permitted development. A planning application has been requested but has not been forthcoming, the landowner insisting the height of the building does not exceed its original height, despite a number of requests nothing of evidential value to support this stance has at this time been produced to the Council by the property owner.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	X

J E MEEK
CORPORATE DIRECTOR BUSINESS

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	18 December 2008	ENF/08/0065