

**REPORT OF: PLANNING, BUILDING CONTROL & LICENSING
MANAGER**

TO: Barrowford and Western Parishes Area Committee

DATE: 4th August 2016

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Haddings Head, Haddings Lane

PURPOSE OF REPORT

To report on the condition of the site and for Committee to determine if any enforcement action is necessary.

RECOMMENDATIONS

- (1) That no enforcement action be taken against the new building.
- (2) That a section 215 Notice be served requiring the site to be tidied and the scrap and waste material be removed from the site.

REASON FOR RECOMMENDATIONS

- (1) The building has no material harm to the area.
- (2) In order to bring the site to an acceptable condition.

ISSUE

1. The site is situated immediately off the east side of Haddings Lane itself located halfway between Higham and Fence in the designated Green Belt. The land lies on the southern side of a private track that serves the site and houses found elevated above the land to the north east. The access track is also a public right of way as a footpath.

2. We have received a complaint about the condition of the site. This relates to a burnt out caravan, the general condition of the land and the erection of a new building.
3. There is no specific planning history to the site in terms of planning permission having been granted for any development there. Aerial photography shows that there has been development on part of the site for in excess of 20 years but that the extent of the land increased prior to 2003. The extent covers the area that is now being used.
4. We know therefore that there has been activity on the land for in excess of the ten year period that would permit enforcement action to be taken against the use.
5. The site has also had a number of buildings on it. These again have been in situ for in excess of 4 years meaning that they are immune from enforcement action.
6. Recently however a fire has burnt one of the buildings on site and a caravan has been burnt out. A replacement building has been erected without planning permission being sought. The owners have been asked to apply in retrospect but have not done so.
7. The burnt out caravan has been dismantled but parts of it remain on the land.
8. The owners have been asked to tidy the land and have made some efforts to do so. The land however is not in a tidy condition and has a number of items on it such as dog kennels, touring caravans, horse boxes and other items. The photographs at Appendix A show the condition of the site.
9. The evidence that we have through visiting the site over a number of years and available aerial photography is that it is being used for the purposes it has been historically used for. These comprise of the stabling of horses and other semi-domestic activities such as keeping a small number of dogs.
10. The issues here are whether the condition of the site is beyond that which could reasonably be expected for activities associated with its lawful use. The site has got a range of items on it. These are in the main items that are associated with the owner's lawful use of the site. The exception is the remains of the caravan. Whilst the caravan has been dismantled at our request the residual bits of it remain on the land.
11. It would, in the circumstances be appropriate to serve a section 215 notice to require the removal of those remaining items.
12. The new building that has been erected is for the stabling of horses and other general activities associated with the land. The building is a green tin clad structure that sits adjacent to an existing building. It has been built as a replacement for a building destroyed by fire.
13. Whilst the site is in green belt it would not be reasonable to consider this as a new application in green belt. The building is one that replaces a fire damaged one. Its visual impact is not greater than the previous building and it has no direct impact on the residential house found to the north east.

14. It is recommended that no enforcement action be taken against this new building.

IMPLICATIONS

Policy: None

Financial: None arising directly from the report.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.



