

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

**TO: Barrowford and Western Parishes Area Committee**

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**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)

## **Haddings Head**

### **PURPOSE OF REPORT**

- (1) To update Committee on the situation at Haddings Head.

### **RECOMMENDATIONS**

- (1) That Committee note the current position and determine what action is needed accordingly.

### **REASONS FOR RECOMMENDATIONS**

- (1) In order to ensure that the Council provides an excellent planning service to both developers and members of the public and to avoid the potential of some planning powers being transferred to the Planning Inspectorate.

### **ISSUE**

- 1 A report was considered by Committee on 4<sup>th</sup> August 2016. The minutes of that meeting are appended below. An update on each of the matters is made below the minute.
- (1) *That the Planning, Building Control and Licensing Services Manager be asked to persist with the request for the owners of the site to apply for retrospective planning permission for the new building, as required, and if this is not received that the Democratic and Legal Manager be authorised and instructed to take appropriate enforcement action.*

### **Update**

No planning application has been made to regularise the situation. Taking enforcement action needs to be undertaken based on the merits of the case and in the public interest. Taking enforcement action based on the minute would be so undertaken based on the sole premise that a planning application has not been received. That is not a proper basis for taking action.

Committee are asked to consider the planning merits of taking action and to make a decision based on those grounds.

The report that went to Committee in August outlined the history to the site and that the building replaced a fire damaged structure. There would be no material impact for the replacement structure over and above the impact of the existing building. It is recommended that no enforcement action be taken against the erection of the replacement building.

- (2) *That, in the meantime, the Planning, Building Control and Licensing Services Manager be asked to ensure that the construction of the building is in accordance with Building Regulations and safe.*

### **Update**

The erection of the building is not covered by the building regulations. The building has been looked at and the building control manager does not have concerns that it is dangerous.

- (3) *That the Democratic and Legal Manager be authorised and instructed to serve a Section 215 Notice requiring the site to be tidied and the scrap and waste material be removed from the site.*

### **Update**

Work has been undertaken to tidy the site and the majority of the items that were in a condition to take action against have been removed.

Under section 217 of the Town & Country Planning Act 1990 there is a statutory defence that the condition of the land is attributable to the and results in the ordinary course of events from the carrying out of operations that are not in contravention of part 3 of the Act.

The site has been there for a considerable number of years in a condition similar to that which it is in now. It has gone past the time when enforcement action could be taken to prevent the use of the land occurring.

The derelict caravan did not benefit from being part of the historic use of the site. However this has now been substantially removed.

It is recommended that a site visit be carried out with the Committee to determine whether the items there are there resulting from the normal operation of the site and whether enforcement action can legitimately be taken.

- (4) *That the Neighbourhood Services Manager be asked to look into whether the site is a fit and proper place for the care of the animals, and the impact the dogs might be having on users of Footpath No. 97.*

### **Update**

The condition that the animals on site are kept in has been looked at. Changes have been made to the kennelling of the dogs on site.

- (5) *That the Neighbourhood Services Manager be asked to ensure that Footpath No 97 remains accessible to walkers and that the blocking up of the stile was not putting people off using the footpath.*

### **Update**

The rights of way officer has secured the alteration of signage to make sure the footpaths are properly delineated.

- (6) *That the Planning, Building Control and Licensing Services Manager be asked to report back on these issues in 3 months' time.*

### **IMPLICATIONS**

<b>Policy:</b>	None
<b>Financial:</b>	None
<b>Legal:</b>	None
<b>Risk Management:</b>	None
<b>Health and Safety:</b>	None
<b>Sustainability:</b>	None
<b>Community Safety:</b>	None
<b>Equality and Diversity:</b>	None