

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES**

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 6TH NOVEMBER, 2019

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BARDEN LANE STABLES

PURPOSE OF REPORT

To consider if there is a need to control the development at Barden Lane Stables through formal enforcement action.

ENFORCEMENT REPORT TO BRIERFIELD & REEDLEY COMMITTEE 6TH NOVEMBER 2019

Development: Unauthorised development comprising of erection of extension to stable, unlawful siting of mobile homes, unlawful change of use of land for airsoft activities, siting of structures to support the airsoft activities, erection of items to support airsoft and the erection of a new building.

At: Barden Lane Stables

Case Officer: Neil Watson

Site Description and Proposal

The land lies in green belt on the east side of Barden Lane in Brierfield. The upper area contains the main buildings adjacent to which are two caravans that are occupied residentially.

To the north west of these is a stable block that was erected without planning permission. One section has been there for some time with an extension having recently been added and completed.

To the north east there is an area referred to on OS maps as Round Wood. This has a parking area on its west side adjacent to which are facilities that have been created to facilitate airsoft activities. This includes a building that has recently been erected alongside groundworks that have been undertaken to facilitate it as shown in photograph 1.

Officer Comments

We have been discussing the matters outlined above with the owner of the land for some time. This culminated in a meeting on 11th June with the developer and a planning agent. We asked at that time that the development on site be regularised by either uses being ceased and structures removed or planning applications to be made.

One shipping container has been moved from the front of the site. However a new structure has been built on the land as shown on the photograph 1 attached to the report. As there are a number of unlawful developments which the developer will not seek to regularise the Council needs to consider if there is a need to control the development through formal enforcement action or not.

Planning Policy

The starting point for the consideration of any development is the development plan which for Pendle consists principally of the Adopted Part 1 Local Plan – Core Strategy.

Part 1 Local Plan – Core Strategy

Policy ENV 1 seeks to protect and enhance our natural and historic environments. It indicates that wherever possible developments should safeguard or enhance the landscape character of the area. ENV 1 refers to green belt but does not repeat the national policy on them contained in the National Planning Policy Framework.

Policy ENV 2 requires all developments should seek to deliver the highest possible standards of design. They should be practical, legible and attractive to look at and should contribute to the sense of place.

National Planning Policy Framework (“The Framework”)

The land lies in green belt. As such the policies which relate to development in green belt need to be considered.

The policies are reproduced below:

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;

- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The Developments:

Residential Caravans

An enforcement notice was issued on 21st March 2001. It covered the land on which two caravans are now situated. It required "Within one calendar month from the date this notice takes effect to remove the caravan from the land."

It would be normal for an enforcement notice to require a caravan to be removed and then a further requirement to cease using the land for caravans for residential purposes thereafter. The Notice however did not. It simply required the removal of the caravan.

We do not have photographic evidence of this but we understand that the caravan was a tourer type and that this was in fact removed at the time of the notice.

The period for immunity from enforcement action is 4 years for operational development and 10 years for a change of use. The use of land for siting a residential caravan has a 10 year immunity period.

The evidence that we have indicates that there has been a caravan on site in the location the two units are since 2009. That was corroborated by the current owner in an interview.

On the balance of probability therefore the caravans are immune from enforcement action. No further action therefore can be taken against them.

Stable Block

An unauthorised stable block has been erected immediately top the south east of the riding arena. The main part of the building has been on site substantially completed for in excess of 4 years. That part of it is immune from enforcement action.

The structure can be seen in photograph 2 taken in 2018. The L shaped building is found between the circular structure and the arena. It can clearly be seen being constructed and has no roof on it.

Photograph 3 shows the building on 9th October 2019. The roof structure has been completed. The extension has been constructed within the last 4 years and is not immune from enforcement action.

The building is prominent in the green belt and has an impact on openness. It does not preserve the openness of the green belt. As such criteria b of paragraph 145 of the Framework would not apply.

Criteria c or d of paragraph 145 allows for extensions to existing buildings provided they do not result in additions that are disproportionate above the size of the original buildings. The extension is just under half the size of the original. It has a higher roof and dominates the design from the

direction of the canal to the east. It is significantly disproportionate to the existing building and hence would not comply with the exception in criteria c.

There are no very special circumstances that would lead to a conclusion that the policy of restraint to inappropriate development in the green belt should be set aside.

It is recommended that enforcement action be taken to require the extension to be demolished and removed from the land.

New Building and Airsoft Development

The airsoft activity is undertaken in the wooded area where a number of features and structures have been installed. The developer has a Facebook page in which there is evidence of building being undertaken with the assistance of others.

A parking area has been created circa 10 years ago on the south west corner. It is in this location that facilities have been installed such as a storage container and more recently a new building has been erected. The new building is shown in photograph 1.

The airsoft area is contained within a wooded section of the land in the main. In summer it is relatively well screened with only glimpses of the activity area but it becomes more pronounced in winter. It has had a low impact on the green belt openness but this is now becoming more pronounced with the addition of extra facilities.

The new building that has been erected has been erected on land that was previously undeveloped. It was interspersed with trees but presented a pleasant outlook to the landscape.

The new building is a green clad Nissan form of development. It is poorly designed and alongside the earthworks that have been undertaken to facilitate its development has a deleterious impact on the landscape.

The open nature of the green belt here has been changed and the building has a detrimental impact on openness. As such it does not conform to the requirements of paragraph 145 b) of the Framework that allows for outdoor sport and recreation provided the facilities preserve the openness of the green belt. There are no very exceptional circumstances that would lead to the inappropriate development being acceptable in the green belt.

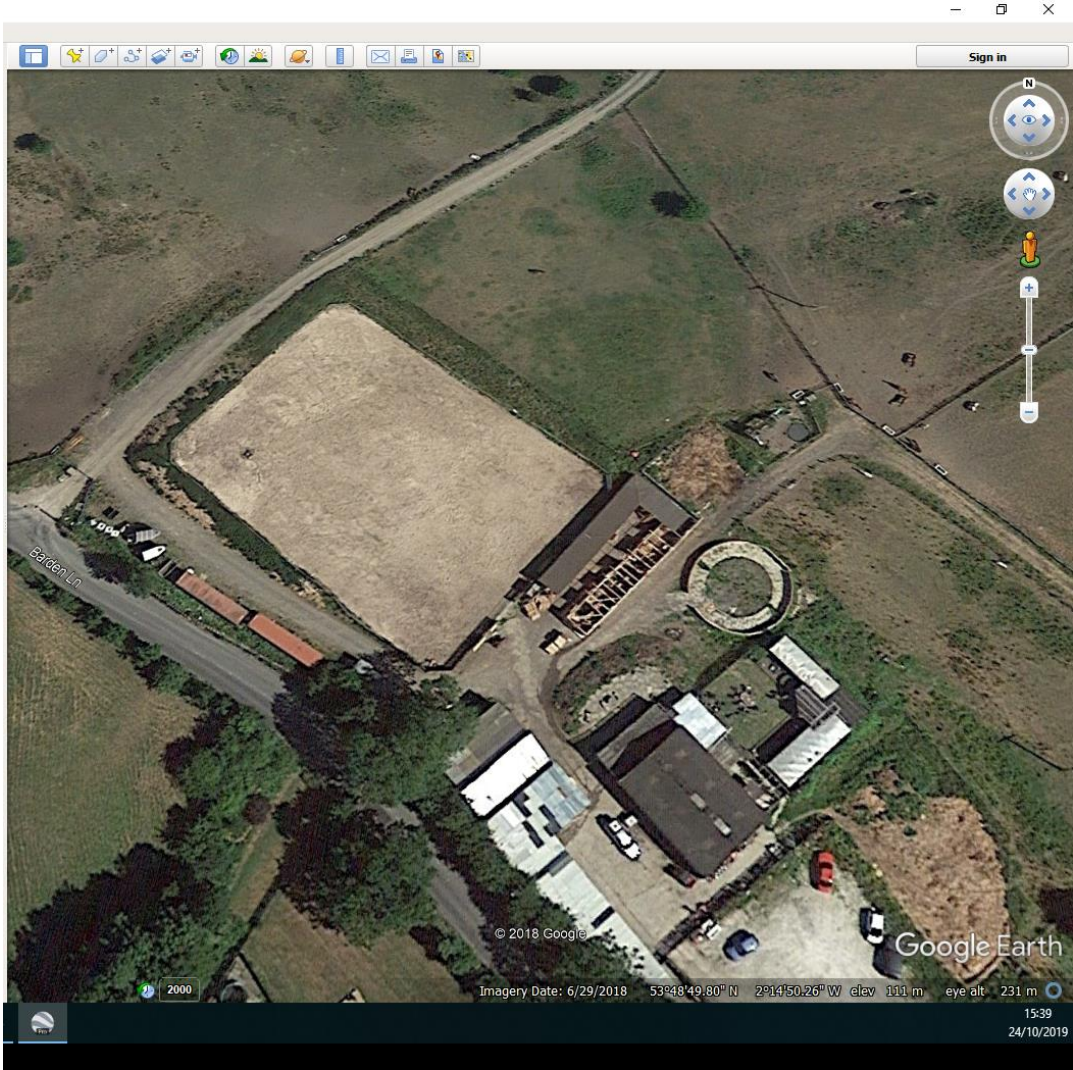
It is recommended that enforcement action be taken requiring the demolition of the building and the reinstatement of the land due to the development being inappropriate in the green belt, it having an adverse impact on the landscape character of the area and due to the poor design.

In terms of the airsoft activity that in itself is not currently having a detrimental impact on the green belt or the landscape of the area. However it is clear that despite efforts to secure a planning application to regularise it and to make it lawful that the developer has no intention of applying for planning permission. The development does not require enforcement action at this time as there is no planning harm but the incremental unlawful development needs to be monitored and enforcement action considered if further development occurs.

Photograph 1



Photograph 2



Photograph 3

