

PLANNING DEVELOPMENT CONTROL COMMITTEE

27 MAY 2004

REQUEST FOR AUTHORITY TO TAKE ENFORCEMENT ACTION IN RESPECT OF UNAUTHORISED USE OF LAND FOR COMMERCIAL STORAGE AND THE PARKING OF RELATED VEHICLES, MANOR FARM, CHILCOMB LANE, CHILCOMB

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Charlie Robson Tel No: 01962 848178

RECENT REFERENCES:

W07336/02; W08973/07; W08973/09

EXECUTIVE SUMMARY:

The site is a farmyard with large ex-agricultural buildings lying in the countryside area of Chilcomb within the South Downs Area of Outstanding Natural Beauty and approached by narrow country lanes. This unauthorised use is contrary to planning policies for the protection of the countryside and it is recommended that an ENFORCEMENT NOTICE is served. The Ward Councillor has requested that the matter be considered in Committee.

RECOMMENDATIONS:

- 1 That the Committee authorises enforcement action, including the service of an Enforcement Notice to secure the cessation of the use of the Land for non-agricultural storage and the associated parking of vehicles.

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##### DETAIL:

#### 1 Introduction

- 1.1 A retrospective planning application W07336/02 for change of use of a barn and yard from agricultural use to storage and associated parking was refused under delegated powers on 29<sup>th</sup> March 2004. The full officer report about that decision is attached. This report sets out the planning history, the results of consultations, the representations from local residents, planning policies and officer assessment.

#### 2 The Enforcement Investigation

- 2.1 A complaint was first received in May 2003 about the commercial use of the barns at Manor Farm. The initial investigation included a Planning Contravention Notice (PCN) served on 30<sup>th</sup> May 2003 that showed that barns were in use for the small scale storage and restoration of classic cars (since granted retrospective planning permission under W08973/09) and that one barn was in use for enclosed storage and the yard for the parking of lorries by Pickfords.
- 2.2 The site has the benefit of a Goods Vehicle Licence as part of Pickfords' overall licence for 5 commercial vehicles and no trailers.

#### 3 Reasons for pursuing Enforcement Action

- 3.1 The Planning Considerations and Conclusion are set out in the attached officer report at Appendix 1. PPG7 and planning policies generally promote the use of redundant agricultural buildings for enclosed storage use. However the site lies in a quiet area of countryside within the Area of Outstanding Natural Beauty. Access is by narrow lanes and there are residential properties close by. The introduction of this storage use with associated vehicle movements causes harm to the character of the village, and to residential amenity of nearby properties and is not considered appropriate taking account of the local highway network.
- 3.2 The storage and associated parking use of the site is contrary to adopted planning policies for the protection of the countryside.
- 3.3 The development is therefore contrary to the following Development Plan Policies:

Hampshire County Structure Plan 1996-2011 (Review): C1, C2, E7, EC1, EC3 & T5.  
Winchester District Local Plan: C.1, C.2, C7, C12, C.13, EN5, T8 & T9.  
Winchester District Local Plan Review (Revised Deposit 2003): C.1, C6, C7, C.16, DP3 & T1.

#### 4 Steps to be required by Enforcement Notice

4.1 (a) Cease the use of the land for non agricultural storage and the associated parking of vehicles.

4.2 It is recommended that the time for compliance is three months.

#### 5 Human Rights Act 1998

The Human Rights Act 1998 makes it unlawful for the local planning authority to act in a way incompatible with any of the Convention rights protected by the Act. It is considered that where there is an interference with the rights of the recipient of an Enforcement Notice, such interference is considered necessary for the protection of rights and freedoms of others. It is also considered that such action is proportional to the legitimate aim and in the public interest.

#### OTHER CONSIDERATIONS:

##### 6 CORPORATE STRATEGY (RELEVANCE TO):

6.1 Protection of the Built and Natural environments for the protection of future generations by pursuing action against development that is judged harmful to the environment.

##### 7 RESOURCE IMPLICATIONS:

7.1 No implications beyond normal Enforcement and Legal Team resources.

#### BACKGROUND DOCUMENTS:

Enforcement Investigation Files [Not available for public inspection ]

Planning Applications W07336; W07336/02; W08973/07; W08973/08

#### APPENDICES

Appendix 1 Officer Delegated Report – Refusal of Planning permission [Use of Barn for commercial storage, and associated parking of vehicles at Chilcomb Manor Farm]