

Planning Committee: 14th August, 2012 **Item Number:** 12

Investigation Number: ENF 150/18/10

Town/Parish Council: **Rowington**

Case Officer: Philip Hopkinson
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Land at Brook Furlong Farm, Back Lane, Rowington, Warwick CV35 7BD

Use of land for storage of construction material.

Owner: Mr Robert Smith

This enforcement matter is being presented to Committee to request that enforcement action be authorised.

BACKGROUND

The unauthorised use of land at this site for the storage of hardcore material has continued since September 2010 when this investigation was commenced.

During ongoing contact with the property owner and their representatives, officers have advised of the need for planning permission and that permission would be unlikely to be granted for such a use. Officers have sought the voluntary resolution of this matter, however following undertakings that the material would be removed within specific timescales on 2 occasions, the unauthorised storage continues.

As part of the investigation, it has also been identified that the field access at this location has been widened and improved by the laying of loose surfacing material. Whilst it is considered that planning permission is required for that development, no such application has been forthcoming.

RELEVANT LOCAL PLAN POLICIES

DP1:	Warwick District Local Plan 1996 - 2011-	Layout and Design;
DP6:	Warwick District Local Plan 1996 - 2011-	Access.
DAP4:	Warwick District Local Plan 1996 - 2011-	Protection of Listed Buildings

National Planning Policy Framework.

PLANNING HISTORY

The property has been the subject of several planning applications, none of which are specifically relevant here.

KEY ISSUES

The Site and its Location

The wider site comprises an area of some 20 acres of land principally in equestrian use including a Grade II Listed dwelling house with garden and garage located within the open countryside and Green Belt.

The unauthorised widened access and storage use is located in a field towards the eastern boundary of the site at some distance from the dwelling house. The stored material extends for a distance of some 60 metres into the site from the highway and comprises 14 piles (lorry loads) each of over 1 metre in height.

Assessment

The unauthorised storage use of the land commenced without planning permission within the last 2 years. The widened field access is also understood to have been undertaken within a similar time frame.

The main considerations in this matter are the impact of the unauthorised development and use on the character and openness of the Green Belt; on the character and visual amenities of countryside; on the setting of a nearby Listed Building; on residential amenity and on highway safety.

The National Planning Policy Framework at paragraph 87 restates that inappropriate development in the Green Belt is harmful by definition and at paragraph 88 that substantial weight should be given to any harm to the Green Belt.

The unauthorised use of the land by its very nature impacts upon the openness of the Green Belt such that it comprises inappropriate development. No very special circumstances sufficient to outweigh that harm have been identified such that there is therefore an objection in principle to the unauthorised use.

The stored material is visible from the public highway and from the surrounding countryside and is considered to materially impact upon the visual amenities and rural character of the surrounding area to an unacceptable degree. It is located over 150 metres away from the Listed Building within the site such that there is no material impact upon its setting.

The stored material is located in close proximity to a small group of residential properties such that should there be an intensification of that use involving increased activity and vehicle movements, the residential amenities of those properties would be impacted to a significant level.

The unauthorised widened access/ loose surfaced area in itself is not considered to have a significant impact on the character or openness of the Green Belt or the countryside. There is a highway safety concern regarding the potential nature of vehicle movements to the site to serve the current unauthorised use particularly in the circumstances where that use intensifies. However, given the lawful use of the site for agricultural/equestrian purposes to which it provides access from a narrow rural road, subject to the cessation of the unauthorised use, there are no significant highway concerns in respect of its retention. For

those reasons, it is not proposed that any further action be taken in respect of the physical alterations to the access.

Justification for Enforcement Action

In view of the longstanding absence of the voluntary resolution of the unauthorised use, it is considered that the service of an Enforcement Notice is required in order to remedy this situation.

RECOMMENDATION

That appropriate enforcement action be authorised to remove the stored material and cease the unauthorised use with a compliance period of 28 days.
