

Officers Report for ENFO/2018/00103

1.0 Information

Section 43 of the Local Audit and Accountability Act 2014, (the Openness of Local Government Bodies Regulations, 2014) requires any decision made under delegated authority which affects the rights of the individual to be recorded as soon as practicable after the decision.

Relevant Planning History

PRE/2018/0053 Change of use from Agricultural to Business use to allow for overnight and weekend parking of HGV goods vehicles and short access track between Wold Road and Top Lodge access **ADVICE GIVEN** that refusal reasons are not overcome and enforcement action needs to be taken 12/06/2018

KET/2017/0890 Change of use from agricultural to business use for overnight parking of HGV vehicles **WITHDRAWN** 09/02/2018

KET/2017/0508 Change of use from agricultural to business use for overnight parking of HGV vehicles **REFUSED** 22/09/2017

KET/2007/0537 Agricultural building to B8 storage/distribution **REFUSED** 29/08/2007

Site Description

The site is accessed from the A510 (Thrapston Road) approximately halfway between Finedon and the A14. The site is located south of the Wold Road which leads to the windfarm adjacent to the Top Lodge farm house and agricultural building.

The site consists of the area of hard surfacing and access track of approximately 300m which serves the site.

Breach

Change of use of land from agricultural to open storage of vehicles and haulage business, provision of a porta cabin for use of office and associated hard surfacing.

Any Constraints Affecting the Site

Classified Road – A Road

2.0 Policy

Development Services Enforcement Policy

Relevant Planning Policies

National Planning Policy Framework

Core Planning Principles

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
11. Conserving and enhancing the natural environment

North Northamptonshire Joint Core Strategy

Policy 1 Presumption in favour of Sustainable Development
Policy 8 North Northamptonshire Place Shaping Principles
Policy 11 The Network of Urban and Rural Areas
Policy 17 North Northamptonshire's Strategic Connections
Policy 18 HGV Parking
Policy 25 Rural Economic Development and Diversification

3.0 Proposed Enforcement Action

Enforcement notice requiring cessation of use of the land as storage/commercial use, removal of porta cabin and all signage related to the use of the site for vehicle storage and the haulage business.

Reasons for Proposed Enforcement Action

The use of the land has been changed without the benefit of planning permission and planning permission has been refused for the use of the site both historically in 2007 and 2017.

The site is located within the open countryside away from the urban area and is not a sustainable location for an employment use. The operator has relocated to the site relatively recently and it is not an expansion of an existing use and despite two recent applications and a pre-application submission the operator and their planning agent have been unable to justify the unsustainable location of the business use.

The site is served by an unsafe, dangerous access close to a bend in an unrestricted speed limit classified road with insufficient visibility for the use by heavy good vehicles. Access and egress by heavy goods vehicles onto the A510 is likely to result in unacceptably significant risk to users of the highway.

The refusal reasons on KET/2017/0508 which was a retrospective application covering the works on site had the following refusals;

The access to the site is located in an unacceptably dangerous location close to a bend in an unrestricted speed limit classified road with insufficient visibility for the use by heavy good vehicles. Access and egress by heavy goods vehicles onto the A510 is likely to result in unacceptably significant risk to users of the highway. The proposal is therefore contrary to Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 4 Promoting sustainable transport of the National Planning Policy Framework.

The application seeks to create a B8 storage and distribution use within the open countryside in a location which is only serviced by private transport. The development has not been demonstrated to support the diversification of the existing farm facilities or been accompanied by detailed justification for this specific location by the user. The development is dependent on the road network and is not sited within a designated employment area close to the main strategic road network. The proposal is therefore not considered to be sustainable development and is contrary to Policy 1 Presumption in favour of Sustainable Development of the North Northamptonshire Joint Core Strategy and contrary to the principles of the National Planning Policy Framework.

Alternative Options Considered and Rejected

A planning application was made covering the unauthorised development and was refused because the highway safety issue was unable to be resolved and insufficient information was provided regarding the justification for the location of the business at the site.

A subsequent KET/2017/0890 application was made by a planning agent on behalf of the operator, to try to overcome the original refusal reasons relating to highways, however this was withdrawn as it did not overcome the highways refusal reason. The proposal was to create a second access to the main hard surfaced vehicle storage area whilst retaining the existing access and would have still be refused as it would have still been dangerous and resulted in unacceptable highway safety risks.

A further pre-application was submitted to try to overcome the highways objection and principle of development matters. However, the landowner was unwilling to close the existing access which was considered fundamental to achieving a safe highways arrangement for a commercial storage use and no additional information was submitted to justify the location in terms of relation/diversification of the authorised agricultural use of the site.

The operator of the site has had three attempts to justify the location of the operation including with the assistance of a planning agent and to try to overcome the significant highways concerns and has failed to do so.

It was considered that a stop notice could be served alongside the enforcement notice, however, the timeframe for ceasing the use under a stop notice is much shorter (being between 3 and 28 days) and would not have allowed for the operator to find an alternative site. The period for ceasing operations within the enforcement notice has been set at 6months as is considered a reasonable timeframe to allow for relocation of the business.

4.0 Conclusion

The continued operation of the site for a commercial storage and distribution

use is unauthorised. Given the unacceptable highways risk of the current access being used for such a commercial purpose, the unsustainable location of the site and since planning permission has been refused for the use on the site, it is considered that an enforcement notice is required to stop the use and that the associated porta cabin and any signs are removed to resolve the breach and prevent the significant harm continuing.

Signed Gavin Ferries..... Date 13/07/18 Case Officer
REPORT and RECOMMENDATION APPROVED
Signed Date Authorising Officer