

Planning Committee – 20 January 2010

Report of the Head of Legal and Democratic Services

Miscellaneous Enforcement Action

County Hardwoods, Creech Mills Industrial Estate

Members will recall that at the meeting of the Committee on 15 April 2009 a report was made recommending three separate enforcement actions in respect of alleged breaches of planning legislation at the County Hardwood site at Creech Mills.

Members declined to take action in respect of two small units on the site but did resolve to take action against storage which was taking place in containers stationed on land adjacent to the main building.

However, the owner of the site subsequently wrote to Legal Services querying whether there was justification for taking enforcement action when a report to the Committee in 2005, in relation to another matter, had indicated that the site had a mixed use including B1, B2 (light industrial and industrial) and B8 (storage).

A further visit has therefore been made to the site and following the site inspection it is considered that the site is a single planning unit with a mixed use of B1, B2 and B8. Whilst the owner was advised of this, he is clearly aware of the concern of local residents at the level and type of activities at the site, mainly arising from the unsatisfactory access. It was suggested to him that certainty would be given to all parties if an application for a Certificate of Lawful use for the whole site was submitted so that the detailed use for the site could be established. To date no such application has been submitted.

In the intervening period however a cross disciplinary meeting has taken place with the local residents and the Parish Council to obtain a better understanding of the concerns, especially in relation to the access, and to identify possible solutions in the longer term.

Whilst as a result of that meeting some progress may be made in the future to improve matters, it is not appropriate to proceed with the enforcement action against the storage use which is unlikely to be successful.

Recommendation

The Committee is therefore recommended to note the contents of the report and agree that the proposed enforcement action against the storage use authorised on the 15 April does not proceed.

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