

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 5 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972.

**DEPARTMENT OF PLANNING & PROSPERITY**

**ORIGINATING SECTION: PLANNING**

**REPORT TO: PLANNING & HIGHWAYS COMMITTEE – 26<sup>TH</sup> MAY 2016**

**TITLE: ENFORCEMENT – LAND AT 30 ADELAIDE TERRACE, BLACKBURN**

**WARD: CORPORATION PARK**

**COUNCILLORS: A Mahmood  
J Wright  
T Fazal**

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**1.0 PURPOSE OF THE REPORT**

- 1.1 To obtain authorisation to take enforcement action against the owner / occupier of Land at 30 Adelaide Terrace, Blackburn, shown edged in red on the attached site plan (Ref: ML1) and photos (Ref: ML2) in respect of the unauthorised storage of scrap vehicles on the land.

**2.0 BACKGROUND**

- 2.1 The land which is the subject of this report comprises a dwellinghouse with a large residential curtilage situated within Corporation Park Conservation Area and the Inner Urban Area of the Blackburn with Darwen Borough Local Plan Part 2, which is surrounded by other residential properties. The owner of the land is using the residential curtilage of the house to store scrap vehicles, a material change of use of the land, without planning permission and in breach of planning control.

**3.0 DETAIL**

- 3.1 The Councils Planning Service and Public Protection Services have received complaints from local residents and via a local ward councillor and the constituency MP about the appearance of the large garden area of the house at 30 Adelaide Terrace, Blackburn which is being used as a scrap yard to store up to 30 to 40 scrap vehicles.
- 3.2 Officers from the Councils Planning Service have visited the site on a number occasions and observed that the complaints were founded and that around 30 to 40 scrap or end of life type condition vehicles were being openly stored within the curtilage of the house. It was considered that the scale and type of this use of the property constituted a material change of use of the property,

without planning permission and in breach of planning control, which is unacceptable at a residential property within a residential area.

3.4 The Council's Public Protection Service and the Police have also been dealing with the owner of the property and associated persons and companies in connection with waste, scrap licensing issues and other criminal matters and liaison with these other agencies revealed that the storage of the scrap vehicles at 30 Adelaide Terrace is associated with a local garage and internet sales business selling vehicle parts.

3.5 On the 12<sup>th</sup> February 2016 the Council's Planning Service wrote to the owner of the property advising him that the scrap vehicle storage use of the property was in breach of planning control and was unacceptable and requested that he cease using the land for the storage of scrap vehicles and remove the scrap vehicles from the land. No response was received to this letter. On the 13<sup>th</sup> April 2016, the Council served a Planning Contravention Notice on the owner of the property seeking information and remedial action and a copy of the Notice was sent to a solicitor known to be acting for the owner. No response was received to this Notice. To date the land is still being used for the storage of scrap vehicles and 30 to 40 scrap vehicles are being stored on the land. This use of the land is unacceptable because it is detrimental to the amenity of the area and contrary to Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2. In the circumstances it is considered expedient and appropriate to pursue enforcement action.

#### **4.0 RECOMMENDATION**

The Committee is recommended to authorise the Director of HR & Legal Services, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice to secure the cessation of the use of the land for the storage of scrap vehicles and the removal of the scrap vehicles from the land.

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| <b>5.0 <u>BACKGROUND PAPERS</u></b> | – Site Plan (Ref: ML1) & Photos (Ref: ML2) |
| <b>6.0 <u>CONTACT OFFICER</u></b>   | – Mark Lupton Ext: 5674                    |
| <b>7.0 <u>DATE PREPARED</u></b>     | – 11 <sup>th</sup> May 2016                |
| <b>8.0 <u>REFERENCE</u></b>         | – 2016E0002                                |

ML1

# Blackburn with Darwen Borough Council



30 = 30 Adelaide Terrace, Blackburn

 = DIRECTION OF ML2 PHOTOS

ML2

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