

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 5 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972.

DEPARTMENT OF GROWTH & PROSPERITY

ORIGINATING SECTION: PLANNING

REPORT TO: PLANNING & HIGHWAYS COMMITTEE - 26th May 2016

TITLE: ENFORCEMENT – 193 DUCKWORTH ST, DARWEN, BB3 1AU

WARD: LITTLE HARWOOD

**COUNCILLORS: P McFall
A Patel
N Surve**

1.0 PURPOSE OF THE REPORT

1.1 To obtain authorisation to take enforcement action against all persons having an interest in land at Florence Mill Whalley New Rd Blackburn as outlined on the attached Ordnance Survey Plan.

2.0 BACKGROUND

2.1 The land subject of this report formed an ancillary yard area to the former Florence Mill on Whalley New Road Blackburn. Cars have been sighted on the land stored/advertised for sale on a number of occasions.

3.0 DETAIL

3.1 In April of 2016 it was brought to the attention of the Planning Enforcement Team the land was again being used to store and/or sell vehicles. The use of this land for the alleged storage and sale of vehicles is unlawful under the Town and Country Planning (Use Classes) (Amendment) Order 2010 and would require the benefit of planning permission.

3.2 In 2013 a planning application was received for a change of use of ancillary yard area, to that of car sales, and the retention of existing fence and portakabin and the provision of a new fence to Whalley New Road. This application was subsequently refused on the 13th January 2014.

3.3 A site visit on the 20th April 2016 confirmed the alleged unlawful use was occurring. The owners of the land have been informed that another application to the council for the change of use of the land to that of car sales/storage would not be looked upon favourably, and that to avoid formal

enforcement action being instigated, the unlawful use of the land should cease and the vehicles and portakabin be removed from site.

- 3.5 In view of the continued unlawful use of the land it is considered expedient to pursue enforcement action to secure the cease of use occurring and the permanent removal of vehicles stored at the site.

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 cease of use occurring and the removal of the vehicles stored / for sale.

- 5.0 **BACKGROUND PAPERS** – None
- 6.0 **CONTACT OFFICER-** Richard Waters Ext: 5236
- 7.0 **DATE PREPARED -** 13 May 2016
- 8.0 **REFERENCE -** P&P/P/RW/E0273