

**DELEGATED**

**AGENDA NO .**

**PLANNING COMMITTEE**

**4<sup>th</sup> October 2006**

**REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES.**

**Unauthorised development for the creation a hard standing area and unauthorised use of parking of commercial vehicles on hard standing area on land adjacent to No.6 Blenheim Court**

### **SUMMARY**

A hard standing area has been constructed on land adjacent to No. 6 Blenheim Court, Ingleby Barwick. This hard standing area is being used to park commercial vehicles (sometimes up to 5) along with associated machinery. The person who carried out the works has however, indicated that it is also the intention to construct garages on the site, but these have not been erected.

The person who carried out the works has been advised to submit a planning application on several occasions. Complaints have been received from local residents and ward councillors in relation to the work that has been carried out on the site, which has included excavation of the land and the deposition of hardcore material.

It is considered that the proposed development would have a detrimental impact on the adjacent green wedge and special landscape area, harming the visual appearance and open nature of the application site. It is also considered that the use of heavy commercial vehicles such as vans and truck as previously seen on the site would have a detrimental impact on the amenity of the neighbouring residents. It is viewed to be appropriate for enforcement action to be taken to cease the unauthorised use and to remove the unauthorised development.

### **RECOMMENDATIONS**

***That the Director of Law and Democracy be authorised to take all necessary enforcement to cease the unauthorised use and remove the unauthorised development as it has a detrimental impact on the visual amenities of the locality and the amenity of the neighbouring properties.***

*(Policies GP1, EN7 and EN14 of the adopted Stockton-on-Tees Local Plan are relevant to this decision).*

## **THE DEVELOPMENT / USE**

1. A hard standing area has been constructed on land adjacent to No. 6 Blenheim Court, Ingleby Barwick. This hard standing area is being used to park commercial vehicles (sometimes up to 5) along with associated machinery. The person who carried out the works has however, indicated that it is also the intention to construct garages on the site, but these have not been erected.

## **PLANNING POLICY CONSIDERATIONS**

Section 54a of the Town and Country Planning Act 1990 acknowledges that all planning approvals should be in accordance with the provisions of the development plan.

### **Policy GP1**

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

### **Policy EN7**

Development which harms the landscape value of the following special landscape area will not be permitted: -

- (a) Leven Valley
- (b) Tees Valley
- (c) Wynyard Park.

### **Policy EN14**

Within the following Green Wedges, development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the Green Wedge.

- (a) River Tees floodplain from Surtees Bridge, Stockton, to Yarm;
- (b) Leven Valley between Yarm and Ingleby Barwick;
- (c) Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- (d) Stainsby Beck Valley, Thornaby;
- (e) Billingham Beck Valley;
- (f) Between North Billingham and Cowpen Lane Industrial Estate.

## **MATERIAL PLANNING CONSIDERATIONS**

2. The site where the unauthorised works have been carried out lies outside that indicated as residential curtilage as part of a previous approval on the site

(02/1302/P) for the conversion and extension of a studio into a 3 bedroom bungalow with attached garage. The unauthorised development of a hard standing does therefore not fall under permitted development rights as indicated under the under the Town and Country Planning (General Permitted Development) Order 1995.

3. The erected hard standing area lies to the west of the existing property No.6 Blenheim Court and adjacent to No.'s 25-31 Trevine Gardens. The top surface of the paddock has been removed and replaced with a hardcore material in order to provide additional parking for a number of commercial vehicles.
4. The site lies adjacent on an area of land designated at Green Wedge and Special Landscape Area to the south of the site and as such the development may have an impact on these areas and policies EN7 and EN14 are considered to be relevant.
5. The site lies on the top of on the Leven Valley and is visible from the valley itself and also from views across Yarm. It is considered that the creation of a hard standing area in this locality would encroach on the green wedge and special landscape area to the detriment of the visual amenities and open nature of this locality. The proposal is therefore considered to be contrary to policies GP1, EN7 and EN14 of the adopted Stockton on Tees Local Plan.
6. The person who carried out the works has indicated that a business is not operating from the site and that the commercial vehicles are from staff visiting his home. However, from the planning enforcement officers site visits and photographs taken from neighbouring properties it is considered that the nature of the vehicles seen on the site (vans, small truck and HGV's) are likely to have a significant impact on the amenity of the neighbouring properties in terms of noise and disturbance and as such is deemed to be contrary to policy GP1 of the adopted Local Plan.

## **CONCLUSION**

7. It is considered that the proposed development would have a detrimental impact on the adjacent green wedge and special landscape area, harming the visual appearance and open nature of the application site. It is also considered that the use of heavy commercial vehicles such as vans and truck as previously seen on the site would have a detrimental impact on the amenity of the neighbouring residents. Given this situation, it is viewed to be appropriate for enforcement action to be taken to cease the unauthorised use and to remove the unauthorised development.

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**Human Rights Implications**-The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

**Background Papers**

Stockton-on-Tees Local Plan 1997

**Ward and Ward Councillors**

Ingleby Barwick West Ward

Ward Councillors Ken Dixon, Lee Narroway and Ross Patterson