

**Committee: PLANNING**

**Date: 22 FEBRUARY 2022**

**Report: UNAUTHORISED SITING OF A CONTAINER IN OPEN COUNTRYSIDE, LAND OFF BOG LANE, STIRTON – EC/65/32**

### **Purpose of the report**

1. To advise Members of the current situation and to seek authorisation for formal enforcement action to secure the removal of the container from this land.

### **Strategic Planning Framework**

2. The information and recommendation(s) contained in this report are consistent with the National Planning Policy Framework, the Authority's statutory purposes and its approved strategic planning framework:

Yorkshire Dales National Park Local Plan 2015 – 2030

- Policy SP1 – Sustainable Development
- Policy SP4 – Development Quality

3. At paragraph 59 the NPPF also states that: "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control".

### **Relevant Planning History**

4. There is no relevant planning history at this site.

### **Background**

5. This matter was raised with the Authority in May 2018, since that time site visits have been made and correspondence entered into with the owner of the field. The owner has been made aware that the container is unauthorised as planning permission is required.
6. The owner has not responded to the latest correspondence sent by letter, email and voicemail and the container remains on the land.
7. The owner has been advised that it may be more acceptable in policy and landscape terms to apply for planning permission for an agricultural building in

this location if he can submit the necessary justification for such a building. No such application has been received.

8. This container is visible from the public highway, Bog Lane, as well as from 2 Public Rights of Way (PROW) one to the north and one to the south. There are both long distance views as well as close up views of the container from the PROWs.
9. This type of structure detracts from the appearance of the surrounding landscape and conflicts, in both landscape setting and design terms, with Local and National Policies, as set out in paragraph 2 of this report.

### **Conclusion**

10. The unauthorised building is of a poor quality design and materials and detracts from the surrounding landscape. As such is contrary to local and national policies. For these reasons it is considered necessary to take enforcement action against the unauthorised development.

### **RECOMMENDATION**

11. That the Authority's Solicitor be authorised to serve an Enforcement Notice to secure the removal of the container from the land with a compliance period of 1 month.
12. That, in the event of non-compliance with the requirements of the Notice, the Authority's Solicitor be authorised to commence prosecution action.

**Alison Pilkington**  
**Planning Enforcement Officer**  
**1 February 2022**