

Enforcement No:	189/06	Application Type:	N/A
Proposal:	Re-instate land to its former condition	Location:	Land between Croston Close Road and Sales Lane, Edenfield, Rossendale
Report of:	Executive Director - Business	Status:	For Publication
Report to:	Development Control Committee	Date:	8th December 2008
Applicant:	Rossendale Borough Council		
Agent:			

REASON FOR REPORTING

Council to undertake work as Land owner has failed to comply with Planning Inspectors decision

APPLICATION DETAILS

1. The Site

1.1 The site is located between Croston Close Road and Sales Lane, Edenfield and is situated on Green Belt Land.

2. Relevant Planning History

2.1 None.

3. Relevant Enforcement History

3.1 Towards the end of October 2006 it was reported to Rossendale Council Planning Enforcement Department that a section of a field between Croston Close Road and Sales Lane was being excavated to form a road way without obtaining planning permission.

3.2 On the 21st December 2006 an Enforcement Notice was served on all the owners of the land, which required the owners to cease any further excavation of the land, cease any further infilling/depositing on the land with any extraneous material. Return the land to its previous levels including the re-introduction of top soil. Re-seed the land with grass seed.

- 3.3 One of the Land Owners appealed the Enforcement notice which was heard by the Planning Inspector on the 21st August 2007. The appeal was dismissed and the enforcement notice upheld. The time allowed for carrying out all the re-instatement was stated as 3 months from the 30th August 2007.
- 3.4 After 3 months a site visit revealed that the work had not been carried out and correspondence was entered into with the Land Owner who had appealed the Enforcement Notice to ascertain why the works had not been completed. Over the following few months the land owner kept giving reasons as to why the work had not been completed and he eventually moved to Spain where he claims he was taken seriously ill with a stroke.
- 3.5 The other land owner was contacted in May 2008 and following a meeting he arranged for the land to be re-instated. This work was carried out in June 2008 by a contractor but as soon as the work was completed the other land owners family and children received threats from associates of the land owner who had appealed the notice. As a result of the threats the contractors were told by the other land owner to undo the work and make the road through the field accessible again. Since that time the second land owner has tried to contact the first land owner to resolve the dispute over the re-instatement of the land but his calls have not been answered and any messages left have not been returned. The land remains in its previous state with the extraneous material on the land and the road way still accessible.

4. Proposal

- 4.1 The proposal is that the council re-instate the land to its former condition as directed by the planning inspector and a charge on the land be registered in order for the costs to be reclaimed off the current owners or from the future sale of the land.

5. Recommendations

- 5.1 That the work be approved by the council and in order to consider the proposal a quote for the work has been obtained from Lancashire County Environmental Services for the work to be carried out as directed by the Planning Inspector and this has been quoted as £5,500.00

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