
REPORT TO:	Development Control Committee	AGENDA ITEM:	4
DATE OF MEETING:	14 th September 2004	CATEGORY:	DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN	
MEMBERS' CONTACT POINT:	R. M. Shirley	DOC:	
SUBJECT:	Unauthorised residential occupation of storage building at Chapel Farm Marina, Wilne Lane, Shardlow.	REF:	
WARD(S) AFFECTED:	Aston	TERMS OF REFERENCE:	DC01

1.0 Recommendations

- 1.1 That the Development Control Committee authorises the issue of an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 requiring the cessation of use of the storage building for residential occupation together with the removal of all domestic chattels.

2.0 Detail

- 2.1 Following a complaint from Shardlow Parish Council received in early 2004, site inspections were carried out at the above location.
- 2.2 The site is a well-established marina and canal boat basin on the northern bank of the Trent & Mersey Canal and accessed from Wilne Lane. It is situated within the South Derbyshire Green Belt and immediately adjoins the Trent and Mersey Canal Conservation Area.
- 2.3 A wooden building of apparently relatively recent construction was found to be in evidence on land adjoining the canal and in close proximity to a cruising boat undergoing evident repair and refurbishment, being moored on the margin of the main waterway.
- 2.4 Inspection of the building revealed signs of occupation and initial contact with the occupier revealed this to be the case.
- 2.5 The owner of the land was contacted and confirmed that the building was occupied residentially. The owner confirmed that the occupier initially came on to the marina approximately seven years ago to refurbish a narrow boat for a friend. The boat was subsequently sold and it was the occupier's intention to obtain his own boat to cruise the canal system, the building being temporarily occupied whilst he adopted this course of action. At this time his health

deteriorated badly involving a period in hospital. The owner has alleged that, as far as he knows, the occupier has no relatives or alternative accommodation. However, he is fully aware that the use is unauthorised and untenable in the long term.

- 2.6 A full site inspection and interview was subsequently carried out and it was ascertained that the building contained the occupier's bed, sink, shower, means of cooking and also was carpeted and heated. There were also a number of other residential incidentals including an electric organ.
- 2.7 The occupier confirmed that his health was very poor and necessitated regular visits to hospital and that this had prevented him carrying out work on the nearby boat to enable it to be re-occupied in its intended manner. He stated that a three month period would be sufficient for him to complete work to the point where the shed could then revert to its workshop status.
- 2.8 Further site inspections revealed that whilst some progress had been made with the refurbishment of the boat, it appeared to be minimal and the residential occupation of the shed was persisting.
- 2.9 A plan of the site is attached at Annexe 'A'.

3.0 Financial Implications

- 3.1 Should the Committee be minded to authorise enforcement proceedings, the Council may be subject to certain costs.

4.0 Community Implications

- 4.1 Not applicable.

5.0 Conclusions

- 5.1 The residential use of the shed is clearly unauthorised and has been persisting for some time.
- 5.2 A reasonable amount of time has been permitted for the occupier to vacate the shed in accordance with assurances given.
- 5.3 The use is out of accord with General Development Strategy Policies 4 and 7 and Housing Policy 6 of the Derby and Derbyshire Joint Structure Plan, Environment Policy 1, Housing Policy 8 and Green Belt Policy 3 of the South Derbyshire Local Plan and Environment Policies 6 and 7 and Housing Policy 1 of the emerging Local Plan.
- 5.4 It is open to the Committee to authorise the service of an Enforcement Notice requiring the cessation of use of the storage for residential occupation and the removal of all domestic chattels.
- 5.5 A two month compliance period is viewed as appropriate in the circumstances affecting the occupier.

6.0 Background Papers

- 6.1 Enforcement File E/2003/434