

PLANNING DEVELOPMENT CONTROL COMMITTEE

3 March 2004

REQUEST FOR AUTHORITY TO TAKE ENFORCEMENT ACTION IN RESPECT OF UNAUTHORISED USE OF LAND FOR THE SITING OF A RESIDENTIAL CARAVAN, LAND ADJACENT THE MAPLES, SUTTON WOOD LANE, BIGHTON

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Charlie Robson Tel No: 01962 848178

RECENT REFERENCES:

W12340/03

EXECUTIVE SUMMARY:

The land has consent for use as stables. A caravan has been sited on this land for many years and used as a rest room in connection with the stables, but is now occupied residentially. This unauthorised use is contrary to planning policies for the protection of the countryside and it is recommended that an Enforcement Notice be served. Councillors Cook and Jeffs have requested that the matter be put to Committee.

RECOMMENDATIONS:

- 1 That enforcement action be authorised, including the service of an Enforcement Notice to secure the cessation of residential use and associated storage and removal of the caravan from the land.

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DETAIL:

1 Introduction

- 1.1 Planning permission was granted on appeal in 1991 for the retention of seven stables and a tack room on this land that was part of the ownership of The Maples. A caravan was noted at a site visit in 1998. The owner stated that it was used as a rest room in connection with the stables' use. As this ancillary use did not require planning permission the investigation was closed. The site has now been separated in ownership from The Maples and the caravan is occupied.

2 The Planning History

- 2.1 **W12340** Seven stables and tack room. Refused 23.05.91.
Retention of seven stables and tack room. Appeal Allowed 8.10.91
W12340/01 Alterations and extensions to The Maples. Refused 8.12.92
W12340/02 Change of use of agricultural land to part of residential curtilage. Permitted 30.4.99
LDC300 Removal of agricultural occupancy condition on The Maples. Permitted 16.05.02
W12340/03 Demolition of stable block, removal of caravan and erection of detached dwelling including change of use of agricultural land to residential land. Refused 1.08.03

A condition of the planning permission for the 7 stables and tack room W12340 is that the stables and tack room 'shall be used for the purpose of private stabling only incident to the occupation of The Maples and shall not be used as a riding school or for any other commercial purposes.'

It is likely that should a planning application be made to amend the condition to permit private stabling by a user not in occupation of The Maples, that this would be permitted.

3 The Enforcement Investigation

- 3.1 Following a complaint about a caravan on the land, a site visit was made on 2 March 1998. The investigation was closed as the caravan was in use as a rest room and this did not require planning permission.

- 3.2 At a site visit in connection with planning application W12340/03 for a dwelling, the case officer noted that a caravan was on site. There were 5 letters of objection to the application, none of which referred to the caravan. A second smaller touring caravan was on site and appeared to be used for storage of household items. The planning application, which included the removal of the caravan, was refused on 1 August 2003 and the matter was passed to the Enforcement team.
- 3.3 It came to our attention on 19 September 2003 that The Maples was being advertised for sale whilst the caravan was believed to be in residential use. At a site inspection on 17 September 2003 it was noted that the caravan appeared to be lived in. Just two of the stables were in use for horses. The remaining stables were in use for storage of household items.
- 3.4 A Planning Contravention Notice (PCN) was served on 22 September 2003. The response in December 2003 confirmed that the caravan is occupied in separate ownership to The Maples. The occupant is a self-employed building contractor. It is stated that the caravan was installed initially in 1991 as a safety precaution as there were a number of attacks and thefts of tack etc. in the area. It is further stated that the residential use commenced in 1992 and the caravan has been occupied by a number of people since that time. Statutory declarations to justify this statement were offered but have not been received.
- 3.5 The Enforcement team has information, which indicates that in 1999, the caravan was not occupied. It also appears that prior to 1999, the caravan had not been used for living accommodation for some considerable time.

4 Reasons for pursuing Enforcement Action

- 4.1 The information in response to the PCN is inconsistent with evidence from our previous investigation and information available from other sources. No evidence has been provided to support the claim that there is a lawful residential use on site. However, it is open to the owner to provide such evidence at a later stage in which case, the matter can be reconsidered either through the appeal process or through the determination of an application for a certificate of lawful use.
- 4.2 Residential use of the site is contrary to adopted planning policies and government guidance for the protection of the countryside. The owner is not employed in agricultural or other local essential rural employment and there is no special justification for residential use of the site. The caravan is considered to be an unnecessary visual intrusion in the rural landscape
- 4.3 The development is therefore contrary to the following Development Plan Policies:
 Hampshire County Structure Plan 1996-2011 (Review): C1 and C2
 Adopted Winchester District Local Plan: EN5 [i] C.1, C.2, C.14, H.1 and H.8
 Winchester District Local Plan Review (Revised Deposit 2003): DP3 [ii] C.1, C.17 and C.18

5 Steps to be required by Enforcement Notice

- 5.1 (a) Cease the use of the land as a caravan site.
- 5.2 (b) Cease residential use of the land

5.3 (c) Remove all caravans and all domestic fixtures fittings and furnishings and any other household effects kept or stored at the site, from the land.

5.4 It is recommended that the time for compliance is six months.

6 Human Rights Act 1998

The Human Rights Act 1998 makes it unlawful for the local planning authority to act in a way incompatible with any of the Convention rights protected by the Act. It is considered that where there is an interference with the rights of the recipient of an Enforcement Notice, such interference is considered necessary for the protection of rights and freedoms of others. It is also considered that such action is proportional to the legitimate aim and in the public interest. The caravan is not occupied by children or aged persons.

OTHER CONSIDERATIONS:

7 CORPORATE STRATEGY (RELEVANCE TO):

7.1 Protection of the Built and Natural environments for the protection of future generations by pursuing action against development that is judged harmful to the environment.

8 RESOURCE IMPLICATIONS:

8.1 No implications beyond normal Enforcement and Legal Team resources.

BACKGROUND DOCUMENTS:

Enforcement Investigation Files ENF 5262 and 03/00439– Not available for public inspection
Planning Application W12340/03OUT

APPENDICES

Map of the site