

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 19 January 2021

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 20/00150/ENF

DESCRIPTION OF DEVELOPMENT: Breach of Condition and Unauthorised works
/ change of use

WOODLAND: Land at Chardanay, Woodland

OBSERVATIONS

1. In November 2017 the Council received a complaint about the unauthorised siting of caravans on land at Chardanay, Woodland.

2. At the time a planning application (reference 17/02827/FUL) had been submitted for the extension to existing authorised gypsy site to provide two additional pitches. This followed a previous planning application (reference 17/01064/FUL) for the extension to authorised gypsy site to provide two additional pitches, comprising parking, dayroom, tourer pitch and static unit that was refused on 26 October 2017. As such although it appeared that the site had been extended no further action was taken at that time.

3. Following the refusal of the second planning application appeals were submitted for both applications but these were dismissed.

4. As the Council were continuing to receive complaints that works had been carried out on the land adjacent to the authorised gypsy site a visit was carried out in January 2020. From the visit it was noted that a large area of hardstanding had been laid in the field adjacent to the authorised site and this was being used to store a few vehicles, a couple of touring caravans and other items. As this was outside the approved site the owner was advised that planning permission was required.

5. As for the authorised site it was noted that works were being carried out to build a dayroom that had previously been granted planning permission (reference 08/04479/FUL) in January 2009. It seems that the base was laid to safeguard the planning permission.

TEIGNBRIDGE DISTRICT COUNCIL

6. Although the owner was advised to resolve the matter, following the site meeting due to the pandemic the case was not progressed. Then in May 2020 further complaints were received relating to the use of the adjacent land and building works being carried out within the authorised site. Following contact with the owner this resulted in another planning application (reference 20/00353/FUL) being submitted for an extension to existing approved gypsy site to provide two additional pitches with private storage area and play area.

7. As part of the planning application a site visit was carried out to assess exactly what works were now being carried out. From the visit it was noted that within the authorised site works were being carried out to alter the main access and works were continuing with the construction of the dayroom. With regards to the access as the works did not appear to result in the width increasing no planning permission was required. As for the dayroom it was noted that the works had resulted in two dayrooms being joined together. Although this has resulted in one large dayroom, and would have required planning permission, in this instance it would not be expedient to take any formal action to remedy the planning breach providing it remains in use as a dayroom.

8. As for the adjacent land it was noted that on the area of unauthorised hardstanding there was a couple of mobile homes and some touring caravans being stored along with a steel container and a few other items. It was also noted that on the grass area there were a couple of touring caravans being used by people visiting the site.

9. As the planning application was refused and it was clear that the adjacent land was being used for unauthorised storage and an unauthorised area of hardstanding had been laid it was necessary to consider enforcement action to remedy the breach. However, from the visit it was not clear whether additional residential caravans / mobile homes were being sited on the land. This included both the approved site and the adjacent land. As part of the planning permission (reference 17/01062/FUL) granted for a proposed additional mobile home and touring caravan pitch at the authorised gypsy site a condition was attached that limits the number of caravans. Condition 3 states:

No more than six caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than three shall be static) shall be stationed on the site at any time and there shall be no more than a total of three pitches with ancillary parking.

REASON: In the interests of local amenity and highway safety.

10. As it was not clear how many caravans were being occupied to help with the investigation a Planning Contravention Notice (PCN) was served in October 2020 to obtain information about the number of mobile homes / caravans sited on the land and whether they are occupied.

11. From the returned PCN it was noted that there are 3 static caravans and 3 touring caravans sited within the authorised site of which 5 of these are occupied. As this appears to exceed the permitted number of 3 pitches allowed on the site further information has been sought from the owner but to date no response has been

TEIGNBRIDGE DISTRICT COUNCIL

received. However, as it appears from the returned PCN that the number of pitches has been exceeded a planning breach is occurring.

12. The site is located outside any defined settlement limit and there is currently a five year supply of permitted or allocated Gypsy and Traveller pitches. In addition there does not appear to be any overriding circumstances to justify any additional pitches. As such it is considered that the provision of the two additional pitches is contrary to Policies in the Teignbridge Local Plan 2013 – 2033 and to the National Planning Policy Framework and guidance within the National Planning Practice Guidance.

13. With regards to the adjacent land it is noted that this is being used for the storage of vehicles and additional caravans that are not being used for residential purposes. There is also a play area created. This results in an unauthorised change of use of the land from agricultural land to an extension to the authorised gypsy site.

14. Although the site is fairly well screened by existing hedgerows the creation of the hardstanding does allow for various items, as referred to above, to be stored outside the permitted site which is likely to continue and become established and more noticeable. As this is considered to have a detrimental impact on the character of the surroundings and contrary to adopted Policies of the Teignbridge Local Plan, in particular Policy S22 which aims to protect the countryside, it is necessary to take enforcement action to remedy the breach.

RECOMMENDATION

The Committee is recommended to resolve i) serve a Breach of Condition Notice (BCN) for the non-compliance with condition 3 on planning permission (reference 17/01062/FUL) granted for a proposed additional mobile home and touring caravan pitch at authorised gypsy site, and ii) serve an Enforcement Notice for the unauthorised hard standing and unauthorised change of use of the land for storage purposes. A period of six months should be given for the compliance with the BCN to reduce the number of pitches to no more than three. As for the Enforcement Notice a period of three months should be given to remove the hard standing and stop using the land for storage purposes.

WARD MEMBERS: Cllrs H Cox, Nutley and Parker-Khan



Planning Committee 20/00150/ENF Chardanay, Woodland

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Kilometers

Scale: 1:1,000

Drawn By: AAA

Drawing no: 00

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