

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 31 July 2018

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 17/00397/ENF

DESCRIPTION OF DEVELOPMENT

TEIGNMOUTH: Land at the Buntings, Higher Woodway Road, Teignmouth

OBSERVATIONS

1. On 26 September 2017 an Enforcement Report was placed before the Planning Committee regarding the land at The Buntings, Higher Woodway Road, Teignmouth. At the meeting the Members resolved:
 1. That an Enforcement Notice be served to cease the unauthorised use of the land for the siting of residential caravans with a compliance period of six months.
 2. That a notice under section 215 Town and Country Planning Act 1990 be served for:
 - a) The removal of all the bags of logs, timber, rubble, building materials, etc. currently located near the southern boundary of the site and in the open elsewhere within the site.
 - b) Removal of all building materials and machinery and all other items currently stored in the open fields, other than materials or machinery that are reasonably required for regular agricultural purposes within the unit.
 - c) Removal of any items stored in the yard area that are not reasonably necessary for agricultural purposes taking place on the site.
 3. That an Enforcement Notice be served to cease the unauthorised use of the barn for residential purposes. The Business Manager is granted delegated owners to determine the period for compliance.
2. Subsequently on 23 November 2017 the Enforcement Notice was issued for the unauthorised change of use of part of the Land from the lawful use for

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agricultural purposes to use for residential purposes. This is currently the subject of an appeal with a Public Inquiry to be held at the end of October 2018. As for the Untidy Land Notice, following the serving of two Notices that had to be withdrawn, this was served on 12 January 2018. The requirements of the Notice were to:

- (i) Remove from the land all the bags of wood, rubble and other materials located adjacent to the Public Footpath in the area hatched blue on the attached plan.
 - (ii) Remove from the open fields within the land edged red on the attached plan, all building materials and machinery and any other items currently stored other than materials or machinery that are reasonably required for regular agricultural purposes on the Land.
 - (iii) Remove from the yard area hatched green on the attached plan any items currently stored or located within the area that are not reasonably necessary for agricultural purposes taking place on the site.
3. The Section 215 (Untidy Land) Notice was to come into effect on 23 February 2018 with three months given to comply. However, the Notice was appealed and a subsequent hearing was held at Newton Abbot Magistrates Court on 6 April 2018. At the hearing the matter was adjourned until 29 June 2018 to see if the matter could be resolved.
4. On 19 June 2018 Officers visited the site to assess the current situation and to try and resolve the outstanding matter and to hopefully avoid the need for further court proceedings. Although previously it was considered that substantial works needed to be carried out to improve the appearance of the site, when viewed from public viewpoints into the site one of the main issues was the row of bags containing wood and building materials that were being stored next to the Public Footpath that runs along the Southern boundary of the site. However, from the site meeting it was clear that the vast majority of the bags and items that were being stored had been removed. There were only a few bags left at the western edge of the field which the owner agreed to relocate elsewhere.
5. With regards to the vehicles and machinery that were being stored in the field, it was also clear that these had been removed and any items that were still being stored were being used for agricultural purposes and did not appear to be effecting the appearance of the site. As for the vehicles, machinery and other items that were being stored in the yard next to the original barn / stable building, it was clear that some of these had also been removed. As for those remaining, although they are used on the land the owner agreed to possibly move these to the eastern end of the site near the new agricultural building and bring them out when needed. This would help lessen the impact the collection of items would have at the western end of the site.
6. Overall it was clear that the appearance of the site had been greatly improved. Furthermore, from the site visit it was considered that had this been the first

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visit to assess a complaint about untidy land the condition would not warrant formal action being taken.

7. Since the site meeting it is noted that further works have been carried out to improve the appearance of the site. It is subsequently considered that the requirements of the Untidy Land Notice have been complied with. It may be considered that further improvements could be made but this would mean having to remove all the items on the land. Given that the land is used for agricultural purposes this allows for moveable structures and similar items such as caravans etc. to be sited on the land without requiring planning permission. As such in this instance it would not be possible, and would be unreasonable, to require everything to be removed from the land or kept out of view to the public.
8. Although the issuing of an Untidy Land Notice is a one off requirement to tidy the land and once complete cannot be used again it should be noted that further Notices can be issued should the land become untidy again.

RECOMMENDATION

The Committee is recommended that as the requirements of the Untidy Land Notice have been complied with no further action is taken.

WARD MEMBERS:



17/00397/ENF
Land At The Buntings, Higher Woodway Road, Teignmouth

Scale: 1:4,000

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