

Planning Committee Enforcement Report

Chair: Cllr David Cox

Date	12 May 2026
Case Officer	Steven Hobbs
Location	Berry Park, Dainton, Ipplepen, TQ12 5TZ
Nature	Siting of residential caravans
Ward	Ipplepen
Member(s)	Cllr David Palethorpe
Reference	25/00172/ENF



1. REASON FOR COMMITTEE CONSIDERATION

Unauthorised change of use of the land from an agricultural to the siting of residential mobile homes.

2. THE ALLEGED BREACH OF PLANNING CONTROL AND ENFORCEMENT INVESTIGATION FINDINGS

2.1 The land is located at the far end of the road leading through Dainton, Ipplepen. The site is situated next to the railway line. The permitted use of the land is for agriculture. The key facts in this case are as follows:

There were around 6 caravans sited on the land when viewed on 22 January 2026 that appear to be being used for residential purposes.

No planning permission has been granted for the change of use of the land to site residential caravans.

In order to remedy the planning breach formal enforcement action is required.

3. BACKGROUND AND CONTEXT

3.1 In May 2025 the Council received a complaint that works were being carried out to lay areas of hardstanding and the land was being used to site a number of caravans that were being used for residential purposes. From an initial investigation it was noted that the land in question had recently been sold. To assess what works were being carried out the Council contacted the new owner and a response was received from an agent who had been appointed to act on their behalf.

3.2 From discussions with the agent they confirmed that the owner proposed to submit a planning application for a change of use of the land to allow it to be used as a gypsy site. Following further discussions a planning application was subsequently submitted in October 2025 for the change in use of land to a gypsy caravan site for the parking of six single family caravans with the construction of three day rooms and the resurfacing of parking and turning areas. However, due to insufficient information being submitted the application was never validated and eventually it was returned in January 2026.

3.3 Following further complaints about activities occurring on the land a site visit was carried out on 22 January 2026 to assess the situation. From the visit it was noted that there were 6 touring caravans sited on the land that appeared to be being used for residential purposes. In addition it was clear that the majority of the site had been covered in hardstanding. Although it was claimed the area of hardstanding was being extended it appeared that the more recent works were to repair areas that had previously been covered.

- 3.4 As it was clear from the visit that the unauthorised residential use was continuing, and extensive groundworks have been carried out that would have required planning permission, the Council need to consider enforcement action to remedy the planning breach. Furthermore, the Council are continuing to receive complaints about activities occurring on the land.
- 3.5 Although the owner and agent have been contacted and a new planning application was to be submitted to date no application has been received.

4. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 4.1 Although the caravans have been sited on the land for about a year, there appears to be no evidence that they have been sited on the land and said land used for residential purposes for the necessary ten years to be established.
- 4.2 The Local Plan strictly limits development in the open countryside, subject to a number of exceptions set out in Policy S22 (Countryside) and Policy GP3 of the emerging Teignbridge Local Plan 2020-2040. One exception is homes for the travelling community as set out in Policy WE6 of the Teignbridge Local Plan 2013 – 2033 and Policy H10 of the emerging Teignbridge Local Plan 2020-2040. This allows plots in the open countryside providing they comply with certain criteria. In this instance there is insufficient information to determine whether the current use of the land meets the necessary criteria. As such it is considered the current use does not comply with Policy WE6 of the Teignbridge Local Plan 2013 – 2033 and Policy H10 of the emerging Teignbridge Local Plan 2020-2040.
- 4.3 In this instance the site has been set up for at least six pitches and as part of this substantial ground works have been carried out to remove areas of grass and replace this with hard surfacing. Although, the works have been carried out to create the residential site no details have been submitted to determine the impact the works have had on the site ecology. Furthermore, given the location of the site there is the potential that the activities have an impact on bats, Cirl Buntings, Great Crested Newts and other important wildlife habitats and features. As such, the stationing of the caravans on the land are considered contrary to Policies S1, S2, S22, WE6, EN2A, EN8, EN9, EN10 and EN11 of the Teignbridge Local Plan 2013 – 2033 and Policies GP3 (part 3.f), H10 (part 4.f), EN4, EN8, EN10, EN11, EN12, EN13 and EN15 of the emerging Teignbridge Local Plan 2020-2040.
- 4.4 Policy EN4 (Flood Risk) of the Teignbridge Local Plan 2013 – 2033 details that planning permission will not be granted for any proposal which as a consequence of inadequate provision of water services or surface water drainage and disposal, would pollute the water environment. Policy EN6 (Flood Risk and Water Quality) of the emerging Teignbridge Local Plan 2020-2040 states that planning permission will not be granted for any proposal which, because of inadequate provision of water services or inadequate or untimely provision of foul water and surface water drainage and disposal, would cause pollution to the water environment, including coastal waters,

would result in the deterioration of the ecological status of a water body, would overload the sewer network, or would result in an increase in flood risk at the site or elsewhere. In this instance given that the site has been surfaced, it is unclear what works have occurred to create this hard standing.

4.5 In order to be acceptable a suitable drainage strategy would need to be provided to demonstrate that surface water from the hardstanding is suitably drained without increasing flood risk to third parties. This is particularly important considering the proximity to the railway line and the fall of the land but in this case given that no planning application has been validated with such information and no such details have been received from the owner or their agent it is not possible to determine whether acceptable foul water and surface water drainage and disposal have been provided. As such it appears that the current use is contrary to Policy EN4 of the Teignbridge Local Plan 2013 – 2033 and Policy EN6 of the emerging Teignbridge Local Plan 2020-2040.

4.6 In addition the site is located within a Mineral Consultation Area. As such following consultation with Devon County Council the following response was received:

The site is located within a Mineral Consultation Area associated with nearby permitted mineral workings at Stoneycombe Quarry, a limestone quarry. Policy M2: Mineral Safeguarding Areas of the Devon Minerals Plan seeks to protect this resource from constraint by non-mineral development. The introduction of additional residential uses in this area has the potential to place additional constraint on existing and future working at the Stoneycombe Quarry.

The nature of the mineral extraction of limestone means that associated noise, dust and vibration are highly likely. Adding to this, blasting is regularly undertaken to assist with the extraction of the mineral at this quarry. Working at the site is currently focussed in the south of the quarry and thus within close proximity to the site. Future working is planned to progress northwards through the site and extend out toward the east. Whilst the future workings would move away from the site, the nature of limestone operations would mean that the noise, dust and vibration impacts are likely to continue. There is, therefore, a potential for conflict between these land uses, which may constrain the operator's ability to comply with the various existing planning conditions, for example, blasting and noise limits set at any buildings used for human habitation.

It is therefore considered that, without proper assessment, significant impacts could arise from the existing and future quarry working on the amenity of any residents and that that the siting of a residential use, within close proximity to this mineral site, would place an unreasonable constraint on existing and future working of Stoneycombe Quarry, contrary to Policy M2 of the Devon Minerals Plan.

- 4.7 The site is sufficiently distant from neighbouring properties that the use would not give rise to any materially harmful overlooking, overshadowing or an overbearing relationship. However, the level of vehicle movements to and from the site have raised a number of complaints from local residents but having discussed the matter with Devon County Council highways no concerns were raised.
- 4.8 As the site is situated next to the main railway line Network Rail have been consulted on the current use of the land. However, to date no response has been received. Should a response be received details will be added to the Committee update sheet or given out during the Committee meeting.
- 4.9 The Policies of our Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Practise Guidance which has an emphasis on sustainable development and focusing new residential development into settlements and other sustainable locations. It is considered that in this instance the unauthorised use fails to uphold these principles, particularly those in paragraphs 135, 187(a) and 193 of the NPPF for the reasons as set out above.
- 4.10 Officers consider enforcement action is necessary, expedient and in the public interest to secure cessation of the unauthorised use and the removal from the land of the unauthorised caravans, and the removal of the areas of hardstanding that have been created in order to support and maintain the delivery of the Strategy of the District Council's Local Plan to avoid the inappropriate siting of residential uses in the countryside without good reason and to maintain wider principles of sustainability and good design whilst protecting the character and appearance of the area.

5. RECOMMENDATIONS

The Committee is recommended to resolve that an Enforcement Notice be issued under Section 172 of the Town and Country Planning Act 1990 to:

- i) Cease using the land for the siting of caravans for residential purposes,
- ii) remove the caravans and any other items associated with the unauthorised residential use from the land, and
- iii) remove the unauthorised hardstanding and reinstate the land to grass

The compliance period is recommended to be six months.

In the event of the Notice not being complied with, the Solicitor be authorised to take further action as necessary under Section 179 of the Act.

6. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Ian Perry

Head of Development Management