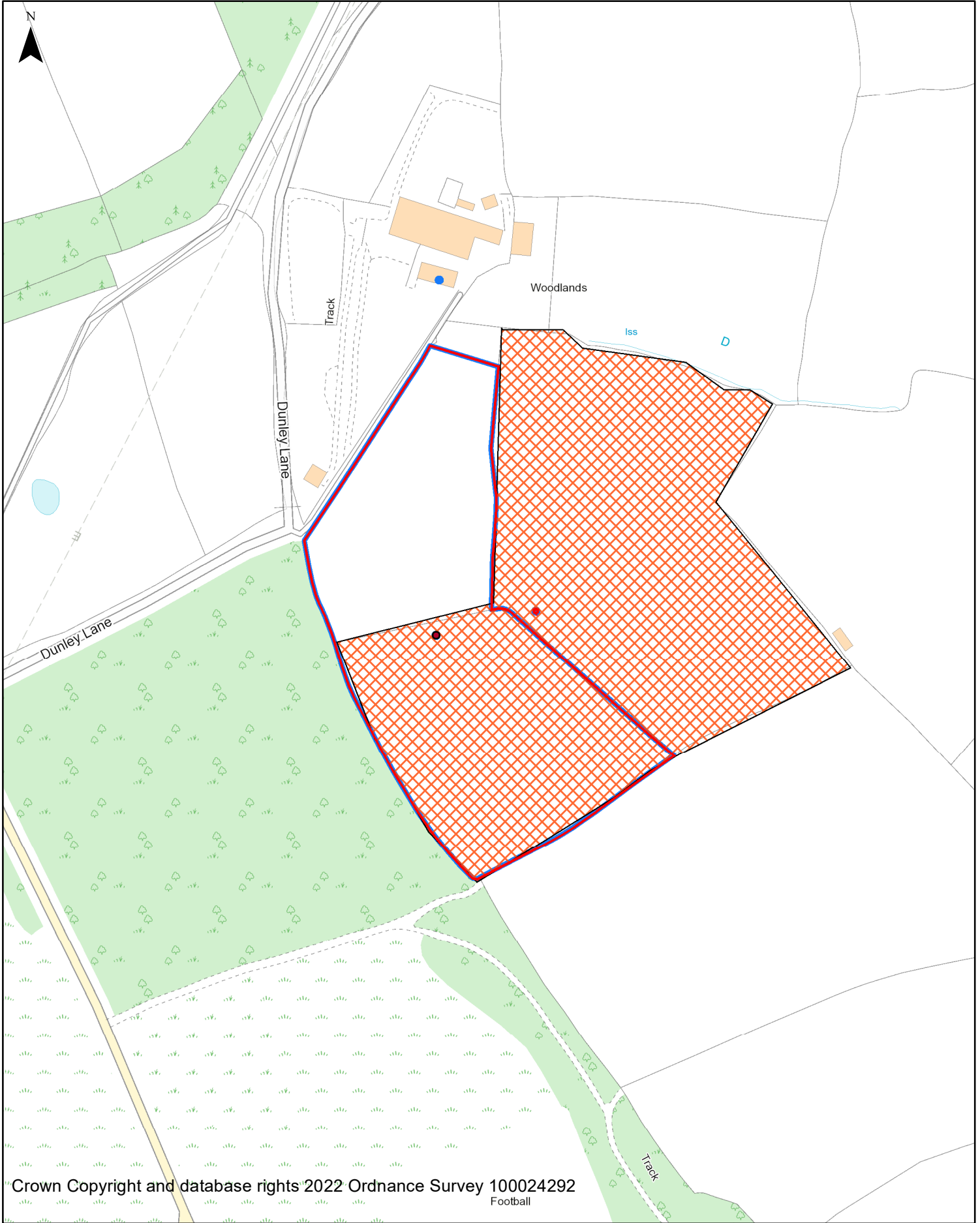


TEIGNBRIDGE DISTRICT COUNCIL

<p><b>PLANNING COMMITTEE ENFORCEMENT REPORT</b></p> <p>CHAIRMAN: Cllr Linda Goodman-Bradley</p>	
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<b>DATE:</b>	17 May 2022	
<b>REFERENCE NO:</b>	19/00264/ENF	
<b>SITE:</b>	Oakmoor Touring Park, Dunley Lane, Bovey Tracey	
<b>ENFORCEMENT ISSUE:</b>	Alleged unauthorised siting of a residential mobile home	
<b>REASON FOR COMMITTEE CONSIDERATION:</b>	The proposed enforcement action has the potential to render a person homeless ( <i>see TDC Constitution, Section 6, Schedule 6, paragraph 5.1</i> )	
<b>RECOMMENDATION:</b>	It be resolved that: i) An ENFORCEMENT NOTICE be issued; and ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.	
<b>WARD MEMBERS:</b>	Cllr Lorraine Evans Cllr Richard Keeling	Chudleigh





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Football

1:2,435  
0 0.0125 0.025 0.05 mi  
0 0.0225 0.045 0.09 km

## TEIGNBRIDGE DISTRICT COUNCIL

### 1. THE ALLEGED BREACH OF PLANNING CONTROL & ENFORCEMENT INVESTIGATION FINDINGS

- 1.1 Oakmoor Caravan Park is located on land between Bovey Tracey and Chudleigh Knighton. The site is accessed from a track off Dunley Lane that also provides access to other fields and accommodation. The site lies adjacent to the Chudleigh Knighton Heath SSSI which is a wet and dry heath with lowland bog, ponds and scrub. The subject mobile home has been sited on land to the north east of the caravan site. The key facts in this case are as follows:
- 1.2 A mobile home has been sited on the land for residential purposes without planning permission.
- 1.3 The mobile home has been on site since 2019 and would not be immune from enforcement action.
- 1.4 To determine whether the residential use could continue two planning applications have been submitted for the retention of the mobile home for manager's accommodation (references 19/02436/FUL and 21/02047/FUL) but these have both been refused.
- 1.5 Following the refusal of the two planning applications, including one being dismissed on appeal, there is no lawful reason for the mobile home to be sited on the land for residential purposes and the Council must therefore consider whether enforcement action is expedient to remedy the planning breach.

### 2. BACKGROUND & CONTEXT

- 2.1 In November 2016 planning permission (reference 15/01999/MAJ) was granted for the change of use of agricultural land to use as a touring caravan and camping site with ancillary reception building, amenities block, play and picnic areas, car park plus improvements to access lane leading from public highway to the site and drainage ponds. Although the use commenced there have been issues associated with compliance with the planning permission that remain outstanding. Particularly, in July 2019 a complaint was received about a mobile home being sited on the land.
- 2.2 A mobile home had been placed on an area of land to the north east of the campsite where the approved drainage scheme was expected to provide drainage ponds and reed beds. As no planning permission had been granted the owner was contacted and advised to remove the mobile home or submit a planning application to determine whether it could be retained.

#### **Planning applications**

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- 2.3 To determine whether the mobile home could be retained a planning application (reference 19/02436/FUL) was submitted for the retention of mobile home as manager's accommodation. However, this was refused on 14 July 2020 as the site is outside the settlement limit and there was no justification to depart from the policies restricting such development. There was also insufficient information submitted to overcome the outstanding issue of providing the sustainable drainage system that was agreed through the original planning permission. An appeal against the planning refusal was also dismissed on 6 November 2020.
- 2.4 Following the dismissal of the appeal, a site meeting was held to review the way forward, regarding drainage and other structures on the land. This included the Council's Drainage Engineer and the owner's representatives. It was agreed that a revised planning application would be submitted to overcome the reasons the application for the retention of the mobile home was refused and to address issues associated with the original planning permission.
- 2.5 In September 2021, a planning application (reference 21/02047/FUL) was submitted for the retention of site manager dwelling; revised amenities block & reception building; revised drainage scheme; use of land for camping pitches and winter storage of caravans. However this was refused on 23 December 2021 as there was still no justification to permit a permanent residential use on the land. There were also concerns about the drainage and the lack of information relating to ecological matters.

### **Current situation**

- 2.6 There are outstanding matters associated with the original planning permission (that the more recent application sought to overcome) the site owner is taking steps to remedy these. If these steps are not followed within an appropriate timescale, enforcement action can be pursued utilising the Business Manager – Strategic Place's delegated authority. This is not though the case for the mobile home. A committee resolution to pursue enforcement action to remedy this breach is sought because the mobile home that is currently sited on the land has no planning permission, and two planning applications for its retention have been refused.
- 2.7 From recent correspondence with the owner it is noted that the mobile home is currently occupied by two adults and five children aged between 2 and 14. As any action by the Local Planning Authority to ensure the unauthorised use ceases may result in a family being made homeless, a period of six (6) months would be given to comply with any enforcement notice issued, which would only commence after the time for submitting an appeal has expired or after any appeal decision is received

## **3. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION**

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- 3.1 The subject mobile home is sited on land outside any settlement limit and no evidence of any essential need to have a caravan on the land for residential purposes has been provided. As such the stationing of the mobile home on the land is considered contrary to Policies S1A (Presumption in favour of Sustainable development), S1 (Sustainable Development Criteria), S22 (Countryside) and EN4 (Flood Risk) of the Teignbridge Local Plan 2013 – 2033. This has been considered both through the planning application and planning appeal processes.
- 3.2 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 Policy 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 79 and 80 of the NPPF for the reasons as set out above.
- 3.3 Officers consider enforcement action is necessary and expedient to ensure the unauthorised use ceases and the unauthorised mobile home is removed from the land. This is considered to be expedient and in the public interest in order to support and maintain the delivery of the Strategy of our Local Plan to avoid the inappropriate siting of residential uses in the countryside without good reason and to maintain wider principles of sustainability.

## 4 RECOMMENDATION

- 4.1 The Committee is recommended to resolve:

To serve an Enforcement Notice requiring the site owner / occupier to:

- i) cease using the mobile home for residential purposes, and
- ii) remove the mobile home from the land.

The compliance period for both is recommended to be six months.

In the event of the Notice not being complied with, authorisation is sought to take action as necessary including proceeding to prosecution.

## 5 HUMAN RIGHTS ACT

- 5.1 The recommendation 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 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.