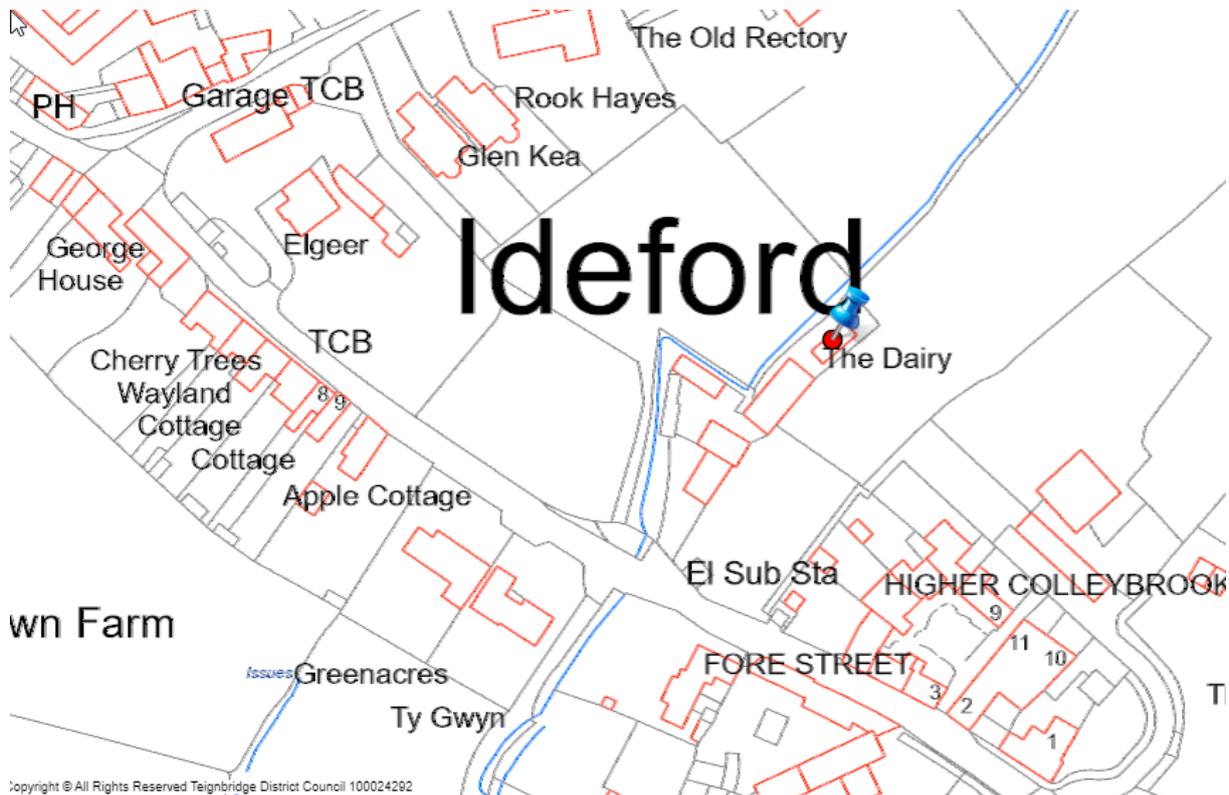
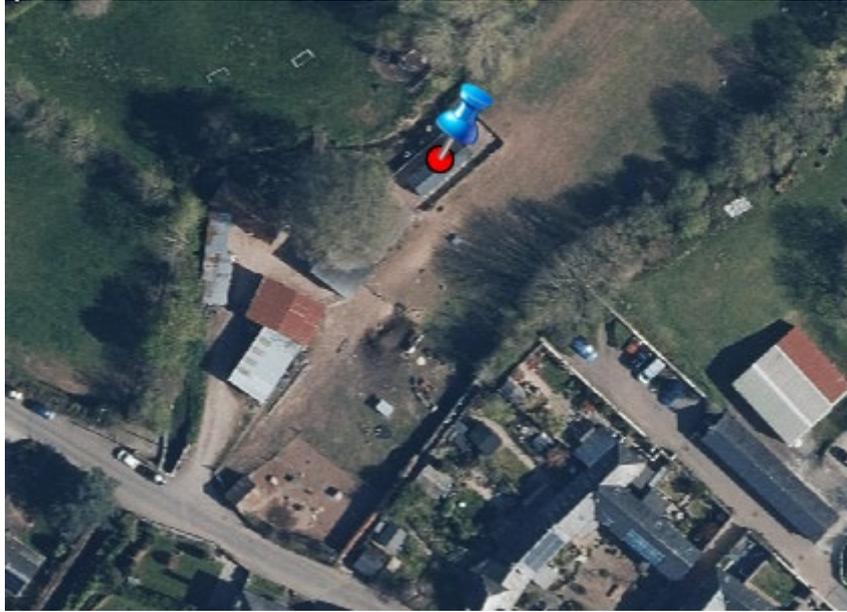


TEIGNBRIDGE DISTRICT COUNCIL

<p>PLANNING COMMITTEE ENFORCEMENT REPORT</p> <p>CHAIRMAN: Cllr Colin Parker</p>	
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DATE:	19 March 2024	
REFERENCE NO:	17/00006/ENF	
SITE:	Land at Lower Colleybrook Farm, Ideford	
ENFORCEMENT ISSUE:	Unauthorised siting of a residential mobile home	
REASON FOR COMMITTEE CONSIDERATION:	The proposed enforcement action has the potential to render a person homeless (<i>see TDC Constitution, Section 6, Schedule 6, paragraph 5.1</i>)	
RECOMMENDATION:	<p>It be resolved that:</p> <ul style="list-style-type: none"> 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. 	
WARD MEMBERS:	Cllr Keeley Gearon Cllr Ron Peart	Kingsteignton East





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

- 1.1 Lower Colleybrook Farm is located off the main road going through Ideford and comprises a number of agricultural buildings. The current enforcement case relates to the siting of a mobile home that has been sited on the land. The key facts in this case are as follows:
- A mobile home has been sited on the land for residential purposes without planning permission.
 - A Caravan / mobile home has been on site for a number of years but the residential use only started in around 2016 so would not be immune from enforcement action.
 - 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 May 2015 the Council received a complaint that a mobile home had been sited on land at Lower Colleybrook Farm. From an initial investigation which included a site meeting with the owner, it was clear that a mobile home had been brought onto the land and placed behind the existing agricultural buildings. However, at the time the mobile home was being used as a restroom in association with the permitted agricultural use of the land. As there was no evidence of any residential use no further action was taken.

TEIGNBRIDGE DISTRICT COUNCIL

- 2.2 In January 2016 a second complaint was received alleging the mobile home was being used for residential purposes. Following contact with the owner, it was claimed that a person was visiting the site late in the evening and early in the morning to attend to a dog that was being kept on the land. The owner denied any residential use was occurring. As such the person who contacted the Council was requested to monitor the situation and contact the Council if they had any evidence to show a residential use was occurring.
- 2.3 In January 2017 a further complaint was received that the mobile home that had been sited on the land was being occupied for residential purposes. In this instance, following contact with the owner, it was clear that their father was using the mobile home for residential purposes. At the time the owner explained that they were looking at having some of the existing barns converted to dwellings. At the time there was an application (reference 16/03379/NPA) for Prior Approval under Part 3 Class Q (a) and (b) and paragraph W of the GPDO for change of use of two agricultural buildings from agricultural use to two dwellings. As such the matter regarding the use of the mobile home was put on hold.
- 2.4 Although the application for Prior Approval was refused, further Prior Approval applications were submitted of which were either withdrawn or refused and, in some cases, appeals dismissed. However, in 2021 an application (reference 21/01638/NPA) for Prior Approval under Part 3 Class Q (a) and (b) paragraph W of the GDPO for change of use of an agricultural building into one residential dwelling was approved. Following this planning permission (reference 21/01628/FUL) was granted for a new dwelling and associated works.
- 2.5 Following the initial complaint, no further complaints were received about the mobile home until March 2021. At that time the owner was contacted, and they confirmed that their father is still living in the mobile home. However, it was envisaged that once the building works had been completed the mobile home would be moved into the curtilage of the new dwelling and used ancillary to it. Providing this was to occur no planning permission would be required.
- 2.6 In early 2022 works started on the construction of the new dwelling, and it appears that this has now been completed and occupied. However, it is clear that the unauthorised mobile home has not been moved and remains on agricultural land and used for residential purposes. From more recent correspondence with the owner, it is still proposed to move the mobile home but there have been health issues with their father which have delayed the matter.
- 2.7 Although the owner still wishes to resolve the matter it is still not clear when this will occur. However, as the matter has been ongoing for a considerable time, and the siting of the residential mobile home on agricultural land is contrary to policies in the adopted local plan, it is now necessary to instigate

TEIGNBRIDGE DISTRICT COUNCIL

enforcement action to ensure the mobile home does not become established over time.

3. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 3.1 Although it appears that a mobile home has been sited on the land for a number of years, it does not appear that it has been continuously used for residential purposes for the necessary ten years to be established.
- 3.2 In this instance the mobile home is sited on land outside any settlement limit and no evidence of any essential need to have a mobile home 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 of the Teignbridge Local Plan 2013 – 2033.
- 3.3 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 Paragraph 78 of the NPPF for the reasons as set out above.
- 3.4 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 and good design whilst protecting the character and appearance of the area.

4 RECOMMENDATION

- 4.1 The Committee is recommended to resolve:

To serve an Enforcement Notice 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 given to take action as necessary including proceeding to prosecution.

5 HUMAN RIGHTS ACT

TEIGNBRIDGE DISTRICT COUNCIL

- 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.