

5n AGENDA ITEM: ENFORCEMENT REPORT

WARD:HO

Committee: PLANNING COMMITTEE

Date of meeting: 12 DECEMBER 2017

Subject: UNAUTHORISED OPERATIONAL DEVELOPMENT – THE UNAUTHORISED SITING OF A WOODEN CLAD MOBILE HOME AT MOLES END STABLES YARD, HORSELL COMMON, HORSELL, WOKING, SURREY, GU21 4XY

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1. PURPOSE

To authorise all necessary action including proceedings in the Magistrates' Court in respect of breaches of planning control.

2. RECOMMENDATION

- (i) Issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, in respect of the above land requiring the removal of the unauthorised caravan, wooden cladding, the hardstanding under the mobile home together with removing all the associated paraphernalia within four months of the Notice taking effect.

3. SITE DESCRIPTION

The site is a paddock where there is stabling for horses. An unauthorised single width mobile home as shown on the attached Plan is located on the western boundary of the site.

4. PLANNING HISTORY

No History.

5. REPORT

On 28 November 2014 the Planning Enforcement Team received a complaint relating to a workman working on site putting wooden cladding on a mobile/static caravan and insulation.

The Planning Enforcement Officer visited the property on 2 December 2014 and photographed the mobile/static caravan in situ and half clad in wood.

The Planning Enforcement Officer also noted that there was a small touring caravan, possibly a Sprite touring caravan still situated on site, next to the mobile home. The measurement for this based on a 1994 specification was length 6m and width 2.15 m. The height would be including the height of the wheels approximately 2.4 m.

The Planning Enforcement Officer spoke to one of the four joint owners of the land, who informed the Planning Enforcement Officer that the idea of the large mobile home was to have a place that he could come and relax at from his normal employment role and spend time with the horses and his family.

The Planning Enforcement Officer wrote to the owner on 9 December 2014 advising that the photographs from the site visit on 2 December 2014 had been shown to a Planning Officer and it was the Planning Officer opinion that the siting of the mobile home and the work to clad it, means that the works are considered to be permanent and development and if the owner wished to retain the mobile home they would need to submit a retrospective planning application for the retention of the mobile home.

The Planning Enforcement Officer advised the owner that because of the sites location it was the opinion of the Planning Officer that they should seek the advice of a planning agent/consultant to assist with the submission of any retrospective planning application.

On 10 December 2014 the Planning Enforcement Officer received an email from the owner to say that he had appointed a Planning Consultant who would be in contact with the Planning Enforcement Officer in due course.

On 16 January 2015 a letter was submitted by the Planning Consultant seeking pre-application advice on the proposed development of Erection of a timber structure to screen a caravan providing incidental welfare facilities on the land at Moss End Stable Yard. The pre-application include the size of the mobile home as being: - length 11.8m, width 3.8m, height to the eaves 2.85 m and height to the ridge 3.48m.

On 25 March 2015 the Planning Officer and Planning Agent met and discussed the various matters relating to the pre-application enquiry.

On 20 April 2015 the Planning Officer wrote to the Planning Agent and made the following comments:-

1. The works undertaken thus far in cladding the caravan are in the Council's opinion development that requires planning permission as, by building a permanent frame and cladding it with timber boarding, a structure has been created. As no planning permission has been granted for the structure, it is currently unauthorised.

2. The Green Belt location and proximity to the Special Protection Area (SPA) mean that there are clear policy presumptions against allowing development in this area. Therefore, the suggested option of a temporary permission for the structure to remain and thus allow the Council to assess the impact of the development would not be acceptable as there would be an in-principle objection to the development, which a temporary permission would not overcome.

3. The 'fall-back' position of erecting a two metre high fence as permitted development was raised at the meeting. This is not a factor which the Council would attach much weight to in considering any formal application to retain the unauthorised structure.

4. When the Enforcement Officer initially visited the site there was already a degree of permanence associated with the caravan such as the creation of an area of unauthorised hardstanding, the removal of the caravan's wheels and connection of services to the caravan. Clearly, the unauthorised structure adds to this sense of permanence. This all suggests a wider development is occurring to retain the caravan as a permanent structure on the site. Therefore, merely replacing the unauthorised structure with a two-metre high fence might not be permitted development as it could be regarded as an intrinsic part of the wider development to permanently retain the caravan on site rather than to simply enclose land.

5. If the Caravan were to be enclosed by a fence, the question would also arise as to whether there had been the creation of a separate planning unit as well as a material change in the use of the land. The Green Belt and SPA policy presumption against development in this location would mean either of these developments would be unacceptable if they involve permanent residential use/accommodation.

The Planning Officer continued: - In view of the above, the Council would not encourage the submission of a planning application to retain the existing structure. Similarly, the Council has concerns that the caravan is likely to become permanent. A permanent residential use or material change for the permanent siting of a caravan would be resisted by the Council.

Since the Planning Officers meeting with the Planning Agent and subsequent letter set out above there has been a permanent electricity supply connected to the site, in particularly to provide services to the mobile home/structure.

On 23 August 2017 the Planning Enforcement Officer wrote to the second and third joint owners of the site, these were the only persons that Planning Enforcement Officer was able to locate, seeking clarification as to why the mobile caravan had not been moved since the last correspondence with the appointed Planning Agent. The Planning Enforcement Officer advised that the only possible resolution of the situation was to remove the mobile home.

The Planning Enforcement Officer received a telephone call from one of the owners who advised him that it was their opinion that it was their land and they were free to do what they wanted. After the planning Enforcement Officer had spent a considerable amount of time explaining to the owner the consequences of not removing the mobile home and any formal notice being served the owners response was 'do want you want'.

On 20 September 2017 the Planning Enforcement Officer received a telephone call from the fourth owners seeking clarification of the Planning Enforcement Officer letter dated 23 August 2017. After the Planning Enforcement Officer had fully explained the situation and their verbal conversation he had had with the first joint owner, whom he had met in December 2014, the telephone caller asked to meet the Planning Enforcement Officer, along with a friend, to see if there were any options available other than removing the mobile home. Following a meeting at the Civic Offices on 3 November 2017 between the Planning Enforcement Officer and the owner and their friend, it was apparent from the conversations with the fourth joint owner, that the owners had no intention of removing the unauthorised structure and that it had been made a home from home with trinkets', ornaments, etc. being laid out in the caravan.

As the structure has been in situation since October 2014 and that service(s) have been connected to the mobile home, it is the opinion of the Planning Enforcement Officer that it is the owners intention to let the mobile home become a permanent feature on the site and it is for this reason that a Planning Enforcement Notice is sought.

6. EXPEDIENCY OF TAKING ACTION

To ensure the Green Belt continues to serve its fundamental aim and purpose, and maintains its essential characteristics, it will be protected from harmful development. Within its boundaries strict control will continue to apply over inappropriate development, as defined by Government policy currently outlined in the NPPF.

The structure is therefore contrary to Section 9 of the National Planning Policy Framework (2012), policy CS6, CS7 and CS8 of the Woking Core Strategy (2012) and Woking Design SPD (2015) and is recommended for refusal.

Planning Policy Guidance Note 18 – 'Enforcing Planning Control' requires that where the LPA's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal Enforcement Action may be required to make the development acceptable on planning grounds, or to compel it to stop. However, Enforcement Action should always be commensurate with the breach of planning control to which it relates, for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm. The Local Planning Authority must, therefore, determine whether it is expedient to pursue action.

7. RECOMMENDATION

- (i) Issue an Enforcement Notice in respect of the above land requiring the removal of the unauthorised caravan, wooden cladding, hardstanding under the caravan together with removing all the associated paraphernalia within four months of the Notice taking effect.

Reason: The existing caravan and enclosing structure and hardstanding represent inappropriate development in the Green Belt for which no very special circumstances have been advanced. The unauthorised development is harmful to the openness of the Green Belt and contrary to Section 9 of the National Planning Policy Framework 2012, Policies CS6, CS7 and CS8 of the Woking Core Strategy (2012) and Woking Design SPD (2015).