

ENFORCEMENT MATTERS

EC19/0007 – THE POOL HOUSE, HASGUARD CROSS

Background

1. Planning permission NP/12/0614 was approved, subject to conditions, on 21st June 2013 for the conversion of the former West Wales Diving Centre pool building at Hasguard Cross to a shellfish holding tank (vivier storage facility), storage of fishing gear and ancillary tender boats and also the retention of a live/work rural enterprise residential caravan for a three-year period.
2. The three-year period for the retention of the mobile home expired on 19th June 2016 by which time the mobile home (Rural Enterprise Dwelling) and all its supports were to be removed from the site in accordance with condition 4 of the planning permission NP/12/0614.
3. The mobile home was not removed in accordance with condition 4 of the planning permission NP/12/0614.
4. A subsequent planning application NP/18/0382/FUL seeking to make the mobile home permanent was submitted in 2018. However, on visiting the site at that time, the case officer found that the storage tank approved under NP/12/0614 had not yet been used in association with the rural enterprise. As such, there was deemed to be no functional need for the retention of the mobile home and the application was refused under delegated powers.
5. A further planning application (NP/19/0543/FUL) was submitted in 2019 seeking the retention of the mobile home together with the addition of a raised deck area, new cladding, a new roof and a small extension for a porch as a permanent dwelling. This application was reported to the Development Management committee of this authority on 4th December 2019 whereupon members resolved to refuse the application as the application was considered to contain insufficient information to justify a permanent rural enterprise dwelling in this countryside location.
6. The residential mobile home continues to be sited on the land in breach of condition 4 of the planning permission NP/12/0614 (dated 21st June 2013) and no assurance has been received by this authority that this breach of planning control would be resolved.
7. A Requisition for Information Notice under section 330 of the Town and Country Planning Act 1990 (as amended) was issued and served on the owner on 26th May 2022 for their completion and was to be returned to this Authority within 21 days from the date that it was served.
8. As the Requisition for Information Notice was not returned, officers wrote to the owner on 22nd June 2022 requesting that it be returned within 7 days from the date of that letter. They were also reminded that failure to return the notice was an offence answerable in the Magistrates' Court.

9. At the time of writing this report, the Requisition for Information Notice has still not been returned to this authority.
10. This authority has written to the owner asking if there are any representations that they wish to put before members and officers will report any response received to committee.

Planning History

- NP/12/0614 – The conversion of former West Wales Diving Centre pool building to shellfish holding tank (vivier storage facility), storage of fishing gear and ancillary tender boats & retention of a live/work rural enterprise residential caravan for a 3-year period – Conditional Approval 21st June 2013
- NP/17/0246/DOC – Discharge of conditions 7, 9, 10, & 11 of NP/12/0614 – Approved 16th June 2017
- NP/18/0382/FUL – Proposed Rural Enterprise Dwelling – Refused 6th November 2018
- NP/19/0543/FUL – Provision of rural enterprise dwelling (created from existing mobile home) in association with existing established fishing business (approved under application NP/12/0614) – Refused 4th December 2019

RECOMMENDATION

That authorisation be given to instruct solicitors to commence prosecution proceedings in the Magistrates Court against the owner pursuant to section 33(4) of the Town and Country Planning Act 1990 on the basis that, without reasonable excuse, they have failed to comply with a notice served on them under s330 (1) and are accordingly guilty of an offence and liable on summary conviction to a fine.