

Pembrokeshire Coast National Park Authority  
Development Management Committee

19 April 2023

**Report of the Director of Placemaking, Decarbonisation and  
Engagement**

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**Subject: Enforcement: Highlands View Fold, The Ridgeway,  
Manorbier Newton**

**Reason for Referral to Committee**

This report provides an update to the Development Management Committee on an ongoing enforcement matter. It is referred to Development Management Committee as the Director for Placemaking, Decarbonisation and Engagement and the Chief Executive considers that it raises matters of significant public and/or Member interest or is considered to be contentious or controversial.

**Location:** Highlands View Fold, The Ridgeway, Manorbier Newton.

**Breach:** A range of planning breaches have been identified and are set out in the report below.

**Background**

Following a range of Planning Breaches, the Authority issued two Enforcement Notices and two Temporary Stop Notices in 2015 to a Mr Richard Scarfe in relation to land at Highlands View Fold, The Ridgeway, Manorbier Newton. These were not complied with and in March 2019 the Authority commenced a criminal prosecution for the following offences:

1. Failure to comply with a Temporary Stop Notice dated 26 June 2015, contrary to section 171G of the Town and Country Planning Act 1990.
2. Failure to comply with a Temporary Stop Notice dated 12 January 2017, contrary to Section 171G of the Town and County Planning Act 1990.
3. Failure to comply with Enforcement Notice EC15/0079/OP dated 24 July 2015, contrary to Section 179 of the Town and County Planning Act 1990.
4. Failure to comply with Enforcement Notice EC15/0079/COU dated 24 July 2015, contrary to section 179 of the Town and Country Planning Act 1990.

In summary, the Temporary Stop Notices and Enforcement Notices related the following breaches of planning control at land off the Ridgeway, Manorbier, Newton (the "Land"):

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- (a) Unauthorised construction (operational development) and engineering works;
- (b) Excavation of agricultural land;
- (c) alteration of ground levels;
- (d) construction of hardstandings;
- (e) creation of earth bunding;
- (f) the erection of timber domestic storage shed, chicken shed and dog kennels;
- (g) the making of a material change in use of the land to mixed use for agricultural;
- (h) the keeping of horses;
- (i) gypsy/traveller and/or residential purposes through the siting of a static caravan used for residential occupation; and
- (j) the siting of a touring caravan, timber domestic type shed, storage buildings material and storage of vehicles and trailers.

The reason for the enforcement action was that the Land lies in the open countryside outside of a defined Centre boundary as set out within the Local Development Plan and the development resulted in an unnecessary incursion into the rural countryside which causes significant visual intrusion to the detriment of the special qualities of the National Park. In addition, the use of the Land for residential purposes had not been justified as being essential for agricultural or another related purpose for which a countryside location was essential.

Mr Scarfe and His partner Ms Ceri Boswell were summoned to attend a hearing at Haverfordwest Magistrate's Court on 8 May 2019. Mr Scarfe pleaded guilty to charge 1, 3 and 4 (as noted above). Mr Scarfe alleged that he had, since the enforcement action was taken, sold the property to his daughter Brogan Scarfe, but nevertheless accepted responsibility for the breaches. On the basis of his guilty plea, proceedings against Ms Boswell were discontinued but Mr Scarfe was sentenced to a fine of £5,000 for each of the three offences, the total fine being £15,000 albeit payable in instalments.

Mr Scarfe then appealed the fine imposed to the Crown Court, but following investigation of his means by the Authority and the presentation of evidence accordingly, he subsequently withdrew his appeal.

Despite pleading guilty to the offences, the breaches of planning control have not been remedied. Following a site visit by officers in February 2023 it became clear that the situation has exacerbated since the prosecution in March 2019.

### **Next Steps**

Officers have sought legal advice and it was identified that there are two options available. The first is to take direct action to remove unauthorised development and seek to recover the costs of doing so from the land owner. These costs would be significant and the exercise would be resource intensive. Officers therefore recommend the alternative option of obtaining an injunction under 187B of the TCPA 1990, which could result in committal proceedings for the parties involved if there is an ongoing failure to comply.

Committee are therefore asked to approve the making of an application for an injunction.

HM Land Registry confirms that Mr Scarfe has transferred the land to his daughter Brogan but nevertheless he has acknowledged to the Authority in writing that he is responsible for activities at the site.

The injunction would likely be served on all parties involved, including Mr Scarfe, Ms Boswell and Ms Scarfe. Legal advice will be sought as to whether any other parties ought to be served and it is not Officer intent in making this recommendation that service be limited to those parties.

### **Scheme of Delegation**

Officers have delegated powers in relation to serving injunctions. The Director and Chief Executive can refer matters to Committee where they raise matters of significant public and/or Member interest or they are considered to be contentious or controversial and therefore this matter is being brought to Committee.

### **Powers to Visit Site**

As a part of preparing the making of an injunction application our legal advisers have requested that a site visit be carried out. Voluntary access may be requested from Mr Scarfe, but in the potential circumstance that this is refused, it is helpful for any adviser to have power of access.

While entry powers of the authority may be delegated to the Authority's staff by the Chief Executive or the NPO it is not clear whether the scheme of delegation does allow delegation to our legal advisers. Accordingly, delegation is sought for the Director for Placemaking, Decarbonisation and Engagement to authorise our solicitor Mr Charles Felgate and Counsel Mr Matthew Graham Paul to enter this particular site pursuant to section 196A of the Town and Country Planning Act 1990.

### **Recommendation:**

That the Development Management Committee

a) approve the making of application for an injunction in relation to land at Highlands View Fold, The Ridgeway, Manorbier Newton and the subsequent service of the injunction on such parties as may in the opinion of the Director for Placemaking, Decarbonisation and Engagement, be appropriate; and

b) delegate to the Director for Placemaking, Decarbonisation and Engagement the authorisation of the Authority's solicitor Mr Charles Felgate and Counsel Mr Matthew Graham Paul to enter this particular site.

Where appropriate, updates be provided on the progress of the injunction at future Development Management Committee meetings.