

ENFORCEMENT MATTERS

Case Reference No: EC23/0048
Site Address: Land at the Ridgeway Resort (formerly known as Buttyland Caravan and Camping Park), Station Road, Manorbier, Tenby, SA70 7SN
Subject: Non-compliance with legal agreement and failure to respond to a requisition for information.

Background

In June 2021 an appeal was allowed by the Planning Inspectorate granting outline/full planning permission for a hybrid application for outline planning permission (with all matters reserved) for 14 affordable housing units and full planning permission for the change of use of land from 85 tents and tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station at Buttyland Caravan and Camping Park, Station Road, Manorbier, Tenby, SA70 7SN in accordance with the terms of application NP/19/0522/FUL dated 25 September 2019. This followed a previous refusal by the Pembrokeshire Coast National Park Authority's Development Management Committee. Documents relating to application NP/19/0522/FUL can be viewed online here: [Citizen Portal Planning - application details](#)

The permission was granted subject to a number of planning conditions, some of which applied to the whole site (both the full and outline permissions), some of which applied to the full permission for the caravan site only and some of which applied to the outline planning permission for the affordable housing site only. The application was also subject to a completed Section 106 legal agreement which was entered into by the appellant during the course of the appeal.

The terms of the Section 106 legal agreement relate to the transfer of land to the local housing authority or registered social landlord for the provision of the affordable housing element of the proposal. It also includes provisions concerning ecological and landscaping management works and an associated management agreement. The Inspector in granting the appeal gave weight to this provision and noted that he was satisfied that the Section 106 agreement met the tests set out in the Welsh Office Circular 13/07 'Planning Obligations'.

Critically, the Section 106 legal agreement includes a number of covenants relating to the timing of the delivery of the affordable housing and the occupation of any caravans. The redacted Section 106 document can be viewed here: [SB6XY5JCGGKVD2G6USYNASSHDZWSFBAVA8UVS42ZNMKNF3N3EPMHUKGU5S35S4L5WPLTTYGL356SMUVPQF898WQ](#)

In clause 3a of the legal agreement the Owner covenants with the Authority to transfer the Affordable Housing Land to the Authority within 30 working days of the date of the commencement of development (or earlier by agreement between the parties) or at its direction to the local housing authority or a registered social landlord.

In clause 3b of the legal agreement the Owner covenants not to commence the Phase 2 Works or allow any Caravan to be occupied unless the transfer has been completed. The Phase 2 works include the provision of the caravan site and associated infrastructure and the completion of the Ecological and Landscaping works (which were to be approved by the Authority prior to commencement of Phase 2)

In clause 3c the owner covenants not to allow occupation of more than 35 Caravans unless the Authority has confirmed in writing to the Owner that Phase 1 Works have been completed to its reasonable satisfaction and are capable of beneficial use in connection with the development of the Affordable Housing Land. The Phase 1 works include the provisions of SUDS and a sewage treatment station.

In clause 3d the Owner covenants not to allow the occupation of more than 35 Caravans unless the owner has entered into the Section 104 agreement and a SUDS Adoption Agreement. Additional clauses establish further obligations.

In clause 3f of the agreement the Owner covenants with the Authority not to occupy any caravan until a SUDS agreement is completed and any works under it are carried out

In clauses 3g and 3h the owner covenants not to occupy any caravan unless the Ecological and Landscaping Works are completed and an associated management agreement is completed.

In May 2023 following communication between the Authority and the owner regarding the site, PCNPA Officers wrote to the owner identifying that the owner appeared to have failed to discharge a number of pre-commencement conditions prior to development commencing. This letter identified the conditions requiring discharge and reminded the owner that the Section 106 agreement required the transfer of the Affordable Housing Land, indicating that this should be either to a registered social landlord or to the local housing authority. The owner had suggested that there had been issues in negotiating a transfer with one registered social Landlord and the letter from the LPA in May 2023 clarified that the terms of the Section 106 agreement allowed the Affordable Housing Land to be transferred to any Registered Social Landlord or the Local Housing Authority. Following this letter a number of applications to discharge pre-commencement conditions were received by the Authority, however the full information necessary to determine these applications was not received until June and August 2025, following further requests for information.

In June 2024 the Authority again visited the site and again noted that no transfer of the Affordable Housing Land had taken place, no progress on installing a sewage treatment plant had been made and that there was no approval of any Ecological and Landscape works, or associated agreement. The owner communicated to Officers on site that he believed he had transferred the land to the National Park Authority. A letter from the Director of Place and Engagement to the Owner in July 2024 clarified that this had not happened and advised that the site was in breach of the terms of the section 106, again reminding the owner that it was possible for the owner to negotiate with any Registered Social Landlord or the Local Housing Authority to transfer the land. The letter noted that as static caravans had been placed on site there was an urgent and immediate need for the transfer of this land to take place amongst other matters.

Site visits in May 2025 demonstrated that 17 caravans had been installed at the site, with 16 occupied and one acting as a show room.

Following these site visits and in light of the continued breach of the requirements of the Section 106 agreement, in June 2025 the Authority issued a Requisition for Information pursuant to section 330 of the Town and Country Planning Act 1990 to the owner. The letter made it clear a response was required within 21 days of this being served and that failure to respond to this was an offence.

The relevant pre-commencement conditions on site have all now been discharged, with final information to support the discharge applications received in August 2025. Following re-

consultation of key consultees all conditions had been discharged by the end of February 2026.

The Agent has also supplied details proposals of the Ecological & Landscaping works for the site which has been approved by the PCNPA Ecologist. However, no legal agreement to ensure its delivery has yet been provided by the owner, despite requests for this.

A site visit is being carried out to check if the Ecological and Landscapes works have been implemented in accordance with approved details and whether the SUDS works have been implemented and a verbal report will be given to committee members.

A SUDS agreement has also now been completed with Pembrokeshire County Council, but a site visit is being conducted to ensure that works included within it have been carried out.

Relevant Planning History

- NP/23/0310/DOC - Discharge of conditions 1, 2, 3, 8, 9 & 10 of Appeal Ref: APP/L9503/A/21/3267928 - Traffic Management Plan, Landscape Scheme, Drainage Scheme, Charging Points, Off Street Parking & Footpath Details registered 29th June 2025 (valid), determined 09 Feb 2026 (partial discharge).
- NP/25/0366/DOC - Discharge conditions 4 (public sewer), 6 (Biodiversity), 7 (External lighting), 15 (refuse storage) & 16 (Cladding) of NP/19/0522/FUL (Appeal ref APP/L8503/A/21/3267928). Registered 18 August 2025 (valid), determined 09 Feb 2026 (partial discharge).
- NP/24/0375/S73 - To extend the time (1 year) for the submission of the reserved matters application linked to NP/19/0522/FUL (Outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station) under condition 18 of Appeal decision APP/L9503/A/21/3267928 determined 09 June 2025 (decision expiry 08 June 2030).
- NP/19/0522/FUL - Outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station refused 09 December 2020, allowed on appeal on 28th June 2021.

Current position

The site has currently commenced development and has occupied caravans without complying with a number of the requirements of the accompanying legal agreement.

As at March 2026, the Authority has, despite repeated letters to the owners legal advisors, not received a response to the Requisition for Information and not received confirmation that the land for affordable housing has been transferred to a Registered Social Landlord or Local Housing Authority. No pumping station has yet been installed to serve the site, which was also a requirement of the legal agreement and is something which will increase the likelihood of the site being attractive as a proposition for a Registered Social Landlord or Local Housing Authority. No legal agreement in relation to the management of the Ecological and Landscape Works has been received. A verbal update will be given as to whether the Landscape and Ecological Works have been completed in accordance with approved details and whether SUDs works have been carried out.

The Authority has been patient and has sought to work with the Owner, with a number of letters clarifying the legal position and requirements in relation to the transfer of land and requesting compliance with the various section 106 planning obligations.

This has enabled the relevant pre-commencement conditions to be discharged, once appropriate information was received and a SUDs agreement to be entered into, however, the ongoing delays in relation to the pumping station, transfer of affordable housing land and the provision of the management agreement for the Ecological and Landscaping Works represents serious failures to comply with the section 106 legal agreement.

This situation is particularly significant as the permission granted was based on the provision of affordable housing as a critical element of the overall permission. The other matters were also material to the planning appeal decision and failure to comply does mean that compliance with ecological duties may be prejudiced.

The continued failure to respond to the Requisition of Information and to comply with the requirements of the legal agreement undermines the integrity of the planning system and public confidence in its proper operation.

The situation also results in an unnecessary delay to the provision of much needed affordable housing within the National Park.

Officers therefore consider it expedient and in the public interest to pursue prosecution proceedings in relation to the failure to respond to the requisition, pursuant to section 330(4) of the Town and Country Planning Act 1990 and an injunction pursuant to section 187B of the Town and Country Planning Act 1990 in relation to the breaches of the section 106 agreement, should the breach remain unresolved.

Recommendation

It is therefore recommended that:

1. Delegated authority be given to the Director of Place and Engagement to instruct solicitors, to commence prosecution proceedings in the magistrates' court under section 330(4) of the Town and Country Planning Act 1990 (as amended) for failure to respond to the Requisition of Information.
2. Delegated authority also be given to the Director of Place and Engagement to instruct solicitors to commence injunction proceedings in relation to the ongoing failure to comply with the Section 106 agreement.
3. Delegated Authority be given to the Director of Place and Engagement to make all necessary decisions in relation to the conduct of such prosecution and injunction proceedings.