PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY
DELEGATED ENFORCEMENT REPORT

Case Reference No: EC24/0029

Site Address: Land at Froghall Yard, Moreton Lane, Saundersfoot, Pembrokeshire, SA69 9JG

1. Subject:

The making of a material change of use of the land from woodland to a mixed use of woodland and the siting of a mobile home for residential and/or storage purposes and the carrying out of engineering operations involving the laying of drainage pipes and associated groundworks.

2. Background

152. On 7th March 2024 the Authority opened an enforcement investigation following a report that a touring caravan was sited on the land at Froghall, Moreton Lane, Saundersfoot. Shortly afterwards towards the end of March, further concerns were raised by residents that some of the trees which were covered by the Tree Preservation Order TPO77 had been felled. A site visit was made by the Authority's tree officer who was able to confirm that no trees subject to the TPOs had been felled, however there was a touring caravan on site, an area of scrub or woodland had been cleared and a digger brought onto site.

153. A fence was erected around the boundary of the site between May and July 2024 which was considered likely to fall within permitted development. It was considered that the touring caravan could remain under Schedule 2 Part 4 Class A of the GDPO whilst the fence was being constructed

'*the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land*.'

154. A Planning Contravention Notice was served on 19th July after it became evident that no further permitted development work was being carried out on the site and the touring caravan remained. Furthermore, on the 19th July 2024 the Local Planning Authority received reports that a static caravan had been delivered to the site and had been placed on the edge of the western side of the site. There were concerns that the delivery of the caravan indicated an intention for it to be used for residential purposes particularly as drainage and other associated connections had and were being made.

155. A Temporary Stop Notice was therefore served on the 19th July 2024 under Section 183 of the Town and Country Planning Act requiring the ceasing of all activity specified in the Notice. The activity related to the use of the land for the siting of a mobile home and caravan for residential and/or storage purposes and the carrying out of associated works. The Temporary Stop Notice expired on the 16th August 2024.

156. An Enforcement Notice was served on the 14th August 2024 under Section 172 of the Town and Country Planning Act and a further Stop Notice was served on the 17th August 2024 which continued the requirements of the Temporary Stop Notice. The Enforcement Notice required the time for compliance as 6 weeks beginning with the day on which the Notice took effect. The Notice took effect on 20th September 2024.

157. The owner appealed the Enforcement Notice on ground (g) – that the time given to comply with the notice was too short. This appeal was dismissed on the 20/03/2025 and the Enforcement Notice was upheld.

158. Following this, the owner has submitted two planning applications to the Authority. The first application was NP/24/0638/FUL for the creation of one traveller site incorporating one static caravan, one touring caravan, a day/utility room and ecological enhancements (partially retrospective) was refused by the Development Management Committee on 21 May 2025. In September 2025, following this decision the Authority wrote to the owner advising that the Enforcement Notice should be complied with and the site restored to its previous condition and that the Authority reserved its rights to issue proceedings to ensure that this happened. Draft proceedings were prepared and sent to the owner.

159. A second planning application (NP/25/0536/FUL) was then received by the Authority. The Authority therefore wrote to the owner advising that in light of the making of the second application, the Authority would withhold the issuing of proceedings until such time as the current planning application was determined and any rights of appeal and challenge exhausted, on the strict proviso that the owner undertook not to occupy the development already carried out and that upon refusal and expiry of any appeal and challenge rights that the development already carried out was removed within 7 days. A formal undertaking to this effect was issued and signed on 29 October 2025.

160. The second application NP/25/0536/FUL for the creation of one traveller site incorporating one static caravan, one touring caravan, one day/utility room & ecological enhancements & woodland creation on the surrounding land (partly retrospective) was refused by the Development Management Committee on 28 January 2026. This refusal was on the basis of three reasons. The first reason was unacceptable landscape impact on the National Park and a failure to and a failure to conserve the National Park and its special qualities as well as a failure to demonstrate a net biodiversity benefit. The second reason was that the proposal failed to demonstrate that impacts on otters and the integrity of the Carmarthen Bay and Estuaries Special Area of Conservation would be avoided. The third reason was that the proposal would introduce caravan development in an area of the National Park without landscape capacity, resulting in unacceptable cumulative impacts. The owner had 6 months from the decision to appeal but has not done so and the time period for appeal has now expired.

161. As set out in the legal undertaking dated 29 October 2025, in the event that these planning applications were refused and all rights of appeal and legal challenge expire or were exhausted, the landowner agreed to:
    a) Remove the mobile home sited in breach of planning from the land
    b) Remove the lock-up shed erected without planning permission from the land; and
    c) Remove any residential paraphernalia from the land.

    within a timescale of 1 month from the date of refusal or the expiry of rights of appeal/legal challenge. This date is the 28th August 2026.

162. The landowner has now made a third planning application NP/26/0407/FUL received on 7th August 2026. The Authority cannot refuse to consider this application, assuming it is validated in due course, and will progress it accordingly.

163. In the interim period, the applicant is reported to have stayed overnight in the caravan at the site on several occasions. The stays have been occasional but are in clear breach of the legal undertaking signed on 29 October 2025.

164. A site visit was undertaken on 12 August 2025 in response to reports of a digger in site and to understand the up-to-date position. The caravan, fence and associated paraphernalia were still present on site and applicant was on site with a digger planting trees. When queried he indicated that the planting was in accordance with his third planning application. Whilst there is no planning control over tree planting, given the history officers are concerned that the applicant may not understand the background situation properly and they wish to make the Authority's position clear to the applicant.

165. The applicant has been requested to vacate the site by 28 August, and members will be updated at the meeting whether that has taken place. However, on the basis that the applicant appears to have breached the undertaking and members, are requested to authorise injunction proceedings.

166. This request is made notwithstanding the third planning application and is made in light of the enforcement history to date including breaches of planning control, breach of an enforcement notice, breach of the legal undertaking dated 29 October 2025 and persistent complaints from members of the public. The request is also made in anticipation of the caravan remaining on site beyond the 28th August 2026, which will be confirmed at the meeting. Should that not be the case then the request to authorise proceedings may be withdrawn.

3. Relevant Planning History

- NP/25/0536/FUL - The creation of one traveller site incorporating one static caravan, one touring caravan, one day/utility room & ecological enhancements & woodland creation on the surrounding land (partly retrospective) refused by Committee 28 January 2026
- NP/24/0638/FUL – The creation of one traveller site incorporating one static caravan, one touring caravan, a day/utility room and ecological enhancements (partially retrospective) refused by Committee 21 May 2025
- NP/320/851 – Outline application for a bungalow was refused in September 1985
- NP/29/94 – Outline application for a detached dwelling was refused in February 1994
- EC22/0091 - Alleged clearing of land for access - This case was opened on 7th July 2022 following information from a neighbour that the land was being gradually cleared to provide access and to store a caravan. A pre-application was received regarding a property on the land. The landowner was informed that approval was unlikely. The enforcement case is still open/monitoring.
- EC24/0029 - Alleged unauthorised siting of caravan - This case was opened on 7th March 2024 following a report that a caravan was sited on the land. (New Landowner since the previous enforcement case). Unable to take enforcement action on the touring caravan until 28 days had lapsed. Further reports informed us that drainage was being installed. Temp Stop Notice issued on 19th July 2024. Enforcement Notice was issued on 16th September 2024, containing the same information as the Temporary Stop Notice. The enforcement appeal, starting on 26.09.2024, was lodged on Ground G. Appeal Decision on 20/03/2025 - Appeal Dismissed and EN upheld

4. Current position

167. The site is still the subject of a planning breach and the static caravan, drainage and associated engineering works are unauthorised but remain on site. The caravan is not sited in the position indicated in subsequent planning applications.

168. Whilst the agent has indicated that they will seek to address one of the reasons for refusal through additional ecological surveys and a further planning application, the two planning applications have both been refused for additional further planning reasons relating to both landscape impact and a failure to conserve the National Park and its special qualities, and landscape capacity which it is not considered can be addressed via further amendments to the proposals.

169. The period for complying with the legal undertaking has not yet lapsed, and a verbal update on the situation will be given at Committee. If compliance has not taken place, despite the third applications Officers see no further reason to delay in seeking an injunction requiring the removal of the caravan shed and associated paraphernalia from the site. Should any application succeed in due course, then the caravan could be brought back on site lawfully at that time and an injunction would not prevent that.

170. The owner identifies as having gypsy traveller status and despite suggestions from third parties during the course of the previous application that that may not be the case, the Authority accepts that status and acknowledges that the owners may be protected under the Equality Act 2010 and the Human Rights Act 1998, just like all ethnic groups with their own culture, language or values.

171. The 1998 Act applies the European Convention on Human Rights (The EHCR). Article 1 of Protocol No. 1 of the ECHR guarantees the right to the peaceful enjoyment of possessions while allowing deprivation or regulation only in the public interest and under the law. Article 8 of the ECHR protects the right to respect for an individual's home and family life, and this is relevant when considering accommodation of Gypsies and Travellers. Article 14 of the EHCR protects enshrines the principle of non-discrimination in the enjoyment of rights which is also relevant.

172. However, the owner does not currently live in or occupy the caravan and has alternative accommodation. He and his family will not be rendered homeless as a result of any injunction should an application succeed. The availability of gypsy traveller sites has been considered carefully in determining the two planning applications to date, in respect of which no appeal has been lodged. It will also be considered in relation to the third planning application in due course and if that application is successful there will be nothing to prevent the applicant bringing a caravan back onto the site. An application for an injunction would likely be on notice and would have to be served on the applicant, and he would have an opportunity to have his say in the course of proceedings.

173. It is considered that any interference with the applicant's human rights including, in particular, Article 1 of Protocol 1, Article 8 and Article 14 of the ECHR is proportionate in all of the circumstances and is in accordance with the Authorities equalities duties.

5. Recommendation

It is therefore recommended that:

1. Should the caravan, shed and associated paraphernalia remain on site beyond the 28th August 2026 delegated authority 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 Enforcement Notice.

2. Delegated Authority be given to the Director of Place and Engagement to make all necessary decisions in relation to the conduct of such injunction proceedings.