

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE  
11<sup>th</sup> November 2015

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**

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**SUBJECT:  
MATTERS RELATING TO ENFORCEMENT**

<b>Reference No:</b> EC14/0106	<b>Case Officer:</b> David Griffiths
<b>Site Address:</b> Rebecca Curtis Racing, Fforest Farm, Newport, Pembrokeshire, SA42 0UG	<b>Alleged Breach:</b> Non-compliance with conditions 2, 3, 4, 6, 7, 8 & 9 of the planning permission NP/14/0229 (dated 5 <sup>th</sup> August 2014).

**Summary**

A Breach of Condition Notice was served by this Authority on 2<sup>nd</sup> April 2015 as a result of works being carried out contrary to conditions attached to the planning permission NP/14/0229 (dated 5<sup>th</sup> August 2014) at Fforest Farm, Newport.

The Breach of Condition Notice was served on the applicant/operator of the site as the person responsible for carrying out the development. The Notice required them to carry out certain steps within two months from the date that the Notice was served. The time for complying with the Notice expired on 2<sup>nd</sup> June 2015.

As of to date, the Breach of Condition Notice has not been complied with.

**Background**

Retrospective planning permission (NP/14/0229) was approved, subject to conditions, on 5<sup>th</sup> August 2014 for the retention of 2 stable buildings, existing track and the retention of a horse walker at Fforest Farm, Newport, Pembrokeshire.

Conditions 2, 3, 4, 6, 7, 8 & 9 of the planning permission NP/14/0229 (a copy of this planning permission has been appended to this report) required the submission of further details for approval by this Authority and/or works to be carried out within a certain timescale following the granting of the consent.

Despite officers reminding the applicant and their agent on the importance of securing compliance with the conditions attached to the planning permission, the conditions listed above were not complied with. As a result a Breach of Condition Notice was served by this Authority on 2<sup>nd</sup> April 2015 with a view to securing compliance with the planning permission.

The time for complying with the Breach of Condition Notice was two months beginning with the day on which it was served. This period expired on 2<sup>nd</sup> June 2015.

At the time of writing this report the Breach of Condition Notice has still not been complied with, despite a number of further requests by officers seeking a voluntary resolution to resolve this matter.

Officers have now written to the person responsible for the breach of planning control advising that the matter will be reported to the Development Management Committee with a view to seeking authority to commence prosecution proceedings in relation to the non-compliance of the Breach of Condition Notice. They have also been asked if there are any representations that they wish to put before members at this Committee, to do so in writing. Any responses received will be reported to Committee.

### **Planning History**

- NP/14/0244 – Fforest Farm, Newport – Cattle accommodation building, dairy building and associated concrete hardstanding – Approved 5<sup>th</sup> August 2014
- NP/13/0367 - Fforest Farm, Newport – Resiting of stable block and associated access (as approved under NP/10/508), erection of horse walker and new access track and erection of new stable block (all retrospective) – Withdrawn – 18 March 2014
- NP/12/0561 - Fforest Farm, Newport - Creation of a new trainers dwelling including business rooms ancillary to the racing stables – Refused – 16 January 2013
- NP/10/508 - Fforest Farm, Newport - Proposed new stables and horse walker for existing racing stables (resubmission of NP/10/289) – Approved – 18 January 2011
- NP/10/289 - Fforest Farm, Newport - New stables & horse-walker for existing racing stables – Refused – 18 August 2010
- NP/09/348 - Fforest Farm, Newport - Change of use to mixed agriculture/equestrian, 7 wooden stables, training gallop (retrospective) – Approved – 1 October 2009
- NP/09/023 - Part field OS8922 Fforest Farm, Newport - Continued use of field OS8922 for further 5 years as site for 3 caravans – Refused – 18 March 2009
- NP/08/172 – Fforest Farm, Newport – Sand School – Approved – 17 June 2008

- NP/03/599 - Part field OS8922 Fforest Farm, Newport - Continued use of field OS 8922 for further 5 years as site for 3 caravans – Approved – 14 January 2004
- NP/99/017 - Part field OS8922 Fforest Farm, Newport - Continued use of Part field OS 8922 for further 5 years as a site for 3 caravans – Approved – 25 February 1999
- NP/95/142 - Fforest Farm, Newport - Agricultural building for cattle and store – Approved – 31 May 1995
- NP/93/552 – Fforest Farm, Newport – Continued use of 3 caravans – Approved – 18 January 1994

### **Conclusions**

The failure to comply with a Breach of Condition Notice after it has taken effect is an offence under section 187A(9) of the Town and Country Planning Act 1990 (as amended) and is answerable to in the Magistrates Court.

### **RECOMMENDATION**

That the Chief Executive/Director of Park Direction and Planning/Head of Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court against the person responsible for carrying out the development for:

- i. Failing to comply with the requirements of the Breach of Condition Notice dated 2<sup>nd</sup> April 2015.