

**EC17/0025– LAND AT WHITEWELL CARAVAN PARK, PENALLY, TENBY.  
PEMBROKESHIRE SA70 7RY**

Background

Planning permission (NP/14/0713) was approved in 2015, subject to substantial landscaping improvements across the site. The amended application approved visual enhancement works and landscaping works at the above site in order to ameliorate its departure from policy.

The relevant planning permission to which this Notice relates is the permission granted by the Authority on the 17<sup>th</sup> April 2015 under reference number NP/14/0713 for *‘Change of use to provide 17 static pitches, 16 touring pitches & 10 tent pitches (total 43) to replace 20 touring pitches & 30 tent pitches (total 50). Upgrading of the landscaping with additional screening within the park & improving the site entrance to highway requirements with additional site south boundary screening to the highway. Re-locate camping tents, trailer tents & camper vans behind a new hedge bank in an area 19.8% of two front fields for full seasonal use. Removal of the 28 day permitted development rights from remaining areas (80.2%) of two front fields – Whitewell Caravan Park, Penally, Tenby, Pembrokeshire, SA70 7RY).*

It appears to the Authority that Condition 10 of planning permission NP/14/0713 (enclosed) has not been complied with:

**Condition 10 of NP/14/0713**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and reenacting that Order with or without modification) (Schedule 2 Part 4) there shall be no camping in the two southern fields as specified on approved plan Drawing No. 02 received 23 December 2015 whatsoever without specific planning permission being obtained.

**Reason:** The development is acceptable as a departure and this allows the Authority to control the extent of the development site in order to protect the character and appearance of the surrounding areas within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities) and 15 (Conservation of the Pembrokeshire Coast National Park).

The Breach alleged is that there has been camping in the two southern fields B and C without specific planning permission being obtained.

A Breach of Condition Notice (Reference: EC17/0025) was subsequently issued and served on the owner/applicant which required the cessation of camping in the two southern fields as per Condition 10 of Planning Permission NP/14/0713 by 16<sup>th</sup> August 2017.

Following a site visit on 21st August 2017 it was noted that there was camping in the prohibited area. Your officer wrote to the applicant/owner on 22<sup>nd</sup> August 2017 reminding him of the period for compliance with the Breach of Condition Notice which expired on 16<sup>th</sup> August 2017 and that failure to comply with its requirements could result in prosecution proceedings in the Magistrates' Court. A second opportunity was given to the owner to remedy the breach by Friday the 25<sup>th</sup> August 2017. The site was visited and the condition appeared to be comprehensively breached (40 tents on the unauthorised part of Field B). This breach is further exacerbated by the fact that there is a previous extant planning enforcement Notice still in place EC14/0016 dated 28<sup>th</sup> March 2014 which sought to prevent the unauthorised use of this same agricultural land for camping. In addition your officer left Field B at 1530 hrs and on her return to the site at 1540 hrs (10 minutes later) Field C was beginning to fill with traffic. The site was further visited on Sunday 27 August and Field B (approx. 40 tents) and C (approx. 90 tents) were full of people using the campsite. The number of tents on the unauthorised part of Fields B and C was down to approx. 12 on Tuesday 29<sup>th</sup> August 2017. A planning application NP/17/0396/FUL has been submitted retrospectively but this does not conflict with the need to enforce the Breach of Condition Notice which would not have been served had there been any perceived merit in inviting an application.

At the time of writing this report the breach had still not been remedied.

This Authority has now written to the applicant/owner advising that the matter will be reported to the September 2017 Planning Committee with a view to seeking authority to commence prosecution proceedings as a result of the non-compliance with the Breach of Condition Notice. The applicant/owner has also been asked if there are any representations that he/she wishes to put before members at this Committee, to do so in writing. Any responses received will be reported to Committee.

### Background Papers

Planning File's Ref: NP/14/0713 – Committee report  
Enforcement File Ref: EC14/0016 and EC17/0025  
NP/17/0396/FUL Proposed use of Field for Tourers and Tents for Bank Holidays in Easter, Whitsun, and May plus 20<sup>th</sup> July to 4<sup>th</sup> September in every year.

### Policy

The Development Plan for the area comprises the Pembrokeshire Coast National Park Adopted Local Development Plan 2010-2021 and within which the following policies are of relevance:

POLICY 1 – NATIONAL PARK PURPOSES AND DUTY  
POLICY 7 – COUNTRYSIDE  
POLICY 8 – SPECIAL QUALITIES  
POLICY 15 – CONSERVATION OF THE PEMBROKESHIRE COAST NATIONAL PARK

POLICY 30 – AMENITY

POLICY 38 – CAMPING, TOURING CARAVANS, STATICS AND CHALET SITES

Resource Implications (Financial and Employment)

Any costs involved in prosecuting can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

None.

Conclusions

The Authority has a statutory duty to ensure that development does not damage the natural beauty, character and special qualities of the National Park. Condition 10 was attached to planning permission NP/14/0713 to to protect the character and appearance of the National Park in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities) and 15 (Conservation of the Pembrokeshire Coast National Park) of the Local Development Plan. The breach of condition 10 results in a harmful impact on the character and appearance of the National Park and, as such, the development fails to comply with the aims of the Local Development Plan.

The enforcement of planning control is in the wider public interest by preventing inappropriate and harmful development and to allow unauthorised development undermines the Authority's ability to take action against similar inappropriate, development within the National Park.

Recommendation

That the Chief Executive/Director of Park Direction/Team Leader Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court for non-compliance with the Breach of Condition Notice (EC17/0025) on separate dates of 21<sup>st</sup>/ 25<sup>th</sup>/ 27<sup>th</sup> and 29<sup>th</sup> August 2017 (being 4 separate counts) and further authorised to seek such other legal remedies as may be available and expedient for securing the objectives of the Breach of Condition Notice.