

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT ON ENFORCEMENT MATTERS

Other Matters – Enforcement

Reference No: EC14/0080

Case Officer: Carys Vaughan

Received on: 01-Sept-2014

Site Address: Berea Racing Stud, Berea, Haverfordwest, Pembrokeshire, SA62 6DH

Breach: Non-compliance of planning condition 2 for removal of mobile home by the 19th October 2014.

Summary

A Breach of Condition Notice was served by this Authority on 18th April 2017 following numerous discussions with the land owner to negotiate the removal of the caravan. To date the caravan is in-situ, and the Breach of Condition Notice has not been complied with.

Background

Following granting temporary permission under application number NP/11/321 for 'Change of use to Equestrian Stud, including Stables, associate offices and store and siting of residential caravan' monitoring was required to ensure that all the conditions within the planning permission would be complied with. Planning permission was granted on a temporary basis for the residential caravan, where the condition was as follows:

Condition 2

The mobile home hereby permitted and any ancillary works or structures associated with it shall be removed and the land restored to its former condition on or before the 19th October 2014, in accordance with a scheme to be submitted to and approved by the National Park Authority. The restoration works shall be undertaken in accordance with these approved details.

REASON: Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on-site residential accommodation.

POLICY: Pembrokeshire Coast National Park Authority Local Development Plan – Policy 7 (Countryside).

The condition was attached to the permission as no adequate justification for the caravan had been provided with the application and it was considered to have a harmful impact on the special qualities of the National Park.

Following initial investigations by officers of this Authority it was noted that the caravan had not been removed in compliance with condition 2 of the planning permission and no restoration scheme had been submitted to and approved by the Authority.

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A Planning Contravention Notice was issued on 16th January 2017 regarding the alleged breach of planning control. This notice was posted via registered mail. The Planning Contravention Notice was not completed within the allocated 21 days. A report was prepared for the Development Management Committee for authorisation to take action against a non-return of a Planning Contravention Notice, however the notice was returned completed to the Authority the day before the Development Management Committee was to be held.

Despite numerous attempts by this Authority to seek a voluntary resolution to remedy this breach of planning control, no attempt was made by the person responsible for the unauthorised works to remedy the breach. As a result, and in view of issues identified in the unauthorised development it was considered expedient by this Authority to pursue action through the service of a Breach of Condition Notice to secure the removal of the residential caravan as per condition 2 of planning permission NP/11/321.

On 18th April 2017 a Breach of Condition Notice was issued and served on all persons with an interest in the land.

The Breach of Condition Notice required the persons with an interest in the land to remove the residential caravan/mobile home referred to in the permission and any ancillary works or structures associated with it and to submit a restoration scheme of the land to the National Park Authority for approval. There is no right of appeal to this notice. The date for complying with the Enforcement Notice expired on 14th June 2017.

On 20th June 2017 a site visit was carried out by officers of this Authority whereupon it was evident that the Breach of Condition Notice had not been complied with as the residential caravan/mobile home was still in-situ.

The owners/occupiers have been reminded both in writing and verbally that failure to comply with the Notice could result in prosecution proceedings against them in the Magistrates Court by this Authority.

At the time of writing this report the Enforcement Notice has still not been complied with.

Planning History

NP/11/321- Change of use to Equestrian Stud, including Stables, associate Offices and Stores, and siting of residential caravan – Approved 21st November 2011

Conclusions

The Authority has a statutory duty to ensure that new development does not damage the natural beauty, character and special qualities of the National Park. The site lies in the open countryside outside of a defined Centre boundary as set out within the Local Development Plan and the permanent use of the land for residential purposes

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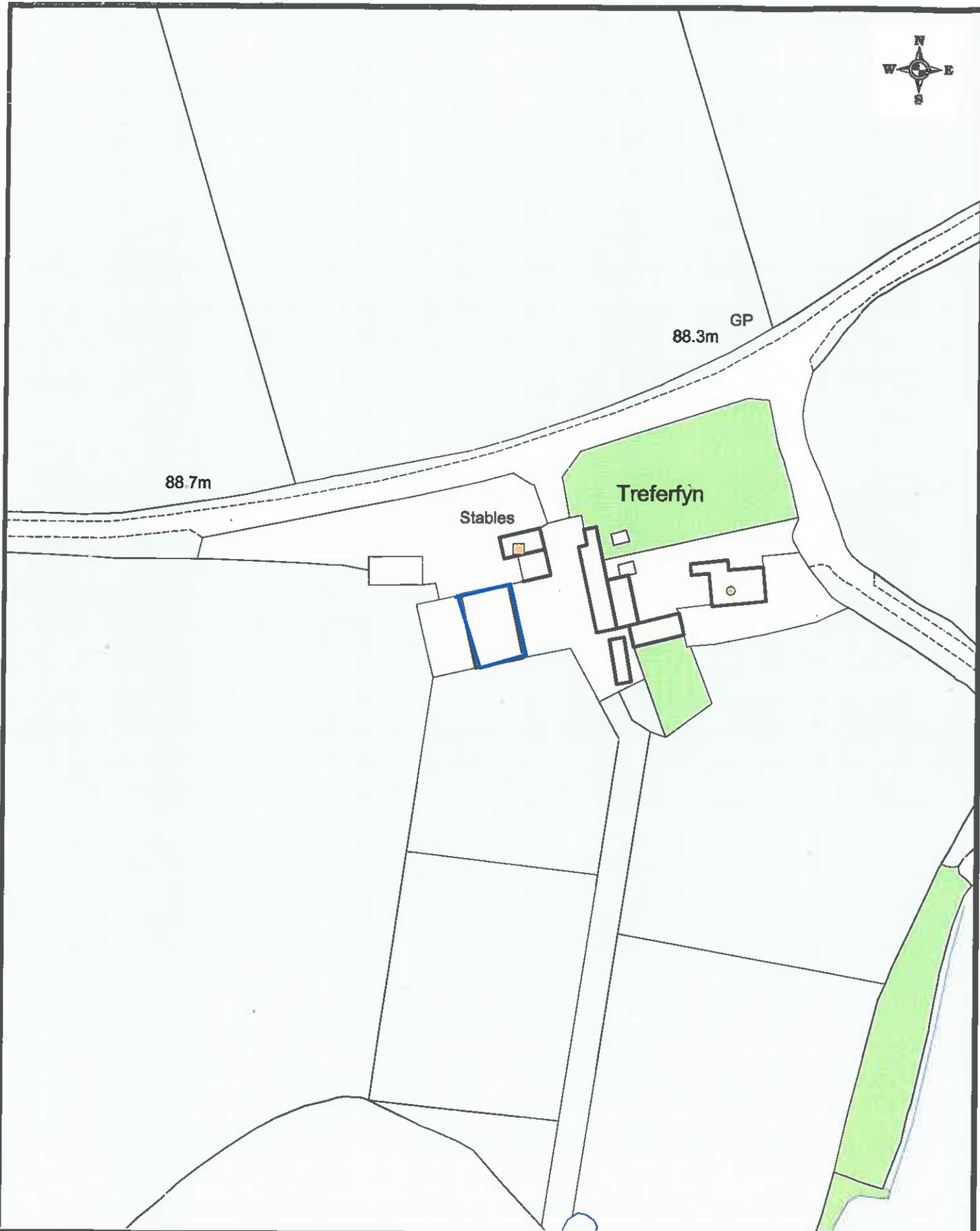
has not been adequately justified as being essential for agriculture or another related purpose for which a countryside location is essential. Following the granting of temporary planning permission, no further permission has been sought for permanent siting of the caravan for equestrian use. The principle of the development is therefore considered to be contrary to Technical Advice Note 6 – Planning for Sustainable Rural Communities as well as policies 1, 7, 8, 15, 29, 30 & 44 of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).

As such the development fails to comply with the aims of the Local Development Plan in that the development is insensitively and unsympathetically sited within the landscape. The enforcement of planning control is in the wider public interest by preventing inappropriate and harmful development and to allow unauthorised development to remain on the land undermines the Authority's ability to take action against similar inappropriate, development in the countryside within the National Park.

The failure to comply with a Breach of Condition Notice after it has taken effect is a criminal offence answerable to in the Magistrates Court.

Recommendation

That the Chief Executive/Director of Park Direction and Planning/Team Leader Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court for failing to comply with the requirements of the Breach of Condition Notice dated 18th April 2017



Plan referred to in Planning Contravention Notice

Scale:- 1: 1250

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Pembrokeshire Coast National Park Authority

Development Management Committee – 9th August 2017

