

Planning Committee

Corner Meadow, Farnborough Road, Mollington

14 July 2011

Report of Head of Strategic Director Planning Housing and Economy

PURPOSE OF REPORT

To inform Members of the latest situation at Corner Meadow, to report matters of unauthorised development and breaches of condition and to advise Members whether enforcement action against these matters has been taken. At their meeting held on 19 May 2011 Members requested that such a report be presented to Committee in two months time which was followed up by an e-mail from Councillor Attack setting out the specific matters expected to be addressed.

The following report and recommendations are based on the fact that the Agent previously recorded as representing the applicant is no longer representing them and therefore it has been difficult to make contact with the owners of the site.

This report is public

Executive Summary

1 Introduction

- 1.1 This report relates to Corner Meadow which is located immediately to the north of the junction between Farnborough Road and the A423 Southam Road, approximately 600m north of the village of Mollington. Corner Meadow as a whole forms a triangular shaped parcel of land containing a small wooded area on the southern boundary. Access to the site is via an existing access and gateway from Farnborough Road.
- 1.2 Various works have been carried out on the site, some of which are not in accordance with approved plans or conditions. These matters are explored and further below.

2 Planning History

- 2.1 Planning permission was granted following an appeal for the change of use of the land (site A indicated on Appendix 1) to use as a residential caravan site for one gypsy family with a total of up to three caravans (app 08/00604/F

refers). The planning permission was subject to the following conditions:

- Site to be occupied by gypsies and travellers only
- No more than three caravans (no more than two being static)
- No commercial activity to take place and no storage of materials or vehicles over 3.5 tonnes
- Use to cease and land restored if failure to comply with conditions requiring details of landscaping, foul and surface water drainage, electricity supply, hard surfacing, site turning and vehicular parking, external lighting, vehicular access and means of enclosure and a timetable for implementation. Hereafter referred to as the Site Development Scheme.
- Maintenance of landscaping

2.2 Application 09/00622/F granted planning permission for the change of use of site A (although slightly larger in area) to use as a residential caravan site for two gypsy families with a total of up to six caravans subject to the following conditions:

- Time Limit
- Site to be occupied by gypsies and travellers only
- No more than six caravans (no more than two being static)
- No commercial activity to take place and no storage of materials or vehicles over 3.5 tonnes
- Use to cease and land restored if failure to comply with conditions requiring details of landscaping, foul and surface water drainage, electricity supply, hard surfacing, site turning and vehicular parking, external lighting, vehicular access and means of enclosure and a timetable for implementation. Hereafter referred to as the Site Development Scheme.
- Maintenance of landscaping
- Removal of unauthorised bund within 6 months of decision
- Removal of unauthorised hardstanding within 6 months of decision
- Development to be carried out in strict accordance with the approved plans.

2.3 Application 10/01610/F granted planning permission for a change of use of a separate parcel of land (site B) to allow the siting of one mobile caravan and two touring caravans in 2010 subject to the following conditions:

- Time limit
- Site to be occupied by gypsies and travellers only
- No more than three caravans (no more than one being static)
- No commercial activity to take place and no storage of materials or vehicles over 3.5 tonnes
- Development to be carried out in strict accordance with approved plans

2.4 Application 11/00293/F granted planning permission for the siting of one further mobile caravan and two touring caravans on site B subject to the following conditions:

- Time limit
- Site to be occupied by gypsies and travellers only
- No more that two family pitches (1 static and two touring caravans each)
- No commercial activity to take place and no storage of materials or vehicles over 3.5 tonnes
- Development to be carried out in strict accordance with approved

- plans
- Access to be carried out in accordance with approved access details under 09/00622/F
- Car parking provision
- Provision of play area

3 Unauthorised Development and Breaches of Condition

3.1 Unauthorised Development

Following a recent officer site visit to Corner Meadow, the following can be reported:

1. The hardstanding adjacent to the boundary with Farnborough Road (site C) and the siting of mobile homes and touring caravans thereon is unauthorised as this area falls outside of sites A and B that benefit from planning permission for the siting of caravans.
2. The specification of the access and the enclosure treatment to that access (close boarded fencing and close boarded gates) is unauthorised. Details of an acceptable access and access enclosure have been submitted to, and agreed in writing by, the Local Planning Authority however the access and gates have not to date been constructed in accordance with these details.
3. The siting of individual caravans is not strictly in accordance with the approved plans.

3.2 Specific Breaches of Planning Condition

- The landscaping has not been carried out in accordance with the details submitted and approved in relation to the landscaping condition.
- The access has not been carried out in accordance with the access approved under 09/00622/F.
- The development as a whole has not been carried out in accordance with the approved plans (siting of hardstanding and caravans, construction of access and gates).
- The hardstanding on site C has not been removed.

3.3 Report on Other Conditions

- Each development has been implemented on site within the allowable time limit.
- The Council has no reason to believe that the site is not being occupied by gypsies and/or travellers
- The number of caravans on the site as a whole does not exceed the authorised number
- The details of the Site Development Scheme have been submitted to and agreed in writing and there is sufficient evidence on site that the required facilities have been put in place.
- There is no evidence of commercial activity taking place on the site
- Details of an area of play to be submitted by 26 July 2011 and installed on site by 26 November 2011.
- The earth bund has been removed from the site

4 Key Issues for Consideration/Reasons for Decision and Options

- 4.1 Taking each unauthorised element and breach of condition into consideration SDPHE wishes to set out the Council's position in relation to each.
- 4.2 Hardstanding adjacent to Farnborough Road
The hardstanding (on site C) is not easily detected from Farnborough Road being on slightly lower ground than the road level and screened from views by the boundary vegetation. It could not be reasonably concluded in SDPHE's view that the laying of the hardstanding (bearing in mind the consents for hardstanding elsewhere on the site as a whole) is so harmful that planning permission would be refused based on unacceptable visual and landscape impact if a planning application for such development were forthcoming. For this reason whilst the hardstanding is unauthorised Enforcement Action has not been pursued to secure the removal of the hardstanding.
- 4.3 Siting of Mobile Homes adjacent to boundary with Farnborough Road
Bearing in mind the Inspector's approach that mitigating landscaping would be enough to overcome the harm to the AHLV and the character of the countryside caused by the siting of caravans on the appeal site (site A), it is SDPHE's view that the caravans currently located on site C, whilst visible in some fleeting views from Farnborough Road do not cause significant harm to the character of the countryside. Should an application be submitted to regularise the siting of caravans on site C, it would be unreasonable in SDPHE to recommend refusal on these grounds and for this reason, whilst the siting of the caravans in this location is unauthorised Enforcement Action to re-site them is not being pursued.
- 4.4 Access and Access Enclosure
The existing access to the site is the original access that was constructed at the time that the site was first occupied therefore it is not of the appropriate specification in highway safety terms. The Inspector required details of the access to be submitted and approved in relation to 08/00604/F (despite the access existing on the site at the time of the appeal). No changes have been made to the access since this time and therefore the access is not in accordance with what is required in relation to the approved development and is unauthorised.
- 4.4.1 Members will note that the access recommended for approval in relation to planning application 11/00783/F is not as required by the Inspector. Advice from the County Highway Liaison Officer is that the existing access serving the site is in fact fit for purpose in terms of its layout but not its specification which is the reason why the layout of the proposed access is acceptable subject to its specification (level and surfacing material).
- 4.4.2 Similarly the existing gates on the site are unauthorised. They are not in accordance with the approved plans which indicate post and rail fencing and two timber field gates. The latter is required as it would be far more in keeping with the rural context of the site, unlike the close boarded 2m high fencing and gates that are currently in place at the entrance to the site.

4.4.3 The existing access due to its specification does not comply with highway safety standards contrary to PPG13 and the fencing and gates cause harm to visual amenity and the character of the area in conflict with Policy C28 of the aCLP. SDPHE concludes in relation to this matter that action should be pursued to secure the required specification for the access and replacement gates and fencing which is more in keeping with the rural context.

4.5 Siting of Individual Caravans

The caravans (static and touring) are not arranged on the site in accordance with the approved details. However, as the touring caravans are particularly mobile and likely to be moved on a regular basis, it is unreasonable and unenforceable in SDPHE's view to ensure that the caravans, particularly the touring caravans are positioned on the site in exactly the position approved (in accordance with the approved plans) every time they return to the site. On a separate note in terms of the arrangement of the caravans which is not covered by the planning legislation, in order to obtain a license for a pitch, each must be arranged so that they are separated by a distance of 6m for the purposes of preventing the spread of fire. SDPHE recommends that it is not expedient to take enforcement action against the siting of each individual caravan which is why Enforcement Action is not being pursued in relation to this matter.

4.6 Landscaping

The landscaping scheme has been submitted to the Council and agreed in writing. Some landscaping has been carried out on site albeit not strictly in accordance with the approved details. As referred to above under points 1 and 2, the appearance of the site is not considered when viewed from the public domain is not considered to be harmful to visual amenity or the character of the landscape to the extent that the Council could reasonably insist that the landscaping scheme be implemented in accordance with the approved details therefore enforcement action is not being taken in relation to this matter.

5. Other Matters

5.1 It has been requested that a report be submitted with any further application submitted for development on the site which sets out the site's credentials and its ability to sustain further development. The Council has adopted a Validation Checklist which sets out information required to accompany planning applications of different types. Additional information could not necessarily be required unless it is justified.

6. Conclusion

6.1 Whilst there are a number of matters on site that are either unauthorised or have not be carried out in accordance with the approved plans or details submitted in relation to conditions, Members must give careful consideration in each case as to whether or not it would be expedient in the public interest to take enforcement action. Under section 4 of the report Members are advised that the breaches other than the access and access gates and fencing are not harmful which is why enforcement action has not been

pursued. Further action will however be taken to secure an access specification and access gates and fencing which are acceptable to the Council.

Recommendations

The meeting is recommended:

- (1) to note the content of this report
- (2) to grant delegated authority to SDPHE to take enforcement action and any necessary court proceedings if it is deemed necessary to do so in relation to the access specification and the access gates and fencing.

Consultations

None

Implications

Financial: The cost of taking enforcement action can be met from existing budgets.

Legal: The Head of Legal Services is consulted on the taking of formal action.

Risk Management: None

Wards Affected

Mollington

Document Information

Appendix No	Title
Appendix 1	Site Plan
Background Papers	
Planning Applications: 08/00604/F, 09/00622/F, 10/01610/F and 11/00239/F	
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