



North Devon Council

Title of Decision Requested: Enforcement Notice The Triangle, Knightacott Lane, Button Hill Cross, Bratton Fleming for the storage of a caravan ref 12113

Decision requested by decision maker: Agreement to issue Enforcement Notice for storage of a caravan on Land known as The Triangle, Knighacott Lane, Button Hill Cross, Bratton Fleming, Devon.

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

- 1.1. Without planning permission, the material change of use of land known as The Triangle, Knightacott Lane, Button Hill, Cross Bratton Fleming for the storage of a caravan. Proceed to Enforcement Notice. The breach of planning control alleged that is within the last 10 years unauthorised change of use consisting of the storage of a caravan and domestic items including a dog kennel.
- 1.2. An Enforcement Notice should be issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:
- 1.3. The site comprises a small triangular piece of land which amounts to approximately 521 square metres upon which a caravan has been sited along with other domestic paraphernalia including a dog kennel.
- 1.4. The land is located in the countryside where the North Devon and Torridge Local Plan (NDTLP) and National Planning Policy Framework (NPPF) seeks to restrict certain forms of development in the interests of sustainable development.
- 1.5. The change of use of land is controlled and limited to that which meets local economic and social needs, rural building reuse and use that is necessarily restricted to a countryside location in accordance with Policy ST01: Principles of Sustainable Development and Policy ST07 (4): Spatial Development Strategy for Northern Devon's Rural Area of the North Devon and Torridge Local Plan.

- 1.6. The siting of a caravan in the countryside which is not linked to an agricultural use in this location would not be justified under Policy ST07 of the NDTLP which seeks to restrict new development in the countryside to that which requires a rural location and provides for local, social or economic needs.
- 1.7. Policy ST14 relates to protecting landscape and biodiversity interests. In terms of the use this does not appear to provide for any of the criteria of Policy ST07 nor does it conserve landscape character or biodiversity interests given it is not development which justifies a remote rural location.
- 1.8. In terms of the wider development management policies, the breach identified would not represent appropriate development in terms of design and location contrary to Policies DM04 and DM08A of the North Devon and Torridge Local Plan. Its location is remote from any settlement.
- 1.9. In terms of the type of use it would not appear to fall within any of the rural economy criteria outline in Policy DM14 given the use does not appear to have any links to agriculture. In addition Policy DM28: Rural Workers Accommodation of the NDTLP allows for the provision of accommodation in the countryside for a rural worker. However there is no functional/financial need or justification in this instance.
- 1.10. Whilst the owner of the land has commented that the caravan is being used for the storage of implements and materials to maintain the land, planning permission was approved on 20 November 2019 for the erection of a wooden shed for storage of machinery and equipment to maintain the land. This permission was never implemented and is no longer extant.
- 1.11. There is no evidence of the land being cultivated for an agricultural use and therefore no justification for its siting. The caravan should therefore be removed.
- 1.12. The Local Planning Authority consider it necessary to remedy the breach of planning control by removal of the mobile home and that lesser steps cannot deal with the issue. It is also necessary and in the public interest to take enforcement action since otherwise the use could become lawful with the passage of time which as stated above it is contrary to long established planning policies seeking to protect the character of the area.

2. FINANCIAL IMPLICATIONS

- 2.1. There are no immediate financial costs involved with this action. Should the owner not comply with the Notice served, there may be cost involved with taking prosecution action for non-compliance with the Notice or direct action,

but this is a decision which can be made at a later time and will only occur if the owner does not comply.

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.1. There are no other actions the Council can take to remedy this breach of planning control. The owner has not willingly complied with requests to remedy the breaches.

4. ANY CONFLICT OF INTEREST DECLARED

4.1. None

5. DISPENSATION IF GRANTED

5.1. Not applicable

6. BACKGROUND PAPERS

6.1. The enforcement case was opened on 27 September 2019 as a complaint was received. The complaint related to the storage of a caravan on the land with associated domestic paraphernalia.

6.2. A Land Registry Search was completed on 19 November 2019 to establish the owner of the land.

6.3. A site visit was carried out on 20 November 2019 and photos taken. This found a touring caravan, small domestic dog kennel and other domestic items, wellies, bins and so on. The visit established that the parcel of land was a small plot measuring approximately 521m². There was no evidence of a small holding and therefore the functional need for a caravan was questionable. There were no external services plumbed in but there was a toilette cassette to collect waste water.

6.4. The planning application (ref 70474) which proposed the construction of a wooden shed for the storage of machinery and equipment to maintain the land was approved on 20 November 2019.

6.5. A letter was sent to the owner on 15 April 2020 requesting the touring caravan and other items on the land be removed within 6 months and no later than 15 October 2020. A site visit on 27 July 2022 found the items still on the land. Photos were taken of the items.

6.6. A further site visit was carried out on 28 February 2024 (the long delay was due to staffing and resource issues in the Planning Enforcement team). This visit found the items still on the land. No evidence was found of the land being cultivated or used for any agricultural purpose.



6.7. A further Land Registry search was completed on 29 February 2024 and a letter sent to the owner on 1 March 2024. This letter gave the owner a final 2 months to remove the items from the land (by 1 May 2024).

6.8. The owner emailed the Council on 29 April 2024 and stated that the caravan had been decommissioned and contained tools and materials to maintain the land and that they had permission to construct a shed on the land so the caravan was essentially there for the same purpose. The Council responded to the owner by email on 30 April 2024 and advised that the planning permission ref 70474 had now expired (it ran out 20 November 2022) and that further action was being considered. An additional email to the owner on 13 May 2024 stated the Council were now serving a formal Notice for the ongoing breach, that is, for the unauthorised storage of the caravan and dog kennel and other items on the land.

7. CONSULTATION UNDERTAKEN

7.1 The Planning Officer Sarah May has instructed the Planning Enforcement Officer to serve a Notice and drafted the reasons for doing so.

8. OFFICER REQUESTING DECISION TO BE TAKEN: Stacey Salter, Planning Enforcement Officer

9. NAME OF DECISION TAKER: Tracey Blackmore Service Manager (Development Management): Head of Planning, Housing and Health

10. DATE DECISION TAKEN: 24 June 2024

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS: