



**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 August 2011

Subject Heading:

Alleged breach of planning control at land on the north side of Willoughby Drive, Rainham, adjacent to No.1

Report Author and contact details:

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Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The site is adjacent to 1 Willoughby Drive, Rainham and is a former allotment site within the Metropolitan Green Belt.

In March 2010 the Planning Enforcement Service received an enquiry regarding the stationing of a mobile home for residential purposes on land. The person siting the mobile home was claiming 'gypsy status'. No planning application has been made for such use.

It is considered that the change of use has a material harmful impact to the Metropolitan Green Belt and it provides a poor living environment for occupiers of the mobile home.

The change of use has occurred within the last 10 years and therefore it is requested that authority be given to issue and serve an Enforcement Notice to seek to remedy the breach.

RECOMMENDATIONS

That the Committee consider it expedient that an Enforcement Notice be issued and served to require within 6 months:

- i) Stop using the land for residential purposes.
- ii) Remove from the land all mobile homes, caravans and vehicles.
- iii) Remove from the land all building materials, debris and rubbish from the site resulting from compliance with (i) and (ii).

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

- 1.1 The site is a Green Belt plot of land some 50m x 5m on the north side of Willoughby Drive, Rainham. To the east of the site is a row of cottages, the closest being No.1 which is in the same ownership as this site. To the west of the site are stables and another mobile home site which has temporary planning permission for another gypsy family.

2. **The Alleged Planning Contravention**

- 2.1 Without planning consent a change of use of the land from allotment to residential including the stationing of a mobile home.

3. **Relevant Planning History**

3.1 None.

4. **Enforcement Background**

4.1 In March 2010 the Planning Enforcement Service received an enquiry regarding the stationing of a mobile home for residential purposes on land.

4.2 Following this officers made enquiries and found that the resident of the mobile home had contacted the Council's Homeless Department for re-housing. She was not considered a priority and therefore began to reside on the land adjacent to her parents' cottage in a mobile home.

4.3 Officers have visited the site and discussed with the resident the need for planning permission for the residential use of the caravan and the stationing of it in the Metropolitan Green Belt.

4.4 This constitutes a material change of use from the authorised use to a residential use. The change of use has occurred within the last 10 years.

4.5 The Authority has made numerous attempts to obtain from the owner and occupants of the land a planning application to regularise the situation without any success. The Council's Planning Enforcement Section are not willing to allow the situation to become further protracted given the harm that is caused by the development.

5. **Material Considerations of the Use of Development**

5.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised change of use. The relevant policies are PPG2 (Green Belt), DC45, DC61 of the Local Development Framework and Policy 30.09 of the London Plan.

6. **Justification for Intended Action**

6.1 The use of the land for residential purposes and the stationing of a mobile home for that purpose constitutes a material change of use that requires planning permission.

6.2 PPG2 (Green Belt) and Policy DC45 of the adopted Local Development Framework assert that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

- 6.3 To date no planning application has been received or a demonstration to the satisfaction of the Planning Authority of a special circumstance. Even if very special circumstances could be demonstrated in this case, which may include for instance the occupiers personal circumstances and the current planning policy position in relation to gypsies and travellers, it is likely that planning conditions would be required to control the use, therefore considered that the continued use is contrary to Policy DC45 of the LDF Core Strategy and Development Control Submission Development Plan Document Policy.
- 6.4 The stationing of a mobile home for the purpose of residential use is detrimental to the visual amenities and character of the surrounding area in general and it is harmful to the essential open nature of this part of the Metropolitan Green Belt contrary to Policies DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as provisions of PPG2 and Policy 30.9 of the London Plan.
- 6.5 For the reasons set out above it is requested that the authority for the service of an Enforcement Notice be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and if required, prosecution procedures will have resource implications for Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

No implications identified as no special circumstances case has been put forward by the occupants.

BACKGROUND PAPERS

1. Ordnance survey extracts showing site and surroundings.