



# REGULATORY SERVICES COMMITTEE

# REPORT

27 June 2013

**Subject Heading:**

Planning Contravention  
Lakeview Caravan Park,  
Cummings Hall Lane, Noak Hill

**Report Author and contact details:**

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Local Development Framework

**Policy context:**

**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**

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns an area of land that is part of the wider area known as Lakeview Caravan Park. In 2009 the Council served a number of enforcement notices relating to this site. The notice that relates to this part of the site was subject to an enforcement appeal. The appeal succeeded in part and permission was granted for the formation and use of a single dwellinghouse together with a residential curtilage (subject to conditions), but otherwise the appeal failed and the enforcement notice as corrected was varied. The conditions required the submission, approval and implementation of hard and

soft landscaping, boundary treatment and a small shed within a approved timetable. It also required the removal of wooden decking, the removal of all mobile homes, vehicles and trailers from the curtilage area and no open storage or storage or parking of any vehicles or caravans within the curtilage area. A number of planning conditions relevant to this decision have not been complied with. There are also 4 mobile homes that are used for single dwellinghouse purposes and an additional pre-fabricated single dwellinghouse with residential curtilage.

The Planning Enforcement Service are not prepared to allow the situation to become further protracted due to the time limits in which it can take action. It is considered that planning permission would not be granted to retain the unauthorised development. It is therefore requested that authority be given to issue and serve an Enforcement Notice in order to seek to remedy the breaches

## RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 months of the effective date of the enforcement notice:

1. Cease the use of the land for residential purposes.
2. Cease the use of the land for storage purposes unrelated to the use of Lakeview Park as a residential caravan site
3. Remove from the land all decking, machinery, equipment, apparatus, building materials, rubble, pre-fabricated buildings, mobile homes, caravans, vehicles and trailers in association with uses other than for storage related to the use of Lakeview Park as a residential caravan site.

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 land in question is situated within the Metropolitan Green Belt and is North of Noak Hill Road. Lakeview Park is a complex of mobile homes with adjoining parcels of land within the same ownership. These parcels of land

are subject to a Section 52 agreement that permit storage uses related to the use of Lakeview Park as a residential caravan site.

## 2. **Relevant Planning and Enforcement History**

2.1 A number of applications for use of the site as a caravan park date back to 1954 but full records that pre-date 1964 do not appear to exist with LBH.

L/HAV/2468/71 – Change of use of land to stationing of caravans – Refused

1518/72 – Use of land for stationing of caravans – Refused

P1700.90 – Zone 1, 2 & 3. Alterations to existing mobile home estate – Refused

P0922.92 – Alterations to existing mobile homes estate (resubmission of P1700.90) – refused

P1019.92 – Regularising application for completed repair/maintenance works to existing private residential access road – Approved

P1086.93 – Satellite dish – Approved (58 Baxter Gardens)

P1301.93 – Satellite dish – Approved (19 Long Meadow)

P1387.93 – Satellite dish on patio – Approved (44 Bryant Row)

P0782.94 – Satellite dish – Approved (25a North End)

P1299.96 – Use of land for the stationing of park homes, relocation of car park, use of amenity space – Withdrawn

P0564.05 – Change of use from paddocks/storage areas of land for the siting of 44 park homes & garages – Withdrawn

T0074.06 – Work to overhanging trees – Approved

P1037.06 – Change of use from paddocks/storage area to land for siting of 20 park homes, 99 car parking spaces and 20 garages – Refused – Appeal dismissed

P0396.07 – Change of use from paddocks/storage area to land for siting of 15 park homes including retention of manager's park home. Additional car parking spaces, 20 garages and landscaping – Refused

D0137.10 – Certificate of Lawful Development for residential caravan site – refused

Q0067.10 – Discharge of Condition 1 of recommendation at appeal APP/B5480/C/09/2102279 – not discharged

Q0137.10 – Discharge of Condition 3 of recommendation at appeal  
APP/B5480/C/09/2102281 – not discharged

Q0209.10 - Discharge of Condition 1 of recommendation at appeal  
APP/B5480/C/09/2102279 – submitted details discharged

Q0210.10 - Discharge of Condition 3 of recommendation at appeal  
APP/B5480/C/09/2102281 – submitted details discharged

E0009.12 – The area hatched green on the submitted plan has been used as part of the planning unit of the mobile home park for a period in excess of 10 years. – withdrawn

Enforcement Notice A – Without planning permission, the erection of a fence in excess of 1 metres in height adjacent to a public highway shown thick marked in bold black between points “A” and “B”. – Appeal allowed

Enforcement notice B – Without planning permission, the formation of hardstanding, the construction of decking, the erection of satellite dishes and the siting of mobile homes on the land. – Notice withdrawn

Enforcement Notice C – Without planning permission, the material change of use of the land for residential purposes and the storage of vehicles and trailers not associated with the authorised use of the main residential park. – Appeal succeeds in part and permission granted for part, but otherwise the appeal fails and the enforcement notice is corrected and varied.

Enforcement Notice D – Without planning permission, the increase in height of the former piggery buildings. – Appeal withdrawn – Notice complied with

Enforcement Notice E – Without planning permission, the material change of use of the land for the purpose of vehicle repairs and storage of steel containers and motor vehicles not associated with the main residential park. – Partial compliance

In 1977 the previous owner of Lakeview Caravan Park signed a Section 52 agreement seeking to overcome various matters relating to planning breaches on land used as ancillary to the main residential part of the park. The agreement relates to uses of land which includes storage, fencing and landscaping. The signed date of this agreement is 30<sup>th</sup> June 1977. The present owner of the land is fully aware of this agreement.

### 3. **The Alleged Planning Contravention**

#### 3.1 Without planning permission,

The formation of residential curtilages and use of the land for single dwellinghouse purposes.

The use of the land for storage purposes unrelated to the use of Lakeview Park as a residential caravan park.

#### 4. **Policy and Other Material Considerations**

- 4.1 In 2009 the Council served a number of enforcement notices relating to this site. The notice that relates to this part of the site was subject to an enforcement appeal. The appeal succeeded in part and permission was granted for the formation and use of a single dwellinghouse together with a residential curtilage (subject to conditions), but otherwise the appeal failed and the enforcement notice as corrected was varied. The conditions required the submission, approval and implementation of hard and soft landscaping, boundary treatment and a small shed within a approved timetable. It also required the removal of wooden decking, the removal of all mobile homes, vehicles and trailers from the curtilage area and no open storage or storage or parking of any vehicles or caravans within the curtilage area.
- 4.2 A recent site visit revealed that the arrangements on site is not in accordance with the planning conditions. The decking remains on site, the residential curtilage, landscaping and boundary treatment is not laid out in accordance with the approved details and there are 4 mobile homes that are used for single dwellinghouse purposes. There is also a pre-fabricated building that is used for residential purposes with a residential curtilage.
- 4.3 Staff consider that the relevant planning policies are contained within the Havering Local Development Framework (LDF). These include policies CP14, CP17, DC45, DC33, DC36, DC61 and DC69 of the Core Strategy and Development Control Policies DPD. London Plan (2011) policies 7.4, 7.6 and 7.16 and the National Planning Policy Framework (NPPF). are also important material considerations. Staff consider that the following section of the NPPF are relevant in this case; Section 9; - Protecting Green Belt Land and Section 7 - Requiring good design.

#### 5. **Recommendation for action**

- 5.1 The site is located within the Metropolitan Green Belt. The main issues are whether the development would amount to inappropriate development in the Green Belt; the effect on the openness, character and visual amenities of the Green Belt; the effect on the character and appearance of the surrounding area having regard to it's location within the Havering Ridge Area of Special Landscape and if inappropriate development, whether there are any other material considerations that would clearly outweigh any harm resulting from these issues and thus justifying the development on the basis of very special circumstances.
- 5.2 Both national and local planning policies provide for the protection of the Metropolitan Green Belt, the fundamental aim of Green Belts being to prevent urban sprawl by keeping land permanently open. The most

important aspect of Green Belts is their openness, and there is a general presumption against inappropriate development within them.

- 5.3 Staff argue that the use of the site for single dwellinghouse purposes is inappropriate development within the Green Belt and, by definition, harmful to it and that it would only be justified if very special circumstances exist. A case for very special circumstances was accepted in relation to one former mobile home on the last appeal, but only subject to the imposition of agreed planning conditions to protect the openness of the Green Belt. Most of those conditions have been breached. It should also be noted that the breach of Condition 3 in particular means that the use of part of the site as a single dwellinghouse together with residential curtilage is unlawful.
- 5.4 With regards to the decking on site, there are no other material considerations that would justify the decking. The decking is inappropriate development in the Green Belt and should be removed to protect the visual amenities of the Green Belt and the character of the surrounding countryside.
- 5.5 For the same reason, it is regarded that all mobile homes, machinery, equipment, apparatus, building materials, rubble, vehicles and trailers unrelated to Lakeview Park as a residential caravan park should be removed from the site. These items should be removed to protect the openness and visual amenities of the Green Belt.
- 5.6 In summary, the alleged breaches of planning control have occurred within the last four years and the Council would be acting within the time limit for taking enforcement action, i.e. the developments are captured within the 4 year rule. Staff consider that the developments are contrary to policy DC45 & DC61 of the LDF Core Strategy and Development Control Policies DPD and the NPPF.
- 5.7 Finally Staff consider that six months is sufficient time to complete the works necessary to comply with the requirements set out in the recommendation section of this report.

## **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 the Legal Services.

### **Human Resources implications and risks:**

No implications identified.

**Equalities implications and risks:**

Section 149 of the Equalities Act 2010 (EA) came in to force on 1<sup>st</sup> April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

**BACKGROUND PAPERS**

- 1. Aerial Photographs*
- 3. Relevant Planning History*