

Planning Committee: 26 February 2013 **Item Number: 12**
Investigation Number: ENF/402/39/12
Town/Parish Council: **Lapworth**
Case Officer: Rajinder Lalli
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Land adjoining Glasshouse Lane, Lapworth, Solihull
Change of use of land for the stationing of a residential mobile home

This enforcement matter is being presented to Committee to request that enforcement action be authorised.

RECOMMENDATION

That appropriate enforcement action be authorised for the cessation of the use of the site for the stationing of a residential mobile home with a compliance period of 2 months.

BACKGROUND

Unauthorised development involving the permanent stationing of a residential mobile home has been undertaken at this site which is located in the open countryside and Green Belt and which has a use for the private stabling of horses.

The mobile home at the site is understood to be occupied by the owner of the horses which are stabled there who initially advised officers of overnight stays occurring between 2-3 times a week to tend to the horses. Whilst the owner of the horses has also provided a separate postal address for correspondence, the installation of a letter box at the entrance to the site indicates a more permanent residential use.

This enforcement investigation was commenced in September 2012. As part of that investigation, the responsible parties have been requested to voluntarily remedy the unauthorised situation at the site, to date without success.

RELEVANT LOCAL PLAN POLICIES

Warwick District Local Plan 1996-2011

DP1: Layout and Design
RAP1: Directing New Housing

National Policy

National Planning Policy Framework

RELEVANT PLANNING HISTORY

Since 2002, planning permission has been granted for stabling and storage buildings and extensions in connection with the private equestrian use of the site. Most recently in April 2012 this included the grant of planning permission for the erection of an extension to the existing stables to provide a larger hay store under application reference W/12/0205. This permission has not been implemented.

However, in August 2012, planning permission was refused for the erection of a replacement stable block at the site which because of its size and design was considered to comprise inappropriate development in the GreenBelt to which there is an objection in principle and no very special circumstances sufficient to outweigh that objection had been brought forward.

That scheme is currently the subject of an ongoing appeal.

KEY ISSUES

The Site and its Location

The site is located in the Green Belt and open countryside close to a small group of residential properties on the facing side of Glasshouse Lane.

Assessment

The National Planning Policy Framework (NPPF) advises that residential development should be considered within the context of the presumption in favour of sustainable development (paragraph 49) and that in rural areas it should be located where it will enhance or maintain the vitality of rural communities and except in specific circumstances avoid new isolated development in the countryside.

At paragraph 99 it states that development which does not preserve the openness of the Green Belt is inappropriate development to which there is therefore an objection in principle and which should not be permitted except in very special circumstances (paragraph 87).

The site the subject of this report is considered to be located in an unsustainable location in the open countryside and Green Belt where national and Development Plan policies seek to resist new residential uses. The stationing of a mobile home at the site, by its very nature impacts on the openness of the Green Belt such that it is considered to comprise inappropriate development. By virtue of its location and prominence it is also considered to be detrimental to the visual amenities and the character of the surrounding area.

For those reasons, there is therefore considered to be an objection in principle to the retention of the unauthorised use in respect of which there are no known very special circumstances sufficient to overcome that objection.

Justification for Enforcement Action

In view of the extent of material planning harm arising from the use of the land for the stationing of the residential mobile home; the absence of very special circumstances and of a voluntary resolution of the matter to date, it is considered that formal enforcement action is now required in order to remedy this outstanding matter.

Whilst there is evidence that the unauthorised use is continuing on a permanent basis at the site, from the information provided by the owner, the mobile home does not currently comprise their main residence. For that reason, it is considered that a period of 2 months to comply with an Enforcement Notice is both appropriate and proportionate.
