

Planning Committee

16 July 2021

Agenda item number 14

Acle: Change of use of land to stationing and use of caravan for residential purposes

Report by Head of Planning

Summary

A caravan has been located on land in Acle and is being occupied for residential purposes without planning permission.

Recommendation

That an Enforcement Notice is served requiring the cessation of the residential use and removal of the caravan.

1. Site location

- 1.1. The site comprises an area of land in Acle located to the north of Damgate Lane, which is to the south of the village. Damgate Lane has a mixed character, with residential dwellings at its western end, further dwellings and open space in the central section and an established industrial estate at its eastern end, culminating in a small sewage treatment works set in a large separate plot at the end of the lane. The Norwich – Great Yarmouth train line lies directly to the north and the A47 Acle Straight further north beyond that. To the north, south and east the land opens out into agricultural and grazing land, with long views to Halvergate marshes to the east.
- 1.2. The Broads Authority boundary runs to the rear of the residential gardens on the north side of Damgate Lane, excluding the industrial estate but including the sewage treatment site. The subject site is within that part of Damgate Lane where the sewage treatment plant is located, but is actually in separate ownership.
- 1.3. The site is not within a development boundary.

2. The unauthorised development

- 2.1. The unauthorised development comprises the change of use of a parcel of land for the residential use of a caravan.
- 2.2. It is understood that the caravan was brought onto the site in late 2020 and has been in occupation since. There are no mains services connected to the caravan.

- 2.3. Officers have met with the occupant of the caravan and explained that there is no planning permission for this use here and that the use is contrary to planning policy. The occupier has indicated that he does not intend to move the caravan. The matter has also been referred to Broadland District Council, as the local Housing Authority and they have engaged with the occupier.

3. The planning issues

- 3.1. The planning issues relate to the change of the use of the land to a residential purpose, without planning permission.
- 3.2. Both national and local planning policies seek to locate new residential development within development boundaries, where there is good access to facilities and services and to protect the countryside, including settlement fringe locations, for its own value. This is set out in the adopted Local Plan for the Broads (2019) at policy DM35 'Residential development within defined Development Boundaries'. There are specified exceptions, but none of these apply here. Where development is permitted, it is required to be of a good standard of design and appropriate for the location. This is set out in the adopted Local Plan for the Broads (2019) at policy DM43 'Design'.
- 3.3. There is not a development boundary for Acle in the adopted Local Plan for the Broads (2019), so it has been assessed as not suitable for further residential development in that part of the parish in the Broads. There are three allocated sites in the adopted Broadland District Council Local Plan (2016) and these are west of the school for 120 – 150 homes (ACL1), south of the railway station for 20 homes (ACL2) and an infill plot to the west of A1064 for 30 homes (ACL4). No additional housing development is proposed in the adopted Neighbourhood Plan (2015), but Policy 5 seeks, inter alia, to improve links from Damgate Lane to the wider countryside to the east and beyond.
- 3.4. It is, of course, appreciated that the unit which is the subject of this report is not a dwelling in the conventional sense, and that the matter under consideration relates to an existing situation (where a unit has been placed on land as a consequence of a related ownership) rather than a planning application for a dwelling, however the principle is the same. The caravan is being lived in and in planning terms it is therefore a use of land for residential purposes and the planning policies which relate to housing apply.
- 3.5. The caravan on the site is a standard unit. It is not connected to services, so water and gas are provided in bottles stored externally, and the area around the unit is used for parking and storage. Whilst not readily visible from outside the site, the development does not meet the design standards of the adopted policies and has an adverse impact on the character and appearance of the area.

4. Enforcement action

- 4.1. The Broads Authority has a Local Enforcement Plan, which was adopted on 8 July 2016 and reviewed in December 2020. It sets out the Authority's approach to dealing with enforcement matters.
- 4.2. At paragraph 3.7 it states that "...Whilst the law gives a Local Planning Authority strong legal powers to deal with breaches of planning control, in most cases the first choice of approach is to use negotiation to reach a satisfactory resolution in a timely manner. The negotiations would aim to achieve one of the following outcomes:
 - To apply for retrospective planning permission if the development is acceptable and would have got planning permission in the first place; or
 - To amend the development so it is acceptable and then apply for retrospective planning permission if the development is capable of being acceptable; or
 - To amend the development so it is in accordance with the approved plans if the amendments are acceptable; or
 - To remove the unauthorised development or cease the unauthorised use if the development is unacceptable and incapable of being made acceptable".
- 4.3. In this case, the development is outside of any development boundary so residential development is therefore unacceptable in principle. As outlined at 3.5 above, it also fails to maintain the acceptable appearance of the area and conflicts therefore with development plan policies. The development is therefore unacceptable due to conflict with adopted policies DM35 and DM43 and, for reasons of conflict with principle, incapable of being made acceptable. The approach of the Enforcement Plan therefore requires the cessation of the unauthorised use and the removal of the unit.
- 4.4. Prior to taking formal enforcement action, however, the Local Planning Authority (LPA) must be satisfied that, first, the development being enforced against is unacceptable and, second, that enforcement action is expedient having regard to harm, proportionality and consistency.
- 4.5. In terms of the unacceptability of the development, this has been set out at 4.3 above.
- 4.6. Considering expediency, the unauthorised development is unacceptable in principle and it therefore follows that it harms interests of acknowledged importance, including the objectives of the Local Plan for the Broads and the integrity of the planning system, which the LPA should seek to protect. It is considered that the service of an Enforcement Notice, which is a simple remedy which would require the cessation of the use and removal of the unit, would not be a disproportionate approach in planning terms. It is acknowledged that this would be a significant impact for the occupier – requiring him to find alternative accommodation, as well as somewhere to put the caravan. The alternative option of allowing the continuation of a residential use in an area where it would not otherwise be permitted would, in effect, be putting private

interest over a public interest, and is not justified. Furthermore, it is noted that the occupier has previously been offered (but not taken) housing support by the local Housing Authority and he could choose to access this. Overall it is considered that the private benefits should not override the public benefits and that enforcement action to secure the cessation of the unauthorised development is proportionate. In terms of consistency, a comparable approach has been taken in respect of the unauthorised residential use of caravans at Blackgate Farm in Great Yarmouth. It is concluded that enforcement action is expedient and justified.

5. Conclusion and recommendations

- 5.1. The Local Enforcement Plan explains that where an unauthorised development is unacceptable and cannot be made acceptable, the LPA should seek to negotiate a solution. The occupier has indicated that he does not wish to move and there is no realistic prospect of a negotiated solution here.
- 5.2. It is recommended that an Enforcement Notice is served requiring the cessation of the residential use and the removal of the unit. The occupant is able to engage with the local Housing Authority in respect to his housing need, either now or after the service of an Enforcement Notice. A compliance period of 4 months would be appropriate, to avoid immediate hardship to the occupant.

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Appendix 1 – Location Plan

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