Planning Committee: 3rd February 2015 **Item Number: 13**

Investigation Number: ENF 175/14

Town/Parish Council: Burton Green Parish

Case Officer: Rajinder Lalli
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Le Van, Red Lane, Burton Green, Kenilworth
Without planning permission, the undertaking of engineering operations resulting in increased land levels within part of the site in question

This report is brought before committee to request that enforcement action be authorised.

RECOMMENDATION

That appropriate enforcement action be authorised directed at the removal of hardstanding areas and the permanent reinstatement of the land identified to its original condition and ground level with a compliance period of 6 months.

BACKGROUND

This matter was brought to the attention of the Planning Enforcement Team in July 2014 when it was identified that works were being undertaken in preparation for the forthcoming lawful use of the land as a static caravan site.

Whilst much of the work associated with that development does not require planning permission, as work continued, it became clear that land levels particularly within part of the site had increased significantly to the extent that engineering operations requiring planning permission were considered to have occurred.

Despite requests to the developer to cease work until this matter could be fully considered and addressed, the work nevertheless continued.

PLANNING HISTORY

- 1978: Planning permission granted for the stationing of 3 caravans on a site then described as Red Lane Poultry Farm, (application W78/0755). The number of caravans permitted to be stationed was not restricted by a planning condition.
- 2010: Refusal of an application for a Certificate of Lawful Use for use of the site as a caravan site for 8 caravans (Ref. W10/0594).
- February 2011: Dismissal of an appeal against the above refusal.

- November 2012: Application for a Certificate of Lawful Use for the use of the site for the stationing of 20 caravans refused, (ref. W12/1237).
- June 2013: Appeal Hearing regarding the above refusal. The case was adjourned to 4th September 2013 because common ground emerged between the main parties regarding the interpretation of case law the effect of which is that the original permission for the stationing of caravans does not restrict the number of caravans that can be stationed at the site. The intention of the adjournment was to allow sufficient time for the applicant to make and the Council determine a repeat application.
- August 2013: W/13/0876 Lawful development certificate granted for the use of the site as a caravan site for 20 caravans.

KEY ISSUES

The Site and its Location

The application site extends to just over a hectare in area and is located in the open countryside and Green Belt close to Burton Green. It is bounded to the north east by the Greenway.

Assessment

Whilst changes across the whole of the site have resulted in a significant impact on the character of the surrounding area, the use of the site for the stationing of caravans itself from which many of those changes result is a lawful use.

However, the engineering operations that have been undertaken are at their most significant within the north east part of the site where there is a significant increase in levels. Engineering operations to that extent are considered to require planning permission in their own right and within the context of the character and appearance of the surrounding countryside introduce an exposed and stark change in levels which impacts upon the openness of the Green Belt and the established character of the surrounding area to the extent that it is considered that there is a planning objection.

Justification for enforcement action

The impact of the unauthorised engineering operations which has resulted in the change of levels at the site described above are at their most significant and harmful in the north east part of the site where the change in character within the surrounding landscape is at its most notable.

Officers have carefully considered whether any works for example additional landscaping could be undertaken which would mitigate the impact of the unauthorised change in levels to the extent that the resulting harm would be overcome. However in view of the scale, nature and impact of the increased height of the land, this is not considered to be an approach which would sufficiently overcome that harm.

Officers have also considered the extent and scale of the works that will be required on the part of the site owner/operator to satisfactorily address that harm including the removal and disposal of a substantial amount of material from the site impacting in the short term upon on a number of the caravan plots within the site and have concluded that there is no viable alternative course of action which would sufficiently overcome the harm that has been caused.

Following the absence of any voluntary resolution to this matter and in view of the significant adverse impact of the above unauthorised development on the openness and visual amenities of the countryside and Green Belt, it is considered that formal enforcement action is now required in order to remedy these outstanding matters.

The Planning Unit
Area of Enforcement Action
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WARWICK DISTRICT COUNCIL
Title:
Enforcement Notice
Le Van, Red Lane, Burton Green, Kenilworth, CV8 1PE
LOCATION PLAN
Scale: 1:1000
Plan
Drawn By: [illegible]
Date: 22 January 2015
File No. EN 175/14
North
Development Services: P.O. Box 2178, Riverside House, Milverton Hill, Royal