

**NFNPA/PDCC 239/17**

**NEW FOREST NATIONAL PARK AUTHORITY**

**PLANNING DEVELOPMENT CONTROL COMMITTEE – 18 JULY 2017**

**DIRECT ACTION**

**LAND AT CHARLES LANE, CROW, RINGWOOD, BH24 3DB**

**Report by:** Paul Hocking, Enforcement and Trees Manager

**1.0 Summary**

- 1.1 This report concerns breaches of planning control at a small parcel of agricultural land on the outskirts of Ringwood. The site is just 0.85ha and was purchased by a Mr Light in May 2015. Lying within a traditional forest edge landscape, the land is of an undulating nature and slopes steeply towards the north east which is bounded on two sides by copses of semi-ancient woodland. To the north and south lies further agricultural land in separate ownership and which affords clear views of the site from the wider area. The site is accessed from Crow Hill by a gravel track to the south.
- 1.2 Whilst it is understood the land contained two dilapidated caravans and a small shed at the time of purchase (and which it has been determined are not immune from enforcement action) shortly thereafter a third caravan was stationed and a further shed erected to include the storage of other general paraphernalia as well as a portaloo.
- 1.3 The purpose of this report is therefore to update Members as to the progression of the current situation and approve direct action being taken to secure compliance with an Enforcement Notice that was subsequently served on 9 October 2015.

**2.0 Enforcement and Court Chronology**

- 2.1 A complaint was received in June 2015 about the stationing of a caravan as well as other items having been recently brought to the site. A subsequent site visit confirmed this was in breach of planning controls.
- 2.2 A site meeting with Mr and Mrs Light was then held following which a Planning Contravention Notice (PCN), which asks questions about interest in land and owner intentions, was served to aid the investigation.

- 2.3 Mrs Light responded to the PCN and confirmed her interest in the land and her understanding of the situation. It has also been confirmed, and has subsequently been verified through our site visits, that there was no residential occupation of the land concerned. Requests were then made to clear the land of the unauthorised items but no efforts were made by Mr or Mrs Light.
- 2.4 As a consequence an Enforcement Notice was served on 9 October 2015 directed against securing the removal of the three caravans, recently erected shed, the laying of a hardstanding and other non-agricultural paraphernalia.
- 2.5 The Enforcement Notice was then appealed on the basis the breach of planning control had not occurred as a matter of fact. This was later expanded upon to include a claim of lawful use and therefore immunity from enforcement action. Those appeals were dismissed on 25 August 2016 and therefore the scheduled date for compliance was 6 October 2016.
- 2.6 A subsequent site visit confirmed that whilst the most recent caravan had been removed the remaining requirements had not been complied with. Proceedings were then issued in the Magistrates Court in November 2016 pursuant to a prosecution against Mr and Mrs Light owing to their failure to comply with the Enforcement Notice. They failed to appear at Court but did attend on the second occasion and entered a not guilty plea. A trial date was then set for 30 May 2017. Mrs Light then attended the trial and changed her plea to guilty and took responsibility for both parties. She was subsequently fined £230 (including victim surcharge) and the Authority was awarded £2000 in costs.
- 2.7 Despite all the above, Mr and Mrs Light have chosen to only have limited engagement with the Authority. At Court, whilst Mrs Light recognised the various items needed to be removed, no immediate offer to do so was made and the breaches of planning control have now subsisted for over two years.

### **3.0 Direct Action**

- 3.1 The ability to take direct action arises from Section 178(1) of the Town and Country Planning Act which gives a local authority the power to enter onto land and “take any steps required by an Enforcement Notice to be taken” where they are not taken within the period for compliance with the Notice by the owner. Lesser steps may therefore also be taken by the Authority.
- 3.2 In the case of this breach of planning control a ‘ro-ro’ skip would temporarily be placed near the vehicular entrance to the site and a contractor employed to move the two dilapidated caravans and various non-agricultural items and resultant debris into that skip. Any items of considered value would be retained at our offices for a short period to enable their subsequent collection or disposal thereafter.
- 3.3 Given the age and condition of the items at the site the monetary value is considered to be low and thus the costs of any attempted sale of the items would be outweighed by the time it would take to manage the process. The cost for the contractor to undertake

the necessary site clearance and disposal will be approximately £2500 although a contingency will be required given the number of items at the site.

- 3.4 The enforcement of planning control is in the wider public interest of the community by preventing inappropriate and harmful development within a very special environment of national significance, the New Forest National Park. It is a legitimate aim within a democratic society to protect the rights of others through the preservation of the environment. The Authority's interference in taking direct action against Mr and Mrs Light is therefore in accordance with the law in that the Authority would be acting in accordance with the powers conferred upon it by the Town and Country Planning Act.
- 3.5 In totality, whilst taking the action recommended would interfere with some of Mr and Mrs Light's rights, the infringement is considered to be right, proportionate and outweighed by the wider public interest. The Authority has been very clear with Mr and Mrs Light from the outset that their actions are in breach of planning control and need to be addressed. Whilst it is recognised in recent weeks some positive action may now have been offered by Mr and Mrs Light to address matters by the end of July, there are no tangible signs to date that the site is being cleared. Members will however be updated at Committee following a further site visit.

#### **4.0 Conclusion**

- 4.1 Taking direct action would address the breaches of planning control at this site. Mr and Mrs Light have tried to frustrate our efforts to secure compliance and taking further action through the Courts is likely to have little positive effect given this pattern of behaviour.
- 4.2 It is therefore considered expedient, necessary and proportionate to take direct action following which a charge should be placed on the land to aid the recovery of the costs incurred in concluding this matter.

#### **RECOMMENDATION:**

**It is recommended that the committee authorise that;**

- 1. direct action be taken in accordance with Section 178(1) of the Town and Country Planning Act to include disposal of all the items collected from the land affected; and**
- 2. the Authority's Solicitor place a charge on the land affected to aid recovery of the costs arising from the legal and direct action taken.**

**Contact:**

Paul Hocking  
Enforcement and Trees Manager  
Tel: 01590 646618  
Email: [paul.hocking@newforestnpa.gov.uk](mailto:paul.hocking@newforestnpa.gov.uk)

**Papers:**

NFNPA/PDCC 329/17 – Cover Report  
NFNPA/PDCC 329/17 – Annex 1 – Copy of Enforcement Notice dated 9 October 2015

**Equality Impact Assessment:**

There are no equality or diversity implications arising directly from this report.