

# **NEW FOREST NATIONAL PARK AUTHORITY**

## **PLANNING COMMITTEE - 15 April 2025**

### **NON-COMPLIANCE WITH ENFORCEMENT NOTICE QU/22/0074 BRAMBLEY / BRAMBLY HEDGE, LYNDHURST ROAD, LANDFORD, SALISBURY, SP5 2BJ**

**Report by: Lucie Cooper, Planning Enforcement Manager**

#### **1 Summary**

- 1.1 This report concerns a breach of planning control at Brambley / Brambly Hedge, Lyndhurst Road, Landford, Salisbury, SP5 2BJ. In 2022 the new owner of the site began occupying the mobile home on the site despite the expiration of a temporary personal planning permission (appeal decision APP/B9506/W/16/3161232 pursuant to application 16/00670) which was granted to the previous owner subject to conditions that when the land ceased to be occupied by them, the permitted use (use of the land as a single residential gypsy pitch) should cease and all caravans, buildings and associated items be removed. The new owner submitted a planning application (22/00455) which was refused by the Planning Committee in June 2023. As a result, an Enforcement Notice was issued on 29 November 2023 requiring the use to cease and the removal of all associated buildings and items from the land.
- 1.2 The Enforcement Notice was not appealed and the Notice took effect on 12 January 2024 and provided a compliance period of 6 months meaning that the Enforcement Notice was due to be complied with on or before 12 July 2024.
- 1.3 Following the issuing of the Notice the owner did lodge and appeal against the refusal of planning application 22/00455. The appeal was dismissed on 12 February 2025.
- 1.4 To date the requirements of the Notice have not been complied with and the unauthorised residential use of the site continues with no indication from the owner that they intend to take positive steps to comply with the Notice. This report therefore seeks Members' approval to prosecute those owners who continue to breach the Notice - to the detriment of the landscape and neighbouring owners as set out in the Notice and amplified by the Inspector.

#### **2 Background**

- 2.1 Brambley Hedge has a long and complex planning and enforcement history detailed concisely below and in more detail at paragraphs 8.10 to 8.14 of the report that was before committee on 20 June 2023 resulting in planning permission being refused under application 22/00455 by the committee.

- 2.2 The Authority previously secured compliance with an Enforcement Notice issued on 20 July 2005 in respect of the unauthorised use of agricultural land for the stationing of a mobile home and its use as a self-contained unit of residential accommodation. The Enforcement Notice was substantively complied with when the then owner of the land removed the mobile home on 11 November 2009 following a successful prosecution by the Authority in April 2008 and subsequently in March 2009. The agricultural land was then sold to the previous owner in May 2011.
- 2.3 The previous owner applied for planning permission to change the use of the land to use as a single gypsy pitch on in June 2012. The application was refused, by notice, on 15 August 2012 (12/97573). In September 2012 the Enforcement team established that a further caravan had been stationed on the land in breach of the 2005 Enforcement Notice.
- 2.4 As a result of the breach, the Authority sought a High Court Injunction in an attempt to secure the removal of the unauthorised caravan which was successful to a degree in that an order by consent was obtained in 2015. However, the former owner submitted a further planning application (16/00670) for the use of land as a single pitch gypsy caravan site for a temporary period of 5 years which was successful at appeal with an award of costs against the Authority. The success of the appeal turned on the specific needs of the owner's young son. As a result, court proceedings were withdrawn and no further enforcement action was taken in respect of the site until the temporary planning permission, granted by appeal, expired in June 2022.
- 2.5 Following complaints received by the Enforcement team, an initial site visit in June 2022 found that the mobile home remained on the land and was being occupied by the current Owner who submitted a retrospective planning application (22/00455) for the change of use of land to Gypsy and Traveller family pitch including siting of static caravan with cladding; 1no. building ancillary to static caravan; hardstanding; external lighting. The application was refused in June 2023. No remedial steps were taken by the owner and an [Enforcement Notice](#) was issued on [29 November 2023](#) which alleged the breach of planning control as being a breach of conditions 1 and 2 of the planning permission set out in appeal decision APP/B9506/W/16/3161232 (application reference 16/00670) consisting of the continuation of the residential use of the land as a private gypsy and traveller pitch.
- 2.6 The Notice required the owner to:
- i. Permanently cease the use of the Land as gypsy and traveller pitch
  - ii. Permanently cease the use of the Land for residential purposes
  - iii. Permanently cease the use of the Land for the stationing of caravans
  - iv. Permanently remove all caravans from the Land
  - v. Permanently demolish, dismantle and remove all buildings, structures, materials, equipment and any domestic paraphernalia brought onto the Land, and all hardstanding, in connection with the residential use of the Land.
  - vi. Restore the Land to its previous level and condition.

- vii. Remove all debris and material resulting from compliance with the requirements above from the Land.

- 2.7 The Enforcement Notice was not appealed and as a result the Notice took effect on 12 January 2024 and provided a compliance period of 6 months (until 12 July 2024) to allow sufficient time for the necessary steps to be taken for the Notice to be complied with.
- 2.8 Following the issuing of the Enforcement Notice, the Owner appealed the refusal of planning application 22/00455 which was determined by informal hearing in December 2024. The Inspector subsequently dismissed the appeal in February 2025. Agents instructed by the owner have indicated that he does not intend to comply with the Enforcement Notice.
- 2.9 Should members feel it necessary to discuss the particulars of the enforcement investigation in more detail it is likely to require the matter to be taken to Part II of the meeting due to the sensitive nature of such investigations.

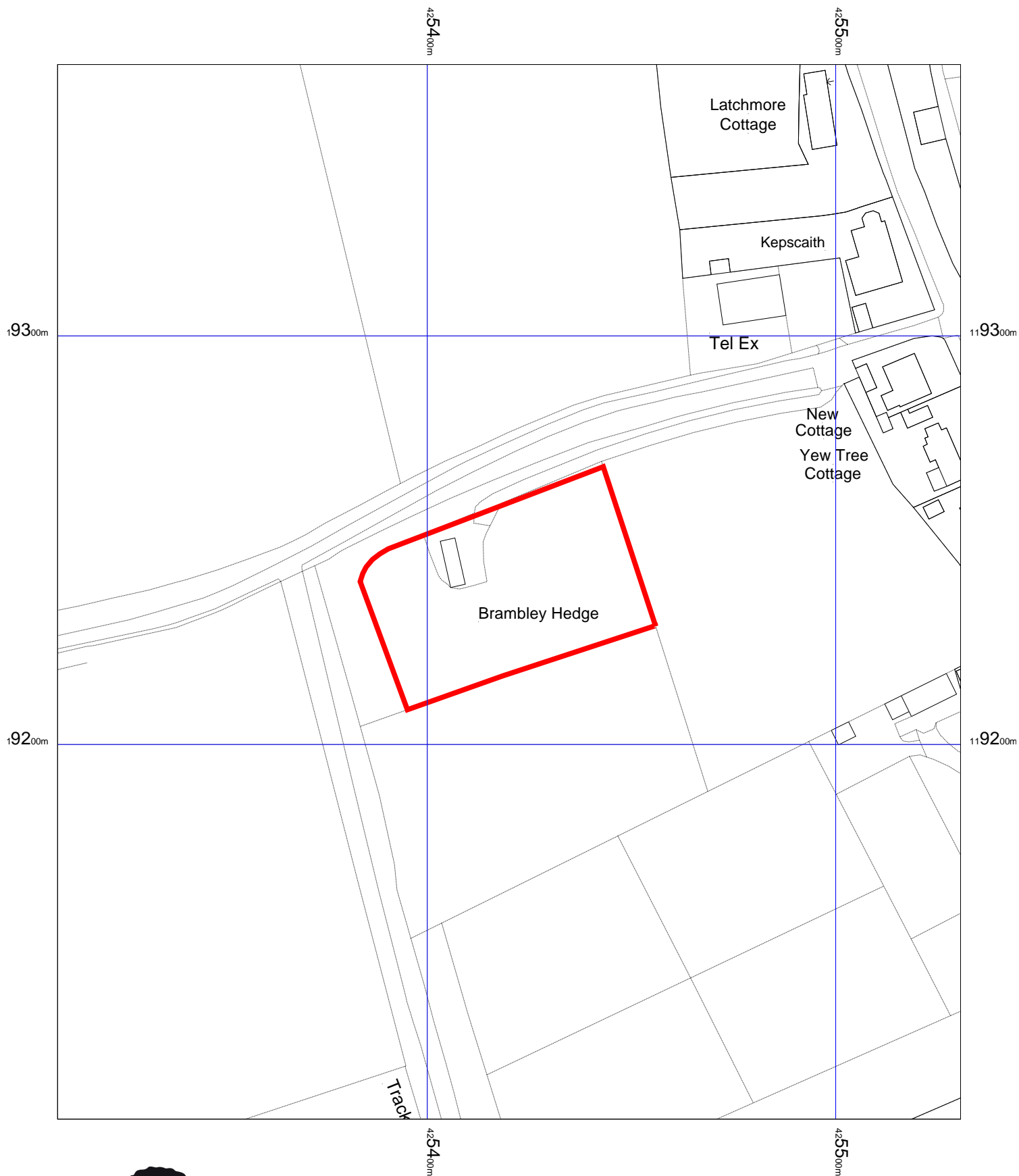
### **3 Next Steps**

- 3.1 The Authority may now choose to prosecute the owner for noncompliance with the Notice which is an offence under section 187A of the Town and Country Planning Act 1990, as amended (the 'Act').
- 3.2 Prior to commencing a prosecution, the Authority needs to be satisfied firstly that there is a realistic prospect of success and secondly that commencing prosecution proceedings would be in the wider public interest. The Authority is satisfied that there is an adequate prospect of success given the evidence available. As to the public interest in taking action, the enforcement of planning control is in the wider public interest of the community by preventing inappropriate and harmful development within a special environment of national significance, the New Forest National Park.
- 3.3 The Authority's prosecution of the owner would be in accordance with the powers conferred upon it by the Act and also appears to be both proportionate and supported by the wider public interest, especially in view of the harm caused by this breach. Allowing the mobile home to remain would undermine the Authority's strong stance that residential mobile homes within the New Forest National Park adversely harms the landscape and visual amenity of the area, eroding the open character of this particular area, contrary to the Local Development Plan and the National Planning Policy Framework.
- 3.4 Noncompliance with an Enforcement Notice leaves the owner liable, on summary conviction, to an unlimited fine.
- 3.5 It is therefore considered expedient, necessary, and proportionate to commence proceedings as outlined above.

## **RECOMMENDATION:**

**Members authorise the Authority's Executive Director Strategy and Planning, in consultation with the Solicitor and the Enforcement Manager, to:**

- i. consider the further evidence, if any, submitted in respect of the purported impediment to compliance and form a view as to the appropriate course of action to achieve compliance with the Enforcement Notice; and**
- i. if officers are in agreement that it is appropriate to do so, in light of any further information referred to in paragraph (i) above, take all action as necessary to commence and conduct the prosecution of the owners of BRAMBLEY / BRAMBLY HEDGE, LYNDHURST ROAD, LANDFORD, SALISBURY, SP5 2BJ in respect of their non-compliance with the Enforcement Notice issued 29 November 2023; or**
- ii. if it is not considered appropriate to commence a prosecution, to consider and take such other action as necessary to achieve compliance with the Enforcement Notice including taking direct action and any other steps as necessary to recover the costs of so doing from the owners, including arranging for a charge to be placed on the land.**



NEW FOREST  
NATIONAL PARK

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