

5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019, of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Latest Information

The Planning Inspectorate has now confirmed that the appeal is valid but has not issued a 'start letter' and as such has not set out the appeal timetable. The appellant has requested that the procedure that the appeal follows is a hearing. The Planning Inspectorate will determine the appeal procedure to be followed.

The grounds of appeal advanced to date by the appellant in this case are as follows-

Ground (a) – that planning permission should be granted for what is alleged in the notice (or the "deemed planning application")

Ground (f) – that the steps required to comply with the requirements of the notice exceed what is necessary to remedy any breach of planning control referred to in the notice, and lesser steps would overcome the objections.

Ground (g) – the time given to comply with the notice is too short.

Ground (a)

The case advanced at ground (a) is that the development constitutes inappropriate development in the Green Belt and, would reduce openness to a limited extent. On balance, the unmet need for gypsy and traveller sites; the appellant's family's personal accommodation needs and personal circumstances; the absence of alternative sites for this vulnerable family; substantial compliance with the Council's locally specific criteria; the failure of the development plan to bring forward suitable land for traveller sites in a timely manner; and the needs of the appellant's children, clearly outweigh harm to the Green Belt and any other harm. The appellant asserts that the very special circumstances therefore exist to justify the granting of planning permission.

Ground (f)

The steps required by the notice are the cessation of the residential occupation of the mobile home on the land; removal of the mobile home from the land and removal of all material associated with the residential use of the land.

The appellant's case is that the condition being enforced does not require removal of the caravan or, of all materials associated with the residential use of the land. It is asserted that the operational development carried out in connection with the use was not authorised by the planning permission, which was for "use of mobile home as dwellinghouse", it was carried out more than 10 years ago and, is immune from enforcement action. The argument advanced therefore is that the enforcement notice can only require cessation of the use of the mobile home for residential purposes.

Ground (f)

The case sets out that the mobile home is the appellant's home, together with that of his partner and children. The time period for compliance as set out in the notice, which is 4 months, would make this family homeless and, disrupt the children's health care and education. It is, according to the appeal submission, disproportionate to the harm being caused by them staying on in a mobile home which has been on the appeal site since 1992. The appellant requests that a period of at least 18 months

should be allowed before they are required to cease the residential use of the mobile home, as this would allow a reasonable amount of time for alternative lawful accommodation to be found.

Date report prepared: 13th February 2019