

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 (since repeated), 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.

The appeal decision against the enforcement notice dated the 9th November 2018 was received on the 21st December 2022.

The Planning Inspectorate has allowed the appeal and the enforcement notice is quashed. Therefore, planning permission has been granted for the use of a mobile home on the land as a dwelling.

A number of conditions have been imposed, including a restriction on the occupancy of the mobile home to Mr Thomas Maughan and Mrs Eileen Maughan, and their dependants. There is a requirement to remove an existing double garage within two months of the date of the decision and a requirement to submit information to the Local Planning Authority regarding drainage, provisions for facilities for water and sewerage, provision of parking spaces and details of a scheme to restore the land to its condition before the development took place. Further conditions specify that there shall be no more than one pitch on the site with no more than two caravans and no commercial activities shall take place on the land, including the storage of materials.

In reaching his decision, the Inspector identified the main issues as:

- whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the Planning Policy for Traveller Sites (PPTS), and
- if the breach of planning control alleged in the notice is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whilst the Inspector concluded that the use of the land as a gypsy and traveller site was inappropriate development in the Green Belt, he considered that there were other factors that would outweigh the harm to the Green Belt and that a personal permission would accord with the development plan when read as whole, as well as with the Framework and the PPTS.

A copy of the appeal decision can be viewed via the following link; <https://www.newcastle-staffs.gov.uk/BoggsCottage>

Your officers will now monitor compliance with these conditions ensuring that any appropriate and necessary action is taken swiftly. Neighbouring occupiers will also be kept up to date with the monitoring process.

Date report prepared – 19th January 2023