

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**UPLANDS AREA PLANNING SUB-COMMITTEE**  
**MONDAY 10<sup>TH</sup> OCTOBER 2017**

**UNAUTHORISED SITING OF A RESIDENTIAL CARAVAN AT MOUNT  
PLEASANT FARM, CHAPEL LANE, NORTHMOOR**  
**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

(Contact: Kim Smith: (01993) 8616576)

(The decision on this matter will be a resolution.)

**1. PURPOSE**

To enable Members to consider whether it is expedient to authorise enforcement action to secure cessation of the residential use and removal of the caravan/mobile home.

**2. RECOMMENDATIONS**

That Members' authorise the issue of an enforcement notice to require cessation of the residential use and removal of the caravan/mobile home from the land within 6 months of the notice taking effect. Further, if compliance with the notice is not secured, to institute further actions to secure compliance.

**3. BACKGROUND**

3.1 Following a complaint it has come to light that a caravan/mobile home is located on the land in close proximity to a range of former agricultural buildings on the site. The mobile home is being occupied for residential purposes by the landowner's son who operates a business from the land. The occupier has submitted a retrospective application under ref 17/01330/FUL in an attempt to regularise the use which is recommended for refusal in the main body of the October Sub Committee Agenda. The site is located outside of the main body of the village within the open countryside.

3.2 In considering the expediency of taking formal enforcement action to secure cessation of the residential use and removal of the caravan/mobile home from the land the key considerations are as follows:

- whether or not there is an overriding essential or operational need to justify residential development in the open countryside;
- the impact of the unauthorised development on the rural character and appearance of the area.
- Impact on flooding and a Minerals Consultation zone.

3.3 The Committee report in respect of 17/01330/FUL addresses the above issues and concludes that the retrospective development is unacceptable for the following reasons:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is an overriding operational or essential need for a residential caravan to be located on the land in the open countryside some distance from local services and facilities. As such the development is considered contrary to policies H4 and H14 of the adopted West Oxfordshire Local Plan, H2 of the Emerging Local Plan 2031 and Paragraph 55 of the NPPF.
  2. In the winter months the development will be visible from both the Chapel Lane and a network of public rights of way in the vicinity of the site and will appear as a utilitarian and visually incongruous domestic feature within the open countryside detracting from the rural character and appearance of the area. As such, the development is considered contrary to policies BE2 and H14 of the adopted Local Plan, OS2 of the emerging Local Plan and relevant paragraphs and advice in the NPPF.
- 3.4 At the time of writing the impact of the development on Flood Risk and Minerals Safeguarding are still under consideration and either or both may result in a further reason for taking formal enforcement action. Members will be updated on these issues at the meeting.

#### **Enforcement Action and Human Rights**

- 3.5 Government guidance in the NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system. Further that enforcement action is discretionary, and local planning authorities should act proportionately in responding to breaches of planning control. In addition the Planning Act requires that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The recommended enforcement action would require the occupant of the land to cease living on the site and remove the mobile home and any ancillary domestic paraphernalia. Bearing this in mind it could be argued that such action will interfere with his human rights.
- 3.6 In light of the above, the interference with human rights needs to be weighed against the serious harm caused by the development in terms of the lack of justification for a residential use in the open countryside and the impact on the rural character and appearance of the area. In this respect, the residential development is a significant breach of planning control. It is considered that the public interest in protecting the environment from the adverse effect of such unauthorised development outweighs the interference with the occupiers' rights to a peaceful enjoyment of their property/possessions.
- 3.7 The National Planning Policy Framework states that 'effective enforcement is important as a means of maintaining confidence in the planning system'. Having regard to this principle, it is considered that the enforcement action to require the cessation of the residential use and the removal of the caravan/mobile home and associated domestic paraphernalia from the land as recommended is an expedient and a proportionate response to the harm identified in this report.

#### **4. ALTERNATIVES/OPTIONS**

Members may consider that the harm outlined in your officers report, is not so 'significant' such that it is expedient to take formal enforcement action.

## **5. FINANCIAL IMPLICATIONS**

None at this stage.

## **6. RISKS**

None at this stage.

## **7. REASONS**

See Section 3 above.

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Background Papers:  
None