

OTHER MATTERS- ENFORCEMENT

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

Committee Report: Prosecution

Reference No: EC13/0023

Case Officer: David Griffiths

Received on: 11-Feb-2013

Site Address: Tresissillt, St Nicholas, Goodwick, Pembrokeshire, SA64 0LJ

Alleged Breach: Erection of stable buildings

Summary

An Enforcement Notice was served by this Authority on 9th January 2015 following development undertaken at Tresissillt (also known as Treseissyllt), St Nicholas without the benefit of planning permission. No appeal was made against the Enforcement Notice and as a result the Enforcement Notice came into effect on 10th February 2015 with a compliance period to remove the unauthorised works by 10th May 2015. As of to date, the Enforcement Notice has not been complied with.

Background

A complaint was received by the Authority in February 2013 alleging a breach of planning control involving the construction of stables.

Following initial investigations by officers of this Authority it was noted that preparatory ground works had been carried out on site to suggest that a building/structure was being proposed. Despite earlier communications with the person responsible and advising that planning permission was required for the proposed development, works recommenced on site at a later date involving the erection of two stable buildings without the benefit of planning permission.

A Planning Contravention Notice was issued on 23rd May 2013 regarding the alleged breach of planning control. This notice was hand delivered by an officer of this Authority to the property known as Tresissillt and addressed to the occupant of the property. The Planning Contravention Notice was to be completed by the recipient and returned to this Authority within 21 days from the date that they were served with the Planning Contravention Notice.

The Planning Contravention Notice served on the owner of the property was not returned to this Authority within the required 21 days. Despite numerous reminders sent to the recipient of the Planning Contravention Notice requesting the Notice to be completed and returned to this Authority, it has still not been returned. The information required in a Planning Contravention Notice is to enable the Local Planning Authority to gather information with

regard to an alleged breach of planning control and ascertain whether it is expedient to take any further action.

Despite numerous attempts by this Authority to seek a voluntary resolution to remedy this breach of planning control, no attempt was made by the person responsible for the unauthorised works to remedy the breach. As a result, and in view of issues identified in the unauthorised development it was considered expedient by this Authority to pursue action through the service of an Enforcement Notice to secure the removal of the unauthorised stables from the land.

On 8th January 2015 an Enforcement Notice was issued and served on all persons with an interest in the land.

The Enforcement Notice required the removal of the two stable buildings and the associated concrete slab base from the land within three months beginning with the day on which the Notice took effect. No appeal was made against the Enforcement Notice by the recipients and therefore the Enforcement Notice took effect on 10th February 2015. The date for complying with the Enforcement Notice expired on 10th May 2015.

On 21st May 2015 a site visit was carried out by officers of this Authority whereupon it was evident that the Enforcement Notice had not been complied with as the two stable buildings and associated concrete slab base remained in-situ. This Authority wrote to the occupier of Tresissillt on 22nd May 2015 informing that the Notice had not been complied with and also reminding that failure to comply with the Notice could result in prosecution proceedings against them in the Magistrates Court by this Authority

At the time of writing this report the Enforcement Notice has still not been complied with. Officers have now written to the person responsible for the unauthorised works advising that the matter will be reported to the Development Management Committee with a view to seeking authority to commence prosecution proceedings as a result of the non-compliance with the Enforcement Notice. They have also been asked if there are any representations that they wish to put before members at this Committee, to do so in writing. Any responses received will be reported to Committee.

Planning History

- *NP/08/028 – Siting of mobile home whilst renovation of farmhouse is undertaken – Approved on 7th May 2008*

Conclusions

The Authority has a statutory duty to ensure that new development does not damage the natural beauty, character and special qualities of the National Park. The design, materials and form of the stables in this location are very much at odds with the typical and well conserved vernacular character of the former farm buildings and the more formal farmhouse. The scale of the

stables is such that they visually compete with the house when viewed from the public road/footpath, overall, they are intrusive within a well-preserved group of buildings and do not preserve the qualities and special character of the National Park. As such the development fails to comply with the aims of the Local Development Plan in that the development is insensitively and unsympathetically sited within the landscape. The enforcement of planning control is in the wider public interest by preventing inappropriate and harmful development and to allow unauthorised development to remain on the land undermines the Authority's ability to take action against similar inappropriate, development in the countryside within the National Park.

The failure to comply with an Enforcement Notice after it has taken effect is a criminal offence answerable to in the Magistrates Court. Furthermore, the failure to comply with the requirements of a Planning Contravention Notice is also an offence in itself.

RECOMMENDATION

That the Chief Executive/Director of Park Direction and Planning/Head of Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court for:

- i. Failing to comply with the requirements of the Enforcement Notice dated 8th January 2015, and also
- ii. Failing to comply with the requirements of a Planning Contravention Notice dated 23rd May 2013.