

**EC14/0080 – USE OF DUTCH BARN FOR RESIDENTIAL USE AND MONITORING OF PLANNING CONDITION REQUIRING REMOVAL OF MOBILE HOME – HEN TREFERFYN, BEREA, HAVERFORDWEST, PEMBROKESHIRE, SA62 6DH**

*Background*

1. In August 2014 an alleged breach of planning control was brought to the attention of the authority. The alleged breach relates to the unauthorised use of a Dutch barn for residential purposes and non-compliance with a condition attached to planning permission NP/11/321 requiring the removal of mobile home from the site.
2. Following investigations (which are continuing) and attempts by the Authority to meet the land owner with a view to resolving this issue, a Planning Contravention Notice was issued on 16<sup>th</sup> January 2017 addressed to the owner of the property. These Notices were posted by recorded delivery. The Planning Contravention Notices were to be completed by the recipients and returned to this Authority within 21 days from the date that they were served.
3. The Planning Contravention Notice served on the owner of the property was not returned to this Authority. As a result, this Authority wrote to the owner on 6<sup>th</sup> February 2017 giving a further seven days to return the Notice. He was also reminded it was an offence to not return the notice which was answerable to in the Magistrates' Court.
4. At the time of writing this report, the Planning Contravention Notice has still not been returned to this Authority.
5. A similar report was made to this Committee in October 2011 as a result of the owner failing to return a Planning Contravention Notice that had been served on him during earlier investigations. At that meeting it was resolved to instruct solicitors to commence prosecution proceedings in the Magistrates' Court for the non-return of the Planning Contravention Notice. Prosecution proceedings were commenced by solicitors acting for this Authority and a court date was set. However, prior to that court date, the owner returned the Planning Contravention Notice and also agreed to pay the costs of the prosecution of £900 (inclusive of VAT). These costs were paid in full.
6. This Authority has now written to the owner of Hen Treferyn asking if there are any representations he wishes to put before Members and any response received will be verbally reported to Committee.

*Planning History*

- NP/11/321 – Change of use to Equestrian Stud, including Stables, associate Offices and Stores, and siting of residential caravan

### Analysis

The information required in a Planning Contravention Notice is to enable the Local Planning Authority to gather information with regard to an alleged breach and to ascertain whether it is expedient to take any further action.

In this particular case, following investigations by your officers, evidence suggests that there is a breach continuing at this property (i.e. non-compliance with planning conditions) and there may also be an unauthorised change of use of the barn for residential purposes.

It is considered that the non-compliance of planning condition 2 of NP/11/321 is a serious breach of planning control and that in the wider public interest the matter should be pursued. The collection of information through the Planning Contravention Notice procedure enables any action to be taken with regard to full information, and provides the opportunity for those that would be subject to any action to be able to provide such information.

The failure to return a Planning Contravention Notice is an offence in itself. As a result this Authority is unable to undertake its enforcement duties properly. Accordingly it is considered that action should be taken against the non-return of the notice to enable these duties to be pursued.

### **RECOMMENDATION**

That the Chief Executive/Director of Park Direction and Planning/Team Leader Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court for the non-return of the Planning Contravention Notice.