

Alleged Unauthorised Development

Ightham
Ightham

03/00371/UNAUTU

559092 156041

Location: Land Southeast Of Hazeldene Farm Bungalow Old Lane
Ightham Sevenoaks Kent

1. Purpose of Report:

- 1.1 To report the non-compliance with the enforcement notice issued on 25 November 2003 which required the cessation of the use of the site as a residential caravan site and to remove permanently from the land all caravans.

2. The Site:

- 2.1 The site lies outside the settlement confines of Ightham on the east side of Old Lane.

3. History:

- 3.1 TM/03/03028/FL Refused 12.11.2003
Siting of two twin unit mobile homes and two touring caravans.
- 3.2 Enforcement Notice issued on 25.11.03 (period of compliance ended on 2.02.04) requiring the cessation of the use of the land as a caravan site. No appeal was submitted against this Notice. Conviction against the landowners for non-compliance with the Notice 29.07.04.
- 3.3 TM/04/00536/FL Refused 27.10.2004; Appeal Dismissed 08.06.2005
Residential use of one caravan.

4. Alleged Unauthorised Development:

- 4.1 The use of the site as a residential caravan site.

5. Determining Issues:

- 5.1 The Planning Inspectorate has dismissed the landowners appeal against the refusal of this Council to permit the use of the site as residential caravan site. There is a current Enforcement Notice in force on the site which requires the cessation of the use of the land as a caravan site.
- 5.2 During his deliberations the Planning Inspector took into account the needs of the owners as Gypsies and their Human Rights. He felt that their needs did not outweigh the harm the development is causing to the MGB, SLA and ASC.

5.3 Prior to determination of the 2004 application the Borough Council had successfully prosecuted the owners of the site for non-compliance with the Enforcement Notice. Further prosecution was held in abeyance pending the outcome of the second application and any subsequent appeal.

5.4 As that appeal has now been dismissed I believe that it is now appropriate to recommence with prosecution action for continued non-compliance with the Enforcement Notice.

6. Recommendation:

6.1 **Further Proceedings**, against the owner of the site be undertaken in the Magistrates Court under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Richard Edmonds