

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 7 JULY 2009

Report of the Head of Planning

Former Scrap Yard, Ings Lane, Kirkbymoorside

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 The site is located approximately 1km to the south of Kirkbymoorside town centre, on the eastern side of Ings Lane, which runs south out of the town into open countryside. Please see plans attached (Annexes 1 and 2).
- 1.2 The site is currently partially developed as a commercial fishing pond.

2. ALLEGED BREACH OF PLANNING CONTROL

- 2.1 Retention of a static caravan on the site and occupation for residential purposes.

3. WHEN ALLEGED BREACH FIRST OCCURRED

- 3.1 The breach was reported to the Enforcement Officer in April 2006.

4. HISTORY AND EVIDENCE OF BREACH

- 4.1 Full planning permission was granted in July 2007 for a change of use of the site to form a commercial fishing pond and to erect an office, store and a stable.
- 4.2 The 2007 planning application followed an earlier refusal for the same development in 2006.
- 4.3 The owner has previously been informed that he could retain a caravan on-site while he was working on the site. This work involved clearance of scrap above and below the ground formation, and stocking of the pond and erection of the office, store and stable. At the time, the applicant confirmed that he was living away from the site, latterly within the Ryedale area, although on occasions, he stayed overnight for security purposes.

- 4.4 It was a requirement of the 2007 planning permission, that the owner had to complete the pond before any buildings were erected. As the pond is now complete, there is a security issue, consequently the owner has been regularly staying overnight in the caravan. (Once completed, the office will be used by the applicant and employees for 24 hour security of the site).
- 4.5 There is a concern that the caravan is currently been occupied for residential purposes, which exceed those reasonably associated with the site security. Planning officer consider overnight site security to involve a person or persons specifically involved to patrol the site and use the caravan and/or office as a base for meals and drinks, watching T.V., etc. Site security does not, however, require the near continuous use of the caravan for sleeping over, as is understood to presently be the case.
- 4.6 In May 2009, the applicant indicated that the office will be completed in the next few months, at which time it is his intention to remove the caravan from the site. There is, however, concern that the caravan has been present on site for several years and that there should now be formal control over the retention of the caravan on the land, and its occupation/use.
- 4.7 The owner has been informed that it is considered that an Enforcement Notice should now be served which would require cessation of any residential use and removal of the caravan from the site within the next 12 months. A 12-month compliance period will allow the applicant sufficient time to complete the buildings and remove the caravan from the site. The serving of the Notice will in effect, 'stop the clock', thereby preventing the possibility of an established use of the site for residential purposes being justified in the future.

5. APPRAISAL AND POLICY CONTEXT

5.1 National Policy Guidance

PPS1 - Delivery Sustainable Development 2005
PPS3 - 'Housing' 2006
PPS7 - Sustainable Development in Rural Areas

6. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

- 6.1 The site is located outside the development limits of Kirkbymoorside, which are identified in the Ryedale Local Plan, and within the open countryside. The principle of residential development on this site is therefore contrary to the residential strategy of the Local Plan, as well as national and regional planning policy, by virtue of its open countryside location.
- 6.2 It has not been demonstrated by the applicant that there is an essential need for a dwelling on the site, as required by planning policy and none is reasonably considered to exist. In addition, there are no material planning considerations identified which are considered to override established planning policy principles.

7. STEPS NECESSARY TO REMEDY THE BREACH

7.1 Cessation of any residential occupation and removal of the caravan from the land.

8. SUGGESTED PERIOD FOR COMPLIANCE WITH THE NOTICE

8.1 Twelve months from the date the Notice is served.

Recommendation

It is **recommended** that the Council Solicitor in conjunction with the Head of Planning, be authorised to take enforcement action together with any further action deemed appropriate to secure the cessation of any residential occupation and the removal of the caravan from the land.

Background Papers

PPG18 - 'Enforcing Planning Control' 1991
Investigation file 06/00105/CU
Planning files 06/001054/FUL and 06/01154/FUL
Ryedale Local Plan

Head of Planning
June 2009

(Reports - FormerScrapYardKirkbymoorside)