

**Enforcement of Planning Control: Enforcement item for Consideration
Land at Newlands Caravan Park, Geldeston - Unauthorised structures**
Report by Report by Head of Planning

Summary: This report concerns the erection of structures without planning permission on land at Geldeston.

Recommendation: That authorisation is granted for the serving of an Enforcement Notice seeking removal of the structures and for prosecution (in consultation with the Solicitor) in the event that the enforcement notice is not complied with.

Location: Land at Newlands Caravan Park, Geldeston Road, Geldeston

Breach of Planning Control: Erection of structures comprising toilet/shower unit, open fronted storage building and small shed without planning permission.

1 Description of site and development

- 1.1 The site lies within the parish of Geldeston in South Norfolk. It comprises a plot of land of 3.2 hectares in size in a reversed roughly L-shape set to the south-west of the village. It is bounded to the north by a dyke and the old railway track, which separates the site from the Rowancraft boatyard, and to the east by Geldeston dyke, which leads to the River Waveney around 1 kilometre to the south; to the south are grazing marshes leading to Geldeston marshes and to the west is a small dyke, open grazing and beyond this Station Road and a small number of residential properties on the edge of the village. There is an access track leading from the entrance at the public road through the site along the north and then the east boundary, finishing at the southern tip of the site adjacent to Geldeston Dyke. There is a good hedgerow along the northern dyke which provides screening from the north, and there are a number of trees within the site. Beyond the immediate vicinity of the site the area has a strongly rural character.
- 1.2 The site is made up ground, having been the subject of historic tipping with soil and other materials. It has been used for many years as a Caravan Club Certificated Location site, whereby it can be used by members of the Caravan Club for up to five touring caravans without the need for planning permission. It is maintained as mown grass, although it has a more natural character to the

southern end. Typically caravans are parked at the northern end of the site, where the ground is firmer, although there are no restrictions on which part of the site they can use. Historically there have been no facilities for the caravanners, except water. There has, however, been a small pitched roof shed at the northern end which has been used by the landowner for storage, as well as a small container.

- 1.3 At a site visit in September 2013 the Local Planning Authority became aware that further structures had been erected. These comprised a prefabricated building measuring approximately 4m x 2.5m x 2.5 m high housing toilet and shower facilities, an open fronted shed measuring approximately 6m x 3m x 2.5m high used for vehicle/plant storage and a small shed measuring 1.5m x 1.5m x 2m high. The toilet and shower unit does not appear to be use. It also appears to drain into a void to the rear of unit and it is not clear where the waste drains from here. The Environment Agency has been informed.

2 Site history

- 2.1 In December 1976 a retrospective application for tipping and land raising was approved as a County Matter (1976/2342).
- 2.2 In October 1982 an application to excavate moorings was refused planning permission (1982/2353).
- 2.3 In August 1985 an application to use the site as a caravan site was refused planning permission (1985/1922).
- 2.4 In August 1986 an application for a mooring basin for 25 boats was refused planning permission (1986/1674).
- 2.5 In January 1988 an application for 25 moorings was refused planning permission (1987/2537).
- 2.6 In September 1988 an application for 25 replacement moorings was refused planning permission. An appeal was submitted and dismissed (1988/2439).
- 2.7 In August 1990 an application for a mooring basin for 25 boats was refused planning permission (1990/1119).
- 2.8 In September 1991 an application for visitor moorings was refused planning permission. An appeal was submitted and dismissed (1991/1263).
- 2.9 In 2005 an application for the erection of six waterside lodges, workshop, managers house and shower block and use of land for camping was submitted, but then withdrawn in April 2006 (2005/2691).
- 2.10 In 2007 an application for the erection four holiday lodges, a workshop, site facilities for cycle hire, day boats and electric launches, WC/showers and moorings was refused planning permission (07-07-0078).

- 2.11 In January 2009 it was found that a slipway and hardstanding had been created to the southern and northern ends of the plot respectively, without planning permission. Following a number of meetings and site visits, these were finally removed in June 2010 (BA/2012/0044/UNAUP3).
- 2.12 In September 2012 it was found that a mooring deck had been installed in the drainage dyke to the western boundary. An Enforcement Notice was served in August 2013. An appeal was submitted, with a Public Inquiry scheduled as requested by the appellant. The appeal was withdrawn in May 2014 (3 days before the Inquiry) and costs were awarded to the Local Planning Authority. The mooring platform was removed in September 2014 (BA/2013/0038/UNAUP4).

3 The Planning Breach

- 3.1 The erection of the building to house the toilet and shower facilities, the open fronted shed and the small shed constitutes operational development for which planning permission is required. There is no planning permission for the use of the site as a caravan park, so it operates under the exemption detailed above which means that the use is limited to five caravans only. It is considered that the level of facilities which the landowner seeks to provide is excessive for five caravans (particularly given that they have their own sanitary facilities) and there is existing storage for an appropriate level of equipment in the form of the pre-existing shed. It is considered that the new structures represent an expansion and intensification of use beyond that which is required for the 5 caravans permitted under the exemption.
- 3.2 It is useful to note that the LPA has been advised that there has been camping taking place on the site this year. Although this has not been witnessed by the LPA, photographs have been posted on-line of camping taking place.
- 3.3 The green metal storage container, which has been on site since at least 2009, does not constitute operational development, as it is not fixed to the ground and technically is mobile.
- 3.4 In February 2014 the landowner was served with a Planning Contravention Notice seeking information on his use of the site and his intentions for it. The responses received were non-committal, but a copy of the site licence authorising the five caravans exemption was provided.
- 3.5 This is a quiet and isolated location, which is beyond the developed edge of Geldeston village and is linked visually to the countryside and marshes beyond to the west rather than the boatyard and associated facilities to the east. Policies CS1 of the adopted Core Strategy Policy and Policy DP4 of the adopted Development Management Policies DPD protect quiet, undeveloped and isolated locations such as this against development whilst adopted Development Management Policy DP14 requires there to be a clear and demonstrable need for new tourism facilities which are located in the countryside, plus that these operations do not have an adverse effect on the

landscape character of the area. It is considered that the development which has taken place is contrary to these policies.

4 Action Proposed

- 4.1 It is considered that the development is inappropriate and contrary to both National and Local Planning Policy and is unlikely to gain retrospective planning permission. The undeveloped areas of the Broads have a character and appearance that planning policies seek to protect.
- 4.2 It will be necessary for the owner to remove the structures for which he has no permission. The landowner maintains that the structures have been in place for in excess of four years and are immune from enforcement action, however this applies only to the small pitched roof shed detailed at 1.2 above.
- 4.3 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the unauthorised structures. It is proposed that a compliance period of three months is given. Authority is also sought to prosecute the owner in the event that the enforcement notice is not complied with.

5 Financial Implications

- 5.1 There may be legal costs associated with this course of action.

6 Conclusion

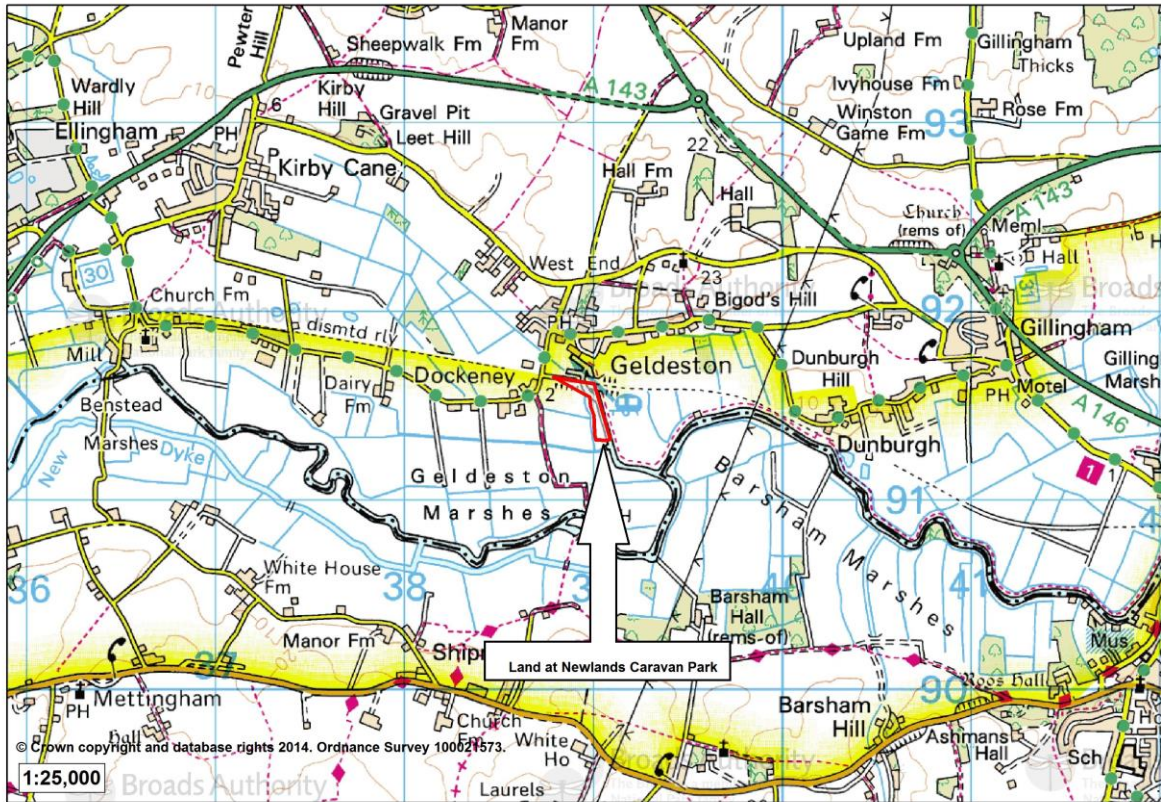
- 6.1 This report is intended to make committee members aware of the situation and to gain their support for enforcement action and possible prosecution.

Background Papers: Broads Authority DC Enforcement File BA/2013/0038/UNAUP4

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Appendices: APPENDIX 1 – Location Plan

Land at Newlands Caravan Park, Geldeston - Unauthorised structures



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