

**Enforcement of Planning Control  
Enforcement Item for Consideration:  
Broad Farm Caravan Park, Fleggburgh**  
Report by Planning Officer (Compliance and Implementation)

**Summary:** This report concerns the unauthorised stationing and occupation of two static caravans on the Broad Farm Caravan Park.

**Recommendations:**

- (i) That Planning Enforcement Notice be served requiring the cessation of the unauthorised use of the caravans and their removal from the land and that a compliance period be given of three months from the date that the Enforcement Notice takes effect.
- (ii) That prosecution be instigated should there be non-compliance with the Enforcement Notice.

**Location:** Broad Farm Caravan Park and Campsite  
Fleggburgh, Burgh St Margaret, Great Yarmouth, Norfolk NR29 3AF

## **1 Background**

- 1.1 Broad Farm Caravan Park (the Park) covers 26 acres just outside the village of Fleggburgh and is situated on land between the A1064 and Filby Broad. The Park caters for touring caravans, motor homes and camping and also has a number of static caravans for rent.
- 1.2 The Park operates under a number of planning conditions. These include a restriction on the total number of static caravans stationed on the Park and the standing of touring caravans on the Park between 20 March and 31 October only in each year.
- 1.3 In November 2008 it was brought to the attention of the Authority that two additional static caravans had been stationed on the site and that these caravans were being occupied on a residential basis by members of the site owner's extended family. A letter was sent to the site owner (Mrs X) reminding her of the restrictions and requesting that the two unauthorised caravans be vacated and removed from the site.
- 1.4 A site visit was made in January 2009 at which the caravans were found to be stationed on the site and occupied by the son of the site owner (Mr Y) and his immediate family. When questioned, Mr Y said that the caravans had not been removed as requested because he needed to be on site 24 hours a day

during the 'closed season' because of security concerns. Mr Y went on to say that it was his intention to submit a retrospective planning application for the retention of the caravans for security purposes and so regularise the matter. Mr Y was told at the time that the Authority was unlikely to proceed with formal enforcement action while a planning application was pending.

- 1.5 Discussions took place in 2009 regarding the proposed planning application and following continued failure to submit such an application a letter was sent to Mrs X informing her that no retrospective planning application had been received and reminding her that the caravans should not be occupied after 31 October.
- 1.6 The caravans remained on site and occupied so in November 2009 a Planning Contravention Notice (PCN) was served on Mr Y seeking information on the occupancy of the caravans. No response to this PCN was received.
- 1.7 A planning application (BA/2011/0112/CU) was submitted during December 2009 but could not be validated as insufficient detail had been submitted with regards to issues of flood risk and evidence that an on-site dwelling was essential for reasons of supervision and security. Despite a number of letters chasing up this information, it was not forthcoming.
- 1.8 In May 2010 a letter was sent to Mrs X advising her that as the submitted planning application could not be validated and the caravans were still in situ and in use, the Authority would be considering enforcement action.
- 1.9 In autumn 2010 a new agent was appointed and to clarify the situation a letter was sent to Mr Y in November 2010 outlining the recent planning history.
- 1.10 In April 2011 a planning application was submitted to regularise the occupation of the static caravans for use as caretaker's accommodation for family employees and provide an on-site presence to improve security (BA/2011/0112/CU). The application was withdrawn in June 2011.
- 1.11 In July 2011, an application for a change of use of part of the Park was submitted (BA/2011/0167/CU). The application sought to alter the ratio of static and touring caravans and permit the retention of the two new static caravans. At the same time application BA/2011/0112/CU was resubmitted for a change of use to allow year round occupancy of the caravans for supervision and security purposes (new app ref BA/2011/0258/CU). Both applications were refused planning permission in August 2011.
- 1.12 Following the refusal of planning permission for both the applications a letter was sent to Mrs X in October 2011 asking for the caravans to be removed from site by the 12 December 2011. To date the caravans remain in situ.

## 2 Policies

### 2.1 DP26 Permanent and Temporary Dwellings for Agricultural, Forestry and Other Workers

Development of a new dwelling or a residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted outside the defined development boundaries if:

- (a) there is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly;
- (b) the need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business;
- (c) evidence is submitted which demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- (d) the functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;
- (e) the dwelling would be commensurate in size and scale with the needs of the enterprise; and
- (f) it would not adversely affect protected species or habitats.

Should a new dwelling be permitted under this policy, the Authority will impose a condition restricting its initial and successive occupation to a person solely or mainly employed in agriculture, forestry or a Broads related rural enterprise. The removal of an occupancy condition will only be permitted in exceptional circumstances where it can be demonstrated that:

- (g) there is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and
- (h) unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition.

Applications for a temporary mobile home or residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted provided that:

- (i) residential occupation would be for a period of up to three years;
- (j) there is clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (k) the functional need cannot be met by an existing dwelling on the site or in a nearby settlement; and
- (l) in relation to temporary mobile homes, the proposed temporary dwelling would not be located in Flood Risk Zone 3.

After three years, if there is no planning justification for a permanent dwelling, then the mobile home must be removed or, for a residential mooring, the vessel's residential use must cease.

### **3 Description of Site and Development**

- 3.1 The Park covers 26 acres just outside the village of Filby and is situated on land between the A1064 and Filby Broad. The Park caters for touring caravans, motor homes and tents and also has a number of static caravans for rent.
- 3.2 The Park is on the shore of Filby Broad which forms part the Trinity Broads. This is an area of great landscape and wildlife value, vulnerable to disturbance and damage and requires strong protection from the adverse effect of over development and over-intensive recreational use.
- 3.3 The Park has operated since the 1960s and continues to be a popular family holiday attraction. As well as basic camping facilities such as toilets and washrooms the Park provides additional holiday facilities including a swimming pool, clubhouse, bar and restaurant .
- 3.4 In addition, to the holiday caravans two static caravans have been installed and are being used for permanent residential accommodation.

### **4 Action Proposed**

- 4.1 The two caravans have been stationed on the site without the necessary planning approvals. In addition the caravans are also being used to provide permanent residential accommodation for which there is no planning approval and contrary to planning conditions restricting use to a period between 20 March and 31 October in any year.
- 4.2 Both the standing and use of the caravans is contrary to Development Plan Policies and planning permission would not be granted.
- 4.3 It is therefore recommended that an Enforcement Notice is served requiring the cessation of the use of the caravans and their removal from the site.
- 4.4 Authority is also requested to seek compliance through prosecution if necessary.

### **5 Financial Implications**

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

Background papers: Broads Authority DC Enforcement File BA/2008/0080/BOCP4

Author: S L Sewell  
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Appendices: APPENDIX 1 – Site plan

APPENDIX 1

BA/2008/0080/BOCP4 – Broad Farm Caravan Park, Fleggburgh  
Unauthorised stationing of two static caravans

