



Caravan

14/00214/UNDEV

7 Maxwell Road, Ashford, TW15 1RL



**SPELTHORNE**  
BOROUGH COUNCIL



1:1,250

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## Planning Committee

6 April 2016



<b>Enforcement Ref:</b>	14/00214/ENF
<b>Site Address</b>	Land to the north of 7 Maxwell Road, Ashford, TW15 1RL
<b>Breach</b>	Unauthorised siting and residential use of a caravan
<b>Ward</b>	Ashford Common
<b>Recommended Decision</b>	That an Enforcement Notice be issued to secure the cessation of unauthorised residential use and the removal of the caravan. Such notice is to be complied with within 3 months of it taking effect.

### **MAIN REPORT**

#### **1. Background**

- 1.1 The application site is adjacent to No. 7 Maxwell Road, Ashford, which is currently part of the former garden of No.7 Maxwell Road. The site is located on the western side of Maxwell Road and is located within the built-up urban area. To the south of the site is the two-storey semi-detached dwelling of No.7 Maxwell Road; which features a two storey side extension and a single storey rear extension. To the north-west of the site are the two-storey terraced neighbouring dwellings at nos. 9 – 15 Maxwell Road and to the west is the rear garden of No.8 Cecil Close. Immediately to the east is a landscaped strip of land adjacent to the pavement, which is one of several planted areas that form part of the original layout and development of the Maxwell Road estate.
- 1.2 The land was previously occupied by a freestanding single storey structure which was the subject of an Enforcement Notice that was issued under reference number 14/00214/ENF. A subsequent enforcement appeal was lodged with the Planning Inspectorate, and on 3 November 2015, the appeal was dismissed and the Enforcement Notice was upheld. The Notice required the demolition of the unauthorised structure and removal of all resultant debris from the site by 3 February 2016. The structure has been demolished, however the resultant debris, foundations and concrete slab remain in contravention of the notice, and this matter is being pursued.

#### **2. Development Plan**

- Within the Urban Area

### 3. **Relevant Planning History**

14/01597/FUL	Erection of single storey dwelling with associated parking and amenity space, on land adjacent to 7 Maxwell Road	Application Refused 05.11.2014
14/00214/ENF	Notice to remove unauthorized structure	Appeal rejected, Enforcement Notice upheld 03.11.2015

### 4. **Details of complaint and unauthorised development:**

- 4.1 During the enforcement investigation regarding the un-authorised single story structure which had been erected on the land, it came to the Council's attention that a touring caravan (four / five berth) had also been sited on the land behind a high fence, without having obtained the benefit of planning permission. This was and still is, inhabited by a builder, who was working on the site and employed by the site owner. A fence has been erected close to the caravan to separate it from the surrounding land.
- 4.2 Having successfully pursued the breach of planning control on site regarding the removal of the unauthorised structure, the Council is now seeking to rectify the remaining unauthorised activity on the land by the cessation of the siting and residential use of the caravan and for its permanent removal from the site.
- 4.3 Given the breach of planning control as highlighted above an Enforcement Notice requiring the removal of the unauthorised caravan would need to be agreed by the Planning Committee, because of the potential consequences of making someone homeless.

### 5. **Planning considerations**

- 5.1 In accordance with Policy EN1 of the Spelthorne Core Strategy and Policies DPD 2009, it is considered that the siting and residential use of a caravan represents an unacceptable development of the site. Which is out of character with the surrounding development.

5.2 However, the provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action as the loss of residential accommodation is involved. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good, it is not considered that to pursue removal of the caravan would contravene the Human Rights Act.

5.3 It is recommended that enforcement action be taken to secure the cessation of the unauthorised siting and the residential use of the caravan. However, regard must also be had to the need to give sufficient time for compliance and for the existing occupant to find alternative accommodation, and a 3 month period is considered reasonable.

## **6. Recommendation**

That an Enforcement Notice be issued requiring the following steps: -

- Cease the unauthorised siting and residential use of the caravan
- Removal of the caravan from the land and any associated hardstanding.

Such Notice to be complied with within 3 months of it taking effect.

### Reasons for Serving of Notice

1. The siting of a caravan and its residential use represents an unacceptable development of the site which is out of character with the surrounding pattern of development, and which has a poor standard of amenity for the occupant, with insufficient amenity space, The use is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009