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16/00078/UNDEV
The Paddocks, land to rear of 237-245 Hithermoor Road,
Stanwell Moor, TW19 6AZ

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Planning Committee

6 April 2016



Enforcement Ref:	16/00078/UNDEV
Site Address	The Paddocks, land to the rear of 237-245 Hithermoor Road, Stanwell Moor, Stanwell
Breach	Unauthorised siting and residential use of a caravan
Ward	Stanwell North
Recommended Decision	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 located on the western side of Hithermoor Road, set back from the main street frontage, behind the houses that front the road. It is a rectangular shaped plot which is accessed via a vehicular access road between the end of terrace property at no. 237 and the detached dwelling at no. 235 Hithermoor Road. The caravan, which is subject to this consent, has been sited on the land. To the north and west is open land. The site is located in the Colne Valley Park and within the High Noise Contours Area 66-69.

2. Development Plan

- Within the High Noise Contours Area

3. Relevant Planning History

16/00135/FUL	Siting of static caravan for one family	Refused 24.03.2016
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15/01152/FUL	Erection of single storey building incorporating 3 stables, tack room, hay barn and feed room, implementation store and day room, and toilet	Grant Conditional 27.10.2015
04/00991/FUL	Erection of a single-storey building incorporating 3 stables, tack room, hay barn and feed room, implement store and day room, and toilet facilities (following demolition of existing building on site).	Grant Conditional 22.12.2004
02/00394/FUL	Removal of mobile home and erection of 1 No. three bed bungalow	Withdrawn 16.05.2003
PLAN N/FUL/75/386	Erection of a stable and feed store measuring approximately 24 ft. (7.32 m) by 10 ft. (3.05 m).	Grant Conditional 09.06.1975
STAINES/OUT/P12654	Residential development at 45 habitable rooms per acre	Application Refused 07.12.1970

4. Details of unauthorised development:

- 4.1 A planning application was submitted for the siting of the caravan on 29.01.2016 and the caravan was placed on the site the following day. The applicant has submitted some further details as to why they have sited the caravan on the site. He states that he and his family consisting of his wife and 2 young children, had been living in a one bedroom annexe in the rear garden of his mother's property in the Borough. However in November 2015 the housing association (A2 Dominion) served a notice to leave and to demolish the building, as the outbuilding they had been living in was deemed unsafe. It also did not have the benefit of planning permission. The letter noted that they were in breach of their tenancy by erecting the building without the permission of the housing association and by allowing other people to reside in the building. As such the applicant states that he had no other option, as the Council have informed him that there are no houses available.
- 4.2 Having now refused planning permission for the siting of the mobile home, the Council is now seeking to rectify the 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 EN11 of the Spelthorne's 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, providing a new residential unit within a high noise contour area close to Heathrow Airport. Policy EN11 seeks to minimise the adverse impact on noise in the case of development close to Heathrow by c) refusing new residential development where aircraft noise level are at or exceed 66 Leq, except in the case of one for one replacement of dwellings. The site is located within a high noise contours area – 66 – 69 Leq, given its location close to Heathrow airport. The proposal is not for a one for one replacement dwelling but for a new residential unit and as such the proposal to site a residential unit on the site in the form a static caravan is contrary to Council Policy EN11.
- 5.2 The County Highway Authority have also raised an objection on highway safety grounds. The intensification of the use of the site which has sub-standard visibility in both directions due to lack of land within the developers control would lead to vehicles having to drive out onto the highway without being able to see or be seen on the highway by users. This situation is likely to create risk of conflicts with pedestrians and other highway users, contrary to Policy CC2.
- 5.3 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.
- 5.4 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 occupants 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 form of development of a site close to Heathrow airport and subject to high noise levels (66 – 69 Leq), resulting in a poor level of amenity for the occupants. The use is therefore contrary to Policy EN11 of the Core Strategy and Policies DPD 2009
2. The site has sub-standard visibility and is likely to create risk of conflicts with pedestrians and other highway users, contrary to Policy CC2 Core Strategy and Policies DPD 2009