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**17/00006/UNDEV**  
**Land to the west of Sheep Walk, Shepperton**

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## Planning Committee

8 March 2017



<b>Enforcement Ref:</b>	17/00006/UNDEV
<b>Site Address</b>	Land to the west of Sheep Walk, Shepperton,
<b>Breach</b>	Unauthorised siting and residential use of caravans and storing trailers, vehicles and other possessions
<b>Ward</b>	Shepperton Town
<b>Recommended Decision</b>	Authority for the Council to apply for an injunction under Section 187 of the Town and Country Planning Act 1990, to ensure cessation of the use of the land for:- a) Any residential purpose; b) Parking or storage of any caravan, mobile home or any other residential structure or residential facility; c) Parking or storage of any trailer, container, lorry body; or d) Storage of miscellaneous items not connected with the lawful agricultural use of the above Site;

### MAIN REPORT

#### 1. Background

- 1.1 The application site is west of Sheep Walk and south of the M3, Shepperton. It is a strip of land left over from highway construction but is open land in the Green Belt. Development, including any change of use, is strictly controlled and should not take place unless it is appropriate within the Green Belt or there are very special circumstances which outweigh any other harm. The land is owned by the Highways England Company. It is within an area likely to flood. It is also clearly visible in public views from the adjacent public highway "Sheep Walk".
- 1.2 The Council has been dealing with breaches of planning control by this family since 2010. They have a recent history of similar lengthy breaches of planning control on adjacent land. (Marked blue on the plan)
- 1.3 On 14 September 2012 in the Guildford District Registry an injunction was granted to prevent breaches of planning control on the adjacent land.

## 2. Development Plan

- Within the Metropolitan Green Belt
- Within the Flood Zone

## 3. Relevant Planning History

Date	Activity	Action
14/09/12	Injunction granted to prevent breaches of planning control, including residential use on adjacent land.	Not complied with
20/12/13	Above injunction extended for removal of caravans by 16/01/14	Not complied with
June 2015	Committal proceeding brought to compel compliance with injunction	14/12/15 defendants found guilty of Contempt of Court

## 4. Details of complaint and unauthorised development:

- 4.1 The Council has been dealing with breaches of planning control by this family since 2010. They have a recent history of similar lengthy breaches of planning control on adjacent land.
- 4.2 On 14 September 2012 in the Guildford District Registry an injunction was granted to prevent breaches of planning control on the adjacent land. A further injunction was granted in 2013.
- 4.3 Since November 2015 the family have been moving from the adjacent land. However, they moved with their vehicles caravans and paraphernalia onto the Highways England land, which is a fresh breach of planning control, but not precluded by the 2012 and 2013 injunctions.
- 4.2 On Monday 19 December 2016 the Council received information that a large mobile home had been delivered to the land; a Planning Enforcement Officer attended the site, where he met one of the occupiers. There was a large mobile home sited on the land, together with other items including vehicles and trailers.

The Planning Enforcement Officer was informed that another occupier had bought the home and had it delivered. The Planning Enforcement Officer informed the occupier that along with all the other vehicles and trailers and equipment this mobile home had no permission to be sited on this land.

- 4.4 On Tuesday 10 January 2017 a Planning Enforcement Officer visited the site, where he met the occupier again. It was noted one large grey “Olympian” residential trailer, three white ridged HGV lorries, one blue and white “Hobby” residential touring caravan, one yellow ERF articulated lorry tractor unit, three food retail trailers, one blue articulated trailer unit, one “Swift Buccaneer” residential touring caravan, one large prefabricated residential mobile home and various mixed residential and business paraphernalia on the land. All of these were sited on hardstanding. The occupier was informed that the land they are residing on and storing equipment on is owned by Highways England. 13 photos were taken.
- 4.5 On 16 February 2017 a letter was delivered to the occupiers requiring them to leave the land by the end of the month.

## **5. Planning considerations**

- 5.1 The site is situated within the Green Belt and this use of the site is clearly “inappropriate development “as defined in the National Planning Policy Framework (NPPF). The use is also contrary to saved policy GB1 of the Spelthorne Borough Local Plan. No very special circumstances are considered to exist. The use is considered to be unacceptable on Green Belt grounds.
- 5.2 The site is located within the flood plain. Caravans and mobile homes represent “highly vulnerable” uses as defined in the Planning Practice Guidance. Local Plan Policy LO1 of the Core Strategy and Policies DPD seeks to reduce flood risk and its adverse effect on people and property. The policy states that residential development of highly vulnerable uses will not be permitted within such areas. The SPD on flooding requires a safe means of escape to be provided for such uses, which is not available in this particular case. The use of this land for a caravan or mobile home is, therefore contrary to policy LO1 of the Local Plan.
- 5.3 Policy EN1 requires a high standard in the design and layout of new development. The mobile home, vehicles, trailers and other possessions have a detrimental aspect on the street scene and character of the surrounding area. The policy also requires a safe environment to be provided for the occupants. The siting of caravans on this land in close proximity to Sheep Walk does not provide a safe environment.
- 5.4 Policy HO7 is concerned with sites for travelling showpeople. These will be permitted where a need has been identified; and
- The development is not within the Green Belt

- The site has a safe and convenient access to the highway network
- The development would not be visually intrusive or detrimental to the appearance or character of the area

It is considered that the use does not comply with any of the criteria in Policy HO7. The site is located within the Green Belt. It is adjacent to Sheep Walk and does not provide a safe environment and the development is visually intrusive and detrimental to the appearance and character of the area.

- 5.5 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 action which involves the loss of residential accommodation. 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. Having considered the proportionality of seeking an injunction requiring the removal of the unauthorised occupants from the land, it is concluded that in all the circumstances the public interest in maintaining effective planning control and protecting the Green Belt outweighs the unauthorised occupants' rights to a private and family life and the interests of the children. In view of the need to enforce planning law for the public good, it is considered that to pursue cessation of the residential use of the land would not contravene the Human Rights Act.

## 6. **Recommendation**

- i) That an Injunction be applied for under Section 187B of the Town and Country Planning Act 1990 to ensure cessation of the use of the land for:-
- a) Any residential purpose;
  - b) Parking or storage of any caravan, mobile home or any other residential structure or residential facility;
  - c) Parking or storage of any trailer, container, lorry body; or
  - d) Storage of miscellaneous items not connected with the lawful agricultural use of the above Site.
- ii) That authority be delegated to the Assistant Head of Planning (Development Management) in consultation with the Planning Committee Chairman to amend the reasons for serving the Injunction, if required, during the course of legal action.

### Reasons for Serving of Notice

- 1) The siting of residential caravans, storage of vehicles and trailers and other items represents inappropriate development within the Green Belt for which there are no very special circumstances. The uses of the site also causes harm by reason of the detrimental impact on the character of the locality. The uses are, therefore contrary to the National Planning Policy Framework 2012 and saved policy GB1 of the Core Strategy and Policies DPD 2009.
- 2) The siting of residential caravans and storage of vehicles trailers and other items represents unacceptable development of the site which is out of character with the surrounding land, and which has a poor standard of amenity for the occupants. The use is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009.
- 3) The siting of residential caravans for travelling show people is unacceptable in this location in that it results in inappropriate development within the Green Belt, does not have a safe relationship with the highway and represents visually intrusive development, detrimental to the character and appearance of the surrounding area; contrary to Policy HO7 of the Core Strategy and Policies DPD 2009.
4. The site is located within the flood plain. Caravans and mobile homes represent "highly vulnerable" uses as defined in the Planning Practice Guidance. The use represents an unacceptable flood risk and would have an adverse impact on people and property. In addition, a safe means of escape cannot be provided. The use is, therefore, contrary to policy LO1 of the Local Plan and the Council's SPD on Flooding.





Flood Relief Arches

Flood Relief Arches

Track

Mast (Telecommunication)

Sub Sta

Water

M3

WAY

Mead Farm

Land Registry - Highways England Land on Sheep Walk, Shepperton.

Scale 1:2,500

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