

<b>Bath and North East Somerset Council</b>			
MEETING: <b>Development Control Committee</b>	AGENDA		
MEETING DATE: <b>5<sup>th</sup> June 2013</b>	ITEM NO:		
REPORT OF <b>David Trigwell, Divisional Director of Planning and Transport Development.</b>			
REPORT ORIGINATOR: <b>Ms Lisa Bartlett, Development Manager (Tel. Extension No. 7281).</b>			
DATE PREPARED: <b>17<sup>th</sup> May 2013</b>			
AN OPEN PUBLIC ITEM			
BACKGROUND PAPERS: <b>Enforcement file 13/00257/UNAUTH</b>			
TITLE: Enforcement Report: <b>Land Parcel 005/2866, Woolley Lane, Charlcombe, Bath</b>			
WARD : <b>Bathavon North</b>			

## 1.0 PURPOSE OF REPORT

At its meeting on 8<sup>th</sup> May 2013 the Development Control Committee refused planning permission for five applications for development at the site on Woolley Lane. The Committee also resolved that a report should be prepared setting out whether it was expedient to take enforcement action against unauthorised development at the site.

This report assesses the breaches of planning control and makes recommendations on the appropriate course of action in respect of each breach. Officers are seeking authority from Members to issue an enforcement notice in respect of unauthorised development at the site.

## 2.0 LOCATION OF PLANNING CONTRAVENTION

The site is located along the western side of Woolley Lane (a single-track road leading northwards from Charlcombe Lane to Woolley) on the north-east edge of the built up area of Bath. The site comprises 20.5 hectares of agricultural land that extends from approximately 200m north of residential properties to the south to the edge of Soper's Wood to the north. The site is in an elevated position on the western side of a valley and slopes down towards the east/Lam Brook. On the eastern side of the valley is the village of Upper Swainswick.

Access to the site can be gained at two points from Woolley Lane although the northern access (opposite the access to Crossleaze Farm) is currently closed and all access is from the southern access located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that extends over a wider area of Swainswick Valley. The Article 4 Direction removes agricultural permitted development rights under Schedule 2, Part 6, Classes A and B of the Town and Country Planning (General Permitted Development) (England and Wales) Order 1995. Specifically, and in relation

to the size of agricultural unit at Meadow Farm, the following constitute development requiring planning permission:

“The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –  
 (a) works for the erection, extension or alteration of a building; or  
 (b) any excavation or engineering operations,  
 which are reasonably necessary for the purposes of agriculture within that unit being development comprised within Class A of Part 6 referred to in Schedule 2 to the said Order and not being development comprised within any other Class.”

In proposing the Article 4 Direction the Council (at that time Wansdyke Council) noted the exceptional beauty of this part of the AONB and the need to protect it from development. The Direction remains in force and the reasons for its establishment have not changed materially since then.

### 3.0 RELEVANT PLANNING HISTORY

The site was acquired by the current owners (Golden Valley Paddocks Ltd - 'GVP') in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. The site is currently used principally for the housing of ducks for egg laying and subsequent processing and despatch.

The site has been the subject of a large number of applications between 2008 and 2012. In summary these are:

Application	Proposal	Decision	Date of Decision
08/02397/FUL	Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker	REFUSED	22 August 2008
09/01020/FUL	Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission)	REFUSED	21 May 2009
09/04403/FUL	Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal)	REFUSED	31 March 2010
10/04188/FUL	Retention of 15m x 12m stock pond	PERMITTED*	21 January 2011
11/00678/COND	Discharge of condition 2 of application 10/04188/FUL	APPROVED*	28 March 2011
11/00854/FUL	Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal).	WITHDRAWN	21 December 2012
11/02081/FUL	Construction of farm track and siting of 2no. feed hoppers	WITHDRAWN	21 December 2012

	(Retrospective)		
11/02085/COND	Discharge of condition 1 of application 10/04188/FUL	WITHDRAWN	21 December 2012
12/05660/FUL	Alterations and extension to existing agricultural building; Alterations to access; formation of hardstanding and farm track; Construction of stock pond; Siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years	REFUSED	14 May 2013
12/05661/FUL	Erection of general purpose agriculture building	REFUSED	14 May 2013
12/05662/FUL	Siting of 4no. mobile poultry units	REFUSED	14 May 2013
12/05663/FUL	Siting of 3no. mobile poultry units	REFUSED	14 May 2013
12/05664/FUL	Siting of 3no. mobile poultry units	REFUSED	14 May 2013

\* quashed

The site has been the subject of a number of enforcement investigations since 2008 in respect of various operations and buildings at the site. On 22 April 2010 a Planning Contravention Notice (PCN) was issued seeking information regarding activities on the site and on 23rd April 2010 a Temporary Stop Notice ("TSN") was served following evidence that ponds were being created on the site without planning permission. The TSN prohibited the excavation of soil and surface materials from the land and the alteration of the levels of the land. The TSN ceased to have effect on the 20th May 2010.

#### Environmental Impact Assessment Screening

A Screening Assessment of development and activities at the site (separately and cumulatively) has been undertaken. Whilst development and activities at the site constitute Schedule 2 development (as an 'intensive livestock operation'), having considered all the relevant factors it is concluded that they are not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

## 4.0 PLANNING POLICY

### Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

- GB1: Control of development in the Green Belt;
- GB2: Visual amenities of the Green Belt
- NE.1: Landscape character
- NE2: Areas of Outstanding Natural Beauty
- NE.3: Important hillsides - Bath and Radstock
- NE9: Locally important wildlife sites
- NE.4: Trees & woodland conservation
- NE.10: Nationally important species and habitats
- NE.11: Locally important species and habitats
- NE.12: Natural features: retention, new provision and management
- BH.1: Impact of development on World Heritage Site of Bath or its setting

BH.6: Development within or affecting Conservation Areas  
ET.6: Agricultural development  
D.2: General design and public realm  
D.4: Townscape considerations  
HG.10: Housing outside settlements - agricultural and other essential dwellings  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision  
NE.14: Flood Risk  
ES.5: Foul and surface water drainage  
ES.9: Pollution and nuisance  
ES.10: Air quality

### Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

### National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

In respect of enforcement action the NPPF states that “effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

## **5.0 OUTLINE OF PLANNING CONTRAVENTION AND EXPEDIENCY OF TAKING ENFORCEMENT ACTION**

### **General Principles**

The Town and Country Planning Act 1990 (Principal Act) is clear in stating that planning enforcement action can only be taken where the alleged development falls within the planning legislation, where there has been a breach of planning control and [my emphasis] it is expedient to pursue formal action.

### **Enforcement Immunity**

The Principal Act, Section 171B, (1) and (2) defines the timescale within which planning enforcement action can be taken. In respect of building and engineering operations, no enforcement action can be taken after the end of 4 years beginning on the date that the operations were substantially completed. The period for immunity for any other breach (excluding change of use to a dwelling) is 10 years.

In this case the land was sold in 2005 and the alleged breaches have taken place since then. The 10 year immunity does not therefore apply. Certain works were substantially completed in 2008 and so immune from enforcement action, whereas others have been undertaken or substantially completed only within the last four years and are therefore are not immune.

In considering whether it is expedient to take enforcement action against the unauthorised development at the site a balance has to be struck between the objectives of supporting sustainable development and a prosperous rural economy, and the need to protect the Green Belt and conserving the natural beauty of the AONB and local landscape.

### **Use of the Land**

The site is an agricultural holding and the use of the land for agricultural purposes does not, of itself, constitute development requiring planning permission.

### **Poultry units**

The poultry units (of which there are currently 10 on site, although only four are in use) were first erected on the site in 2010. Each measures approximately 20m by 6m by 3.5m high and is capable of housing up to 750 ducks and has an associated fenced paddock of approximately 0.5ha. The units are constructed of metal hoops, metal skids, with slatted floors and green polythene fabric cover. All the units are supplied with mains water from a hosepipe connected to standpipes and internal lighting is powered by a mobile electricity generator. Given the size, weight and substantial construction of the poultry units they constitute "structures" (and hence buildings) and by virtue of the Article 4 Direction that applies to the land express planning permission is required for their siting/retention. Any excavations to level ground for the siting of the units is also likely to involve an engineering operation requiring planning permission. An

application for the retention of the units was refused planning permission on 14<sup>th</sup> May 2013.

Given their design, materials and siting within the fields poultry units are clearly visible from a number of locations and appear as incongruous elements within the otherwise generally pastoral landscape of small open fields divided by hedgerows. They are highly visible and although they can be moved within the site this not considered to remove the significance of their presence. They are effectively permanent features in the landscape and their impact is not affected to any material extent by periodic changes to their position particularly as this is within a relatively limited area of the holding land.

It is considered that the poultry units harm the openness of the Green Belt, and by virtue of their siting and materials they are visually detrimental to the Green Belt and have an adverse impact on the AONB and character of the local landscape. Accordingly it is considered expedient to take enforcement action requiring the removal of the poultry units from the site.

Six of the units were not in use on 8<sup>th</sup> May 2013 and it is considered that a period of 2 months for their removal is appropriate. In the case of those that were in use on 8<sup>th</sup> May a period of 6 months for their removal is considered appropriate.

#### **Caravan and Shed/Dog Kennel**

A caravan (approximately 17m by 5.7m by 3.5m high) is located adjacent to the main entrance to the site for use as an agricultural workers dwelling. Whilst caravans are not generally classified as buildings, this caravan is a large static caravan and permanently sited on the land. Even if the caravan were not a building in planning terms, it is considered that its residential use would still require planning permission on the basis of a material change of use of the land. A shed (approximately 3m by 2m by 3m high) and dog kennel (approximately 1.5m by 1.5m by 2m high) of timber construction have also been erected on the site, adjacent to and used in association with the caravan. The buildings have been on site for less than four years.

No application has been submitted to the Council for the retention of the caravan, nor evidence submitted to demonstrate that there is an agricultural need for the dwelling, shed or dog kennel. Evidence in support of an application for a replacement mobile home on the site was not considered to demonstrate a functional need or financial justification for a worker to live on the holding. Accordingly the caravan, shed and dog kennel represent inappropriate development in the Green Belt for which a very special circumstances case must be made. No evidence has been submitted on this matter.

The buildings are considered to harm the openness of the Green Belt and although they are generally be viewed in the context of the existing building on the site, given the particular sensitivities and qualities of the local landscape set out in the case for the Article 4 Direction it is considered that the buildings have an adverse impact on the local landscape.

In the circumstances it is considered expedient to take enforcement action requiring the removal of the caravan, shed and dog kennel from the site. It would appear that the caravan is not currently in use and accordingly a period of 2 months for the removal of the caravan, shed and dog kennel is considered appropriate.

#### **Feed hoppers**

The two feed storage hoppers are each approximately 2.85m by 5.4m high and their function is solely related to the poultry units on the site. They are supported by a metal

frame that is fixed to a concrete base and sited within an area of hardstanding adjacent to the existing agricultural building. They are an erection or structure within the definition of a building (see above) and permanently installed, and accordingly constitute development requiring planning permission. The hoppers are located approximately 40m the north of the existing building adjacent to the existing hedge that forms the eastern boundary of the site with Woolley Lane.

Due to the levels of the site and road the hoppers are not readily visible from Woolley Lane however they are clearly visible in longer distance views from the east. As erected the hoppers appear as discrete standalone structures rather than being read with the existing buildings on the site and their visibility is accentuated by their colour. Whilst the retention of the feed hoppers is not considered to harm the openness of the Green Belt it is considered that in their current position they do not conserve or enhance the character and local distinctiveness of the local landscape and AONB, which is generally characterised by open fields free of buildings and structures and where there are buildings they are generally in small clusters.

As currently erected it is considered expedient to take enforcement action to secure their removal from the site. A period of 6 months to coincide with the stocked poultry units is considered appropriate.

### **'Lambing Shed'**

The shed comprises plastic sheeting spread over metal hoops and measures approximately 4m by 5m by 3m high. The shed is fixed to the ground by pegs and it has been in place for less than 4 years. Although relatively lightweight in construction it is considered to be similar to a large polytunnel and given its size and relative permanence it cannot reasonably be considered a temporary structure and therefore constitutes development requiring planning permission.

The structure harms the openness of the Green Belt and given its materials and location on the site is clearly visible from a number of locations. It is considered to be visually detrimental to the Green Belt and has an adverse impact on the AONB and character of the local landscape. Accordingly it is considered expedient to take enforcement action requiring the removal of the lambing shed from the site and that a period of 2 months for its removal is appropriate.

### **Shipping Container**

The shipping container is approximately 10m by 4m by 4m high and located adjacent to the boundary hedge with Woolley Lane. The container is considered to be a structure placed permanently on the land and falls within the definition of a building. It is used for agricultural purposes and is therefore not inappropriate development in the Green Belt. Although not readily visible from outside the site the shipping container adds to the collection of buildings and other development at the site and harms the openness of the Green Belt. Accordingly it is considered expedient to take enforcement action requiring the removal of the shipping container from the site and that a period of 2 months for its removal is appropriate.

### **Alterations and Extension to Existing Building**

The existing building on the site was a partly enclosed barn, previously used to provide shelter for cattle. In late 2009 GVP commenced works to infill the sides of the building with blockwork and fit out the interior for use as an office and for egg processing and packing associated with the poultry units. The Article 4 Direction includes 'alterations' as works requiring planning permission and it is considered that the alterations amount to a development and a material change in the appearance of the building. An extension to the building (approximately 2m by 10m by 3m high) constructed of

masonry with part timber cladding and profiled roof has been added within the last 4 years. Both the alterations and extension are development covered by the Article 4 Direction and are not immune from enforcement action.

As the building (and extension) is used for agricultural purposes it does not constitute inappropriate development in the Green Belt. Whilst the appearance of the building has been altered from an open barn to an enclosed building the footprint is essentially as originally built, it remains part timber-clad and retains the original low-pitched roof. The extension to the building is of a small scale and constructed of materials to match those of the existing building. Existing vegetation and local topography mean that views of the works are limited. Given that the works of alteration are contained within the original building envelope and the extension does not materially encroach into open countryside it is considered that the works do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension, the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB.

Although the building (as altered and extended) is currently used for purposes associated with the poultry units on the site (and against which it is considered appropriate to take enforcement action) the works themselves are considered acceptable and their association with the poultry units does not affect this conclusion. In the circumstances it is considered that the alterations and extension to the existing building are generally acceptable and that it is not expedient to take enforcement action against them. It is recommended that an application is invited seeking planning permission for these two items.

### **Track, Hardstanding and Concrete Path**

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site with Woolley Lane. The track is made up of compacted stone chippings/hardcore and involved the removal of grass and topsoil in its construction. The track was originally constructed in two sections in mid-2008 and mid-2010 and since that time further works have been undertaken. The area of hardstanding around the existing agricultural building made up of compacted stone chippings/hardcore has been laid down and extended over a number of years and now extends to approximately 350m<sup>2</sup>. Whilst initial works to form the track and hardstanding were commenced over four years ago further excavation and engineering operations have been undertaken since and the works have only recently been substantially completed. The concrete path is approximately 25m long, located between the existing building and hedge along Woolley Lane and was completed in 2013.

Although marginally wider than when originally constructed, the track is located adjacent to the hedge and so not readily visible, other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Soper's Wood. From site visits and photographic evidence (including aerial photos) it is apparent that whilst the appearance of the track when first constructed (and without topsoil and grass) is highly visible, once seeded and the grass has grown the appearance has softened. The area of hardstanding is adjacent to and largely screened by the existing building and, with the concrete path, not readily visible from outside the site.

In March 2010 the Council considered a planning application (09/04403/FUL) that included the retrospective formation of a track on the site. Whilst the application was



refused planning permission, no objection was raised to the hardstanding or track. In respect of the hardstanding the case Officer's report noted that it "is within the fenced compound of the farmyard, and its visual effect on the landscape would be reduced by its proximity to the existing modern barn in the farmyard ... Overall it is considered that this track would not affect the openness of the area or have a significant impact on the appearance of this part of the Green Belt." In respect of the track to the north of the farmyard the report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." In view of these comments, when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action.

It is considered that there has been no material change in circumstances since 2010 and accordingly it is not expedient to take enforcement action against the track, hardstanding or concrete path. It is recommended that an application is invited seeking planning permission for these three items.

### **Stock Pond**

The stock pond is located at the northern end of the holding and its construction involved engineering operations. In January 2011 the Council granted planning permission for a retrospective application for the stock pond, concluding that it was agricultural development and would not harm the openness of the Green Belt nor have any visual or other harm. An application to discharge a condition relating to the preparation of a wildlife enhancement and management scheme was also approved in 2011. Following a successful legal challenge the planning permission was quashed.

The planning considerations and impact of the development have not materially changed since 2010 and accordingly it is not considered expedient to take enforcement action against this item. It is recommended that an application is invited seeking planning permission for the retention of the stock pond, to include details of measures to address land slippage that has occurred as well as potential future hazards and a wildlife enhancement and management scheme.

### **Site Access**

The site access was altered in mid-late 2008 with the provision of a 7m wide concrete apron extending 4m into the site and the erection of 2m high wooden gates and fencing. Whilst these works constitute development requiring planning permission, they were substantially complete more than four years ago and are therefore now immune from enforcement action.

### **Other Items**

Storage Tanks – within the area of hardstanding there are two plastic tanks used to store diesel for farm vehicles. Although the storage tanks are not mobile and are set on a concrete base it is considered given their nature and limited size, that they do not fall within the definition of a building and their siting on the land does not involve an engineering operation. Neither are they an 'other operation'. Accordingly they do not constitute development requiring planning permission, are not subject to planning control nor capable of being enforced against.

Electricity Generator – the electricity generator measures approximately 1m by 1m by 1m high. It is a free-standing item (i.e. not plant or equipment within a building) located in a field and connected by cables to each of the poultry sheds. The generator is not fixed to the ground but is positioned on a hardcore base and would need to be loaded onto a trailer or similar for moving. However given its limited size it is considered that it

is not a building, structure, erection or 'other operation' and its siting on the land does not involve an engineering operation. Accordingly the electricity generator does not constitute development requiring planning permission, is not subject to planning control nor capable of being enforced against.

Pipework and Standpipes – each poultry shed is provided with water from standpipes connected by plastic pipework that are served from a supply close to the main agricultural building. The standpipes are spaced approximately every 100m alongside the track and are approximately 1m in height. In some locations the pipework from the standpipes to the poultry sheds is buried, in others it is laid on the surface. The standpipes and pipework are of a small scale and the pipework could generally be removed without the need for engineering operations. Accordingly the pipework and standpipes do not constitute development requiring planning permission, are not subject to planning control nor capable of being enforced against.

Whilst the electricity generator and pipework/standpipes currently serve the poultry units on the site (and against which it is considered appropriate to take enforcement action) this does not alter the conclusion in respect of the planning status of these items.

Vehicles/Equipment/Trailers – within the area of hardstanding there are various vehicles, items of farm equipment and a 'mobile office' trailer. These items are all mobile and do not constitute buildings. Furthermore they are being used in a way that is ancillary to the agricultural use of the land. Accordingly they do not constitute development requiring planning permission, are not subject to planning control nor capable of being enforced against.

## 6.0 HUMAN RIGHTS

It is considered that Article 1 of Protocol 1 (peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life, home and correspondence) of the European Convention on Human Rights may apply in this case. However, those rights must be weighed against the public interest in preserving the character and appearance of the surrounding area. Given that the unauthorised works are harmful and contrary to the Development Plan and given that there are no material considerations which outweigh the harm, it is considered that Enforcement Action would be a proportionate interference in the wider public interest.

## 7.0 RECOMMENDATION

In summary the recommendations regarding the expediency of taking enforcement action against development at the site are:

Item	Expedient to take Enforcement Action / Period for Compliance
Poultry sheds	Yes In use on 8/5/13 – 6 months from Notice Not in use on 8/5/13 – 2 months from Notice
Caravan	Yes 2 months from Notice
Shed/Dog Kennel	Yes 2 months from Notice
Feed hoppers	Yes 6 months of Notice
'Lambing shed'	Yes 2 months from Notice
Shipping container	Yes

<b>Item</b>	<b>Expedient to take Enforcement Action / Period for Compliance</b>
	2 months from Notice
Alteration and extension of existing building	No
Laying of a track and hardstanding	No
Stock pond	No
Alterations to site access	Immune from enforcement action
Electricity generator	Not development
Pipework and standpipes	Not development
Fuel storage tanks	Not development
Parking of vehicles, trailers, equipment,	Not development

It is recommended that delegated authority be granted to the Development Manager, in consultation with the Planning and Environmental Law Manager, to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contravention outlined above, by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above Property.

#### General Note

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of Enforcement Action either being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) all action being taken on behalf of the Council and in the Council's name;
- (b) all action being subject to statutory requirements and any aspects of the Council's strategy and programme;
- (c) consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Head of Planning Services, and
- (d) maintenance of a proper record of action taken.