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REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM:
DATE OF MEETING:		CATEGORY: DELEGATED
REPORT FROM:	<u>DEPUTY CHIEF EXECUTIVE</u>	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	R M Shirley (596750)	DOC:
SUBJECT:		REF: RMS/E/2001/435
WARD(S) AFFECTED:	Unauthorised use as travellers' encampment of land at the former Shardlow Nurseries, London Road, Shardlow Aston	TERMS OF REFERENCE: DC01

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

- 2.1 That the Development Control Committee authorise the issue of an Enforcement requiring the following steps to be taken:
1. That the use of the land as a travellers' encampment cease.
 2. That the two canvas-covered caravans, the white caravan and the bus converted into living accommodation be removed from the site.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions.

4.0 Executive Summary

4.1 Not applicable.

5.0 Detail

- 5.1 Following advice received via the Environmental Health Department an inspection revealed that there were two traditional canvas-roofed caravans sited on the land which is the site of former nursery gardens. Additionally, a bus, converted to residential use was in evidence together with a white touring caravan. Complaints have been received in respect of the unsatisfactory appearance of the site,

incidences of noise disturbance, sewage and refuse disposal and damage caused to adjoining property

5.2 The land is in the ownership of a trust and is currently let to a tenant. The breach of control has been drawn to the attention of both parties and whilst correspondence has been received from the trustees detailing courses of action open to the Local Planning Authority neither party has taken any apparent action in the matter.

5.3 Investigation indicates that the two traditional caravans have been in evidence for approximately two years but the bus is a recent arrival and is giving rise to concern that it may be the precursor to a proliferation of the unauthorised use. Concerns have also been expressed with respect to problems caused by horses straying from the site on to the adjoining highway

5.4 A plan of the site which is approximately 7.16 hectares in area is attached at Annexe A.

6.0 Financial Implications

6.1 Should the Committee be minded to adopt the recommended course of action the Council may be subject to certain costs.

7.0 Corporate Implications

7.1 Not applicable

8.0 Community Implications

8.1 Not applicable

9.0 Conclusions

9.1 The presence of the caravans constitutes a clear breach of planning control on land outside the confines of the village.

9.2 There is ongoing public concern that there may be increased use of the site by travellers

9.3 Housing Policy 15 of the South Derbyshire Local Plan states that :
Gypsy caravan sites will be permitted provided that the site is:

1. In an area frequented by gypsies; and
2. Satisfactorily located in relation to other development; and
3. Acceptable in environmental terms; and
4. Reasonably accessible to community services and facilities; and
5. Capable of sympathetic assimilation into its surroundings(including landscaping and screening); and
6. Adequate provision is made for vehicular and pedestrian access.

9.4 Housing Policy 8 of the Derby and Derbyshire Joint Structure Plan states that:
Provision will be made for both permanent and transit caravan sites for gypsies and travellers, which should normally :

1. Be related to the scale of demand.
2. Be located in broad areas frequented by gypsies and travellers.

3. Be accessible to community services and facilities.
4. Be capable of sympathetic assimilation into their surroundings.

Sites will not be permitted in areas of Green Belt or Special Landscape.

- 9.5 The site fails to satisfy all the relevant tests of the policy because the caravans and Converted bus are situated in a manner that constitutes a harmful intrusion into open countryside and the regular use of the accesses to the site and other activities is likely to cause material disturbance to adjoining residential and business uses in contravention of Housing Policy 15 of the South Derbyshire Local Plan.
- 9.6 It is open to the Committee to authorise the service of an enforcement notice requiring the cessation of the use and the removal of the caravans and bus within a period of 28days from the date when the notice takes effect.. Should the Committee take the view that it would be expedient that the use cease before the expiry of the compliance period specified in the notice it is open to it to authorise the service of a stop notice which would prohibit the use on the enforcement notice land or any part of that land.
- 9.7 However, bearing in mind difficulties associated with securing adequate service of a stop notice and its potential for challenge, at present the service of an enforcement notice only would appear to address the situation adequately.

10.0 Background Papers

- 10.1 Enforcement file E2001/435

