

EXPEDIENCY REPORT FOR ENFORCEMENT ACTION

Case reference	ENF/17/0094
Location	Gundrys Farm, Three Legged Cross
Breach Description	Without planning permission the change of use of land and premises, to the use of land for the stationing of caravans, motorhomes and tents for caravanning and camping activities, the change of use of existing buildings to facilitate the use of land, and operational development to facilitate such a use.

1.0 INTRODUCTION

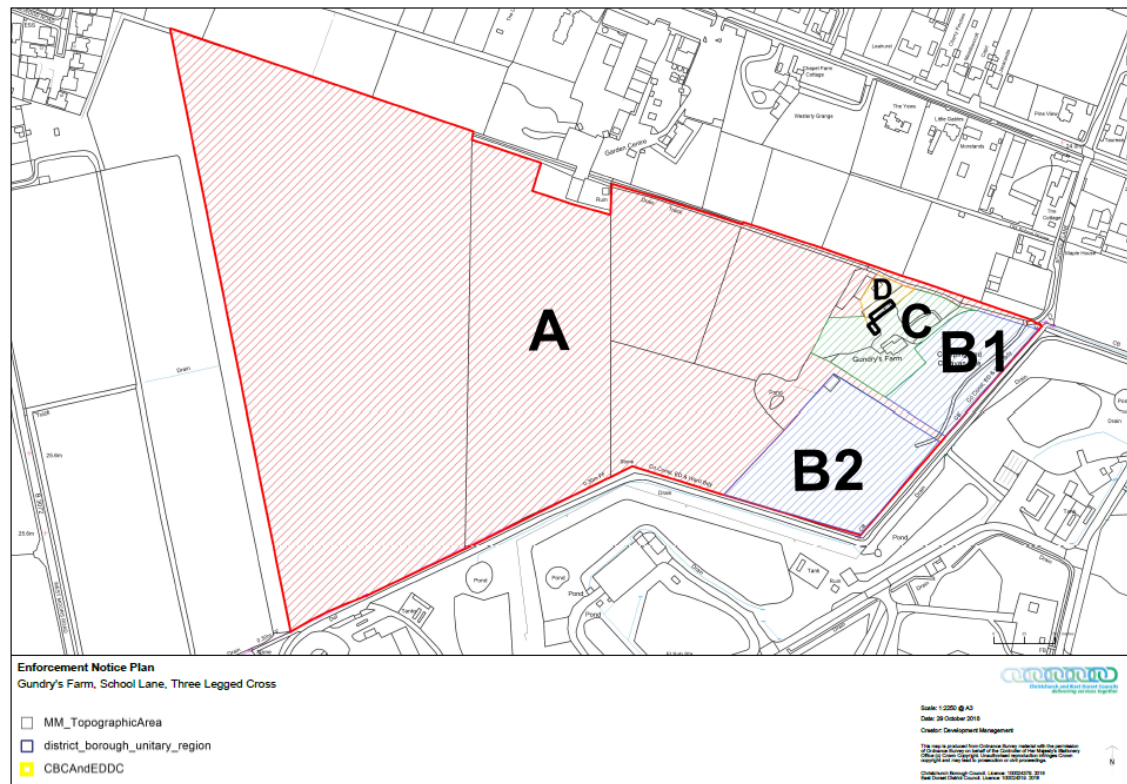
- 1.1 Investigations in respect of the breach of planning control as described began in April 2017. Concurrently the Council has also considered applications for lawfulness, by s191 and s192 of the Act 1990.
- 1.2 To avoid repetition of facts already considered, this report will illustrate the more salient points of the case. The enforcement officer investigatory notes and a chronology are attached at **Appendix 1**, with a collection of dated aerial photographs attached at **Appendix 2**, and information obtained from the camping and caravan sites website contained at **Appendix 3**. The s192/s191 reports for the recently considered applications and respective appeals where relevant can be found at **Appendix 6**.

2.0 THE PLANNING UNIT

- 2.1 The land in ownership and thus the planning unit amounts to a combination of agricultural paddocks associated to a group of agricultural buildings in close proximity to a farmhouse to which there are gardens as curtilage.
- 2.2 The entire site, bar one paddock, is currently put to caravanning and camping operations by the current landowners. Historically the entire site was put to agriculture and over the passage of time a supplementary (enterprise as diversification) caravanning and camping business has grown by piecemeal development and change of use, thus becoming a mixed use of agriculture and caravanning/camping.
- 2.3 There is no division of the land in ownership making a distinction for planning purposes. Each part flows into the other around a central farmhouse and courtyard. The presence of a "site office" brings the whole of the land in ownership to a central point.
- 2.4 Agriculture has been capable of functioning anywhere, although there appears to be no apparent intention by the current landowner to use the land for agriculture. It is considered that the landowner seeks to use the entire site for

sui generis caravanning and camping – a single caravan site.

2.5



Key

- **A** = agricultural land used for caravan site purposes (other than the areas annotated which have a distinct use)
- **B (1,2)** = caravan site paddocks for seasonal use
- **C** = residential curtilage
- **D** = outdoor caravan storage area (all year)
- Two agricultural buildings currently in use for caravan site operations are edged black on the plan.

This plan is also found at **Appendix 4**. For illustrative purposes only.

2.6

The land is accessed by single road from the public highway, and internal tracks with no public access across the land. There are very few public vantage points. Observations from adjacent landowners are likely to provide more accurate information about the use of the land.

2.7

The land is owned by Royale Parks (Dorset) Ltd. Landownership details are found at **Appendix 5**.

3.0 PLANNING HISTORY

3.1 Planning applications and decisions relating to this site are attached at **Appendix 6**. For completeness the history is also set out in brief below:

3.2 Reference	Description of use (as decision)
3/96/0663 Withdrawn	Retrospective Application To Use Former Field As A Caravanning And Camping Site 1 April 30 September
3/96/9024 LDC application Granted	Between the period from Easter to the end of September each year use as a caravanning and camping site for up to 24 caravans and tents (24 in total making no distinction between caravans and tents) without the benefit of planning consent. <i>Description changed.</i>
3/10/0135/CLU Granted	The use of the land for the stationing of up to 25 caravans for storage purposes only, the use having been established over a period of not less than 10 years.
3/10/0136/CLU Granted	Development in the form of 12 (twelve) electricity hook-up points, the development having been in existence for more than 4 years as of the application date.
3/10/0137/CLU Granted	The use of the land as a campsite for up to 30 caravans, tents and motorhomes (30 in total making no distinction between caravans, tents and motorhomes) between Easter and 30 September of each year only.
3/10/0917/CLU Refused	Caravan Storage area for 10 caravans
3/11/0393/CLU Granted	Use of land as a residential curtilage of the farmhouse at Gundry's Farm for at least the 10 years on a continuous basis.
Unilateral Planning Obligation Pursuant to S106 of the Town & Country Planning Act LPA's Deed Ref: 1209 106 dated 21 June 2011	Unilateral Planning Obligation dated 21 June 2011 relating to Gundry's Farm, School Lane, Three Legged Cross, Wimborne, Dorset – legal agreement confirms that a caravan placed on the land forming the residential curtilage of the property shall only ever be used for a purpose which is incidental to the enjoyment of the dwelling as such, and that it shall only ever be occupied by a person or persons who are or who are at that time members of the same household occupying the dwelling and it shall not be occupied by any other person or person who is not or not at that time a member of the same household occupying the dwelling. The legal agreement goes on to ensure that within the residential curtilage of the property shall be limited to one, and never separated from the property by freehold sale or licence or other method of disposal neither shall the property be freehold sale lease or licence or other method of disposal. This legal agreement dovetails into the above CLU decision and re-affirms what is residential curtilage to the Property known as Gundry's Farm. The residential curtilage is labelled C and shaded green on the plan at Appendix 4 .
3/17/1464/CLP Refused Appeal Dismissed	Use of land edged red for the siting of up to 54 caravans throughout the year for the purposes of human habitation
3/17/2370/CLE Refused	Use of Land for the siting of up to 100 caravans from Easter to the end of October

3.3 *Caravan Site*

The genesis of a caravan and camping use on the land began under the provisions for exempted organisations by the 1960 Act. By 1995 association to the Camping and Caravanning Club had ceased and thus the landowners sought to regularise the wider established operations by s191 of the Act 1990.

- Paddock B1 became lawful for 24 holiday units of accommodation, (caravans, motorhomes and tents) in 1997, limited to seasonal use.
- Paddock B2 was regularised in 2010 for 30 holiday units of accommodation alongside the provision of 12 hook-up points, limited to seasonal use.
- Area D (**Appendix 4**) was also regularised for the storage of up to 25 caravans 2010.

3.4 The seasonal use for Paddocks B1 and B2 (**Appendix 4**) has been consistently set between Easter and the end of September. The storage in Area D (**Appendix 4**) can occur throughout the year.

3.5 In 2011 the residential boundaries of the occupied farmhouse were regularised by a Lawful Development Certificate (LDC). This is the shaded green area marked C on the plan found at **Appendix 4**. Within this area there was sited a static caravan. The residential curtilage LDC was also followed by a Unilateral Planning Obligation (**Appendix 6**) which ensured that the caravan shall only ever be used for a purpose which is incidental to the enjoyment of the dwelling as such, this is to say that there should only ever be one sited within the residential curtilage. The current owners of the site use the static caravan on the land for residential accommodation for a warden/caretaker. Also within this area other caravans and motorhomes have been sited and occupied by other operational employees. “Residents” (the operational employees) are employed to maintain the land for caravan site operations only. The full details of “residents” are not known. There is also a curtilage building which should be in either an ancillary use or incidental use to that of the dwelling house, but is now used as an office/reception for the wider camping and caravanning activities of the whole site.

3.6 *Other buildings*

There are two further buildings. Both stand close to the storage area (annotated as Area D on the plan at **Appendix 4** and shaded orange). Both are excluded from the LDC reference 3/10/0135/CLU. One of the buildings (believed to be a former pig building) is considered to have served the wider land (annotated as A) and used predominantly for an agricultural purpose until fairly recently.

3.7 *Agricultural Use*

An agricultural function (haylage and grazing livestock) at the westerly end of the planning unit is believed to be operated by a third party. It is not known whether he makes use of any other parts of the planning unit or the buildings or still continues to take a crop from this parcel of land.

3.8	Scope of Lawful use of land	UCO Classification
	Area A – by s55 Act 1990 and the GPDO 2015	Agriculture Sui generis
	Areas B1 & B2 are put to use for caravanning and camping and defined by the Lawful development certificates (Appendix 6). They could be put to agriculture otherwise subject of the provisions of the GPDO 2015.	Sui generis & Permitted by GPDO Part 5
	Area C is lawful as a residential use of land.	C3
	Area D is lawful use of land – for storage of caravans limited by number as defined by a lawful development certificate (Appendix 6).	Sui generis

3.9 Permitted Development

- 3.10** **Area A** could be applied to the provisions 2-10 of Sch 1 of the Act 1960 and Part 5 & 6 of the GPDO (however this appears unlikely to occur with the current seasonal pitches being stationed on the land).

Areas B1 and B2 would require planning permission for further development unless the development is the subject of any given requirement of a site licence by the 1960 Act.

Area C would be subject of the provisions of the GPDO 2015, in respect of development and use relevant to the farmhouse as a residential dwelling and its curtilage, that being Sch. 2 Part 1. It is noted that a garage has been erected to the north-east of the farmhouse.

Area D is limited in its scope of use.

3.11 Recent Lawfulness Applications

- 3.12** **S192 – 3/17/1464/CLP (Appendix 6) Use of Land edged red for the siting of up to 54 caravans throughout the year for the purposes of human habitation. Refused Unlawful – 07/09/2017**

The reason for refusal of a certificate were as follows –

1. The description of the development is absent from the application form; the description heading the supporting statement and is imprecise and does not express in complete and correct terms that which is proposed, namely a permanent residential use. The Council is not entitled to change the description.
2. The proposal proposes a land use wider than the subsisting lawful use of the land which amounts to a material change of the definable character of the use of the land; this would be contrary to s55 of the Town & Country

Planning Act 1990 (as amended) and require planning permission.

- 3.13 The application represents a planning position that any use of land which amounts to human habitation is lawful (arising from the provisions of the Act 1960 and no planning conditions and limitations imposed).
- 3.14 The Council's decision was appealed. The Council contended that the seasonality of the use for paddocks B1 & B2 amounts to a limitation, and thus excludes continued use of the land as a caravan site. The presence of WC block, hook-ups etc are insignificant. The Inspectorate dismissed the appeal on 01/10/2018 and this decision can be found in **Appendix 6**.
- 3.15 **S191 – 3/17/2370/CLE (Appendix 3) Use of Land for the siting of up to 100 caravans from Easter to the end of October - Refused Unlawful on the 07/11/2017**

This application was refused for the following reason -

The Applicant has failed to provide the Council with sufficient evidence to establish that the land described in the Second Schedule and as edged red has been used continuously for the purposes subject of the development as described in the First Schedule for the past 10 years.

- 3.16 This refusal requires the Council to consider expediency against the current operations. It should be noted that at the time of preparing this report, no appeal has been lodged against the Council's refusal.
- 3.17 **Enforcement History**
- 3.18 There is limited enforcement history. In 2009 investigations are commenced and lead to the submission of the 2010 applications by s191. Recent extensive investigations (**Appendix 1**) have also inspired the submission of CLE and CLP applications as a means to regularisation and the agreement with the former land owners of the Unilateral Planning Obligation dated 21 June 2011.
- 3.19 Investigations began as a result of concern raised by neighbouring property owners that the known and familiar and occasional use of the land for rallies, *which would be permitted by Part 5 of the GPDO/Act 1960*, appeared to have widened into a more permanent use.

The site was visited on several occasions and images taken. Generally the following is observed within the field system of area A –

- Two distinct areas for caravan site use, with units stationed
- Substantial capacity of pitches demarked by electric hook-up points (approximately 120 in situ) set out in rows.
- Electrically cabinets
- Fire safety points
- Dog waste points

- Standpipes
- Shower and WC buildings with water and electricity supply and waste water collected by land drainage pipes
- Large water containers
- A hardsurface access track laid out
- Storage of caravans sheltered from view west of the pond
- Coded access barriers to the field

3.20 The officer's investigations included planning and enforcement historical checks, background verification of the installation of hook-up points, website searches for information relating to the marketing of the land as a caravan site, obtaining images relating to such use, and contact with exempted organisations. The officer also spoke with staff on site.

3.21 Planning Contravention Notices (PCNs) have been issued to the former landowner and the current landowner-company (**Appendix 1**).

[NOTE: The labelling of the PCN plan is not consistent with those set out in **Appendix 4**. Paddocks will be referred to **Appendix 4** accordingly for the purposes of this report]

The PCN exercise provided factual declarations as follows –

- In addition to the Company as an entity, there are 4 interested persons in the land;
- Paddock B1 is lawful for use as a caravan site subject of the 1997 LDC;
- WC and shower blocks were installed on the land (A) circa January 2017;
- They were installed to replace existing ones;
- The installation works were appointed by Royale Parks (Dorset) Ltd;
- Paddock B1 consists of 24 hook-up points;
- Paddocks A has historically included hook-ups;
- The current installation amounts to 120 hook-up points;
- There are no holiday lets of the caravans within Paddocks A
- Applications are being prepared
- WC blocks are ancillary to the caravan site and not development
- Hook-up installations are not development

For factual accuracy, there is no historical reference or evidence of the following –

- Existing WC and showers facilities in Paddocks A
- Hook-up points in Paddocks A

No information was collected for Paddock B2, Area C or D by the PCN exercise.

There are also historic PCN's which are of interest and these can be found in **Appendix 6**.

- 3.22 The case investigations concluded that operational development has occurred to enable a change of use of agricultural paddocks, area A, for use of the land as a caravan site for mobile units of accommodation comprising (as observed) touring caravans and motorhomes.

4.0 Immunity from Enforcement Action

- 4.1 Immunity from enforcement action is established by s171B of the Act 1990. The Council considered and provided in 2017, before recommending enforcement action, an opportunity to landowners to submit applications for development or use of land which would apply, in the first instance to the provisions of s191 – existing use – or by s192 – proposed use – where interpretation of permitted development rights or a test of s55 of the Act 1990 requires detailed consideration. See paragraphs 6.9 to and including 6.17 for response, *Opportunity to Regularise by Planning Permission*.

- 4.2 Having regard to planning history, lawfulness and permitted development, there would be scope for relevant submission as follows –

By s191 -

- Lawfulness of the commercial functionality of the farm buildings unregulated in proximity to Areas C and D.

By s192 -

- Lawfulness for the erection of a car port within the residential curtilage, area C.

- 4.3 Any other development will be further considered below and identified in context to a breach of planning control. Overall s171B (3) will apply to what has occurred.

5.0 Site Licensing

Caravan Sites and Control of Development Act 1960

- 5.1 There is a site licence, as required by the Act 1960, for areas B1 & B2. This can be found at **Appendix 7**.
- 5.2 The licence makes reference to the 1997 LDC decision and 3/10/0137/CLU (2010) which permits a maximum capacity of 54 units of accommodation, being, without distinction, touring caravans, tents and motorhomes. The land may not be used as a caravan site, outside of the season ending each year on 30 September and before Easter. The licence adds 26 conditions relevant to the model standards for caravan sites in England.
- 5.3 Interpretations of the definition of a caravan and a caravan site can be found at **Appendix 8**
- 5.4 In advance of formally announcing the extent of the breach of planning control on the land, it is necessary to set out the Council's interpretation of the meaning of **caravan site** in context to the planning history and the current use.

- 5.5 The Act 1960 sets out at Part 1 s1 (4) the definition of a caravan site as ***“use of land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which on caravan is so stationed.”***
- 5.6 It is the current operator’s position that storing caravans on the land, and in particular retaining caravans stationed for clients on Paddocks B1 and B2, does not amount, outside of the permitted season of use (Easter-September), to an unlawful use.
- 5.7 Properly interpreting the Act 1960, a caravan site must have functionality to human habitation. Where no human habitation is present, the use falls to be considered outside of the definition of caravan site.
- 5.8 The LDC decisions of 1997 and 2010 furthermore do not include reference to storing of caravans. There was information submitted claiming a secondary use of the land, for retaining caravans in paddock B2 for instance for winter storage purposes, however there was insufficient information to merit the inclusion of storage in the grant of a certificate.
- 5.9 The retention of caravans, or stationing of caravans in a storage capacity would be unauthorised as it amounts to a change of use of the land. It furthermore falls outside of the scope of a site licence.
- 5.10 Storage of caravans has been regularised only to Area D. The operating staff states that they have more than 25 customers wanting to store caravans. Off-setting storage to other areas of the planning unit requires planning permission. There has been no planning application for the same.
- 5.11 At the end of the season of use the Council expects Paddock B1 and B2 to be cleared. One member of staff has declared that they wish to clear the land in order for it to recover after seasonal use. The continued stationing and storing of caravans (as proposed by the s192 application) contradicts such ambitions.

6.0 THE BREACH OF PLANNING CONTROL

- 6.1 Various site inspections have been undertaken of the site during 2017 and 2018. These can be found in date order within **Appendix 1**. Site visits were also conducted on 2 October 2017 and 17 October 2018. The images taken during the inspection can be found at **Appendix 9**.
- 6.2 There are numerous breaches of planning control which consist of the following elements but all serve the one overall land use:-
- 6.3 In respect of Paddock B1 the storage of caravans and retention of paraphernalia outside of the permitted and licenced season of use. There were 5 caravans on 2 October 2017. There were many on site on the 17 October 2018. (**Appendix 9**).

- 6.4 Likewise in Paddock B2 to a greater degree. There were 33 caravans on 2 October 2017. There were similar amounts if not more still on the site as of the 17 October 2018 (**Appendix 9**).
- 6.5 In respect of Paddock A, storage of approximately 40no. caravans and the use of the land as a caravanning and camping site, for up to 100 pitches, with water supply, electrical hook-ups installations, stations for fire safety, and the erection, with associated water/electric/sanitary supply and installation, of 4no. wc/shower buildings and decked access. (**Appendix 1**).
- 6.6 In respect of the farmhouse building, (Area C) the change of use of a single storey element to of the farmhouse to provide showers with gated access to/from Paddocks B1 and B2. These facilities have not been granted planning permission for the change of use of the dwelling to a mixed use as dwelling and use in connection with a caravan site. Furthermore, these facilities lie outside the red edge of the lawful development certificates reference 3/96/0024/LDC dated 4 March 1997 and 3/10/0137/CLU dated 28 May 2010. A site licence cannot be issued in this respect in the absence of any planning permission. (**Appendix 1**)
- 6.7 In respect of the residential curtilage, (Area C) the erection of a WC block with associated hardstanding and access to/from Paddock B1 and B2 have been provided without planning permission. Also these facilities have not been approved by site licence and as they lie outside the red edge of the lawful development certificate reference 3/96/0024/LDC dated 4 March 1997 and 3/10/0137/CLU dated 28 May 2010. A site licence cannot be issued in this respect in the absence of any planning permission. (**Appendix 1**)
- 6.8 There are a number of staff residing on site who act as wardens/managers/caretakers of the site. Caravans and campervans used in this way have been located in both areas C and D. Area D has the lawful use of caravan storage only. Area C has a lawful use as being part of the residential curtilage only. In addition to this, whilst the Council has been aware of the existence of a single static caravan within area C, it is subject to a Unilateral Planning Obligation dated 21 June 2011. It's siting within the residential curtilage and use is for incidental purposes linked to the occupation of the residential dwelling only, and would be considered to be a lawful use in planning terms. However, its use for full time independent residential occupation, linked to facilitate the unlawful use of the wider site for caravanning and camping activities is not lawful and this activity, along with there being more than one caravan located within the residential curtilage used for staff accommodation is a breach of the terms within the legal agreement.
- 6.9 **Opportunity to regularise the above by planning application**
- See **Appendix 10** for copies of correspondence
- 6.10 *8th November 2017*

The agent was invited to consider that there are a number of breaches of

planning control on the land, and to regularise the same by submission of appropriate application(s). The Council asked for confirmation within 7 days that a submission would be forthcoming. In the absence of a reply enforcement action would be considered.

The Council informed the agent of the following alleged breaches of planning control – *lettering referred has changed to accord with the plan in paragraph 2.3 of this report.*

- Use of paddock A as a caravan site and associate installations;
- Use of paddock A for storage of caravans;
- Use of paddock B (1,2) for caravan storage;
- Erection of WC block in C
- Installation of shower facilities in C (land considered wholly residential)
- Use of agricultural buildings for caravan operations historically excluded from any planning decision.

6.11 The following response was received on 10/11/2017 –

Without prejudice to any case that either party may present if there were enforcement action taken by the Local Authority we are grateful for your letter and suggested course of action. If an application for the matters at the rear of the site could be resolved through a permission rather than a certificate the end result would be our focus rather than the route or method.

We probably need to discuss in a little more detail the form and content of any application and whether matters are dealt with separately or as one submission.

I do not see any reason why such submissions could not be made within the timescale you suggest depending on the level of supporting information you foresee but this is perhaps also something which we can discuss and may in part be subject to the question of sequence.

The exception that I would initially foresee to the above is in respect of the winter use of the front paddocks. As you may be aware an appeal has been lodged against the recent refusal in this area and for reasons I am sure you appreciate we would not wish to prejudice our case in this regard.

6.12 The Council further responded by inviting the submission of a retrospective application without delay. **No application has been submitted.**

6.13 *4th April 2018*

The company-landowner (Royale Parks) was provided with a succinct summary of communication with the agent, progress of the most recent applications, and the opportunity expressed to regularise a breach of planning control. The letter requested by return of post within 14 days for a response whether it is the company-landowner's intention to apply for planning permission and to–

- Permit use of area A as a caravan site for the purposes by the provision of Schedule 1 of the Act 1960
- Permit use of area A as a caravan site not within the provisions of the above
- To permit “live in residents” from Beacon Hill Touring Caravan Park to use area A as a caravan site.

In addition the company-landowner was advised that the Council would have regard to all material considerations and that the main objections are that the land is – (*foremost for area A*)

- Within the South East Dorset Green Belt and use of land as a caravan site is inappropriate development as it does not maintain the openness;
- The land lies within 400m and 5km of specifically protected heathlands, whereby Natural England objects to the extension of the existing caravan site into Area A on the basis of impacts identified in evidence assembled arising from urban related recreation and other impacts as set out on the Dorset Heathlands Planning Framework 2015-2020 DPD.
- There are also effects due to activity both on and off site and a potential increase of noise and disturbance to amenities of nearby other residential properties.

6.14 No response was received. No application has been submitted.

6.15 A decision was taken to hold enforcement action in abeyance until the determination of appeal 3/17/1464/CLP was received, given that it could have implications how the Council approach operations within paddock B (1,2) and the relationship overall to paddock A.

6.16 Concurrent with the considerations of this report, a further letter was sent on 19/10/2018 to the landowner and agent noting there has been no submission of an application, and that operations have continued on site. It should be noted that the unauthorised caravan related land uses of Paddocks A, and B (1,2) provides the Company with a substantial income. Seasonal pitches with winter storage are advertised at approximately £2000 per annum. It is estimated that the Company could earn (by the numbers found on site) up to £500k from this venture each season.

6.17 On the basis of the appeal dismissed for 3/17/1464/CLP on 1st October 2018 (see **Appendix 6**), the Council’s intentions now are to progress enforcement action proportionately.

7.0 MATERIAL CONSIDERATIONS

7.1 PLANNING POLICY

7.2 Effective enforcement is important as a means of maintaining public confidence in the planning system (NPPF). Given that enforcement action is discretionary, the Council must ensure that it has acted properly and

proportionately in responding to suspected breaches of planning control. This requires an assessment of the breach against relevant national planning guidance through to the adopted development plan policies.

7.3 Local Plan Policy

Christchurch and East Dorset Local Plan, Part 1, Core Strategy (April 2014)

- KS1 (Presumption in favour of sustainable development);
- KS2 (Settlement Hierarchy);
- KS3 (Green Belt);
- KS12 (Parking provisions);
- ME1 (Safeguarding biodiversity and geodiversity)
- ME2 (Protection of Dorset Heathlands)
- HE2 (Design of new development);
- HE3 (Landscape quality);
- PC4 (The Rural Economy);
- PC6 (Tourism).

East Dorset Local Plan 2002 (Saved Policies)

Policy TODEV2 - New sites or extensions to sites for static or touring caravans, tents, chalets or cabins for holiday use will not be permitted within the Green Belt, or where it would cause harm to the landscape character of the AONB, or Area of Great Landscape Value. Elsewhere, such development will be permitted if the following criteria are satisfied:

- a) the site is well screened from external views by means of landform or landscaping;
- b) the development would not harm residential amenity;
- c) any additional traffic can safely be accommodated on the local highway network;
- d) the proposal would not harm an important wildlife habitat;
- e) there would be no detrimental impact upon a site of archaeological importance, listed building, or conservation area;
- f) the site is well laid out to provide adequate room for pitches and will allow for generous landscaping;
- g) it is established that any risk of flooding is acceptable.

The relevant planning policies have been attached at **Appendix 11**.

7.4 National Legislation/Policy/Guidance

- Town and Country Planning Act 1990;
- Planning and Compulsory Purchase Act 2004; S38(6);
- National Planning Policy Framework (NPPF) 2018;
- Planning Practice Guidance (PPG) 2014 (Revised).

7.5 **Supplementary Policy**

Dorset Heathlands Planning Framework 2015-2020 (Jan 2017) (Supplementary Planning Document) (**Appendix 12**)

Dorset Authorities whose areas contain lowland heath protected by international designations have produced the above document for their protection. The framework has been in place since December 2006, and its purpose is to ensure that there is no net increase in urban pressures on the heaths as a result of additional residential development between 400 metres and five kilometres of heathland. The document demonstrates how harm to the protected heathlands can be avoided based upon a range of measures and sets out a mechanism to be applied cross boundary by the relevant local authorities.

7.6 **PLANNING ASSESSMENT**

7.7 ***Principle of Enforcement***

The Town and Country Planning Act 1990 (Section 172) provides for the taking of enforcement action where there has been a breach of planning control and where it is expedient to do so, having had regard to the provisions of the development plan (as referred above) and any other material considerations.

The key issue for consideration is therefore whether expediency exists to pursue enforcement action for the reported breach of planning control will be examined carefully below.

7.8 ***The Development***

Without planning permission, the material change of use of -

- open land for permanent use as a camping and caravan site known to have previously been used for agriculture and Schedule 1 caravanning rallies only;
- paddocks for camping and caravanning outside of the lawful and permitted season of use, contrary to Lawful Development Certificates 3/96/9024 for paddock B1, and 3/10/0137 for paddock B2;
- residential building and its curtilage for a mixed use of residential accommodation and use as a caravan site, together with built development (WC block) with works (converting part of the farmhouse) to enable and facilitate such a use, contrary to Lawful Development Certificate 3/11/0393;
- a caravan storage area for a mixed use of storage of caravans and use as a caravan site, contrary to Lawful Development Certificate 3/10/0135.

Key Planning Considerations

7.9 The main planning considerations are:

- Presumption in favour of sustainable development
- The principle of development and its location;
- The settlement hierarchy and its location;
- Whether the development would be inappropriate;
- The effect on the openness of the Green Belt;
- Whether any very special circumstances have been demonstrated;
- The effect of the development on the landscape character and the visual and general amenity of the surrounding area;
- The Rural Economy
- Tourism
- The effect of parking and manoeuvring of vehicles associated with the development and impact on road safety;
- Would the development have any impact in terms of protected heathland.

Presumption in favour of sustainable development

7.10 The site is located within the open countryside, located at a distance from local services and facilities. The location of the site does not provide easy access to local services except by use of a private car. The purpose of restricting such development in open countryside is to ensure such users of the site would enable to be integrated within the wider community and not be isolated away from the local population. Holt and West Moors Heath is a European protected site therefore the presumption in favour of sustainable development does not apply whereby development requiring appropriate assessment because of its potential impact on a habitats site being planned or determined (see para. 177 of the NPPF). To this end the development fails to comply with policy KS1 of the Core Strategy.

The principle of development in its current location

7.11 Policy KS2 of the Core Strategy requires the location, scale and distribution of development to conform to the settlement hierarchy. This hierarchy identifies settlements in the district and Gundry's Farm is not within any of these. However it is recognised that development in the rural areas outside settlements is acceptable in certain circumstances, and Policy PC4 of the Core Strategy deals with this.

Is the development inappropriate development in the green belt

7.12 The site lies within the South East Dorset Green Belt. The Green Belt was first established in principle in the South East Dorset Structure Plan dated 1980. The Green Belt boundaries were first drawn in 1982 and have not changed significantly since then. The South East Dorset Green Belt covers about 33,000 hectares, of which 16,840 hectares lie within East Dorset, approximately 47% of the District.

7.13 Saved Policy TODEV2 of the East Dorset Local Plan 2002 states that: *New sites or extensions to sites for static or touring caravans, tents, chalets or*

cabins for holiday use will not be permitted within the Green Belt, or where it would cause harm to the landscape character of the AONB, or Area of Great Landscape Value.

- 7.14 The policy is clearly prohibitive and in its preamble text refers to the conflict such uses have with the aims of Green Belt Policy. Therefore, and as the site falls within the designated Green Belt, the development is clearly contrary to this policy.
- 7.15 One of the most important purposes of the Green Belt is to prevent encroachment of development into the countryside and to protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them. Green Belt policy has been an important tool in controlling the location of growth throughout the District and has proved to be successful in controlling the spread of development into the countryside, as set out in paragraph 4.9 of the Development Plan.
- 7.16 Paragraph 144 of the NPPF advise LPA's that *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.
- 7.17 Paragraph 145 of the NPPF advises that new buildings are inappropriate in the Green Belt, but goes on further to confirm six key exceptions to this rule. Exceptions 1 and 2 are as follows:
- *buildings for agriculture and forestry;*
 - *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- 7.18 Development consisting of buildings, hook-up points, infrastructure to serve the use clearly facilitates a use of land for outdoor camping, caravanning and motorhome use, together with the storage of such caravans and motorhomes when not in occupation (outside the areas which currently benefit from lawful development certificates for such uses). Together with all the associated operational development, this use of land would not be considered to fall within the second exception. Therefore, the proposed change of use, together with all its buildings, hook-up points, hardstanding tracks track road networks and associated infrastructure used in connection with the camping, caravanning and motorhome camping for recreational residential purposes, including their continued presence when not in active use, would be inappropriate development, contrary to Policy KS3 of the Development Plan and paragraphs 143 to and including 147 of the National Planning Policy Framework.

The effect on the openness of the Green Belt

- 7.19 The site's former character was of open grazing paddocks of fairly flat and level ground. The site is access off a shared track off School Lane, which leads into Gundrys Farm courtyard or gated fields leading to the areas where the camping fields are located. The site has a number of residential properties in fairly close proximity to the camp site.
- 7.20 The site is fairly well screened and there are very limited public access points whereby you can see where the camping is located. The fact that you cannot easily see it does not mean that for the purposes of Green Belt it has no effect on openness. It is well established that openness in the context of Green Belt means freedom from physical inappropriate development.
- 7.21 It is noted that the use may be offered on a seasonal basis, and with some caravans and motorhomes coming and going, some elements being more transient than others; but it is evident that other caravans and motor homes together with the buildings, hook-up points, hardstanding tracks track road networks and associated infrastructure which support the use of land remain on site all year round. The website offers seasonal pitches and storage and during the recent visit, the season was purported to end at the end of October with a season's pitch being a full year, with an option to retain the caravan on site when not in use. It is unknown how many customers have taken advantage of this.
- 7.22 Paragraph 133 of the NPPF reaffirms the fundamental aims of Green Belt. The NPPF confirms that openness is the essential characteristic of the Green Belt. It is considered that the development would reduce the overall openness of the Green Belt when in active use and in respect to the caravans and motor homes, buildings hook-up points, hardstanding tracks, track road networks and associated infrastructure which remain behind when the camping season ends; therefore the unauthorised development considered as a whole erodes the site's openness and as such undermines the Green Belt's essential characteristics, thus conflicting with the provisions of the NPPF.

Whether any very special circumstances exist

- 7.23 No very special circumstances have been brought forward by the land owners or their agent through positive engagement of the enforcement investigation.

The effect of the proposal on the landscape character and the visual and general amenity of the surrounding area

- 7.24 The development has a deleterious impact upon the rural character of the locality by reason of the siting of: tents; caravans and motorhomes; associated vehicles; domestic paraphernalia (the latter when in use); and open storage of caravans and camper vans when not in any active use, on land which has previously been maintained as open. These physical

features appear as a utilitarian form of development which is considered out of keeping/incompatible with the woodland character of surrounding land within the Green Belt. The current unauthorised use of land and its facilitating operational development is considered contrary to the general rural aesthetic of the wider site and area.

- 7.25 Furthermore, a number of concerns have been raised by local residents in the area in connection with the unauthorised development. The main thrust of their comments has included: noise, impact upon residential amenity, general disturbance, traffic generation, unlawful works and unauthorised use of the site, as well as Green Belt concerns. Whilst their comments have not been the subject of any formal consultation process, nevertheless, their comments are reflected within the report. (See **Appendix 10** – redacted comments).
- 7.26 Consequently, the development is contrary to Policy HE2 and HE3 regarding visual and loss of amenity to the surrounding area and nearby residential properties as set out within the Christchurch and East Dorset Local Plan Part 1, Core Strategy dated April 2014 and paragraphs 170, and 180, of the NPPF, in terms of tranquillity and character of the immediate area and design, form and visual impact of the built form within the immediate and wider setting of the area.

The Rural Economy

- 7.27 PC4 entitled “The Rural Economy” is a permissive policy for economic development subject to a number of criteria.

Whilst the Council acknowledges that this business site makes a positive contribution to the rural economy through tourism (many local attractions), such a use of land must not cause harm to the openness of the Green Belt nor have adverse impacts on sensitive habitats. The development has an impact on the openness of the Green Belt and could have an adverse impact on sensitive habitats, therefore the development is contrary to policy PC4 of the Core Strategy and para 84 of the NPPF.

Tourism

- 7.28 Policy PC6 acknowledges the enhancement tourism can bring to the local economy, but at the same time the policy seeks to avoid potential harmful impacts on other important natural features and reducing recreational features on sensitive habitats. The development which is the subject of this report increases visitor pressure on the Dorset Heaths and in the absence of any possible or appropriate mitigation the development would be contrary to this policy.

The effect of parking and manoeuvring of vehicles associated with the development, and impact on road safety

- 7.29 Core Strategy Policy KS11 (Transport and Development) and Policy KS12 (Parking provisions) are relevant to the use of land and buildings for camping, caravanning and motorhome camping and open storage facilities which are being carried out on the land.

- 7.30 The site is accessed via a track off School lane off the main Ringwood Road, Three Legged Cross, which also serves a number of other properties. Dorset County Council as local Highway Authority was contacted in regard to the use of the land and has raised no objection to the road safety impact of the land use. There are opportunities for vehicles and towing vehicles using the site to leave in a forward gear and no objection is raised in respect of this issue.
- 7.31 The site provides adequate space to park vehicles and the areas where the camping, caravanning and motorhome activities are undertaken are sufficiently distant from the nearest residential properties so as not to adversely impact on the amenities of their occupants.
- 7.32 For the above reasoning, it is considered the mixed use does not conflict with Core Strategy Policies KS11 and KS12.

Impact Upon Protected Dorset Heathland

- 7.33 The site lies within 400 metres of Holt and West Moors Heath SSSI which is also a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl) protected by international legislation. European wildlife sites are protected by the EC Birds and Habitats Directives, specific provisions of which are applied in the UK by the Conservation of Habitats and Species Regulations 2017.
- 7.34 The Dorset Heathlands cover an extensive area of South East Dorset. In accordance with advice from Natural England, and adopted in the Dorset Heathlands Planning Framework 2015-2020 and Supplementary Planning Document (SPD) dated October 2015, no new residential development (including temporary) will be permitted within 400 metres of protected European and internationally protected heathlands. Holt and West Moors Heath is a European site where the presumption in favour of sustainable development does not apply whereby development requiring appropriate assessment because of its potential impact on a habitats site being planned or determined (para. 177 of the NPPF). The renewed Dorset Heathlands SPD came into effect on 3 January 2017. This SPD accords with the principles of the NPPF and it is a result of the co-operative approach to partnership working between the local authorities in South East Dorset and statutory and third party stakeholders as prescribed by the Localism Act 2011
- 7.35 The protected heathland to the south, and which is within 400m of the site, is part of West Moors Depot (MoD). The advice from Natural England is that because of the security arrangements at the MoD establishment, the range of urban related recreational pressures – including disturbance from walking, dog walking and predation by cats, as well as impacts from arson, are significantly reduced for the adjacent specifically protected heathland. As a result, Natural England have advised that there may be scope for an

exception to the restrictions on development within 400m of this particular site and proposed development, subject to conditions restricting the keeping of pets at the site, and restriction of occupancy to ensure turnover of occupants and prevent residential occupation. Without the opportunity to subject the proposed development to conditions, the development would have a significant adverse effect upon the designated site, and would be contrary to paragraphs 174 to and including 177 of the Framework and Policies ME1 and ME2 of the Core Strategy and contrary to the adopted Dorset Heathlands SPD.

- 7.36 The site also lies within a 400m to 5km distance of a number of other protected heathland sites, including other parts of Holt and West Moors Heath SSSI to the north of the site. Development would therefore be likely to have a significant adverse effect upon protected Dorset Heathland in the 400m to 5km range. The protected heathlands to the north of the site are open countryside and directly linked to the application site by Rights of Way (a walk of c. 1.2km). Without mitigation the development would be contrary to paragraphs 174 to and including paragraph 177 of the Framework and Policies ME1 and ME2 of the Core Strategy and contrary to the adopted Dorset Heathlands SPD.
- 7.37 Natural England has advised the authority about the intensification of residential development (including temporary/seasonal) in South East Dorset and the resultant pressures placed upon protected Heathland by new occupants of developments (including temporary/seasonal) living in close proximity to the Heathlands, since 2007. Natural England report many scientific studies as evidence that public access to lowland Heathland, from nearby development, has led to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the Heathland ecology. These effects, are most marked for development within 400m of heathland where Natural England advise that additional residential development will have a significant adverse effect upon the designated site, either alone or in combination with other developments.
- 7.38 It is the view of Natural England that there is no evidence to demonstrate that the occupants of permanent/seasonal for tourist use, or others would be likely to have different recreational needs to residents in Use Class C3 dwellings. Therefore it is the view of Natural England that effects from development proposals of this type would act in combination with effects from Use Class C3 residential development and in these circumstances applications within 400m to 5km of European/internationally protected heathland should be treated in the same way as applications for Use Class C3 development. In this case Natural England advice that scale of the proposal and its location in context to other protected heathlands within walking distance is such that the applicant should provide a Heathland Infrastructure Project (e.g. Suitable Alternative Natural Greenspace (SANG)) to demonstrate that they can effectively avoid or mitigate harm to the protected sites.

- 7.39 Natural England's advice is consistent with Dorset Heathlands Planning Framework 2015-2020 SPD which considers self-catering tourist caravans to be considered in the same respect as Use Class C3.

8.0 EXPEDIENCY FOR ENFORCEMENT ACTION

- 8.1 The need to maintain public confidence in the planning system and the proportionality of taking action underpins enforcement procedures and the decision on whether it is appropriate to serve a notice. Having had regard to Paragraph 58 of the NPPF (2018) and the National Planning Policy Guidance (2014), in particular the section entitled '*Ensuring effective enforcement*', advice is given to local planning authorities of particular circumstances where it would not be proportionate to issue an enforcement notice in the absence of a valid planning permission.
- 8.2 Based on the above planning assessment, consideration of the relevant Acts and other relevant material considerations, including the advice contained within the policies of the Development Plan, para 58 of the NPPF (2018) and PPG (2014), it is considered reasonable, proportionate and expedient in view of policies contained within the Development Plan to instigate enforcement action on this occasion.

Human Rights Act 1998

- 8.3 In taking the decision whether or not to take enforcement action the private interests of the owner and/or occupier of the land must be weighed against the wider public interest and competing private interests. The Convention rights that are likely to be most relevant to this decision are:
- Article 1 of the 1st Protocol - The Right to Enjoyment of Property and Article 8 - The Right to Respect for Home, Privacy and Family Life.
 - Article 1 of the First Protocol and Article 8 are qualified rights. Interference with these rights can occur where sanctioned by law (The Town and Country Planning legislation) and must be proportionate.
- 8.4 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which is incompatible with a Convention right. However, where such an interference is in accordance with planning law and pursues a legitimate aim namely that of protecting the rights of others in the sense of environmental protection, which is also (for the purposes of Article 1 Protocol 1) in the general public interest, then the interference can be deemed to be justified.
- 8.5 Having regard to the circumstances of this case it is considered that the issue of an Enforcement Notice is appropriate and proportionate having regard to the harm caused by the breach of planning control.
- 8.6 **Equalities Act 2010**

8.7 There are no considerations of protected characteristics under this Act.

8.8 **CONCLUSIONS**

8.9 Enforcement action should always be commensurate with the breach of planning control to which it relates and it is usually inappropriate to take formal action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site.

8.10 It appears to the Council that a Breach of planning control has occurred within the last 10 years and that conditions would not overcome the harm caused.

8.11 The site is located at a distance from local services and facilities and does not provide easy access to local services except by use of a private car. Furthermore, Holt and West Moors Heath is a European site therefore the presumption in favour of sustainable development does not apply. Therefore the development fails to comply with policy KS1 of the Core Strategy.

8.12 Notwithstanding use of the land by the provisions of Schedule 1 of the 1960 Act, the site lies within the South East Dorset Green Belt as identified in the Christchurch and East Dorset Local Plan Part 1 - Core Strategy dated April 2014. The development represents inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. It would also result in harm to the openness of the Green Belt and would be contrary to the purposes of including the land within the Green Belt. No Special circumstances have been brought forward which would outweigh the harm of the proposal upon the Green Belt. The development is therefore considered contrary to Policy KS3 of the Core Strategy and to paragraphs 133, 143 to and including 147 of the National Planning Policy Framework 2018.

8.13 The development is contrary to Policy HE2 and HE3 regarding visual and loss of amenity by disturbance to the surrounding area and nearby residential properties, as set out within the Christchurch and East Dorset Local Plan Part 1, Core Strategy dated April 2014 and paragraphs 170, and 180, of the NPPF, in terms of tranquillity and character of the immediate area and design, form and visual impact of the built form within the immediate and wider setting of the area.

8.14 The development has an impact on the openness of the Green Belt and could have an adverse impact on sensitive habitats, therefore the development is considered contrary to policy PC4 of the Core Strategy and para 84 of the NPPF.

8.15 The development places the adjacent Holt and West Moors heathlands to the south at risk of predation of wildlife at this site by cats, the keeping of which on site are not subject to any restrictions. It also increases visitor pressure

on the Dorset Heaths and in the absence of any possible or appropriate mitigation the development would be contrary to this policy PC6 of the Core Strategy and paragraph 174 to and including 177 of the NPPF.

- 8.16 The site lies within 400 metres of Holt and West Moors Heath SSSI which is also an SAC, SPA and Ramsar site protected by international legislation. The Dorset Heathlands cover an extensive area of South East Dorset fragmented by urban development and other land uses. The site also lies within 400m to 5km and easy walking distance of other parts of the SAC, SPA, and Ramsar to the north. No avoidance/mitigation measures have been proposed. In accordance with advice from Natural England, new residential development within 400 metres to 5km of protected European and internationally protected heathlands is likely to have a significant effect unless mitigation is provided either alone or in-combination with other plans or projects. Holt and West Moors Heath is a European site where the presumption in favour of sustainable development does not apply (para. 177 of the NPPF).
- 8.17 European wildlife sites are protected by the EC Birds and Habitats Directives, specific provisions of which are applied in the UK by the Conservation of Habitats and Species Regulations 2010 (as amended). The proposed development would therefore be likely to have a significant adverse effect upon protected heathland contrary to paragraphs 174 to and including 177 of the Framework and Policies ME1 and ME2 of the Core Strategy and contrary to The Dorset Heathlands Planning Framework 2015-2020 and Supplementary Planning Document (SPD) dated 3 January 2017.

9.0 RECOMMENDATION

- 9.1 That a single enforcement notice would be sufficient to enable the Council to control the use and extension of the use of the land relevant to the development as described above within a single planning unit.
- 9.2 That the enforcement notice is expressed as follows:

THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Within the land edged red on the attached plan:

- i) The material change of use of land shaded Red and labelled A on the attached plan, for the permanent use as a camping and caravan site, caravan and motorhome storage and operational development, the erection of structures and equipment to facilitate such a use, on land known only to have previously been used for agriculture and Schedule 1 caravanning rallies;
- ii) The material change of use of the land shaded Blue and labelled B1 on the attached plan; from the use of land between the period from Easter to the end of September each year, as a caravanning and

camping site for up to 24 caravan and tents (24 in total making no distinction between caravans and tents) subject to a Lawful Development Certificate reference 3/96/9024, to a mixed use of the paddock labelled B1 for camping and caravanning use outside of the lawful and permitted seasonal use; and thereafter when not in an active use for the stationing and storage of caravans within the paddock labelled B1.

iii) The material change of use of the land shaded Blue and labelled B2 on the attached plan; from the use of land as a campsite for up to 30 caravans, tents and motorhomes (30 in total making no distinction between caravans, tents and motorhomes) between Easter and 30 September each year, subject to a Lawful Development Certificate reference 3/10/0137, to a mixed use of the paddock for camping and caravanning outside of the lawful and permitted seasonal use; and thereafter when not in an active use for the stationing and storage of caravans within the paddock labelled B2.

iv) The material change of use of land and buildings within the area shaded green and labelled C on the attached plan, from the lawful use as a dwelling house and garden, including the siting of a single static caravan for incidental uses connected to the occupation of the dwelling house, to a mixed use comprising: the residential occupation of the single static caravan for warden/manager's accommodation; the siting and occupation of additional caravans and motorhomes for seasonal staff accommodation; new built operational development consisting of a WC block (marked in the approximate position by a black cross within the area shaded green on the attached plan); the conversion of part of the ground floor of the dwelling house accessed from the south west side elevation to provide toilet and shower facilities, all in connection with the wider use of the land edged red on the attached plan as a caravan and camping use.

v) - In respect of the material change of use of land shaded yellow and labelled D, the use of a caravan storage for up to 25 caravans, to a mixed use comprising of the storage of caravans; the siting and occupation of additional caravans and motorhomes for seasonal staff accommodation contrary to the Lawful Development Certificate.

WHAT YOUR ARE REQUIRED TO DO

In respect of i) –

- Cease to use the land shaded red and labelled A, for camping and caravanning purposes other than as permitted by planning Act or Order – Caravan Sites and Control of Development Act 1960 (as amended) General Permitted Development Order 2015 (as amended);
- Cease to store caravans, motorhomes, campers and equipment on the

land shaded red and labelled A;

- Remove all caravans, motorhomes, campers, tents and awnings from the land shaded red and labelled A, other than units of accommodation permitted to occupy the land pursuant to Planning Act or Order;
- Cease the use of the WC's and Shower buildings & structures erected, together with equipment installed, on, in and under the land shaded red and labelled A, together with hardstanding track, for camping and caravanning purposes;
- Remove all buildings (marked in the approximate positions X, comprising of WC's, showers, access ramp, steps and enclosed decking), structures (comprising of signboards, electrical cabinets), and equipment (comprising electricity hook-up posts, septic tanks and sanitary drainage, water installations, dog bins, fire safety, refuse collection points) installed on, in and under the land shaded red to facilitate the camping and caravanning;
- Remove the hardstanding track between points Y1 and Y2 on the land shaded red and labelled A.

In respect of ii)

- Cease to use of the land shaded blue and labelled B1 for camping and caravanning, stationing and storage purposes between 1st October and the following Easter period;
- Remove all caravans, motorhomes, campers, tents and awnings from the land shaded blue and labelled B1, between 1st October and the following Easter period;
- Ensure that there are no more than 24 caravans and tents, (making no distinction between caravans and tents) on the land shaded blue and labelled B1 between Easter and 30 September each year.

In respect of iii)

- Cease to use the land shaded blue and labelled B2 for camping and caravanning, stationing and storage purposes between 1st October and the following Easter period;
- Remove all caravans, motorhomes, campers, tents and awnings from the land shaded blue and labelled B2, between 1st October and the following Easter period;
- Ensure that there are no more than 30 caravans, tents and motorhomes in total, (making no distinction between caravans, tents and motorhomes) on the land shaded blue and labelled B2 between Easter and 30

September each year.

In respect of iv)

- Cease the residential occupation of the static caravan within the area shaded green and labelled C;
- Cease the use of all caravans, motorhomes and campers used as habitable accommodation by seasonal staff and/or stationed or stored in connection with the wider use of the land edged red on the attached plan as a caravan and camping use, located within the area shaded green and labelled C;
- With the exception of the single static caravan, remove all caravans, motorhomes, campers, and associated awnings from the land shaded green and labelled C;
- Demolish the WC block (marked in the approximate position by a black cross and within the area shaded green and labelled C);
- Following compliance with the above, remove from the land affected all the resulting material following demolishing of the WC Block;
- Cease the use of part of the ground floor of the dwelling house, accessed from the south west side elevation as toilet and shower facilities serving the wider use of the land edged red on the attached plan as a caravan and camping use.
- Cease the use of the outbuilding within the area shaded green and labelled C as an office and reception, used in connection with the wider use of the land edged red on the attached plan as a caravan and camping use;

In respect of v)

- Cease to use the land shaded yellow and labelled D the siting and occupation of caravans, motorhomes and campers for human habitation and camping and caravanning purposes;
- Remove all caravans, motorhomes, campers, tents and awnings from the land shaded yellow and labelled D, other than, and up to, 25 caravans as permitted to be stored on the land pursuant to Certificate 3/10/0135.

TIME FOR COMPLIANCE

that a period of 6 months be allowed for compliance.

10.0 PROCEDURAL MATTERS

Persons on whom to serve an enforcement notice (Not exhaustive – refer to PCN's)

Also see **Appendix 5** for landownership documents

10.1	Royale Parks (Dorset) Limited 7 th Floor Dashwood House, 69 Old Broad Street, LONDON, EC2N 1QS	Company Secretary
10.2	Royale Parks (Dorset) Limited Gundrys Farm, Three Legged Cross	The operational site office & staff
10.3	Lancashire Mortgage Corporation Limited Lake View, Lakeside, Cheadle, SK8 3GW	Mortgager
10.4	Former landowners (to be checked) with an operational interest in the land	Basil Pitt Lorraine Pitt
10.5	Other operational staff of the company on the site	Member of Staff Whom it May Concern
10.6	Site Notice – to be placed at the entrance of the site	To whom it may concern

Case Officers	Sign Off Officer
David Lloyd - Enforcement Officer Pip Williams – Enforcement Team Leader	Lynda King DMM
Date Signed off:	13/11/2018

APPENDICES

- 1 *Enforcement Investigations*
- 2 *Aerial Photographs*
- 3 *Gundrys Farm Web site details*
- 4 *Plans*
- 5 *Landownership*
- 6 *Planning History*
- 7 *Site Licencing*
- 8 *Definitions and Interpretations*
- 9 *Site visit images*
- 10 *Communications to the Landowner*
- 11 *Development Plan Policies*
- 12 *Dorset Heathlands Planning Framework 2015-2020
(Jan 2017) SDP*