

SOUTHERN AREA COMMITTEE

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REPORT

LAND AT GREEN LANE, OLD SARUM, SALISBURY

Report Summary:

To consider whether it is appropriate to serve an Enforcement Notice in respect of the material change in the use of the land from undeveloped, open grassland to a caravan site for the stationing of caravans and vehicles adapted for human habitation and the stationing and residential occupation of a touring caravan and a bus/coach thereon, without planning permission.

Introduction:

Representations were received in January 2004 that a caravan and a bus had been stationed on the site and were each being occupied separately for residential purposes. The occupiers appeared to be two individual adult males.

At the most recent site inspection, the caravan and bus were still present at the site.

Site and surroundings:

The site consists of a roughly rectangular parcel of land, generally level and laid to grass. It lies north of the village of Ford on the eastern edge of Old Sarum aerodrome, between Green Lane and unsurfaced public byway running between Ford and Old Sarum, and a private metalled track, immediately south of a disused, brick-built rifle range.

Land to the east is open countryside.

Planning history:

Historically the land appears to have formed part of the land associated with the airfield, however, it does not appear to have been developed previously and the surface of the land is generally grassed.

In 2002 representations were received that the site was being used for the stationing and residential occupation of caravans. By 5th August 2003, the site had been cleared and the use ceased.

In January 2004, further representations were received that a material change in the use of the land for the stationing and residential occupation of a touring caravan and a bus/coach without planning permission, had taken place.

A Planning Contravention Notice was served on the occupiers of the caravan and bus/coach in May 2004. However, the occupiers did not respond.

Land to the north of the former rifle range is used for the stationing of containers following the quashing of an Enforcement Notice and grant of planning on appeal in 1999.

Planning Policies:

2003 Replacement Salisbury District Local Plan –the site lies outside of the Housing Policy Boundary for Ford village, within the Landscape Setting of Salisbury and a Water Source Catchment Area. Land immediately to the east of the site (on the opposite side of Green Lane) lies within the Special Landscape Area). Policies G1 (General Development Standards); G8 (Groundwater Source Protection Areas); H23 (Application of Housing Policy Boundaries); H32 (Mobile Homes); C7 (Landscape Setting); and C6 (Special Landscape Area) are relevant.

Wiltshire Structure Plan 2011- DP1 (Sustainable development); DP15 (Housing, Employment and Related Development in the Open Countryside) and C9 (Special Landscape Areas) are also relevant.

Planning Considerations:

Principle of development

Whilst having the opportunity to do so, none of the occupiers has claimed gypsy status; therefore the development has not been tested against the policies referring to provision of sites for gypsies, as they would not apply in this case.

The site lies well outside the HPB for the village on land which, whilst situated on the outer margins on the former airfield has not been previously developed and can therefore be regarded as countryside, where new residential development, including mobile homes, is permitted only exceptionally in the event that a proven need for agriculture or forestry workers or affordable housing has been demonstrated. As no such requirement has been demonstrated in this case, the development conflicts with policies concerning new residential development in the countryside.

Additionally, the site's location away from public transport links and also having regard to the lack of community and other facilities such as shops and schools in either Ford or Old Sarum (at this time) within convenient walking distance, does not encourage reduction in the need to travel or result in increased use of public transport, cycling and walking, and therefore is counter to the objectives of sustainable development policies.

Effect on the surroundings

As noted above, the site is in the Landscape Setting for Salisbury and adjacent to the Special Landscape Area, where policies seek to protect the setting of the city and the visual quality of the landscape.

The site is remote from the main built-up part of the airfield complex and adjacent industrial buildings and is mostly adjacent to land which is open in character. It is considered that the indiscriminate stationing of vehicles and caravans on this site appears as an unduly alien and incongruous feature in its surroundings, seriously eroding the character and appearance of the local landscape within/adjacent to the above designated areas, in conflict with policies designed to protect such areas.

In reaching this conclusion regard has also been had to the Inspector's conclusions on the effect on the landscape, in relation to the appeal decision on nearby land reported above. However, the site the subject of this report is considered to be much further away from the main built-up part of the airfield complex and whilst adjacent to the rifle range building, and as noted above is much more related to areas of land in open use, to enable a clear distinction to be made.

Human Rights

It would appear that the site is the home of the individuals in occupation.

In relation to whether there would be any interference with any occupiers' rights to a home (Article 8), the occupiers of the mobile homes have had the opportunity to explain any personal circumstances relating to their occupation of the site, in response to the PCN but have failed to respond to date. Site visits have also failed to gather much clear information in this regard, apart from that the caravan and bus appear to be occupied by two individual adult males.

Enforcement action would be considered lawful if the public interest outweighed that of the individual concerned and would be justified only if any interference in the Human Rights of any occupiers was considered proportionate to the breach.

In this case, based on the limited information obtained it is considered that there will be interference in the occupiers Article 8 rights as enforcement action will affect their right to a home. However such interference is considered justified, having regard to the harm to the environment identified above which would occur if the development were allowed to continue, and the public expectation that Development Plan policies seeking to protect the environment are upheld.

Also, any interference with the owner's property rights (Article 1, First Protocol) under the HRA may be considered justified in the public interest in view of the harm to the objectives of the national and local planning policies if the development were to continue.

Moreover, it is considered that the steps to remedy the breach and the compliance period given are proportionate to its seriousness; under-enforcement would not remedy the harm caused by the breach whereas a longer compliance period would simply lengthen the period of the use without any justification.

Recommendations: That the Head of Legal and Property Services be authorised to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate Person(s)

Alleging the following breach of planning control:

Without planning permission:

The material change in the use of the land from undeveloped, open grassland to use as a caravan site for the stationing of caravans and vehicles adapted for human habitation

The stationing and residential occupation of a touring caravan and a bus/coach on the land.

Requiring the following steps to be taken:

- (1) To cease the use of the land as a caravan site;**
- (2) To permanently remove caravans, mobile homes, buses, coaches and vehicles from the land.**

Reasons for serving the Notice:

- 1. The site is outside the defined Housing Policy Boundary for Ford, on land regarded as countryside, where new residential development, including mobile homes, are permitted only exceptionally in the event that a proven need for agriculture or forestry workers or affordable housing has been demonstrated. The development is therefore contrary to policies H23 and H32 of the Replacement Salisbury District Local Plan and policy DP15 of the Adopted Wiltshire Structure Plan 2011.**

2. Additionally the development by reason of the site's relatively remote location, does not encourage reduction in the need to travel or result in increased use of public transport, cycling and walking, and therefore is counter to the objectives of sustainable development, conflicting with policy G1 (i) and policy DP1 (3) of the Adopted Wiltshire Structure Plan 2011.
3. The development appears as an unduly alien and incongruous feature in its surroundings, seriously eroding the character and appearance of the local landscape which is within the Landscape Setting of Salisbury and is adjacent to the Special Landscape Area, and is therefore contrary to the objectives of policies C6 and C7 of the Replacement Salisbury District Local Plan and policy C9 of the Wiltshire Structure Plan 2011.

Time Period For Compliance

1. Within three months following the date of the Notice taking effect.
2. Within three months following the date of the Notice taking effect.

Implications:

- **Financial: None at this time.**
- **Legal: Contained in the report.**
- **Human Rights: Contained in the report.**
- **Environmental implications: The recommended course of action would remove development harmful to the environment.**
- **Council's Core Values: Protecting the environment; fairness and equality.**
- **Wards Affected: Laverstock & Ford Parish**