



Western Area Committee

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REPORT

LAND AT SANDYHILLS PARK, OLD DINTON ROAD, TEFFONT

Report Summary:

To update Members on progress regarding reinstatement of the above land, subject of an Enforcement Notice issued in 1993, which remains in effect.

Introduction:

The site consists of a north-facing area of open, sloping hillside interspersed with woodland, in open countryside within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The area of the land concerned, which is currently unused and has an overgrown appearance, amounts to approximately 20 hectares.

The site has a long planning history, briefly summarized. In 1991 permission had been given for a golf course and hotel on this site and adjoining land to the south (ref S/91/0172). The site the subject of this report comprises around half the area of land granted permission; it is in different ownership to the rest of the land.

In 1993 an Enforcement Notice was issued after it was established that the ground works to implement the above development did not comply with the approved plans. The Enforcement Notice required reinstatement of the land to its former condition. The reason for issuing the Notice was surface water run-off and flooding problems. Due to a subsequent Section 106 Agreement, the golf course could no longer be constructed.

Works to comply with the Enforcement Notice were undertaken in relation to the adjoining land, however on this particular part of the site, apart from surface water drainage works undertaken, the reinstatement works progressed very slowly. In Autumn 2003, following a series of reports over several years culminating in a report brought before Members in September 2003, reinstatement works commenced for a period of several weeks, during which significant areas of the upper parts of the site were regraded to follow the former contours of the land and topsoiled over.

Works had ceased by the time a report concerning this site was brought to the meeting on 12th January 2004, where Members resolved, amongst other things:

“ That a further report be brought to the Western Area Committee to inform Members of further progress in this matter. If site works are incomplete, the report

should include a detailed programme of works to reinstate the site and estimating costs of direct action to implement such a programme;

That the owner be informed that the Western Area Committee has deferred the consideration of further enforcement action at this stage, in order to give him a final opportunity for a limited period not exceeding six months, to comply with the Enforcement Notice. He is also advised that, in the event that the Notice is not complied with in that period and direct action is subsequently authorised, the costs of any works undertaken on the Council's behalf would be registered as a Land Charge and recoverable against the current or subsequent landowners."

Since Spring this year site earthmoving works have again been taking place across the site, first by one contractor engaged by the owner of the land and subsequently by a second contractor from a company experienced in groundworks. Such works have now ceased.

The owner states that he shortly intends to spray the site with herbicide to kill the weeds, flailed and then Ploughed to pasture, before reconnecting the water supply returning its use to grazing land.

Considerations:

The reinstatement works

The contractor has been undertaking earthworks on behalf of the owner, in an effort to comply with the Enforcement Notice. The scale and magnitude of the earthworks recently undertaken at the site is difficult to convey due to the lack of plans or specifications of the works. Additionally comparisons with the site prior to works commencing are difficult as the site was previously almost entirely overgrown with self-seeded vegetation.

Nevertheless, the works since the Spring undertaken amount to approximately 10 weeks' continuous work using earthmoving equipment by one employee. In photographs of the site to be shown at the meeting it is also apparent that substantial areas across the site which required regarding and topsoiling have now been so treated.

The cumulative effect of the recent and previous reinstatement works undertaken at the site are such that the vast majority of the site has now been restored to the natural contours and profile that which existed prior to the abortive golf course development commencing in the early 1990s. Therefore, any harm to the AONB caused by the earthworks has largely been remedied.

Outstanding works

Only in one, relatively modest area of the site adjacent to woodland on the western boundary, have works not been completed as there is insufficient subsoil and toposil within the site to fill a deep, hollowed out gully area. The owner estimates that around 2000 cubic metres of material will be required to be brought to the site to complete the works in this area of the site, however he states he has insufficient funds to proceed with this work at the moment.

As noted above, the non-reinstated area is relatively modest in size. It is also largely secluded from public Views and natural regeneration has occurred over and within the hollowed out area. Accordingly the failure to reinstate this relatively modest area has no harmful impact in the immediate AONB landscape or

that of the wider surroundings.

Therefore, whilst the owner is still technically in breach of the Notice, in view of the small scale of the outstanding works, the lack of harm caused thereby and having regard to the significant steps taken towards compliance by the owner over the past year, it is now considered that commissioning a consultant's reports as a pre-requisite to direct action to achieve full compliance would not now be an appropriate or cost-effective course of action.

The owner has stated that he intends to complete the outstanding works as soon as possible and Officers will therefore continue to monitor the site to ensure that full compliance with the Enforcement Notice is achieved.

Conclusions:

Since Committee last considered this issue further, reinstatement works of significant magnitude have been carried out at the site, with the effect that over the vast majority of the site, the Enforcement Notice has now been complied with and the harm to the AONB remedied.

Whilst the Notice has not been fully complied with, in the light of the relatively limited work still required to be carried out to reinstate the land to its former condition, it is considered that no further formal action need be taken at this stage, however Officers should continue to monitor the site to ensure that the Notice is fully complied with.

Recommendation:

A: That Members note the contents of the report;

B: That Officers should continue to monitor the site, to ensure that the Enforcement Notice is fully complied with.

Implications:

Financial: None

Legal: In the report

Human Rights: None at this time

Council's Core Values: Fairness and equality; protecting the environment

Wards affected: Fonthill and Nadder