

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

24th June 2010

**Subject: Land at the former Wisma Poultry Farm/Stonehenge Campsite,
Berwick Road, Berwick St. James, Wiltshire SP3 4TQ**

Purpose of Report

1. To update the Committee in respect of progress towards resolving the various breaches of planning control at this site, as requested following the detailed report made in respect of these matters at the meeting on 3rd June.

Background

2. Members will recall that on 3rd June, Committee resolved not to take further enforcement action at that stage provided that, within one month of the date of the meeting Unilateral Undertakings under Section 106 of the Town and Country Planning Act had been completed prohibiting further unauthorised operational development, stationing and habitation of caravans and tents other than that provided by law; and a retrospective application had been submitted concerning retention of development undertaken at the site without permission.
3. Whilst at the time of writing the completed Undertakings have not been received, it is understood that they are likely to be completed prior to the meeting. The final documents incorporate Officer advice and are considered to provide a straightforward mechanism for enforcing against future breaches in terms of stationing caravans and tents in respect of most of the campsite (other than that already permitted under planning legislation) or undertaking further building works or other operations.
4. Additionally it is understood that a retrospective application will be received in respect of the operational development carried out without planning permission in the next few days. It should also be recalled that some of the operations carried out at the site amounted to 'permitted development' not requiring an application for planning permission.
5. The retrospective application in respect of the advertisements displayed at the site, is currently being considered and will be reported to a future Committee.
6. Officers have recently visited the barn and it would appear that the unauthorised storage use has ceased.

7. Reports of the detailed investigations undertaken by consultants engaged by the owner in relation to archaeology, ecology and contamination issues, required in order to comply with the conditions attached to planning permission S/2006/2122, have been received by Officers. Additionally photographic and other evidence has been provided which demonstrates that the riding arena was constructed on the concrete slab of the former poultry building and did not involve ground breaking /excavations.
8. In view of the above, Officers remain of the view that it would not be expedient to take further enforcement action in respect of the matters identified in the 3rd June report to Committee, at this time.
9. Members will be aware that since the previous meeting, Officers have continued to receive allegations in respect of further breaches of planning control at the site. These concern amongst other things, alleged use of the site for camping in excess of the 28 permitted days; recent expansion of camping activity onto adjoining land to the south (part of the former Wisma Farm land) and stationing an additional caravan on the certified site on two occasions. Additionally Officers have noted a partly dug out track between the camping field and the former Wisma Farm site.
10. The first matter stems largely from a lack of clarity in the planning legislation in respect of how the 28 days is 'counted' and Officers have sought further legal advice in this regard as there appears to be no legal precedent which would assist in clarifying the issue.
11. The second matter stems largely from a lack of clarity in respect of what comprises the 'planning unit' in this case and the extent of permitted development rights which are available. Officers consider that the site comprises one unit in terms of occupation and function, however the owner takes a different view and the matter ultimately is one of fact and law. The owner has been invited to resolve the issue by making application for a Certificate of Lawful Development. In the meantime, such use appears to be small scale, of limited duration and is largely in substitution for, rather than in addition to, camping on land to the north. This part of the site has planning permission for erection of an outbuilding in conjunction with the redevelopment of the site under S/2006/2122. The camping on this land is a matter which will be kept under review by Officers.
12. The allegation that 6 caravans have been stationed on the certified site on two occasions has been rebutted by the owner, who has also been able to provide a convincing explanation as to why this did not occur. If 6 caravans were stationed on the site in the future, it would be in breach of the Undertaking above. This matter has also been referred to the Caravan Club in case any of their rules in relation to the site have been infringed. Work has ceased on the track referred to above, pending the receipt of planning permission.

13. Officers attended the site at the end of last weekend and noted a large number of tents in the rally field with portable toilets tents in the additional area identified above, in connection with a camping event run over the solstice. However to date Officers have not received additional representations in relation to this camp. In the last couple of days, approximately 3 tents were noted on the rally field.

14. A further enforcement update will be provided on matters relating to this site, at the next meeting.

Recommendation

That Members note the contents of the report

Report Author:

Stephen Hawkins, Lead Principal Planning Enforcement Officer

Date of report 24th June 2010

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None.

Appendices

None.
