

Agenda Item 3 Public Questions

Question received from Mr Guy Wellsbury

14/02078/FUL | Construction of stables, manege and temporary mobile home and change of use of land from agricultural to equestrian use. | Land At Brookmill Hampton Wood Ellesmere Shropshire; and

15/01514/DIS | Discharge of conditions 5(Surface water and foul weather drainage) 6 (wildlife protection), 7 (levels), 8 (landscaping), 9 (manure) and 11 (habitat management plan) relating to the construction of stables, manege and temporary mobile home and change of use of land from agricultural to equestrian use.

Dear Councillors

I am here today to ask you a question regarding planning enforcement.

This Council passed this planning application on 17 February 2015, some 13 months ago, for stables, a manege and temporary residential use of a caravan for 3 years subject to a total of 19 conditions.

Our County Councillor, the Parish Council and local residents objected to the application and we raised several matters of `inaccuracies` within the application that were ignored and the permission was passed for approval.

Although planning permission was not formally granted, until 2/04/15 the applicant moved her first caravan onto the site on the 15/03/15, under the cover of darkness and has continued living there since that date. Had the use and development of the land in accordance with the planning permission actually started this would have been contrary to conditions 2, 5, 6, 8, 9,10,11,16. 17 and 19.

Since planning was officially approved on the 2/04/15 and despite the Design and Access Statement of February 2015 stating that:

`It is most important that she can build the stables as soon as possible to house the horses over the winter period`

There has been no building or ménage work except for the erection of more temporary wooden structures, no drainage connections made despite the applicant and her son and daughter living on the site for 12 months. Surely all these wooden structures, not built on concrete, have been breaking planning rules for the last 3 years.

No work on land drainage of the land has taken place despite the design and access statement stating:

"The applicant will be using a local contractor to jet the drainage system in spring2015 so that it operates efficiently".

During the summer of this year and since there has been very little evidence of any business being undertaken on the site, horses being exercised, schooled or broken.

There has been a litter of puppies and 10 wooden pallets advertised for sale.

One of the major reasons quoted by Reading Agriculture, (who's report this Council paid for) to justify permission for the applicant to live on site was to facilitate the foaling of the 6 brood mares the applicant claims, within the planning application, to have been due to foal in the spring and summer of 2015. No foals have to date been seen on the site.

In June 2015 a further permanently occupied caravan, located next to the incorrectly sited static caravan appeared on site. This is in contravention of planning regulations generally and specifically condition 19

Since the applicant moved onto the site on the 15 March the amenity use of the area for neighbouring properties has been detrimentally affected by the random noise at various times emanating from a generator to provide electricity to the caravans.(contrary to condition 17)

A Foul Drainage Assessment Form was submitted by the applicant in the summer which contains a declaration that the information supplied is factually correct. It claims that water percolates away in 2 hours. I commissioned a test on my land which is adjacent to where the applicant intends sighting her septic tank. I was unable to complete the test because as soon as the hole was dug it filled naturally with water, up to 17 inches from the surface and the water was still there 3 weeks later when the hole was filled. Photographic evidence has been sent to the council.

All the above matters have been brought to the attention of Shropshire Councils planning officials and despite verbal and written assurances that matters would be looked into and they would come back to us nothing has happened. I have contacted the Area Planning Manager 3 times, when I mentioned in an e mail that I would raise formal complaint against him because of his lack of a response he e mailed me on the 27 January this year promising a full response by Wednesday 3rd February. I am still waiting.

We have the support of the Parish Council who are pressing for updates on matters and the matters is discussed monthly but they don't seem to be able to evoke a response.

My question is thus:

Whilst formal enforcement is a discretionary procedure why has none been taken in this case and why has the development control manager failed to respond a promised?
Will the Members of this Committee please instruct your Officers to take action to remove the unlawfully placed caravans and temporary wooden structures on this land?

Response from Councillor Arthur Walpole – Chairman of the North Planning Committee

Officers from planning and public protection departments have been investigating this complaint. The first steps in the enforcement process are to obtain evidence and then to evaluate this against the Council's enforcement protocol and to take action as appropriate. Our investigations have revealed potential breaches of the planning permission and action if appropriate will be taken accordingly. Further specific details are not shared at this stage so as not to prejudice any formal enforcement action. Planning Enforcement is not within the remit of the planning committee as it is a function specifically delegated to officers under the terms of the Council's Constitution and therefore the Committee cannot make decisions about enforcement action in individual cases.