

Report to District Development Control Committee



**Epping Forest
District Council**

Report reference: ENF/0375/06

Date of meeting: 7 August 2007

Subject: 42/43 Roydon Chalet Estate, High Street, Roydon

Officer contact for further information: S. Hart (case officer) and S. Solon

Committee Secretary:

Recommendations/Decisions Required:

That the Committee consider the following options for action in respect of a planning enforcement investigation:

- (1) That authority be given to the Head of Planning Services and/or the Head of Legal, Administration and Estates Services to take direct action under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the enforcement notice issued 5th May 2004 which would incur associated expenditure up to £27,000; or**
- (2) That no further action be taken to secure either full or partial compliance with the requirements of the enforcement notice issued 5th May 2004 and close the planning enforcement investigation.**

Background:

1. This report sets out options for dealing with the unlawful stationing of a mobile home in the Roydon Chalet Estate that is the subject of an extent enforcement notice. The matter has been referred to the District Development Control Committee by the Area Planning Sub-Committee West with a recommendation that direct action be taken to secure compliance with the requirements of an enforcement notice as detailed below.
2. Roydon Lodge Chalet Estate was established before the Second World War as a recreational site for the enjoyment of occupiers during summer holidays and weekends. It has never been intended that the estate provide permanent residential accommodation and long established planning policy relating to the estate seeks to restrict the use of all chalets, caravans and mobile homes to weekends and holidays during the months of April to October inclusive. This is currently expressed in Local Plan Alterations Policy RST10A. In addition, over time many of the original chalets have been replaced and the associated planning permissions were granted subject to conditions limiting the occupation of their replacement to the times allowed for in adopted planning policy. Such conditions also prohibit their use for permanent residential accommodation and occupation during the months of November to March (inclusive).
3. The Estate situated in the Metropolitan Green Belt and within zones of medium and high flood risk including the indicative flood plain adjacent to the River Stort, the Stort Navigation and Roydon Brook. Plot 42/43 Roydon Chalet Estate, the site the subject of this report, comprises two original plots on the Estate that are situated near the confluence of all 3 rivers and as such is in the indicative flood plain. Adopted Council policy relating to development within flood risk areas is set out in Local Plan Alterations

U2A. The policy restricts development in areas at high risk of flooding and requires all proposals for development in areas of flood risk to be accompanied by a Flood Risk Assessment (FRA).

4. A small wooden chalet formerly occupied one of the original plots of the 42/43 Roydon Chalet Estate. In 2001 the plots were combined, the chalet was demolished and a considerably larger mobile home was stationed on the site on a new area of hardstanding. The formation of the hardstanding and stationing of the mobile home was carried out without planning permission.
5. The owner of the land subsequently applied for retrospective planning permission for the development in January 2002, which was refused on the grounds that it did not respect with the rural character of the estate, is at risk of flooding and will increase the risk of flooding elsewhere. The owner appealed against this decision but in May 2003 the Secretary of State dismissed his appeal for the reasons the Council refused planning permission and also because the development was inappropriate in the Green Belt and no very special circumstances existed that outweighed the harm caused.
6. Despite requests, the owner did not remove the development and an Enforcement Notice was therefore issued in May 2004. The notice required the owner to 'remove the mobile home together with any associated works including the brick plinth, concrete base, all hardstanding and paving from the land'. The owner appealed against the notice but the Secretary of State dismissed his appeal in October 2004. The notice therefore became effective and the period given for compliance was 4 months.
7. Despite repeated requests, the requirements of the enforcement notice were not complied with. In August 2006 the Council attempted to prosecute the owner for failing to comply with the requirements of the notice, but it was not possible to serve a summons on him. It appears he has moved to Spain but it has not been possible to find a contact address for him.
8. In October 2006 a Notice was pinned on 42/43 Roydon Chalet Estate asking anyone with an interest in the land to contact Enforcement Officer by 1st November 2006. No one has made contact with the Council to discuss the matter and the Council.

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9. Since it has not been possible to find a person responsible for complying with the enforcement notice that the Council can prosecute, officers have taken steps to explore the option of taking direct action to secure compliance with the notice.
10. Legal advice is that the Council cannot demolish the home since it is a mobile structure and the requirement of the enforcement notice is to cease using the land for stationing a mobile home and to remove the existing home. The Council must act reasonably and the Head of Legal, Administration and Estates recommend that the mobile home should be removed from the land and stored for at least 1 month in case the owner wishes to claim it.
11. Accordingly, officers have sought quotes for the carrying out of steps to secure compliance with the requirements of the enforcement notice. Only one company has been found that is willing to carry out the work and has the facilities to store the unit securely. This company has quoted £22,850 for the necessary work together with an additional fee of £800 to transport the mobile home and its contents to the company's storage facility and an additional storage charge of £100 per week. If the mobile home and/or its contents are not claimed, the company has offered to arrange for their disposal and offset the proceeds of the sale against the costs. It is not known how much the mobile home and/or its contents will be worth once it has been moved. Allowing for 5 weeks storage, the total estimated cost for this action is therefore £24,550. An appropriate contingency to deal with any unforeseen costs in this case is

10% of the estimated cost therefore the total budget for taking direct action to secure compliance with the requirements of the enforcement notice would be £27,000.

12. If a debt remains to the Council after the mobile home and/or its contents have been disposed of, the Council can place a charge upon the land so that monies from any future sale may be offset against the costs incurred.
13. Given that there is no one to prosecute for failing to comply with the requirements of the enforcement notice the alternative to direct action is to take no further action to secure compliance and close the planning enforcement investigation. Having regard to the number of plots at the Roydon Lodge Chalet Estate this course of action has the potential to seriously undermine long established Council policy in relation to the Estate because owners of other plots would become aware that the Council is not willing to take direct action to secure compliance with its enforcement notices. It would be very undesirable for further mobile homes to be stationed on the Estate as, apart from their adverse impact on flood risk and the openness of the Green Belt, they would be visually intrusive in an area that predominantly consists of well-landscaped open plots with a non-urban, tranquil character.

Conclusion:

14. It has been established that the mobile home and hardstanding is not acceptable in planning terms. Since the Council has not been successful in prosecuting the owner of the land for failing to comply with the requirements of the enforcement notice, if the Council does not uphold it by taking direct action to secure compliance this would result in the harm to flood risk, the Green Belt and visual amenities of the locality continuing to be harmed. Moreover, if the Council does not take direct action to uphold the enforcement notice it could lead to the owners of other plots on the Estate placing similar mobile homes on them, which would exacerbate the harm already caused. However it remains an option to take no further action and close the planning enforcement investigation. Options for action are therefore:

1. Give authority to the Head of Planning Services and the Head of Legal, Administration and Estates Services to take direct action under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the enforcement notice issued 5th May 2004 which would incur associated expenditure up to £27,000.

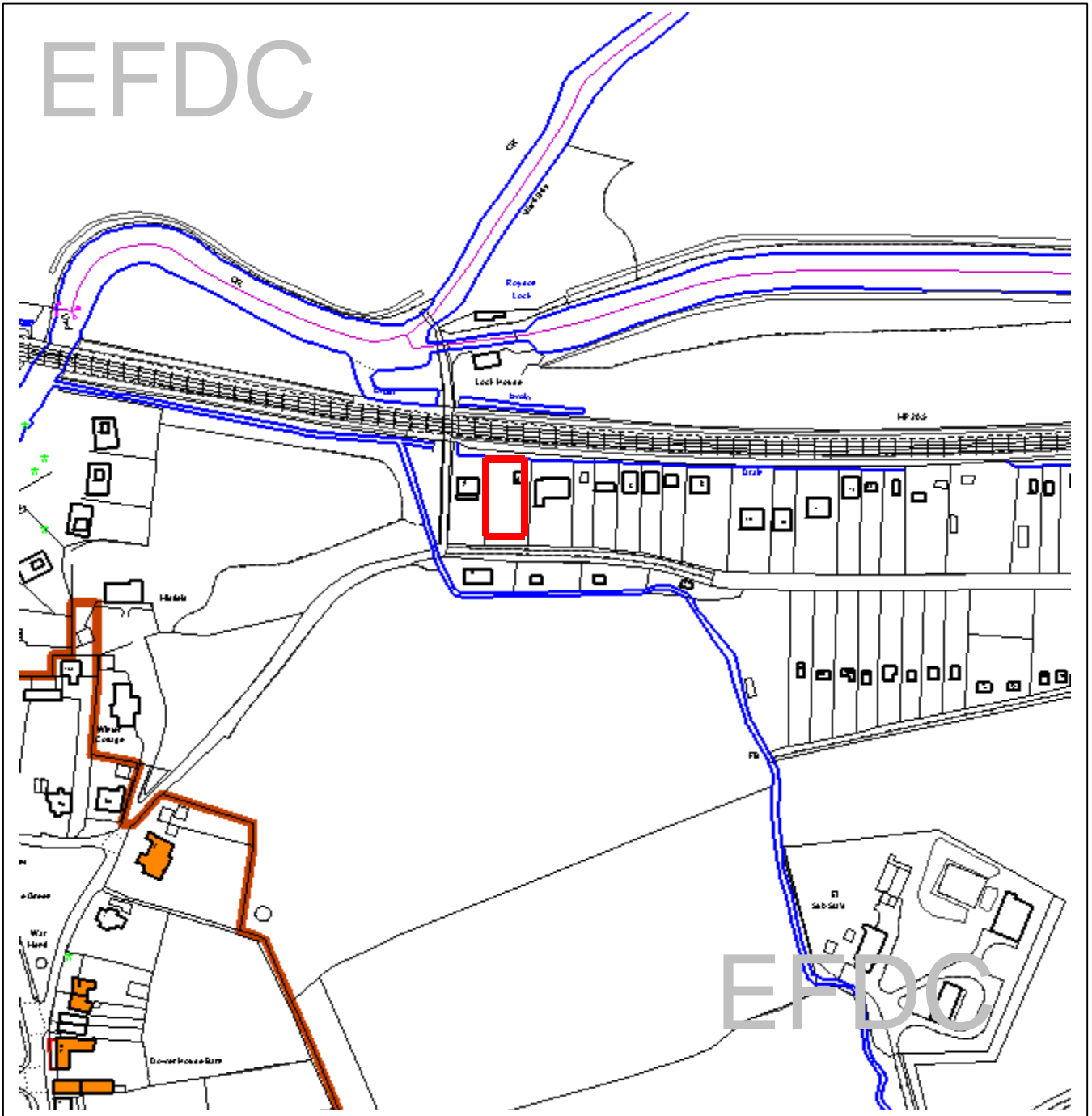
(Planning Services has no budget for this type of action. Options for financing this work will be to either to seek DDF monies for the work or to finance the operation from this years PDG having regard to other priorities and the level of grant once announced. However, the source of finance will be a Cabinet decision. Therefore, in putting forward this option the committee is asked whether the operation should go ahead in principle.)

2. Take no further action to secure either full or partial compliance with the requirements of the enforcement notice issued 5th May 2004 and close the planning enforcement investigation.



Epping Forest District Council

Area Planning Sub-Committee West



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Site Name:	42/43 Roydon Chalet Estate, Roydon
Scale of Plot:	1:2,500