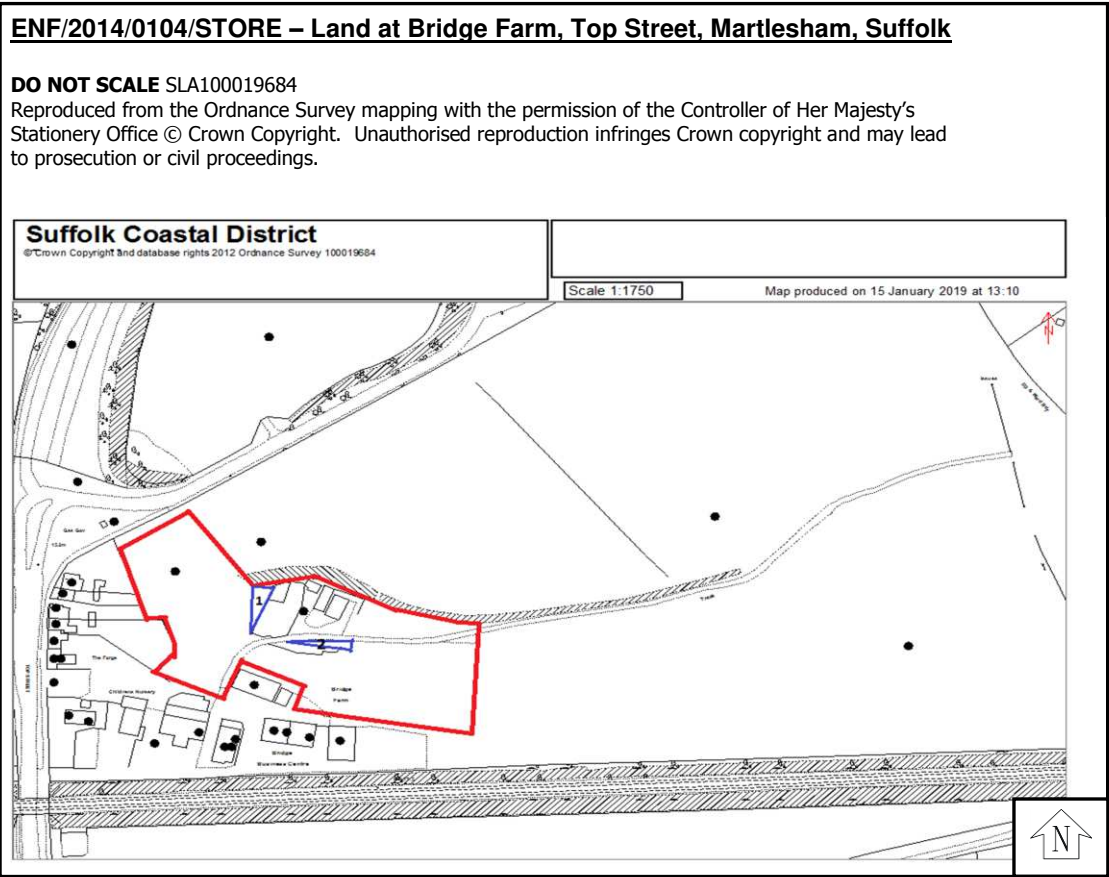


PLANNING COMMITTEE

Thursday 21 February 2019

ENFORCEMENT OF PLANNING CONTROL – LAND AT BRIDGE FARM, TOP STREET, MARTLESHAM, SUFFOLK, IP12 4RB

Report of the Head of Planning and Coastal Management



## EXECUTIVE SUMMARY

1. This report relates to the unauthorised change of use of land from what had become (through the passage of time a mixed use of agriculture and, on two small areas of the land, storage of (1) cars and (2) containers) to use across the entire site for the storage of vehicles, containers, caravans, trailers, boats, digger buckets, lorry backs, bricks, building materials, pallets, wall installation, scrap metal, metal drums, lorry trailers, rubbish, tyres and other miscellaneous items not associated with agriculture and also items associated to Autofix (Martlesham) which is located on Bridge Business Centre.

2. It considers the planning merits of the development against the development plan, Government advice, Human Rights and also the powers available to the Local Planning Authority under the Town and Country Planning Act 1990 (as amended), to determine the expediency of formal action against the alleged unauthorised development.

3. The report advises the Committee that it is considered expedient to serve an Enforcement Notice against the unauthorised use under section 171A of the Town and Country Planning Act 1990 (as amended) so as to secure the removal of vehicles, containers, caravans, trailers, boats, digger buckets, lorry backs, bricks, building materials, pallets, wall installation, scrap metal, metal drums, lorry trailers, rubbish, tyres and any other miscellaneous items not associated with agriculture, from the land, with the exception of the two small areas (identified on the plan) within which it is considered that certain non-agricultural storage use is now lawful.

<b>Wards Affected:</b>	Martlesham
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For further information, please contact Cate Buck, Senior Planning and Enforcement Officer, on 01394 444290 or [cate.buck@eastsuffolk.gov.uk](mailto:cate.buck@eastsuffolk.gov.uk)

## 1. Introduction

- 1.1 The site is lies in open countryside and is located to the north east, north and north west of Bridge Business Centre, Bridge Farm, Top Street, Martlesham, Suffolk.
- 1.2 This report relates to the unauthorised use of the land for the storage of vehicles, containers, caravans, trailers, boats, digger buckets, lorry backs, bricks, building materials, pallets, wall installation, scrap metal, metal drums, lorry trailers, rubbish, tyres and other miscellaneous items not associated with agriculture and also items associated to Autofix (Martlesham), which is located on Bridge Business Centre.
- 1.3 Officers became aware of the unauthorised use of the land in March 2014. A previous Committee Report was brought before Members in November 2016 seeking authority to

take enforcement action, however, the site plan attached to that report did not cover the true extent of the breach taking place on the site. Subsequent Notices that were served as a result of this were withdrawn because plans attached to the Notices covered a much wider area which had not been authorised by Planning Committee.

- 1.4 The site's lawful use is a mixed use of predominantly agriculture with two small areas of storage, one for the storage of cars and the other for the storage of containers, which has been going on for more than ten years and is thus a lawful use of those parts of the site. Aerial photos of the site from 2007 to the current day show that the site contains a number of former agricultural buildings, and two areas on the site have been identified as having a lawful use for the storage of cars and the storage of containers (respectively), meaning the true lawful use of the land is a mixed use (agriculture and storage). However, no planning permission has ever been granted for the current use of the land for storage alone.
- 1.5 A Planning Contravention Notice was served on the owner of the site in September 2016. The PCN response revealed that a number of the vehicles are stored on the land waiting for repairs and that four of the caravans are owned by a local resident.

## **2. Planning History**

- 2.1 Outline planning permission was sought in 2015 to erect 215 dwellings and a revised outline application for 140 dwellings in 2016. Both applications were refused.

## **3. Enforcement History**

- 3.1 There has been no previous enforcement history on the site prior to 2014.

## **4. Planning Considerations**

- 4.1 Local plan policies would not support an application for planning permission to regularise the enforcement breaches on this site. Vehicle and container storage is now extensive and contributes negatively to the surrounding area of open countryside and impacts significantly on residential amenity for those living in properties which overlook the site on the north-western boundary. It covers a much wider extent than the storage uses on the two small areas of the site which have become lawful.
- 4.2 Policy SP15 of the Local Plan states "the policy of the Council will be to protect and enhance the various landscape character areas within the district either through opportunities linked to development or through other strategies".
- 4.3 The Local Plan states "the natural, historic and built environment of Suffolk Coastal is of a very high quality with international as well as national status designations, covering large areas, including a number of settlements. Its coast and countryside are acknowledged as being of exceptional quality and have, and continue to play a significant role in how the area has developed and how it is likely to develop in the future."

- 4.4 The unauthorised use of the land is considered to be development as defined by Section 55 of the Town and Country Planning Act 1990, as amended and would be contrary to the Suffolk Coastal Local Plan Core Strategy and Development Management Document Policies SP1, SP1A, SP15, SP29, DM21, DM23. The development does not fall within any of the listed exceptions to those policies and cannot be justified by any other material consideration. Even taking into account the now-lawful use of two small areas of the site for storage it is considered that planning permission for the use of the whole site for storage would not be granted.
- 4.5 The Council has considered the human rights of the owners and occupants of the building. Article 1 of the First Protocol (Protection of Property Rights) arguably applies, but the wording of this article states that it is not intended to impair the right of the state to enforce such laws as it deems necessary to control the use of property in the general interest. Insofar as residential amenities of neighbouring residents are affected, Article 8 of the Convention is engaged. The Council has included those factors in the balance and concluded that this supports its action in serving this notice.
- 4.6 The NPPF states “Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 4.7 It is considered expedient to serve an Enforcement Notice to deal with the issues relating to the unauthorised change of use of land for the storage of vehicles, containers, caravans, trailers, boats, digger buckets, lorry backs, bricks, building materials, pallets, wall installation, scrap metal, metal drums, lorry trailers, rubbish, tyres and other miscellaneous items not associated with agriculture, which will include items associated with Autofix (Martlesham). This is considered to be a significant breach of planning control and the informal advisory methods so far employed by the Council have not remedied them.

## **5. Representations**

- 5.1 The original complaint came from local Members and residents.

## **6. Conclusions**

- 6.1 For the above reason it is considered expedient to pursue this breach of planning control through the powers given to the Council under Section 172 of the Town and Country Planning Act 1990, as amended.

## **7. Recommendation**

- 7.1 That the Head of Planning and Coastal Management, be authorised to take all necessary actions to secure the cessation of use of land for the storage of vehicles, containers, caravans, trailers, boats, digger buckets, lorry backs, bricks, building materials, pallets, wall installation, scrap metal, metal drums, lorry trailers, rubbish, tyres and any other miscellaneous items not associated with agriculture and any item associated to Autofix (Martlesham) which is located on Bridge Business Centre.

## **BACKGROUND PAPERS**

Enforcement File Ref:- ENF/2014/0104/STORE