APPENDIX G

The Planning Inspectorate

Appeal Decision

Inquiry held on 5 October 2016

Site visit made on 5 October 2016

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 November 2016

Appeal Ref: APP/R3705/C/16/3142000
Lea Marston Sports Ground, Blackgreaves Lane, Lea Marston, Sutton Coldfield, Birmingham, Warwickshire B76 0DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr G Breeden against an enforcement notice issued by North Warwickshire Borough Council.
- The Council's reference is CMP2013/00135.
- The notice was issued on 23 November 2015.
- The breach of planning control as alleged in the notice is change of use of land from sports field to sports field together with the unauthorised siting of residential and touring mobile homes, hardstanding pitches, electrical hook-ups, toilet/shower block and associated items.
- The requirements of the notice are to cease the unauthorised siting of residential and touring mobile homes; dig up/break up associated hardstanding pitches and remove the resulting materials from the site; demolish and remove electrical hook-ups; demolish and/or remove the toilet/shower block from the site and also remove associated items.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (d) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Procedural Matters

1. The appellant was unrepresented and prior to the inquiry asked the Inspectorate if it would be possible to introduce at the inquiry evidence under grounds (a), (b) and (c), although it was noted by the appellant at the start of the inquiry there was no intention to introduce a ground (a) appeal. There also appears to be a hidden ground (f). It was explained at the inquiry that as a matter of natural justice if the appellant felt he had good reason for the appeal on these grounds, they would be accepted, but that he should be aware of the costs regime, as the council indicated that an adjournment would be necessary to investigate the ground (b) matters suggested. The appellant confirmed that he was happy to continue representing himself and that after an adjournment and conversation with the council he confirmed that he would not be pursuing appeals on grounds (b) or (c).

2. I would note in relation to ground (a) that the appellant can apply for planning permission in the future and should he subsequently obtain a planning permission, whether through permitted development or otherwise, this could override any relevant parts of the enforcement notice. While another licence for

caravan use was identified at the inquiry, this would only override a relevant enforcement notice if its terms were complied with and permitted development commenced and currently this would not be the case with the number of units on the site.

3. The appellant also argued that the area of the site identified by the plan in the enforcement notice was too large. A notice is for identification purposes and can cover a wide area, to ensure that uses being enforced against are not moved about on the same piece of land. It includes the area used for various sporting activities, which in my view is covered by the allegation, and the inclusion of the wider area is not unacceptable. While the land is in two ownerships, the council notes that both owners were notified of the enforcement notice.

Decision

4. The appeal is dismissed and the enforcement notice is upheld.

Reasons

Ground (d)

5. The relevant period for considering whether it has been demonstrated that there has been a 10 year continuous use of the site for the siting of caravans for residential use is any 10 year period prior to 23 November 2015. The council accept that the unauthorised use has continued from about 2014 when the Caravan Club Licence was withdrawn and effectively the planning permission provided by permitted development ceased.

6. The appellant's written evidence, confirmed by his father in a written submission, noted the creation of the sports facilities from about 1956 and there is a general note that he has always encouraged members of the club and public to stay on the farm, camping and caravanning on the site. This is a very general description of the use, and there is no further evidence in terms of photographs, bookings, receipts etc. for camping or caravanning over the period. It was also noted that in the early days the area of land was substantially greater than just the appeal area where the camping use could also occur.

7. The council has aerial photographs that show the appeal site at various times covering the period, some in summer months when use would be likely to be much greater. None of these show any indication of camping or caravanning having occurred. When an inspector undertook an appeal at the site around 2006, he noted other uses, but siting of caravans was not mentioned. Given the location of the facilities he was considering and the general openness of the site from within, I consider that if caravans had been there at the time they would have been included in the description. Again this was in summer months.

8. In a follow up to the enforcement notice to check that the facilities provided had been removed, there is no indication that the council's officer identified any caravans. Had there been caravans on the site, given the enforcement action that had been taken, I consider that it is likely that they would have been mentioned.