
Short Paper to Planning Committee

Date of Meeting: 21 June 2018

Subject: Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House at 10 Gannel Hill View, Devon Village, Fishcross – Enforcement Update

Report by: Grant Baxter, Principal Planner

1.0 Purpose

- 1.1. This is a short update paper on the above matter as requested by the Committee on 26th April 2018.
- 1.2. At its meeting of 26th April, 2018, the Planning Committee made the following decisions in respect of the above matter:
 - 1.2.1. Refuse the application for planning permission for: Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House (Variation of Condition 1 of Planning Permission 17/00095/FULL to Extend Permission for a Minimum Period of 1 Year at 10 Gannel Hill View, Devon Village, Fishcross for the following reason:

The siting and occupation of the caravan on the house plot since September 2014 has not resulted in significant progress on house construction towards a stage of habitation. The continued siting and occupation of the caravan is beyond what could reasonably be considered a temporary period and given its location, visual appearance, proximity and relationship with the surrounding households, would have an unacceptable impact on residential amenity for surrounding households.
 - 1.2.2. The Committee also unanimously agreed to give authority to the Development Services Manager in respect of any enforcement action deemed necessary to require cessation of occupation of the caravan and its removal from site and that enforcement action will be commenced promptly with the formal notice served on the Applicant no less than 14 days from the date of the meeting.
- 1.3. Subsequently, the Planning Service prepared and served an Enforcement Notice on the owner of the site on 11th May 2018.
- 1.4. The Notice requires:

“Within a period of 28 days from the date on which this Notice takes effect:-

Cease occupation of the static residential caravan.

Remove the static residential caravan from the site.

- 1.5. The Enforcement Notices take effect 28 days after the date of serving unless a written appeal is lodged with Scottish Ministers prior to that date. In this case, the caravan remains on site, and an appeal to Scottish Ministers has been lodged by the owner prior to the expiry of the 28 day period.
- 1.6. The applicant submitted an appeal against the Enforcement Notice to the Planning and Environmental Appeals Division (DPEA) of the Scottish Government, who administer the appeals process, on 7th June. DPEA confirmed on 8th June that the appeal is valid.
- 1.7. The lodging of the appeal prevents the Enforcement Notice from coming into force on the date specified on the Notice. As a result, until the Notice is upheld on appeal, the Council cannot take any formal action in respect of the breach of planning control.
- 1.8. Planning and Legal Services are now preparing the Council's response to the appeal, which is required within 21 days of the appeal being received and declared valid.
- 1.9. The Planning Service will provide a further update report to the Committee upon conclusion of the enforcement appeal. The owner has until 26 July 2018 to appeal against the refusal of the related planning application.

2.0 Sustainability Implications

- 2.1. None

3.0 Resource Implications

3.1. Financial Details

- 3.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 3.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

3.4. Staffing

4.0 Exempt Reports

- 4.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

5.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

None

6.0 Equalities Impact

6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

8.0 Appendices

8.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

9.0 Background Papers

9.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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