

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 31 MARCH 2015

LOCHLANDS CARAVAN SITE FORFAR

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report provides an update on the enforcement investigation in relation to the nature of use and occupation of the caravan site at Lochlands Forfar.

1. RECOMMENDATION

It is recommended that Committee: -

- (i) notes the outcome of the enforcement investigation;
- (ii) notes that undetermined planning applications pertaining to the site are to be determined under delegated powers;
- (iii) agrees that compliance with occupancy conditions at the site will be monitored on an annual basis.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. BACKGROUND

3.1 Complaint was received that caravans at the Lochlands site were being occupied as permanent residential accommodation in breach of conditions attached to relevant planning permissions.

3.2 The site is subject to a number of planning permissions but the most relevant are as follows: -

08/00165/FUL – that permission was subject of conditions that, amongst other things, stated: -

That the site hereby approved be used for holiday accommodation only and no person shall occupy any part of the site on a permanent residential basis. No caravans or tents shall be occupied between the period of 15 January to the 14 February and the maximum stay by any individual, family or group be restricted to 8 weeks continuous stay on the site unless otherwise approved in writing by the Planning Authority.

10/00570/FULL - that permission was subject of conditions that, amongst other things, stated: -

That the site hereby approved shall be used for holiday accommodation only and no person shall occupy any part of the site on a permanent residential basis. No caravans shall be occupied on the extended site area outlined red on the approved drawings during the period of 17th February

to 16th March in any given year or for any alternative period not less than four weeks in duration that may first be approved in writing by the planning authority.

4 DISCUSSION

- 4.1 Following receipt of the enforcement complaint a number of Planning Contravention Notices (PCNs) were served on the owner of the site and on owners/occupants of the caravans.
- 4.2 The site owner wrote to the Council on 22 August 2014 in response to a PCN. In that letter he confirmed that four owners had admitted breaching conditions and had subsequently vacated the site. He further indicated that two owners had been issued with verbal warnings and were in the process of addressing the breach of park rules.
- 4.3 In response to PCNs issued in October 2014 on owners/occupiers of the caravans, a number confirmed that they occupied the caravan as their permanent place of residence. The PCNs also required provision of documentary evidence to confirm matters including the registered address on driving licenses, registered address for any vehicles owned by occupants, and the registered voting address of occupants. Again this information confirmed that a number of individuals were occupying the site as their main or permanent place of residence and that a number were paying Council tax.
- 4.4 The site owner has indicated a willingness to address the breach of planning conditions and has indicated that he has taken action to address issues at the site. In that respect he submitted detailed information on 6 and 9 March 2015. That information includes signed statements by owners of caravans at the site which, amongst other things, confirms their permanent place of residence supported by additional documentation such as copies of driving licenses, utility bills and bank letters.
- 4.5 This new information suggests that previously identified breaches of planning conditions have been resolved and some evidence to demonstrate that owners have alternative permanent residences has been provided. In addition, the site owner has provided a copy letter from Tayside Valuation Joint Board. It confirms that information provided about the use of the caravans was satisfactory and that the current entries on the Council Tax List for the site will be deleted with effect from April 2015; it is understood that this is on the basis that no one is now residing at the site as a main residence.
- 4.6 The site owner has indicated that one owner is currently out of the country and therefore the relevant information for that individual has not been provided. In addition some further clarification is being sought in relation to information provided to demonstrate the permanent place of residence for the owners of a number of caravans. However, subject to satisfactory clarification/ additional evidence being provided this enforcement case will be closed although compliance with relevant conditions will be monitored on an annual basis in the future.
- 4.7 A number of applications have been submitted for extension/alteration to the layout and number of caravans on the site and those will be determined under the scheme of delegation to officers in accordance with the policies of the development plan.

5. OTHER MATTERS

There are no financial implications arising from the recommendations contained in this report.

There are no human rights or equalities implications arising directly from this report.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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