



Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR INFRASTRUCTURE AND BUSINESS GROWTH, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 21/00125/UNCOU

ADDRESS: Land at Levedale Road, Levedale, Staffordshire ST18 9AJ (“the Land”) outlined in red on the plan attached to the Notice (“the Plan”).

BREACH OF PLANNING CONTROL:

Without planning permission, the material change of use of the Land for the permanent stationing of a caravan on the area coloured blue on Appendix 1 and associated domestic use of the Land, including the erection of a fire pit, surrounding pallet benches, timber posts and artificial grass located on the land coloured orange on Appendix 1, such use not being incidental or ancillary to the use of the land as an allotment development permitted by Appeal Decision APP/C3430/W/15/3006045.

POLICY CONSIDERATIONS:

National Planning Policy Framework

12. Achieving well designed places

Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

OC1: Development in the Open Countryside Beyond the West Midlands Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

RELEVANT PLANNING HISTORY:

14/00246/UNCOU – Enforcement case regarding land being used as recreational land – Planning application below subsequently submitted

14/00709/FUL - Retention of allotment development including timber sheds, timber walkways and extension to existing hard standing – Refused, Allowed on Appeal

15/00058/PREAPP – New three bedroom underground dwelling – Pre-Application Not Acceptable

17/00490/UNCOU – Enforcement case regarding agricultural land used as garden – Case closed in 2018 as land was confirmed as being used as allotment

CASE SUMMARY:

On the 16 June 2021, the complainant who previously submitted complaints for cases 14/00246/UNCOU and 17/00490/UNCOU submitted a new complaint alleging an unauthorised change of use of the Land from allotment to residential use. A Council Officer requested additional details on the use of the Land and associated photographs.

On 13 July 2021, a Council Officer sent diary sheets to the complainant to complete, to detail when and how the Land was allegedly being utilised for residential purposes. Complainant was provided one month to complete the diary sheets.

On 14 July 2021, a Council Officer phoned the complainant, who refused to complete the diary sheets but did provide photographs. At that time, the caravan had been on the land for one week.

On 1 October 2021, a Council Officer completed a site visit, taking photographs of a caravan, sheds and other items present on the land. A card was left at the property asking for the owner to contact Planning Enforcement.

Due to changes in the case officer the case was not addressed again until 8 October 2023, when a Council Officer attempted a site visit, but could not locate the Land subject of the complaint.

On 23 October 2023, the property owner's contact information was submitted to the Council in the form of a complaint against the nearby property known as Toft House.

On 2 November 2023, a Council Officer contacted the complainant to confirm if they still wished to pursue the complaint.

On 3 November 2023, the complainant responded via email to state that "on occasion the land is used for camping with either a caravan, RV or both, present on site."

On 21 November 2023, the complainant provided photographs of the Land.

On 4 December 2023, a Council Officer emailed the owner of the Land to establish correspondence.

On 7 March 2024, the case was reallocated to Emma Posillico for investigation after the complainant sought an update.

On 8 March 2024, Emma Posillico emailed the property owner of the Land to establish correspondence. The same day, the property owner responded stating that they were unaware of any planning enforcement case. They stated that previous emails were likely lost whilst they were on holiday and experienced an email outage.

Between 8 March and 10 April 2024, the property owner emailed Emma Posillico approximately ten times indicating why they believe that the appeal decision for permission 14/00246/UNCOU does not restrict the use of the property to allotments and why the caravan is permitted to be stored on the property.

On 10 April 2024, Emma Posillico met with the property owners at the Land, site visit photos are saved to file. The sheds, decking and hardstanding authorised within appeal permission 14/00246/UNCOU remain on the property, but the owners confirmed the allotment elements were removed several years ago. There is one touring caravan permanently stored on the hardstanding. The property owners stated they live elsewhere, part of the year in Tenerife, but visit the Land occasionally to tidy it up and will stay in the caravan

overnight. The property owner continued to dispute on site that the appeal decision does not restrict the use of the property and believes that since the approved site plan shows a vehicle on the hard standing, that grants consent for permanent storage of a caravan on the Land.

On 12 April 2024, Catherine Gutteridge and Emma Posillico had a meeting to discuss the case. Whilst the property owners claim to only stay at the caravan on the Land occasionally, there are no remaining allotments on the Land. The property owners fully admit there has not been allotment use of the Land in years. Whilst the three sheds, walkways and crushed stone hard standing authorised within Appeal Decision APP/C3430/W/15/3006045 remain, there is also an outdoor fire pit permanently constructed upon a brick paver base, two pallet benches with timber posts to support outdoor string lighting and artificial grass on the property. These elements were not authorised within the previously referenced Appeal Decision and give an overly domesticated appearance to the land. Given the fact that the property owner submitted a pre-application in 2015 for a “three bedroom underground dwelling” and there is no allotment use of the Land it is possible that they are looking to establish residential use on the Land.

On 12 April 2024, Emma Posillico emailed the property owner to inform them they could either remove the caravan from the property within 28 days, or the Council would serve an Enforcement Notice which could be appealed.

On 18 April 2024, the property owner responded to the aforementioned email, again emphasizing that they believe the caravan does not require permission. The property owner suggested that the Council email the Planning Inspectorate to ask for a formal interpretation of their 2015 appeal decision. Emma Posillico responded to said email the same day informing the property owner that PINS does not accept informal email queries, and that appealing an Enforcement Notice would be the fastest method for obtaining a formal opinion from PINS.

On 22 April 2024, the property owner responded via email that they do wish to obtain a formal opinion from PINS and that the Council should proceed with issuing an Enforcement Notice for the permanent storage of a caravan on the Land.

The property owner has stated several times that they believe the 2015 appeal decision allows the permanent storage of a caravan on the Land and does not require permission. They also contend that the appeal decision does not restrict the use of the land to allotments. They have not offered to remove the caravan from the property and have formally indicated their intention to appeal an Enforcement Notice. As the caravan has been on the property since 2021, and (according to the property owner) allotment use has ceased within the past few years, a material change of use of the land is not time immune from enforcement action.

EXPEDIENCY OF ENFORCEMENT ACTION:

A breach in planning control has taken place involving the material change of use for the permanent storage of a caravan and associated recreational use of the Land. The unauthorised change of use represents unacceptable harm to the character and appearance of the surrounding countryside and is contrary to the relevant provisions of the NPPF and policies OC1 and EQ4 the South Staffordshire Core Strategy adopted in December 2012.

The landowner has recently been responsive to the Council’s enquiries regarding the caravan, but fundamentally disagrees with the Council’s stance that the caravan requires planning permission. The

TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

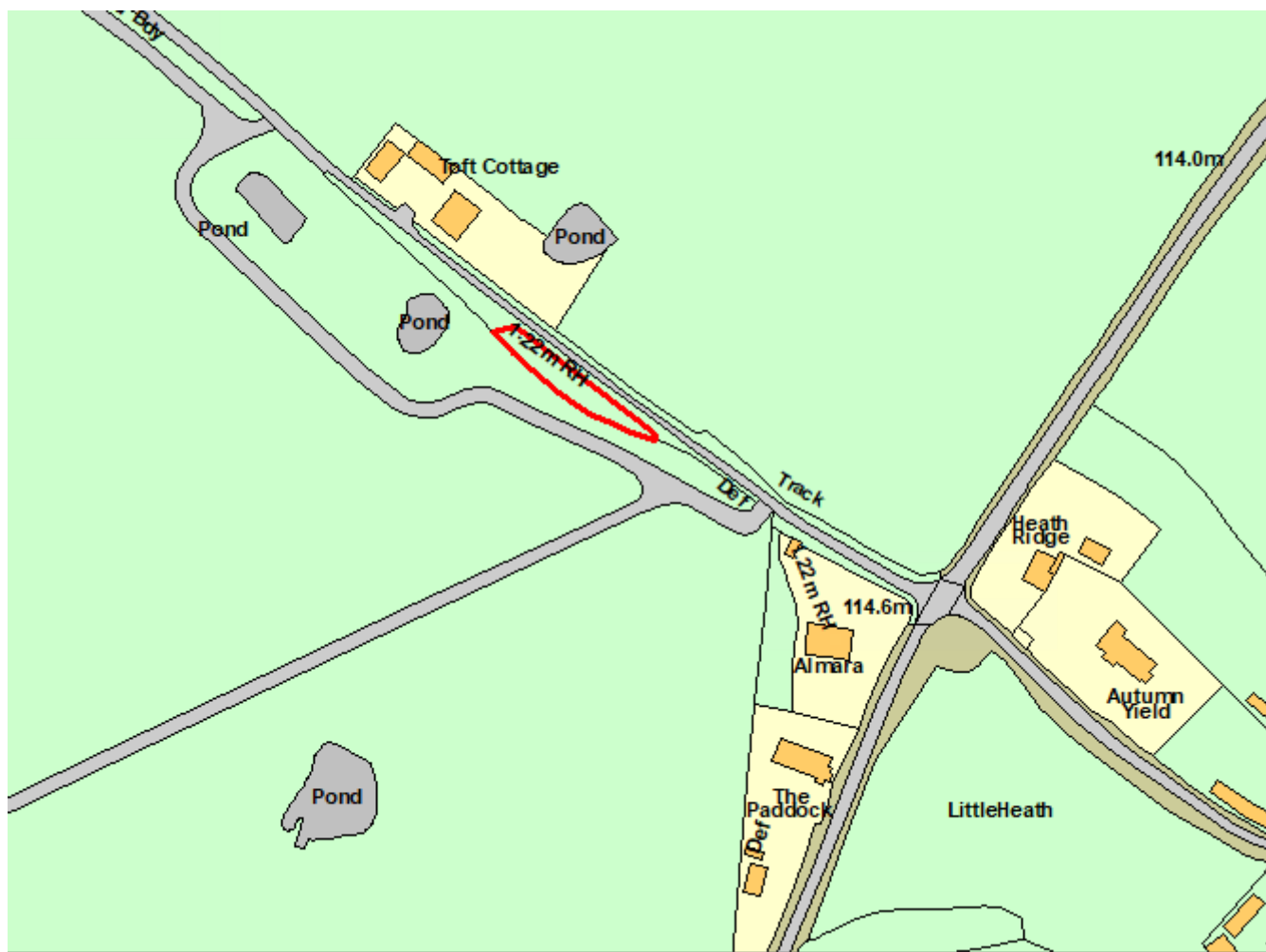
landowner was provided with the opportunity to remove the caravan from the Land but has not done so. The landowner has also interpreted Appeal Decision APP/C3430/W/15/3006045 to indicate there is no defined use of the land (ie they believe they can utilise the land in manners outside of the permitted allotment use). Given that the property owner has previously submitted a pre-application for a three bedroom dwelling on the property, it is possible they are attempting to establish residential use of the property by permanently storing a caravan there and introducing various recreational elements such as a permanent fire pit and outdoor seating. As such it is now considered both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

STEPS TO BE TAKEN:

- (i) Permanently remove the caravan and cease the use of the Land for the stationing of a caravan.
- (ii) Remove all materials and services connected to the caravan from the Land.
- (iii) Permanently remove the outdoor fire pit, surrounding pallet benches and timber posts, as well as artificial grass from the Land, including any foundations.
- (iv) Remove from the Land all materials arising from compliance with (i), (ii) and (iii) above.

Red Line Plan

Land at Levedale Road, Levedale, Staffordshire ST18 9AJ



PLANNING ENFORCEMENT REFERENCE: 21/00125/UNCOU



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SCALE 1:2000

TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

CASE OFFICER DECLARATION:

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

CASE OFFICER: Emma Posillico
POSITION: Senior Planning Enforcement Officer
DATE: 2 May 2024

Signed:



LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:**DECLARATION:**

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Catherine Gutteridge
POSITION: Planning Enforcement Team Manager
DATE: 13.06.24

Signed:



DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:


DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Helen Benbow
POSITION: Development Management Team Manager
DATE: 25th June 2024

Signed: 

LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Pardip Sharma
POSITION: solicitor
DATE: 30 07 2024

Signed: P.Sharma

AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director of Place and Communities

DATE: 5 August 2024

Signed:

A handwritten signature in black ink that reads "Annette Roberts". The signature is written in a cursive style with a horizontal line underneath the name.