

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
16 April 2013

Subject: INGS LANE TRAVELLERS' SITE – ACTION PLAN

Broughton & Greenhow Ward
Portfolio Holder for Housing and Planning : Councillor M Robson

1.0 PURPOSE AND BACKGROUND:

- 1.1 This report sets out a plan to deal with the existing unauthorised developments at Ings Lane and to stop new breaches involving residential uses in order to prevent circumstances with the site becoming worse. A plan of the site is included as Annex 1.
- 1.2 The whole site was formerly in agricultural use but was divided into a number of pony paddocks in 2006, these have changed ownership repeatedly and some have been bought by traveller families. Currently there are 12 plots, however, through the sub-division of existing plots and the creation of new plots on land currently used as paddocks to the east, there is the possibility that more plots could be created.
- 1.3 There is a complex and lengthy planning and enforcement history to the site. There are unauthorised developments on all the plots with the exception of 4 and 10. There are unauthorised residential uses on 5 plots – 1, 3, 6 (to be confirmed), 11 and 12.
- 1.4 In 2006 and 2007 Temporary Stop Notices and Enforcement Notices were served on plots 2, 3, 5, 6, 8 and 9 for operational development such as excavations, importing materials to raise land levels, amenity and storage buildings and hard-standings. The Enforcement Notices for plots 2, 3, 5 and 6 were upheld at appeal, however, no further action was taken and subsequently there has been further unauthorised developments on many of the plots.
- 1.5 Enforcement action was taken in 2012 against 2 residential uses (plots 1 and 11) and appeals against Enforcement Notices were dismissed in November 2012 and March 2013. In the most recent appeal decision issued on 8 March relating to plot 11 the Inspector concluded that granting planning permission would cause an unacceptable loss of highway safety and that the site access with the B1257 is so hazardous that it puts users of the site as well as other highway users at persistent and serious risk of accident. The decision on plot 1 also cited highway safety as a reason for dismissing the appeal and upholding the Enforcement Notice.

2.0 A STRATEGY FOR THE SITE:

- 2.1 Having won 2 appeals involving residential use in succession and the access having been found to be dangerous by both planning Inspectors the Council should now move to deal with the whole site expeditiously. The history of the site demonstrates that if action is not taken there is a strong probability that there will be further breaches of planning control involving the stationing of caravans for residential use on other plots which would have an unacceptable impact on highway safety.

- 2.2 A plan has been drawn up to deal with all the current breaches and to prevent more people coming to the site; this is set out in detail in Annex 2 and is summarised below. The plan is comprehensive, in the sense of dealing with the whole site, but because of the highway danger it prioritises actions to deal with the current and potential residential uses first.
- 2.3 The plan contains a range of different types of measure; an injunction, prosecutions and further Enforcement Notices. An injunction to prevent the siting of caravans for residential use on the areas of land where there is currently no such use is a main element of the strategy.

	Actions	Plots	Timescale
1	Application for an Injunction to prevent further residential use	2, 4, 5, 7, 8, 9, 10 (and possibly 6) and the area to the east of plots 1, 2 and 3	June 2013
2	Prosecutions for non-compliance with the 2012 Enforcement Notices in respect of residential use	1 and 11	Plot 1 - June 2013 Plot 11 - September 2013
3	New Enforcement Notices for residential use	3, 12 and possibly 6	July 2013
4	Prosecutions for non-compliance with 2007 Enforcement Notices regarding operational development	2, 3, 5, 6, 8	September 2013
5	Further Enforcement Notices for additional unauthorised developments	2, 7, 8 and possibly 6	October 2013

- 2.4 Implementing the strategy would be preceded by letters to owners and occupiers setting out the Council's intention to take action unless the earlier Enforcement Notices are complied with. Where possible the letters of intent would be supplemented by face to face explanations to ensure that the Council's intentions have been properly communicated to those affected and that the Council is fully aware of any personal circumstances that should be taken into account.
- 2.5 The Housing Team would need to be involved in respect of any responsibilities for rehousing and to provide advice on housing options.
- 2.6 There will also be a need for the Enforcement Team to make detailed and repeated checks to confirm the latest position with previously identified or alleged breaches of planning control on each plot ahead of the proposed actions. This work may necessitate changes to the detail in the Action Plan.
- 2.7 Alongside the actions at Ings lane the Council must continue to work to identify suitable sites elsewhere in the District to meet the accommodation needs of gypsies and travellers. The Traveller Housing Needs Study 2012 evidences a need for sites and the proposed actions at Ings Lane could displace the travellers affected to other unauthorised sites in Hambleton.

3.0 **RISK ASSESSMENT:**

3.1 Risk in approving the recommendations

Risk	Implication	Prob*	Imp*	Total	Preventative action
There is co-ordinated action to oppose the Plan	Plan has to be amended and takes longer to implement Greater financial and staffing implications for the Council	3	5	15	Move quickly to implement the Plan
Unauthorised sites are transferred elsewhere in the District	Staffing and financial costs of Enforcement Actions	4	5	20	Identify suitable sites for travellers elsewhere quickly through consideration of responses to the "call for sites"

3.2 The key risk is in not approving the recommendations as shown below:-

Risk	Implication	Prob*	Imp*	Total	Preventative action
Further breaches of planning control involving residential uses	Risk of accidents at the junction with the B1257 increases	5	5	25	Implement the proposed action plan

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

4.0 **FINANCIAL IMPLICATIONS:**

4.1 Approving the strategy will have costs for the Council. Expert legal support will be needed to maximise the chances of success with the Injunction and at Enforcement Inquiries and provide additional legal capacity on prosecutions. The estimated costs for dealing with the priority actions 1 to 3 assuming that the additional Enforcement Notices result in Public Inquiries which require external support are:

Injunction	£10,000
Enforcement Action	£10,000
Prosecutions	<u>£ 5,000</u>
	<u>£25,000</u>

4.2 A further report will be submitted should there be a need for additional resources.

5.0 **LEGAL IMPLICATIONS:**

5.1 An application for an injunction must follow the Court Procedure Rules. The Council has obtained legal advice that there is a reasonable prospect of an injunction succeeding because of the danger associated with residential traffic using the Ings Lane/B1257 junction. However, an injunction would be unlikely to succeed in respect of plots already in residential use; where Enforcement Notices are in place the Courts would view them as an effective remedy and where they are not in place, the Courts would expect other enforcement options to be exhausted before considering an injunction. These considerations are less likely to apply to plots not currently in residential use as there are no occupiers with rights and needs to be considered.

6.0 EQUALITIES ISSUES:

6.1 Responding to the housing needs of Gypsies and Travellers by identifying suitable sites for them (paragraph 2.7) is a means of tackling the inequalities experienced and helping to improve their circumstances.

7.0 RECOMMENDATIONS:

7.1 It is recommended that:-

- (1) the proposed strategy at Annex 2 for dealing with current and apprehended breaches of planning control at Ings Lane be approved;
- (2) the Council applies to the Court for an injunction to prevent unauthorised residential uses on the areas identified in the strategy;
- (3) £25,000 be allocated for implementing actions 1 to 3 in the strategy from the “one-off” fund.

MICK JEWITT

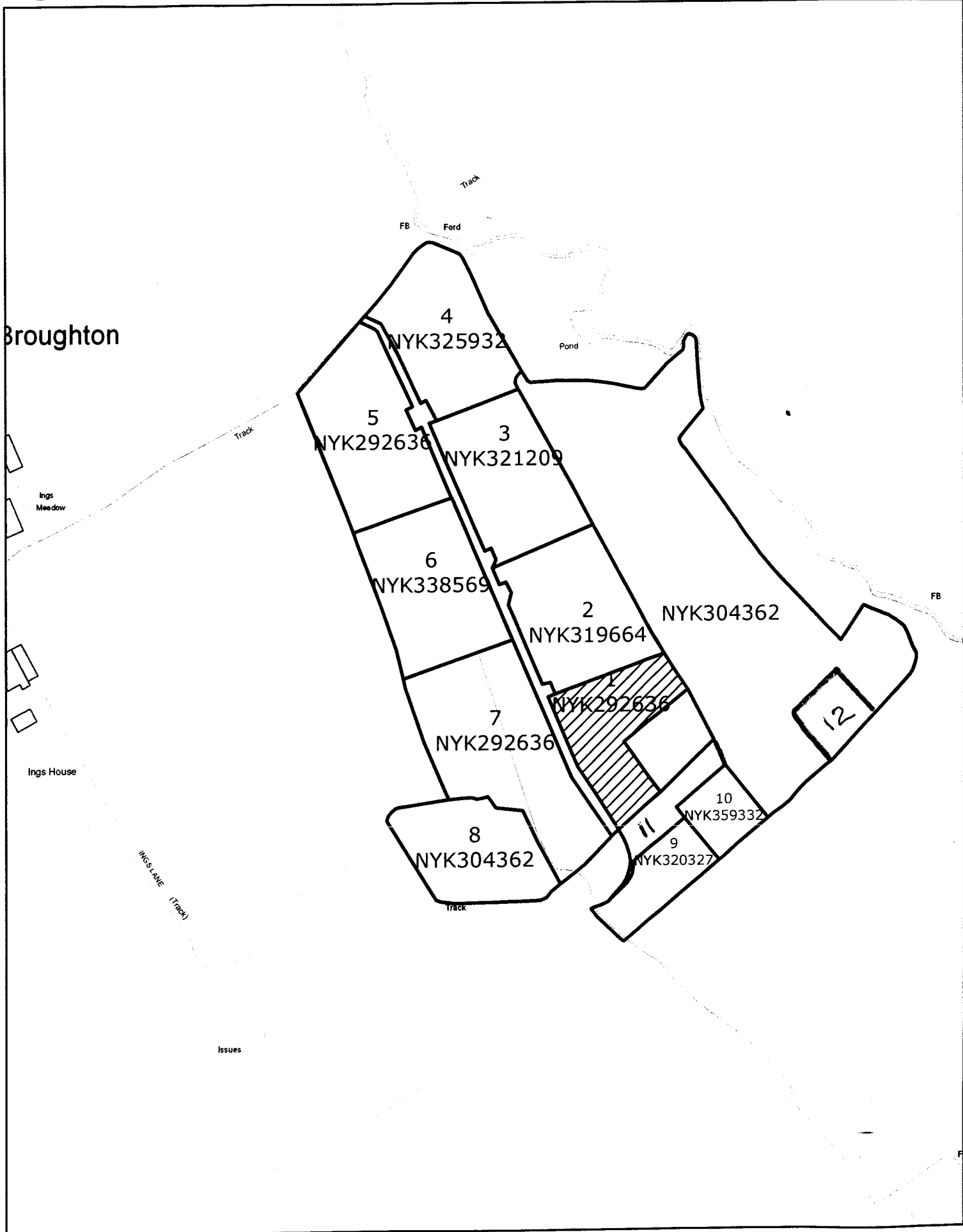
Background papers: None

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160413 Ings Lane Travellers Site

Ings Lane Track



TRAVELLERS SITE INGS LANE, GREAT BROUGHTON**ACTION PLAN**

PLOT	UNAUTHORISED DEVELOPMENT latest findings	ACTION	PRIORITY Immediate High Medium Low	WHEN
Plot 1	<p><u>Enforcement Notice 2012</u> Appeal dismissed</p> <p>April 2013 - Some demolition of walls has taken place but the residential caravan is still on the site with the potential for re-occupation</p>	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with immediately Prosecution - non-compliance with Enforcement Notice (site to be cleared by Feb 2013) – evidence to be gathered or Injunction if residential use resumes 	<p>Immediate</p> <p>High</p> <p>High</p>	<p>April 2013</p> <p>June 2013</p> <p>Preliminary work undertaken now to be ready to include in injunction if residential use resumes</p>
Plot 2	<p><u>Enforcement Notice 2007</u> Change of use, amenity building, storage building and shed. Appeal dismissed</p> <p>April 2013 - No residential use but additional works have been undertaken on site – gates, gate piers, access, extension of stables. Additional hardstanding not in current enforcement notices</p>	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with Prosecution – non-compliance with Enforcement Notice – evidence to be gathered Enforcement Notice for additional development – evidence to be gathered Seek injunction to prevent residential use 	<p>Immediate</p> <p>Medium</p> <p>Medium</p> <p>High</p>	<p>April 2013</p> <p>September 2013</p> <p>October 2013</p> <p>June 2013</p>
Plot 3	<p><u>Enforcement Notice 2007</u> Septic tank, engineering works – excavations, importing materials to raise the land, hard-standing. Appeal dismissed.</p>	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with, also a welfare visit to establish where occupier moved from, motives to move, personal circumstances etc 	<p>Immediate</p>	<p>April 2013</p>

PLOT	UNAUTHORISED DEVELOPMENT latest findings	ACTION	PRIORITY Immediate High Medium Low	WHEN
	April 2013 - Now on site – caravan for residential purposes, other buildings etc	<ul style="list-style-type: none"> Prosecution – non-compliance with Enforcement Notice Planning Contravention Notice to establish if occupiers are gypsies or travellers and advise to leave, refer to Barrister's advice and Inspector's commentary on Plot 11 appeal decision Enforcement Notice for further unauthorised development – evidence to be gathered Involvement of Housing Team – on need re-housing Site inspection to detect any new use or operational development Seek injunction to prevent residential use 	Medium to follow issue of additional EN Immediate High Immediate	September 2013 April 2013 July 2013 April 2013
Plot 4	No alleged breach of planning control	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with Prosecution – non-compliance with 2007 Enforcement Notice Seek injunction to prevent residential use 	- High Immediate	Fortnightly review of condition of site June 2013 April 2013
Plot 5	<u>Enforcement Notice 2007</u> , engineering works – excavations, importation of materials raising land levels, hardstanding. Appeal dismissed	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with Prosecution – non-compliance with 2007 Enforcement Notice Seek injunction to prevent residential use 	Immediate Medium High	September 2013 June 2013
Plot 6	<u>Enforcement Notice 2007</u> , engineering works – excavations, importation of materials raising land levels, hardstanding. Appeal dismissed <u>Additional Development – Buildings, static caravan, hardstanding, gate pillars and gates, kerbs.</u>	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with Prosecution – non-compliance with 2007 Enforcement Notice – evidence to be gathered Planning Contravention Notice to establish if occupiers are gypsies or travellers and advise to leave, refer Barrister's advice and Inspector's commentary on Plot 11 appeal decision 	Immediate Medium Immediate	April 2013 September 2013 April 2013

PLOT	UNAUTHORISED DEVELOPMENT latest findings	ACTION	PRIORITY Immediate High Medium Low	WHEN
	April 2013 Residential use has yet to be established.	<ul style="list-style-type: none"> Enforcement Notice for additional residential development – evidence to be gathered Housing Team involvement in need for re-housing 	High	July 2013
		<ul style="list-style-type: none"> Enforcement Notice for additional operational development – evidence to be gathered 	Immediate	April 2013
		<ul style="list-style-type: none"> Warning letter regarding unauthorised development 	Medium	October 2013
Plot 7	No Enforcement Notice	<ul style="list-style-type: none"> Serve Planning Contravention Notice to establish existing use and intended use of the brick building Possible follow up Enforcement Notice Seek injunction to prevent further residential use 	Immediate	April 2013
		<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with 	Medium	April 2013
		<ul style="list-style-type: none"> Prosecution – non-compliance with Enforcement Notice (reinstatement of land) 	Medium	October 2013
		<ul style="list-style-type: none"> Enforcement Notice stable block, not built in accord with planning permission (2006), formation of gate piers, surfacing, kerbing and other uses and operational development that may be found upon investigation on site – evidence to be gathered 	High	June 2013
Plot 8	Enforcement Notice 2007 Change of use, siting residential caravans, residential use of the land including portable toilet, kennelling dogs, parking and access	<ul style="list-style-type: none"> Seek injunction to prevent residential use 	Medium	September 2013
		<ul style="list-style-type: none"> Enforcement Notice stable block, not built in accord with planning permission (2006), formation of gate piers, surfacing, kerbing and other uses and operational development that may be found upon investigation on site – evidence to be gathered 	Medium	October 2013
		<ul style="list-style-type: none"> Seek injunction to prevent residential use 	High	June 2013

ANNEX 2

Plot 9	Enforcement Notice 2006 – Change of use and siting of 2 metal storage containers	<ul style="list-style-type: none"> Investigate the current use of the site – whether there has been a breach of planning control Seek injunction to prevent further residential use 	Medium	Fortnightly review of condition of site June 2013
Plot 10		<ul style="list-style-type: none"> Investigate the current use of the site – whether there has been a breach of planning control Seek injunction to prevent further residential use 	Medium	Fortnightly review of condition of site June 2013
Plot 11	Enforcement Notice 2012 - Change of use and operational development. Appeal dismissed	<ul style="list-style-type: none"> Letter of intent to take action unless Enforcement Notice is complied with Housing Team involvement in need for re-housing Prosecution – non-compliance with Enforcement Notice – (6 months from 8 March 2013) 	Immediate	April 2013
Plot 12	Being used as a residential travellers site	<ul style="list-style-type: none"> Letter of intent to take action Enforcement Notice – hardstanding, buildings, dog kennels, residential caravan etc – supported by Planning Contravention Notice – evidence to be gathered Housing Team involvement in need for re-housing 	High but delayed by appeal decision	After 6 September 2013 if evidence of breach
Land to the east of Plots 1,2 and 3	Land used as paddocks	<ul style="list-style-type: none"> Letter of intent to take action Seek injunction to prevent further residential use 	Immediate	April 2013
		<ul style="list-style-type: none"> Enforcement Notice – hardstanding, buildings, dog kennels, residential caravan etc – supported by Planning Contravention Notice – evidence to be gathered Housing Team involvement in need for re-housing 	High	July 2013
		<ul style="list-style-type: none"> Seek injunction to prevent further residential use 	Immediate	April 2013
		<ul style="list-style-type: none"> Seek injunction to prevent further residential use 	High	June 2013