



# WINDSOR URBAN DEVELOPMENT CONTROL PANEL

WEDNESDAY, 9TH NOVEMBER, 2016

At 7.00 pm

in the

THE BALLROOM, HARTE & GARTER HOTEL, HIGH ST, WINDSOR, ROYAL BERKSHIRE, SL4  
1PQ,

## SUPPLEMENTARY AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6.	<u>PANEL ENFORCEMENT REPORT</u>  The Chairman has agreed to add this item to the agenda as an urgent item for the following reason:  This is an urgent item as there is currently an unlawful use/breach of planning control taking place which is considered to be harmful to local amenities and the environment.	3 - 6

This page is intentionally left blank

## DEVELOPMENT MANAGEMENT

### DELEGATED ENFORCEMENT REPORT

**LOCATION:** Land south of Mill Place Caravan Park,  
Horton Road, Datchet

**PARISH:** Datchet

**DEVELOPMENT PLAN:** Green Belt  
Area liable to flood  
Wildlife Heritage Site

**OWNER:** Tommy Michael Giles  
6 Mill Place  
Horton Road  
Datchet  
SL3 9JD

**BREACH OF CONTROL:**

1. Without planning permission the material change of use of the land from agriculture to a mixed use of the storage of vehicles, the importation of waste and the storage and treatment of timber; and
2. Without planning permission the formation of harstanding.

**SUMMARY OF RECOMMENDATION:** Enforcement Notice to be issued

#### **REMARKS:**

1. The Enforcement section received a complaint on the 18<sup>th</sup> August 2015 concerning the use of the site for the storage of motor vehicles.
2. An Enforcement Officer visited the site on the 20<sup>th</sup> August and noted approximately 40 cars stored on the site. There were also two trucks and a digger present. No one was present at this time.
3. A site visit carried out on the 27<sup>th</sup> August showed approximately 175 cars, 2 trucks, 2 diggers and a large amount of timber. Local resident Tommy Giles, together with Denny Loverage (senior), arrived at the site explaining that the cars were an 'overspill' for airport parking and that they did not know who owned the site.
4. Various enquiries were then made with the Borough's Estates Department, the Land Registry and local neighbours regarding ownership of the land. On the 7<sup>th</sup> September 2015 a Planning Contravention Notice was served on Mark Perkins, of Step

Properties, Ltd, who was known to have an interest in the land. After some further correspondence and telephone calls, this PCN was returned in April 2016. Mr Perkins also advised that Mr Tommy Michael Giles was now the owner of the site.

5. On the 26<sup>th</sup> April the Enforcement Officer met on site with Tommy Giles. Mr Giles explained that he had bought the site and that he operating a business whereby trees are brought onto the site and then shredded and then removed from the site. On site there was a large amount of trees forming a bund around the site as well as piles of wood chippings. There were also 37 cars on the site which we are advised were part of an airport parking scheme.

In addition to this, there were also piles of earth, rubble and waste as well as 1 truck, 2 diggers, 1 dumper truck, 1 skip and a large area of hardstanding on site.

6. A letter was sent to Mr Giles on the 13<sup>th</sup> June 2016 advising that the storing/treating of timber, together with the storage of vehicles, was unacceptable and that this constituted a breach in the planning control. The letter also enclosed a Planning Contravention Notice for his completion and return. The PCN was returned, duly completed, via Mr Giles' planning agent.

7. On the 20<sup>th</sup> September 2016 the Enforcement Officer revisited the site again to find the following:

- (i) Large amounts of timber forming a bund around the site;
- (ii) Piles of soil, rubble and waste;
- (iii) Approximately 29 cars;and
- (iv) 1 truck, 1 digger, 1 dumper truck and 2 skips;

8. I have considered these uses in light of the Policies GB1, GB2, N9, E10, NAP3 and F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and the National Planning Policy Framework and find them unacceptable.

Consequently it is now proposed that the Council take enforcement action to ensure the cessation of the unauthorised use. The matter will now be put to the Development Management panel for authorisation of the proposed enforcement action.

### **RECOMMENDATION:**

That enforcement action under the Town and Country Planning Acts be taken to:

- a) Cease the use of the Land for the storage and treatment of timber;
- b) Cease the use of the Land for the storage of motor vehicles;
- c) Remove from the Land all motor vehicles associated with these unauthorised uses;
- d) Remove from the Land all machinery, equipment, and materials associated with the unauthorised uses;

- e) Remove from the Land all waste associated with the unauthorised uses; and
- f) Remove from the Land all concrete and brick rubble and all materials used to form areas of hardstanding associated with the unauthorised uses.

**STATEMENT:**

The Local Planning Authority considers it expedient to issue an Enforcement Notice in this instance for the following reasons:-

- 1 The change of use represents inappropriate development which is harmful to the function and purpose of the Green Belt, including its openness and for which no very special circumstances have been advanced to clearly outweigh the harm that is caused by inappropriateness and the other identified harm. As such the development is contrary to the aims of Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and conflicts with paragraphs 87 and 88 of the National Planning Policy Framework;
- 2 The change of use adversely impacts on the visual amenity of the Green Belt and the character and appearance of the surrounding area. As such the development is contrary to Policy GB2 and DG1 of the Local Plan;
- 3 The site lies within an area liable to flood and the landowners have not demonstrated by means of a flood risk assessment that the materials, machinery, hardstanding and vehicles associated with the unauthorised uses would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. As such these uses are contrary to Policy F1 of the Local Plan;
- 4 The change of use does not provide an acceptable relationship with neighbouring residential properties for the reason that the activities associated with the use including unsociable movement of vehicles results in an unneighbourly intensification of activities on the land, contrary to Local Plan policies NAP3 and E10 and advice within the National Planning Policy Framework;
- 5 The site lies within the Wildlife Heritage Site (now known as Local Wildlife Sites) and the change of use has eradicated this wildlife habitat in what was a healthy and sustainable environment. As such the use is contrary to Policy N9 of the Local Plan; and
- 6 The change of use does not represent a sustainable form of development given the identified environmental and social harm associated with the uses and possibly economic harm to similar lawful uses within the area contrary to the advice of the National Planning Policy Framework.

**Report prepared by planning enforcement and action recommended by:**

Jenifer Jackson,  
The Council's authorised officer on behalf of Royal Borough of Windsor & Maidenhead.  
Town Hall, St Ives Road,  
Maidenhead, Berkshire, SL6 1RF

This page is intentionally left blank