

Appendix 1 to the Minutes of Tormarton Parish Council Meeting on 03/02/2020

Here follows the full list of issues at the Norley Lane site about which complaints have been received since Planning consent was granted on 24 September 2018 along with the conclusions drawn about whether that Consent is being complied with, and any appropriate action. This analysis includes not only the results of previous visits but also that of the most recent inspection carried out on 31 December 2019 and so is fully up to date.

Complaint	Findings
There are no sizes for caravans and buildings in the Planning Permission for the site.	The application for Planning Permission (PK17/2008/F) includes a scaled map of the site showing the size of buildings and caravans for which permission was sought, as well as their spatial relationships.
Erection of permanent structures on the site.	The Planning Consent permits two permanent structures on the site, and the scale and size of those structures is indicated in the application. Multiple Inspections of the site carried out by Council officers, including that on 31 December 2019, show there are two permanent structures on the site and the size of these complies with the Planning Consent. There is no breach of the Planning Permission.
Permanent structures are larger than those permitted by the Planning Consent	
Breach of Condition 4: There are too many caravans on site.	The Planning Consent says no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960, and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site at a time. These Acts define a caravan as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)". They don't give a maximum size, but this is taken to mean a single unit rather than a double mobile home. The inspection on 31 December 2019 found 1 small touring caravan on the site (along with a van and trailer – however these do not come fall under Planning regulations.) There is no breach of the Planning Permission. There have been extra caravans on the site in the past on a temporary basis (less than 28 days) when relatives have visited Mr and Mrs
Caravans are larger than those permitted by the Planning Consent	

Complaint	Findings
	<p>Probert. The National Planning Policy Framework (the legislative basis of planning and planning enforcement) is very clear that the purpose of Planning Enforcement is to return to compliance with the extant permission, not to act as a punishment for breaching planning Permission. No breach of Permission takes place until the landowner/developer fails to comply with an Enforcement Notice. In all cases visitors with extra caravans have left the site and so further action to ensure compliance within the legally defined timescales has not been required.</p>
<p>Unauthorised change of use of land from agricultural to the keeping of horses</p>	<p>A fundamental requirement of the National Planning Policy Framework is that any enforcement action must be put on hold if a Planning Application addressing the issue involved is submitted and is believed to be likely to succeed.</p> <p>In the case of the Norley Lane site a Planning Application (PK17/2008/F) was submitted and Planning Condition granted, with a number of Conditions imposed.</p> <p>There is no breach of the Planning Permission.</p>
<p>Breach of Condition 3: that the site can only be occupied by Mr Westley Probert and Mrs Sharleen Probert and their resident dependants. That if they no longer live on the site or cease to be gypsies and travellers then the use of the site shall cease.</p>	<p>Officers have visited the site on a number of occasions from March 2018 onwards, most recently on 31 December 2019. In doing so they have spoken to the residents of the site and verified their identity. Those living on the site are Mr and Mrs Probert and their resident dependents.</p> <p>There is no breach of the Planning Permission.</p>
<p>Breach of Condition 5: That no commercial activities shall take place on the land, including the storage of materials.</p>	<p><i>Commercial activity</i></p> <p>Mr Probert works offsite but parks his van and trailer on the site when at home. In doing so he keeps materials such as scaffolding and roofing ladders etc. on the trailer to allow transport to jobs.</p> <p>The site of commercial activity is the houses on which Mr Probert works.</p> <p>There is no breach of the Planning Permission.</p> <p><i>Storage</i></p> <p>Keeping scaffolding and roofing ladders etc. on a trailer is not subject to planning regulations.</p>

Complaint	Findings
	There is no breach of the Planning Permission
Breach of Condition 9: The level of noise emitted from the site from plant and machinery shall not exceed 55 dB as measured on the boundary of the site with any adjacent site in a residential use	<p>Monitoring visits have shown the only plant on site to be a generator to provide electricity as there is no mains access to the site. The officer asked Mt Probert to turn the generator on to assess noise levels and discovered it was already on.</p> <p>The noise was less than the ambient volume of noise from the nearby highway.</p>
Breach of Condition 10: Landscaping Plan has not been submitted	<p>A landscaping plan was submitted on 22 January 2019. Since then the case officer has been liaising with Mr Probert to ensure it is appropriate, and a revised plan was submitted 25 July 2019. This Condition was discharged on 2 January 2020.</p> <p>There is no breach of the Planning Permission</p>
Breach of Condition 12: Groundworks commencing before submission of the archaeological report.	<p>An archaeological report was submitted on 22 January 2019 and discharged on 22 July 2019. I haven't found within the council's records an indication of a complaint being made about groundworks taking place between when the Condition was imposed (24 September 2018) and 22 July 2019. If the Parish Council is able to provide that I'll investigate it and come back to you.</p>