

## **PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2010/00058

**LOCATION:** Pentre Mawr Llandyrnog Denbigh

**INFRINGEMENT:** The Unauthorised Use of Land for the Erection of 3 Tented Bedroom/ Canvas Lodges

### **RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN6 – Development Control Requirements  
Policy GEN3 – Development Outside Development Boundaries  
Policy CON1 – The setting of Listed Buildings  
Policy CON12 – Historic Landscapes, Parks and Gardens

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales Edition 4 (2011)  
Technical Advice Note (Wales) 9 – Enforcement of Planning Control

#### **HUMAN RIGHTS CONSIDERATIONS**

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

In this particular instance, matters relate to the rights of an owner to use land for the siting of Tented Bedroom/Canvas Lodges without planning permission

The rights of an owner in this situation do not outweigh the rights of the Local Planning Authority to ensure that breaches of planning control are addressed.

No human rights issues have been raised in this particular case.

## **1. BACKGROUND INFORMATION**

- 1.1 The application site is in the open countryside, outside the village of Llandyrnog and outside development boundaries, in an area where the landscape is designated of historic interest.
- 1.2 The site contains a Grade II Listed manor house with adjoining outbuildings within the curtilage; The Dairy and The Smithy, which are also Grade II listed in their own right. The main house at Pentre Mawr is currently used for B&B purposes, with the outbuildings used for storage.
- 1.3 A proposal to erect 6 'tented bedroom' structures in the grounds of the Listed Building for the purposes of providing holiday accommodation, was submitted on 17 March 2008 (18/2008/0289). The proposals involved the erection of a base and frame with a roof as the outer structure, with the tented accommodation hung inside the frame to provide a bedroom and bathroom.
- 1.4 In July 2008, Planning Committee resolved to grant permission in respect of 18/2008/0289, subject to the completion of a S.106 legal agreement which aimed to

secure funds to be used to repair and maintain adjacent listed outbuildings, in accordance with an agreed detailed schedule of works and costed plans. It was made clear that the planning permission would only be released upon completion of the Section 106 legal agreement.

- 1.5 There have been protracted on-going discussions between Officers of this authority and the owners and their Agents, over the terms of the Section 106 legal agreement. Despite best endeavours by Officers, the agreement remains incomplete and unsigned and therefore there is no planning consent in place for the development.
- 1.6 The owners have permitted the development to proceed regardless of the absence of a planning permission, as 3 tented bedrooms/canvas chalets have been put in place since June 2009. Even if a planning consent had been issued, the development would be in breach of 3 conditions on that consent.

## **2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

- 2.1 The unauthorised use of the land has occurred within the last 10 years, with the first tented bedroom/canvas lodge being erected without permission on 1 June 2009. A total of three unauthorised chalets are currently erected on the land, all in breach of planning controls.
- 2.2 In the meantime, the S.106 legal agreement remains incomplete and unsigned, whilst the adjacent listed buildings continue to deteriorate.

## **3. RECOMMENDATION**

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice with a month compliance period, requiring the removal of the unauthorised tented bedrooms/canvas chalets from the land and to restore the land to its previous use as agricultural land.
- 3.2 To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof.