

Case No. ENF/11/00034/UCU

Grid Ref: 290195 97265

**Address:**

Langford Park Ltd, Langford Road, Langford, Newton St Cyres

**Alleged Breach:**

Unauthorised material change of use of land from private park to mixed use of private park and use for the siting of caravans for human habitation.

**Recommendations:**

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a notice or notices seeking the removal of the caravans and the cessation of the use of the land for the unauthorised siting of caravans for human habitation. In addition, in the event of a failure to comply with any notice issued, authority to prosecute, take direct action and/or authority to seek a court injunction.

**Site Description:**

Langford Park Ltd, Langford Road, Langford, Newton St Cyres

Langford Park care home is a large detached property set in its own park land. To the rear of the main house and partially screened from view are sited four caravans (mobile homes), not visible to persons using the main drive to the house.

**Site Plan:**



**Site History:**

77/01677/FULL	Outline application for change of use from store to two units of holiday farmhouse accommodation	PERMIT
78/00449/FULL	Conversion of barn into four holiday flats and provision of new access	PERMIT
80/00800/FULL	Conversion of outbuilding into residential unit	PERMIT
80/01194/FULL	Conversion of existing cider barn into 5 private residential units; construction of garage court and access to Langford Road.	PERMIT
81/02102/FULL	Conversion of outbuilding into 2 units	PERMIT
82/01956/FULL	Conversion of existing house and redundant barn into a registered nursing home, construction of new access drive, car parks and landscaping.	PERMIT
86/00665/FULL	Erection of extensions and conversion of existing building to form an additional ten units of accommodation for nursing home	PERMIT
86/01483/FULL	Change of use of second floor flat and staff quarters into nursing home accommodation and formation of dormer windows	PERMIT
87/01484/FULL	Erection of extension to provide two bedrooms and w.cs	PERMIT
88/00780/FULL	Erection of extension to form staff room and office	PERMIT
89/02188/OUT	Outline for the erection of twenty units for homes for the aged	REFUSE
90/01311/FULL	Erection of extension	PERMIT
91/01702/FULL	Erection of boiler house extension	PERMIT
92/01689/FULL	Erection of a conservatory	PERMIT
92/01993/FULL	Erection of four bedroom extension	PERMIT
92/02009/FULL	Erection of porch to north elevation	PERMIT
93/00702/FULL	Erection of extension to form laundry	PERMIT
97/00172/FULL	Alterations to outbuilding (Revised Scheme)	PERMIT
99/02257/FULL	Retention of slate-clad roof extension	REFUSE
99/02959/FULL	Formation of roof extension (Revised Scheme)	PERMIT
04/02526/FULL	Erection of covered access way	PERMIT

07/00010/FULL	Erection of extension to residents lounge	PERMIT
09/01540/FULL	Erection of a two-storey extension	PERMIT
10/01907/FULL	Conversion of annexe to provide 5 additional bedrooms and retain common room	REFUSE
11/01355/FULL	Conversion and extension of existing outbuilding to provide 6 additional bedrooms for nursing home (Revised Scheme)	PERMIT
12/00398/FULL	Erection of extension	PERMIT
14/01852/FULL	Variation of condition (2) of planning permission 11/01355/FULL to allow the substitution of previously approved plans	PERMIT

**Development Plan Policies:**

National Planning Policy Framework

**Mid Devon Core Strategy (Local Plan 1)**

COR 18 - Countryside

**Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High Quality Design

DM10 - Rural Workers Dwellings

DM31 - Enforcement

**Reasons/Material Considerations:**

Langford Park is a long established residential care home situated at Langford, Newton St Cyres, between Crediton and Exeter.

The current company running the business, Langford Park Limited have made various changes and upgrades to the buildings on site. Included in these changes have been the siting of four caravans for human habitation. It is believed that they are occupied by staff members, working at the home.

Your officers have been in communication with the owner, with a view to getting a formal application, either to extend existing buildings to provide staff accommodation or to retain the caravans on the land temporarily until such time as another resolution can be found. Unfortunately, these discussions have not lead to any applications coming forward to date and in order to prevent the current caravans achieving any immunity status through the passage of time, your officers are now seeking a resolution to take formal action seeking the removal of the caravans and the cessation of the use of the land for the unauthorised siting of caravans for human habitation.

**Human Rights and Equality Issues:**

Any formal enforcement action could be considered to affect the land/property owner/occupiers human rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The human rights of those residing in the caravans must be borne in mind, but it is felt that the owners have it within their capabilities to source alternative accommodation, thus reducing the effect on those residents.

**Options for action or remedy:**

The list of options available is as follows:

**Take no action:**

To take no action in this case is not seen as the appropriate course of action. To allow development by stealth, in accepting the caravans, could lead to them being let to persons not connected to the residential home.

Seek an application to regularise the use of the land for the temporary siting of the caravans - This is a possible course of action and one that your officers have been pursuing, but to date no such applications have been forthcoming.

Issue and Enforcement Notice seeking the removal of the caravans from the land and the cessation of the use of the land for the unauthorised siting of caravans - This is seen by your officers as the most appropriate course of action.

**Reasons for Decision:**

The breach of planning control has taken place within the last ten years. It is contrary to policies in both the Mid Devon Local Plan Part 3 and the Mid Devon Core Strategy 2007.

Although it may be possible to regularise the situation with a planning permission, any such permission would have to be conditional and the Local Planning Authority would not consider issuing an unconditional permission.

**Steps Required:**

1. Cease the use of the land for the siting of unauthorised caravans for human habitation.
2. Remove any caravans from the land.

**Period for Compliance:**

1. and 2. Six months from the date the notice takes effect.