

Planning Enforcement case MB/ENC/07/0085
Unauthorised mobile home at Woodview Nurseries, Meppershall
Further information on proposed action.

An Enforcement Notice was first served in January 1996 requiring the removal of the mobile home. Planning permission to retain the mobile home was refused and the subsequent appeals against the refusal of planning permission and against the Enforcement Notice were dismissed and the Notice was upheld by the Planning Inspector.

Protracted negotiations took place after 1996 which resulted in a new planning application being submitted in February 1999 on the basis that the occupier claimed that the horticultural enterprise was viable and needed someone to live permanently on site. This planning application was refused and a further appeal was again dismissed by the Planning Inspector in March 2000.

Between March 2000 and January 2008 further correspondence took place with the occupier advising him of his breach of the Enforcement Notice, giving him generous timescales to comply with it, and also putting him in contact with the Council's Housing Manager for help with rehousing. The occupier did not comply with the Notice and remained living in the mobile home in breach of the Enforcement Notice. He continued to claim that he needed to live at the site.

In January 2008 a further Enforcement Notice was served, as by this time not only was the mobile home still being lived in but an extension had also been added to the mobile home. The subsequent appeal against the new Enforcement Notice was dismissed and the Notice was upheld by the Planning Inspector. A further planning application to retain the mobile home was submitted in 2009 which the Council declined to determine as it considered there had been no significant changes in the relevant material considerations since previous applications were refused.

The period for compliance with the Enforcement Notice was extended to 3rd May 2010 to allow the occupier plenty of time to seek alternative housing and to remove the mobile home from the land. The Notice has still not been complied with and the occupiers still live in the mobile home on the land. They have recently been offered two alternative properties to rent by Aragon Housing but have declined both of these as they want to remain living in their unauthorised mobile home, and have said that the properties offered to them are too small.

The Enforcement Notice was issued because neither financial nor functional need has been demonstrated to support a permanent dwelling for horticultural purposes at Woodview Nurseries. The retention of the mobile home is contrary to guidance in PPS7 relating to need for dwellings in the countryside. The mobile home is within the countryside, outside the settlement envelope and is therefore subject to controls in PPS7.

In deciding whether to take action to secure compliance with the Enforcement Notice, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. The occupiers have lived in the mobile home for a number of years and wish to remain living there. However in balancing human rights issues against the harm of allowing the mobile home to remain on site and to continue to be occupied, further action is considered proportionate.

It is proposed to take further action for non compliance with the Enforcement Notice, with a recommendation to commence prosecution proceedings against the owners/occupiers of the mobile home. An offence has been committed under Section 179 of the Town and Country Planning Act 1990 for non compliance with the Enforcement Notice. A successful prosecution is likely to interfere with the occupier's peaceful enjoyment of their mobile home, but such action is considered to be justified in order to enforce the planning controls and laws of the country.