

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

This enforcement case relates to the mobile home known as The Pigling, at Woodview Nurseries, Shefford Road, Meppershall. The mobile home has been occupied for residential purposes without planning permission since 1995.

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 3<sup>rd</sup> 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 were 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.

An update on the case was submitted to Members at the Development Management Committee meeting on 15<sup>th</sup> September 2010, and further formal action was considered proportionate as an offence had been committed under Section 179 of the Town and Country Planning Act 1990 for non compliance with the Enforcement Notice.

A full report was sent to the Council's Solicitor in October 2010 with a recommendation to commence prosecution proceedings. A successful prosecution would be likely to interfere with the occupier's peaceful enjoyment of their mobile home, but such action was considered to be justified in order to enforce the planning controls and laws of the country.

The case was prepared and went to Court in May 2011 where the owner pleaded guilty to the offence and was fined. Following the first prosecution the mobile home has not been removed from site and the owners remain living in the mobile home in contravention of the Enforcement Notice. It is therefore proposed to take out a further prosecution, and further evidence has been prepared and was passed to the Council's Solicitor on 28<sup>th</sup> June to commence proceedings for a further prosecution.

Should the mobile home remain on site and be lived in after a second prosecution, a full report will be submitted to Members of the Committee with a recommendation of further formal action to secure full compliance with the Enforcement Notice.