

OFFICER RESPONSE TO REPRESENTATIONS BY INTERESTED PARTIES.

1. In accordance with the resolution of Council both the objectors and the land owners have been given the opportunity to view the report which the Committee will consider at the meeting. The case to be considered is not a planning application as such so neither party has the right to speak at the committee meeting. The parties have, however been given the opportunity to make a written submission in response to the report for Members to consider. Rather than update the report in response to those representations professional advice on the representations are contained in this supplementary item.

The response of the Petition Group.

2. The petition group seem to be under the impression that a local planning authority should not be prepared to regularise even an acceptable level of development if it has been undertaken without consent. This does not comply with national planning guidance about the use of proportionality in enforcement proceedings. Even if a development has been undertaken without consent, it should not be enforced against if it could be otherwise acceptable in planning terms. Not to follow this approach could expose a council to an award of costs for unreasonableness.
3. The petition group's hard line on their interpretation of the saved Local Plan policy and views about a level of seasonal pitches is not shared by officers who believe that there is a part of the site which can accommodate such pitches without serious harm to the landscape of the AONB. This has to be recognised in any response to the investigations through formal enforcement action.
4. An attempt to set numerical limits for the tent camping field would be unenforceable, although the petition groups concerns about the position relating to camper vans is understandable. If a Section 106 agreement had been a practical solution this could have been addressed as part of voluntary restrictions as could the issue of vehicular access to the shore.
5. It should be noted here that the owners consider that the tent camping field has always included use by small camper vans with tent style awnings.

The response of the landowners.

6. The agent for the landowner acknowledges that half of the 60 pitches are seasonal pitches which create the intention to maintain caravans in place on the site all year thus confirming the permanent nature of the change in character. It is clear however that for the reasons given the removal of seasonal pitches from "the hill" which would be acceptable in your officers view, is a sticking point for the owners.
7. The offer to restrict caravans to holiday use rather than permanent residential use is of little additional value as a material change of use of the site requiring

planning permission would occur if caravans began to be used for permanent residential occupation.

8. Members should note that the process of removing Permitted Development Rights by Article 4 Direction does not by itself give rise to automatic compensation. If however planning permission made on application is refused or granted with restrictive conditions then a level of compensation may be payable which relates to loss arising from rights which could have been used without restriction.
9. The landowner is now offering to voluntarily restrict other activities on the site by way of a Section 106 Agreement. The areas agreed to be restricted would be :-
 - To cease using any of the land for events which require a public entertainment license i.e. the biker rally or similar events.
 - To restrict the number of days which the agricultural land is used under permitted development rights by exempted organisations. (There are currently 4 events a year and this restriction could prevent an increase in that number and restrain use to a particular field).
 - The agent has also confirmed that the owners would agree to defining geographical areas where permitted development rights might still be usable to prevent further encroachment onto agricultural land.
 - To regulate the use of the segregated area where tent camping has encroached north into the L shaped field.
10. The offer of a section 106 agreement to contain activities and remove the problems caused by public entertainment in this quiet location is generally welcomed but it comes with the insistence that the hill area continue to be used for seasonal pitches all year round. This is not acceptable from officers point of view and certainly not from the Petition Groups perspective. It is matter therefore for Members to decide whether on balance this offers a compromise that the Committee is prepared to consider.