

# Taunton Deane Borough Council

**Executive – 14 January 2009**

**Report of Strategic Director (Shirlene Adam)**

**Funding of Unauthorised Planning Issue – North Curry**

(This matter is the responsibility of Executive Councillor Simon Coles)

## **EXECUTIVE SUMMARY**

This report requests the Executive to consider additional funding of £50,000 to complete the action against the unauthorised incursion in North Curry.

### **1. Background**

- 1.1 In October 2004 a field at Oxen Lane, North Curry was occupied over a weekend by 16 gypsy families who established an unauthorised residential site. They simultaneously submitted a planning application for the unauthorised use. As the families involved owned the land at Oxen Lane the relatively quick procedure of taking possession proceedings was not available to the Council which had instead to embark on a lengthy enforcement action. The Council has also had to respond to planning applications which have been submitted.
- 1.2 To date this has involved the Council in two public inquiries, both of which the Council has won, and lengthy injunction proceedings. A further public inquiry is listed for January 2009.
- 1.3 Although the majority of the families who moved on in 2004 have now left, there are four families on site who continue to pursue permission to remain on the site, by way of appeal against refusal of planning permission or challenge to the outcome of the last public inquiry.
- 1.4 The Council earmarked a sum of £100,000 in the 2005/2006 budget to fund the costs of dealing with this unauthorised planning activity.

### **2. Costs Incurred to Date**

- 2.1 Over the last four years we have incurred significant costs – specialist legal advice following the incursion, two major public inquiries and the initiation and conduct of injunction proceeding in the High Court. We are currently preparing for the third public inquiry which is due to be held in January 2009.
- 2.2 The vast majority of the funds (approx £80,000) has been spent on Counsel's fees. This has been essential to support the conduct of the public inquiries, the drafting of the detailed legal papers for the

injunction proceedings, supporting the Councils applications, and for the provision of robust specialist legal advice.

- 2.3 The remainder of the funds has been spent on specialist planning witnesses, advisors on injunction proceedings, and miscellaneous costs such as court fees and the hire of North Curry Village Hall.
- 2.4 The funds earmarked in 2005/2006 have now been fully committed.

### **3. Future Costs**

- 3.1 In order to complete the action against the unauthorised incursion, the Council will incur further costs in the following areas:-
  - There is a further (2 day) public inquiry in January 2009. This will mean further legal and witness costs.
  - There are also the final injunction proceedings to be disposed of.
  - The Council may incur expenditure in clearing the site.
- 3.2 The Council will attempt to recover some of the costs incurred – but this may not be successful.

### **4. Recommendation**

- 4.1 The Executive is requested to approve additional funding to complete the action against the unauthorised incursion and is recommended to request Full Council to support a supplementary estimate from General Fund reserves of £50,000.

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