

1. **File/Complaint Number** E0145/44/2007
2. **Location of Site** Combe Farm, Ford Street, WELLINGTON
3. **Names of Owners** Mr and Mrs A Barratt
4. **Names of Occupiers** As above
5. **Nature of Contravention** Occupation of a mobile home for an agricultural worker after permission had expired.
6. **Planning History** Members will no doubt recall that a report was brought before them on 9<sup>th</sup> December 2008 for the above contravention. Members agreed to a long compliance time on the notice due to the occupation of the land having been taking place for some time. This prompted the owner to appoint an agent and submit an application for a permanent permission. However the application was never registered and was finally withdrawn. It was decided with discussions with the Council's Legal Services that it would be more effective to serve a Breach of Condition Notice. On closer inspection of the history files it appears that the last approval for temporary permission expired on 30<sup>th</sup> January 2000. Therefore the use has been unauthorised in excess of 10 years. It was felt that due to the length of time that has elapsed the applicant could submit a Lawful Development Certificate. Two letters have been sent to the owner advising him of the situation and requesting that it would be advisable for him to submit the Lawful Development Certificate. To date no application has been forthcoming.
7. **Reasons for taking Action** Under Section 171B (3) of the Town and Country Planning Act 1990 if a change of use has occurred for more than 10 years then it is no longer possible to take any enforcement action against it. It could be made lawful through the submission of a Lawful Development Certificate. In this particular case, although permission may not have been forthcoming in the event of an application being submitted the fact that the use has been continuing for more than 10 years it is not in the Publics interests to take further action. The fact that no Lawful Development Certificate application has been forthcoming is not a reason to take action, when the evidence is clear that such a certificate would be granted.
8. **Recommendation** No further action be taken over the occupation of the mobile home.

**In preparing this report the Planning Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

**CONTACT OFFICER: Mr John A W Hardy Tel: 356466**