

PLANNING COMMITTEE - 26 JULY 2006

Report of the Chief Solicitor

Enforcement action in relation to land at Knapp Lane, North Curry

Background

Members will recall that in the past action has been taken to secure compliance with an enforcement notice served in respect of a small area of land at Knapp Lane, North Curry where a caravan has been stationed for residential use, together with associated activities.

In June 2005 prosecution proceedings were issued against the occupier at that time, Brian Smith. The proceedings became protracted but finally the matter was heard in the Crown Court in April 2006, when a guilty plea was entered. Mr Smith was given a two year conditional discharge and ordered to pay £500 costs. During the course of the proceedings the Court was told that the land had been sold to a third party.

Subsequently the current owner has been identified as Paul Boyer of Exmouth, Devon. It is not clear if the caravan is currently occupied but there is some evidence of activity on the site. The new owner is being requested to clear the site in accordance with the terms of the enforcement notice by the 31 July 2006. However, in view of the history of the site and the continued activity it may be necessary to take formal action.

The two main options available to the Committee are to take direct action by clearing the site or, alternatively, to seek an injunction against the owner requiring the land to be cleared in accordance with the terms of the enforcement notice and steps taken to prevent future unauthorised use.

The injunction is considered the better option since direct action would not allow any works to be carried out to prevent re-occupation.

Recommendation

It is therefore **RECOMMENDED** that if the site is not cleared by the 31 July 2006 the Solicitor to the Council be authorised to seek an injunction against Paul Boyer requiring the site at Knapp Lane, North Curry to be cleared in compliance with the enforcement notice relating to the land and steps taken to prevent re-occupation of the site for unauthorised uses.

Chief Solicitor

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