

1 February 2024

Officer	RC Rob Cramp
Action	OSV Site Visit
Target	
Completed	01-02-24

I visited the site and met with the owner, Darren Smith, at 14:00 hours on Thursday 1 February 2024. This was by arrange with the owner.

I met Mr Smith on the access at the front of the site outside the two new gates that have now been fitted to the brick pillars at the entrance. The gates are approximately 2m high. Also attached to each of the brick pillars and fronting onto the highway were downlights and surveillance cameras.

I informed Mr Smith that the council had received credible information from a local sources, who observed two touring caravans present on the site. Mr Smith explained that he and his sons had been living in these touring vans ahead of the arrival (yesterday) of the static mobile home that the council had agreed to. Now that the static mobile home had arrived these touring vans had been removed.

I explained to Mr Smith that the presence of these two caravans on the site had not been agreed to by the council and was therefore contrary to the terms of the court order.

I further advised Mr Smith that I had just received an email from his agent, Mr Carruthers, confirming his agreement to the council's terms but that Mr Carruthers had gone on to state that "there is likely to be a tourer on the land intermittently". Mr Smith then explained to me that he was dealer in caravans and that occasional he intended to bring a caravan on to the site, clean and detail it and then remove it from the site. I again explained to Mr Smith that the presence of more than one caravan on the site would not have the council's agreement and would therefore be contrary to the order of the court.

Mr Smith then complained to me about the illegal use of drones to spy on his site, which he had complained to the police about. He said that the police had suggested that it might have been the council. I informed Mr Smith that the council did not own a drone and did not use drones to collect evidence. However, I had seen drone images that had been sent to the council.

Rising above the fence on either side of the gates I could see two floodlight poles, which were behind the front fence and directed into the site. The lights had been reduced in height since my previous visit, from an original height of approximately 5.0m to approximately 3m. On entering the site I observed that all but 6 of the 22 floodlight that I observed on my previous site visit had been brought down, though most of these were laying on the ground next to where they previously stood. The other four remaining lights were situated towards the centre of the site. I also observed two poles, each approximately 4m tall, situated at the front corners of the property. Mr Smith explained that these had surveillance cameras mounted on them.

I mentioned to Mr Smith that this was not what we had agreed to during my previous site visit. We had a greed to the retention of two floodlights only, situated towards the centre of the site, which were to be reduced to a height of no more than 2.5m and would remain only for the duration of the approved operation to convert the barn and stable to a one bedroom dwelling.

Mr Smith informed me that he had been advised that he was under no obligation to remove any of the poles, as they were only pushed into the ground (not concreted) and were not therefore development. According to Mr Smith he had removed the other lights, against the advice of his barrister, because he would prefer to cooperate with the council.

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[Note:- even though the lighting and surveillance poles are not concreted into the ground, there is a feeling of some permanence about them. They have been sufficiently pushed into the ground such that they stand upright to heights of between 3-4 metres and they are also wired into the site involving an element of connectivity. The number, size and design of the poles also suggests that they are intended for something more than just temporary security and surveillance purposes. If the lighting and surveillance poles are considered necessary, even though Mr Smith and his sons are now living in a caravan on the site, why will they no longer be required when Mr Smith is living in the barn conversion when completed instead of the caravan? Some of these poles are also situated outside of the area approved for the residential barn conversion, on land that is only approved for agriculture; and they are of a type and character that is contrary to an agricultural use alone. If they remain on the land following the completion of the operation this would be indicative of a change of use of those agricultural lands. Their temporary presence on the site during the approved barn conversion operation, however, is likely compliant with Class A, Part 4, Schedule 2 of the GPDO].

Mr Smith pointed out to me that the paddocks on either side of the newly constructed access driveway are now waterlogged representing an obstacle to his plans to reseed grass in these paddocks. This waterlogging appears to be the result of the unauthorised earthworks undertaken by Mr Smith and the construction of a new compacted access driveway that runs through the centre of the site and sits approximately 30cm or more above the surface of the paddocks preventing the paddocks from draining. Mr Smith suggested that, in order to resolve this problem he should be allowed to bring a quantity of hardcore onto the site and deposit it on areas of waterlogged land to a depth of approximately 30cm. A layer of clean soil could then be spread over the hardcore material to be sown with grass. I informed Mr Smith in no uncertain terms that he was not to import any material onto the site for this purpose and that he would need to obtain planning permission before undertaking any further earthworks on the site.

The access driveway and a considerable area of land adjacent to the barn and stable buildings has now been laid with what appears to be a fine compacted gravel surface over a coarse hardcore base. A comparison of the photographs taken during my site visit with plans of the approved barn conversion would suggest that these hardstanding surfaces extend well outside the site area approved by planning permission P22/S3712/FUL.

Entering further onto the site I could see the static mobile home now present on the land behind the barn and stable buildings. Also present on the site, however, was a touring caravan. I challenged Mr Smith on his earlier statement that the touring caravans had been removed. He then told me that one of the touring caravans had been removed and that the remaining one would be gone that afternoon.

Mr Smith then informed me that he had his engineer inspect the barn and stable buildings that had been approved for conversion to a dwelling. He showed me cracks in the concrete floor of the barn and said that his engineer had expressed surprise that the council had granted permission for the conversion of the building given the poor state of the structure.

I informed Mr Smith that I would visit the site again next Wednesday 7 February 2024. At that time I intend to undertake measurements onsite to determine the limits of the area approved by planning permission P22/S3712/FUL.

At around the time that I left the site Mr Smith made a passing comment about, having appointed a new barrister and some kind of intended action he would be taking on or around 16 February 2024.

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