

Officer

RC Rob Cramp ▾


Action

OTC Telephone Call ▾

Target



Completed

20-10-23 

I received a telephone call from Darren Smith (07472 640502) in response to the letter that I attached to the front gate of the site.

Mr Smith denied that he was a Gypsy or Traveller; he denied any intention of developing the site as a caravan site by the relocation of caravans from the Morton site as suggested by my letter.

He confirm that his sole intention was to clear the site; sow grass seed and implement the permission for the conversion of the barn and stables to a one bedroom dwelling.

He acknowledged that the permission was for conversion of the existing building only and that he knew not to demolish/rebuild the existing barn and stable.

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OTC Telephone Call

Target

Completed

02-11-23

I telephoned Darren Smith to inform him that we had that morning served copies of an injunction on the land and that we had also visited the Moreton site where I had also left copies of the injunction with a young girl who identified herself as Meghan.

Mr Smith informed me that he had already spoken with his brief. He was very upset that the council kept referring to he and his family as Gypsies and travellers. He insisted that they were not "pikies" or "gypos" and that he found it insulting and disrespectful that the council continued to refer to them as Gypsies and travellers.

He then said that "The locals have obviously decided that we are travellers. All we are trying to do is make the land secure for the present. Our digger has already been vandalised and we've had stuff stolen...we only intend to develop the site by the conversion of the barn and stable to a one bedroom dwelling. We are only going to lay down hardstanding along the existing track to the stable buildings. We are not going to put down hardstandings anywhere else. The fields on either side are going to be covered in top soil and sown with grass seed".

I explained to Mr Smith that it was at this time just an interim injunction and that if he felt that the council had it wrong and wished to contest the matter then he had the opportunity to do so when the matter returned to the court on 6 December 2023. At that time the court would decide whether or not to make the injunction permanent. If he did want to contest the matter, however, he would need to make his claim to the court by 22 November 2023.

I further explained to Mr Smith that if he had no intention of bringing a caravan onto the site for the purpose of living on the site, then the injunction would not bite; nor would the injunction prevent him from undertaking the development to convert the barn and stable to a one bedroom dwelling in accordance with the extant planning permission.

He then advised me that: "Next year I intend to live on the site by myself while I converted the barn and stable to a dwelling". I informed him that in addition to the interim injunction there was an extant enforcement notice that prohibited the bringing of a caravan onto the site for residential occupation.

I said that I would welcome an opportunity to visit the site as he continues to develop it, which he was agreeable to.

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Completed

02-11-23

I had two further telephone conversations with Darren Smith on 2 November 2023.

He said that his brief had asked him to make clear to council officers that they were not to enter onto the site without informing him first and making sure that either he or his sons were present. I informed him that I would be happy to give him a call before visiting the site but under Section 196A of the Town and Country Planning Act I was lawfully allowed to enter land for the purpose of determining whether a breach of planning control had occurred.

He also asked me to clarify whether he would be entitled to bring a caravan onto the site while undertaking building works. I responded that he was not entitled to live on the land in a caravan by reason of both the interim injunction and an extant enforcement notice that prohibits such use.

[Note:- I later called Mr Smith back to inform him that I would take the matter up with the council's barrister].

He informed me that he intended to replace the previous gates at the entrance to the site with new gate to secure the site and asked me if that would be alright. I asked how tall the gates would be, to which he replied "6 foot. I informed him that provided that it complied with permitted development rights that would be alright. On that subject, I drew his attention to the close board fences on either side of the property which I had measure to 2.35 and 2.5m high respectively, which did not comply with permitted development rights. He said that the fences were set at that height because he was going to bring topsoil onto the site after which the fences would comply with pd rights. I informed him that he shouldn't undertake an engineering operation to alter the levels of the land without planning permission and that given the extent of the proposed filling (0.35 - 0.5m) it would be unlikely that the council would agree to a change in the levels of the land.

Mr Smith Insisted that he did not intend to raise the level of the land. He said that the former owner had placed a lot of hard core on the land which he had removed and stockpiled to the rear of the site. He intended to replace the removed material with topsoil to the same level. I asked him whether he had undertaken a site survey before undertaking the works. He informed me that he had not, but that he could provide me with video evidence to support his claim. I advised him not to bring any imported material onto the site or undertake any further works to alter the levels of the land. He told me to speak to his brief.

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Action

OTC Telephone Call ▾

Target



Completed

02-11-23 

I received a telephone call from a Stuart Carruthers (07904 434471) on behalf of Darren Smith.

Mr Carruthers confirmed that his client was in fact a Gypsy but not like to rely on his Gypsy status when undertaking development.

Mr Carruthers contested that his client was in fact lawfully permitted to live in a caravan on the site while undertaking building works in connection with an approved scheme. I informed Mr Carruthers that I would take the matter up with the council's barrister but for the present was not prepared to agree with him.

I also noted that Mr Smith had four caravans on his existing site in Moreton, which would be excessive for the a conversion involving a one bedroom dwelling only. I also noted that I had visited the site that morning and that no work had been done to the building that would suggest that the extant planning permission for conversion of the barn and stable had been implements, in fact most of the work thus far undertaken primarily affected land falling outside the red edged area to which the planning permission related.

Mr Carruthers informed me that his client was about to be told by the farmer at his existing site (Morton) to leave and that his immediate concern was making sure that Mr Smith and his family had some place to live and that he was looking for a pragmatic solution that would avoid the cost of court proceedings.

I advised Mr Carruthers that as the matter was now the subject of a court order in the form of an interim injunction prohibiting Mr Smith developing or using the land for the stationing of a caravan for residential use it was not my place to agree to his client bring a caravan onto the site. Mr Carruthers at this point informed me that he was not aware that the council already had an injunction that his client had only informed him that an enforcement officer had delivered papers. He asked me to send him a copy of the interim injunction bundle, which I did via WeTransfer.

Officer

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Action

OTC Telephone Call ▾

Target



Completed

03-11-23 

I received a telephone call from Mr Carruthers at 11:29am on Friday 3 November 2023 who continues to assert that his client has the right to bring a caravan (and up to six caravans) onto the site to live in while he implements the extant planning permission for the barn/stable conversion, contrary to the terms of the interim injunction.

I again advised him that if he wish to contest the injunction then he should make application to the court by 22 November 2023 ahead of the return date for the matter to be heard on 6 December 2023. He replied that his client did not need to contest the terms of the injunction as his client would not be breaching the terms of the injunction by taking his caravans onto the land and living from them whilst implementing the extant planning permission.

I again strongly caution him against taking any steps to bring caravans or mobile homes onto the site, contrary to the terms of the interim injunction, before the matter had returned to the court for consideration on 6 December 2023.

Officer

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Action

OSV Site Visit

Target

Completed

07-02-24

I visited the site at 2:00pm on 7 February 2024 accompanied by my colleague, Elliot Rees (enforcement officer). This was by arrangement with the owner Darren Smith who met us on site.

Mr Smith appeared to be more agitated than on previous occasions. He had attended a Parish Meeting on the previous night which had clearly upset him as it included a discussion of his site. He was also convinced that a drone which continues to fly over and into his property was from the council. He has made a complaint to the police and provided them with my name. He told me that the drones have got to stop. He would not accept my assurances that the council had nothing to do with the drones.

At the time of my visit the six previously observed floodlights and two surveillance poles were still present; and 4 additional outdoor coach lamps mounted on poles had since been erected along the driveway. The lamps were sitting on the ground but were fasten securely to the post and rail fences on either side of the central driveway.

At the time of my visit there was just one static caravan present on the site.

I undertook measurements of the hardstanding area and positioning of fences around the barn and stable complex, which well exceeded the area approved by planning permission P22/S3712/FUL for residential use in connection with the barn conversion being 4.1m deeper and up to 12.4m wider than the approved site.

I brought this to Mr Smiths attention to which he responded that he didn't do these works. He had handed the approved plan to his contractor who did the works. I pointed out that he was the owner/developer of the site and was responsible for how the permission was implemented by his contractors. He asked why I had not raised this issue on my previous visit. I explained to him that the purpose of my previous site visits was specifically related to the lights and the presence of multiple caravans on the site. It was only during my last visit that I noticed the extent of the hardstanding area that had only just been laid, which prompted me to take a closer look at the approved plans and come back in order to undertake measurements.

Mr Smith claimed that I was discriminating against him because of his Romany background. I assured him that that was not the case and that compliance with planning controls was the only focus of my investigation and that the condition of the site was changing from one site visit to the next.

Mr Smith informed me that what he really wants to do is level the existing barns and stables and construct a really nice dwelling. I informed him that his current permission would not allow him to do that. His permission was for the conversion of existing buildings only and that he could not dismantle, reconstruct or replace the existing building. Anything else would require planning permission, but there was no guarantee would be permission would be granted. Mr Smith acknowledged that he understood this.

At one point Mr Smith claimed that all he wants to do was build a nice home for he and his wife to live in. He later appeared to contradict that claim by telling me that he is a man of considerable resources and that this is just a project to him - all he wants to do is build a nice house on the land and sell it for a profit. He then informed me that he was thinking of selling the site to others gypsy traveller who could just bring their caravan onto the land.

Mr Smith indicated that he held Ash from the Parish Council responsible for every thing that was happening to him and he was convinced that I was receiving my instructions from him. He then informed me that I could tell Ash that "if I am forced to sell and leave the site then he will be forced to leave too". I took this to be a threat.

Mr Smith became quite agitated and demanded that the council refer the matter to the court and include everything (lights, surveillance cameras, front gates, brick pedestals, hardstanding area, caravans). He was of the view that nothing that he did would ever satisfy the council. I informed him that if he didn't breach his permission and other planning controls the council would be perfectly satisfied.