

E/0044/43/13

**SITING OF SALES OFFICE ON PUBLIC OPEN SPACE AT CADES FARM,
WELLINGTON**

OCCUPIER:

OWNER: PERSIMMON HOMES (SW) LTD
MALLARD ROAD, SOWTON TRADING ESTATE, EXETER
DEVON
EX2 7LD

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the temporary Sales Office for Persimmon Homes.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice requiring the temporary sales office to be removed from the site and the land restored to its former condition prior to the breach taking place.

The Enforcement Notice shall require -

- the removal of the temporary structure
- remove the hard surfaced area formed around the building
- remove the fences and signage from the site
- reinstatement of the land to its former condition and use as a public open space.

Time for compliance : 2 months from the date the notice comes into effect.

SITE DESCRIPTION

The land formed part of phase 1 of a new housing development at Cades Farm on the eastern outskirts of the town. The area was designated on the approved plans as being an open space area. The land is situated opposite a number of properties which face directly onto the originally planned open space.

BACKGROUND

Phase 1 and 2 of the Cades Farm development was completed last year. The area in question had been used as a site compound whilst the development was ongoing. There were concerns from residents that the compound was still in existence even though all development had been completed. Late last year the site compound was removed and the area landscaped, planted and seeded to form the open space approved on the plans. In March this year an area of this open space land was stripped of grass, some trees removed and the area hard surfaced with tarmac. A temporary office building was provided which is to be used as a sales office in connection with the forthcoming phase 3 of the Cades Farm development.

The developers were contacted who confirmed that the building was required for a temporary period until late June when it is anticipated the show homes would be ready and there would be no need for the temporary sales office. A request for an

application for temporary Planning Permission was made but declined.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure is sited approx 5m from the highway on a slightly elevated position. The building is of sectional construction with a flat roof. It measures approx 3.6m x 6m. Sited to the rear of the building is a small structure housing what appears to be a generator. The building as stated is sited on what is an area of open space within the street scene at the entrance of this newly constructed housing development. The provision of the building requires planning permission as it is considered to be development even though it is of a temporary nature. The use of land as a sales office and car park would also constitute a change of use of open space land.

RELEVANT PLANNING HISTORY

Numerous applications but most relevant :-

Phase 1 (including the site of the breach)

43/05/0004 Residential development at Cades Farm, Wellington - outline
43/07/0171 Residential development – reserved matters
43/07/0172 Residential development – reserved matters
43/08/0068 Residential development – reserved matters

Phase 2 (adjoining land, but development to which the sales office, subject to this report relates)

43/10/0127 Residential development - outline
43/12/0103 Residential development - reserved matters

RELEVANT PLANNING POLICES

Taunton Deane Core Strategy

DM1 – General Requirements

Taunton Deane Local Plan (Retained policies)

C4 – Standards of open space provision

National Planning Policy Framework

Enforcement (paragraph 207)

DETERMINING ISSUES AND CONSIDERATIONS

The site forms part of an area that should be providing public open space to the surrounding residential development. Following the completion of the development and removal of the site construction compound last year, the space had been provided in accordance with the approved plans.

The new sales office, subject of this report, is to serve the new, recently permitted development on land to the south. It is considered appropriate for this to be provided

on the new site, but it should not remove the open space required for the existing development, given that the duration of development could be for around 5 years.

Persimmon Homes have verbally agreed to move the sales office to the new site, but not until June 2013. Authorisation is, therefore, being sought to ensure that the promised removal takes place in a timely manner.

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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