

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0128/20/10

USE OF LAND FOR STORAGE OF BUILDING MATERIALS, FIELD SOUTH WEST OF WESTLAND HOUSE, NAILSBOURNE

OCCUPIER: MR BARNES

OWNER: MR BARNES
FIELD NEAR WESTLAND HOUSE, NAILSBOURNE

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the land edged red on the attached plan to be reinstated to agricultural use.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- to cease the use of the land for storage of building materials.

Time for compliance: 6mths

SITE DESCRIPTION

The site is an area of land adjacent to the highway along Kingston Road between Taunton and Kingston St Mary. Access to the site is off Kingston Road along a track which runs to the South of the site. The area of land used for storage is in the South West corner of the site and is surrounded by hedge and trees. Currently a variety of materials which include bricks, sections of stone columns, steel lintels, rubble and timber fence posts are stored.

BACKGROUND

A complaint was received in May 2010 that an area of land in an agricultural field was being used to store building materials. Following a site visit, it appeared that a change of use of land from agricultural to storage area for building materials had occurred.

Discussions took place with the owner regarding this change of use and the owner of the land decided to submit evidence that the land had been used for storage for more than ten years. This information was passed to our Legal division who confirmed that further information was required. The owner was advised that further evidence was required and that a Certificate of Lawfulness needed to be submitted for consideration.

An application for a Certificate of Lawful Development was received in January 2011 and subsequently refused in May 2011. An appeal against the refusal was submitted and dismissed in December 2011.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The change of use of land from agricultural to storage of a variety of building materials which include bricks, sections of stone columns, steel lintels, rubble and timber fence posts.

RELEVANT PLANNING HISTORY

An application for a Certificate of Lawful Development was received in January 2011 and subsequently refused in May 2011. Following this refusal an appeal was submitted and dismissed in December 2011.

RELEVANT PLANNING POLICIES

Taunton Deane Local Plan

S1 – General Requirements
S7 – Outside Settlements
EN12 – Landscape Character Areas

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development
STR2 – Development outside Towns, Rural Centres and Villages
49 – Transport Requirements of new development.

National Planning Policy

PPS7 – Development in the Countryside
PPG13 - Transport
PPG18 – Enforcing Planning Control.

DETERMINING ISSUES AND CONSIDERATIONS

The site is located in the open countryside between Taunton and Kingston St Mary. It benefits from a direct access from Kingston Road immediately adjoining the western boundary of the site beyond an earth bank and line of mature trees. Westland House and the various other buildings in the group have been converted to form a number of dwellings, which are accessed from the same point from Kingston Road via a drive that passes the southern boundary of the site. An earth bank and some young planting separates the site from the access drive.

It is considered that the main issues in the consideration of this case are the principle of the use, the impact on neighbouring property and the impact on the visual amenities of the area.

Principle

The site is in the open countryside, where development is strictly controlled. It is part of a parkland setting to Westland House and does not form part of the domestic curtilage. The use that is being carried on at the site appears to be the storage of

building materials that are being used or that have been used in or salvaged from the refurbishment works at Westland House. Although this is not storage of 'domestic items' as such, the items are generally for use in renovation works at Westland House.

In light of the rural location, it is considered that the site would be inappropriate for use as a general builders yard, or indeed for storage of any other items for distribution to other sites. Such a use would be contrary to Policy S7 of the Taunton Deane Local Plan. It would foster an increased need to travel, contrary to Policy S1 of the Taunton Deane Local Plan, STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG13. Such development would be unsustainable in transport terms.

However, the current use for the owner's own purposes at the adjoining dwelling do not cause the same concerns in terms of transport movements. It is possible, therefore, that the use of the site for the applicant's personal use, for storage purposes ancillary to the existing residential use of Westland House may be acceptable in principle. Such could be assessed through a formal planning application and could be controlled by conditions on any planning permission if that was deemed appropriate.

Impact on Neighbours

Some of the residents of other dwellings on the Westland House site have views looking towards the site, albeit that it is partially screened by trees. It is true that the storage activities may be seen by neighbouring residents both from their dwellings and their access drive. However, this is not considered to harm their outlook or amenity to such a degree that would warrant serving an enforcement notice on this ground.

Visual Amenity

The site is screened from Kingston Road by a mature line of trees, such that the storage use is not visible from the public realm. As such, it is considered that the impact on the visual amenities of the area is not sufficient to warrant formal enforcement action.

Conclusion

A use for the private purposes of the occupier may be acceptable in principle and would not impact unreasonably upon the amenities of neighbouring property or the visual amenities of the area. However, your officers do not consider that this control can be properly secured through a precisely worded enforcement notice. Therefore, it is recommended that a notice should be served requiring the cessation of the use and removal of materials to prevent an unrestricted B8 use establishing through the passage of time.

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

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