

E/0074/41/14

## **ALLEGED UNAUTHORISED USE OF PROPERTY AS A HOLIDAY LET WITH BREACH OF AGRICULTURAL TIE AT GROVE FARM, TOLLAND**

**OCCUPIER:**

**OWNER:** MR A GAMMON  
GROVE FARM, TOLLAND ROAD, TOLLAND LYDEARD ST  
LAWRENCE  
TAUNTON  
TA4 3PN

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### **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation in the use of Tower View as a holiday let.

### **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 has not been complied with.

The Enforcement Notice shall require:

- The cessation in the use of Tower View as a holiday let.

Time for compliance: 6 months from the date on which the Notice takes effect.

### **SITE DESCRIPTION**

Tower View is a modern agricultural workers dwelling located immediately North of farm buildings at Grove Farm, Tolland. The dwelling is two storey in scale and of rendered walls and slate roof. It is surrounded by a modest curtilage and has a large parking and turning area to the front.

Outline planning permission was granted for the dwelling under LPA reference 41/95/0001. Condition 11 of the permission states:

*The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person.*

*Reason: The site is in an area where the Local Planning Authority's policy is to restrict new residential development to that required to meet the needs of agriculture or forestry.*

The dwelling has been used as a holiday let in breach of condition 11 since Easter 2014.

## **BACKGROUND**

A written complaint was received on June 11 2014, alleging that Tower View, Tolland, was being used as a holiday let in breach of planning control. A conversation with the property owner concluded that the use of the agricultural workers dwelling, as a holiday let, would cease at the end of 2014. Further contact on 22 December 2014 alleged that the unauthorised holiday let use was continuing.

A Planning Contravention Notice was served upon the owner dated 13 January 2015; the owner provided response on the same day. The PCN confirmed that the agricultural workers dwelling was last in authorised occupation on 1 November 2013 and that the holiday let use commenced at Easter 2014. The holiday let generates £200 minimum weekly rental and £1080 maximum weekly rental.

A planning application was invited by letter dated 14 January 2015. Said application was received as valid on 4 February 2015. The application was determined under delegated powers, with planning permission being refused by Decision Notice dated 1 April 2015.

## **DESCRIPTION OF BREACH OF PLANNING CONTROL**

Without planning permission, the use and occupation of Tower View, Grove Farm, Tolland, as a holiday let in breach of condition 11 of Planning Permission 41/95/0001.

## **RELEVANT PLANNING HISTORY**

41/95/0001 - Outline Application for the erection of dwelling and garage for agricultural worker at Grove Farm, Tolland.

41/95/0003 - Reserved Matters for erection of agricultural workers dwelling at Grove Farm, Tolland.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Para 207 - Enforcement

### Taunton Deane Core Strategy

DM1 - General Requirements  
DM2 - Development in the Countryside  
CP2 - Economy  
CP4 - Housing

### Taunton Deane Development Management Policies (emerging)

H1a - Permanent Rural Workers Dwellings

## DETERMINING ISSUES AND CONSIDERATIONS

The issue to consider is whether the unauthorised use of Tower View as a unit of holiday accommodation is acceptable; whether there is a need for the agricultural workers dwelling within the locality and whether material considerations outweigh any policy conflict.

The site is located within an area of open countryside where planning policy does not support the creation of new dwelling houses unless it can be demonstrated that such is required in order to satisfy an identified rural need. This was originally achieved under the 1995 application and hence the restrictive occupancy condition imposed.

Policy DM2 of the Core Strategy supports the creation of holiday accommodation through the re-use of existing buildings where there is an identified need and in support of farm diversification in areas of open countryside. Notwithstanding, in relation to permanent agricultural/rural workers dwellings, the emerging Development Management Policy H1a states:

*Occupancy conditions will be applied to new permanent dwellings. Applications to remove these or other related conditions will not be permitted unless:*

- i. The dwelling is no longer needed on that unit for the purposes of agriculture or other rural based enterprises;*
- ii. There is no current demand for dwellings for agriculture or other rural based industries in the locality; and*
- iii. The dwelling cannot be sold or let at a price which reflects its occupancy condition for a reasonable period to be agreed with the local planning authority.*

The introduction of the National Planning Policy Framework in March 2012 superseded PPS7, which formerly dealt with agricultural occupancy conditions. However, Taunton Deane have since officially agreed to use Annex A of PPS7 as technical guidance and weight can therefore be attributed to this document. Paragraph 17 of Annex A acknowledges that changes in agriculture can affect the long-term requirements of agricultural workers dwellings, which should not be kept vacant, nor should present occupiers be obliged to remain in occupation by planning conditions that have outlived their usefulness. Evidence should always be provided in order to demonstrate whether a need exists or not.

It has been confirmed within the Planning Contravention Notice that between 1 December 2010 and 1 April 2012 a farm worker resided in the dwelling and it was again rented to tenants between July 2012 and November 2013. These periods of occupancy indicate that there is a need within the area for agricultural workers accommodation. Notwithstanding the above, planning application 41/15/0001 was refused due to a failure to demonstrate that no need for rural worker accommodation exists within the locality. Since this refusal no new evidence has been submitted that satisfactorily demonstrates there to be no need for the agricultural workers dwelling.

Taking the above matters into consideration, evidence suggests that there remains a need for agricultural workers accommodation within the locality. If enforcement action is not forthcoming, the unauthorised use has the potential to become permanent and such should be discouraged where conflict exists with development

plan policies and where a need for the authorised accommodation appears to exist.

In light of the above considerations, it is considered to be expedient to take action in order to ensure the cessation of holiday let use at Tower View.

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

**PLANNING OFFICER: Mr R Williams**

**PLANNING ENFORCEMENT OFFICER: Mr P Lean**

**CONTACT OFFICER: Mr P Lean, Telephone**