

# Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0288/20/11

## **FIELD BEING USED TO STORE RUBBLE, BRICKS AND BUILDERS MATERIALS AT TAINFIELD PARK, KINGSTON ROAD, KINGSTON ST MARY**

**OCCUPIER:** MR KEN J TAYLOR

**OWNER:** MR KEN J TAYLOR  
FIELD AT TAINFIELD PARK, KINGSTON ROAD, KINGSTON ST MARY

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### **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the land at Tainfield Park 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 and other non agricultural items.

Time for compliance: 6 months

### **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 North of the site. The area of land used for storage is along the South West edge of the site. Currently a variety of materials which include bricks, a domestic bath, a small boat and timber fence posts are stored.

### **BACKGROUND**

A complaint was received in October 2011 that an area of land in an agricultural field was being used to store various items. Following a site visit, it appeared that the area referred to did have various items on it including dumpy bags, redundant packaging and plastic and therefore a change of use of land from agricultural to storage area had occurred.

A letter was sent to the owner in October asking what was stored in the dumpy and plastic bags on the land. No response was received and a phone call was made to the owner who declined to discuss the situation. A Planning Contravention Notice was sent to the owner in November 2011. This was completed and returned on 30

November 2011. A further letter was sent in January 2012 asking for the dumpy bag, redundant packaging and plastic to be removed. To date all of this has not been removed and further evidence has come to light that a small boat and domestic bath are now being stored on the site.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The change of use of land from agricultural to storage of a variety of items, including bricks, dumpy and plastic bags together with a small boat and a domestic bath.

## **RELEVANT PLANNING HISTORY**

none.

## **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. Tainfield Park and the various other buildings in the group have been converted to form a number of dwellings, which are accessed from the same point on Kingston Road via a drive that passes the southern boundary of the site. The site is open to the access drive to the north.

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 Tainfield Park 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. 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.

#### Impact on Neighbours

Some of the residents of other dwellings on the Westland House site have views looking towards the site. Given the open nature of the site, 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

Some agricultural items could be stored on the site without triggering a change of use and would not impact unreasonably upon the amenities of neighbouring property or the visual amenities of the area. However, the storage of other items cannot be sanctioned in this unsustainable location and, 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**

**ENFORCEMENT OFFICER: Mrs A Dunford  
PLANNING OFFICER: Mr M Bale**