

Planning Committee – 9 December 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 0145/44/07
2. **Location of Site** Combe Farm, Ford Street, Wellington, TA21 9PD
3. **Names of Owners** Mr A Barratt, Combe Farm, Street, Wellington, TA21 9PD
4. **Name of Occupiers** Mr and Mrs A Barratt
5. **Nature of Contravention**

Mobile homes continue to be occupied following expiry of temporary permission

6. **Planning History**

Planning permissions were granted for the stationing of a mobile home at the farm on a temporary basis since 1985. The last permission expired on 30th January 2000. A planning application was submitted in 2000 for an agricultural workers dwelling but this was subsequently refused. No further planning application for retention of the mobile home has been received. In May 2007 the owner was contacted requesting that a renewal application must be submitted in order to regularise the unauthorised mobile home. The owner decided to apply once more for a permanent dwelling and instructed an agent to act on his behalf. Delays occurred due to the need for an agricultural appraisal but eventually an application was submitted on 12th June 2008. On 24th July 2008 the owner's agent withdrew the application having been advised that the Council's independent appraisal did not support the applicant's case. To date no further application has been submitted and the mobile home remains on site and occupied.

7. Reasons for Taking Action

The mobile home is intended to serve an agricultural enterprise for which there is no existing functional need and does not relate to a full time worker. The business is not considered to be profitable or financially sound and does not have reasonable prospects of becoming so. The tests outlined in Planning Policy Statement 7, Annex A are considered to be failed and as such, the proposal represents an unjustified dwelling in the open countryside and Area of Outstanding Natural Beauty, contrary to policy S7 of the Taunton Deane Local Plan, policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statement 7.

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice and to take prosecution action, subject to satisfactory evidence being obtained that the notice has not been complied with.

Should authorisation be granted, due to the length of time the mobile home has been on site it is recommended that a reasonably long compliance period be agreed to avoid undue hardship to the occupant.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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