

TAUNTON DEANE BOROUGH COUNCIL

Planning Committee - 12 March 2015

E/0015/10/15

UNAUTHORISED CHANGE OF USE OF LAND FROM AGRICULTURAL / NIL USE TO B8 STORAGE OF ROAD MAKING MATERIALS AND ASSOCIATED VEHICLES.

OCCUPIER: MRS KATHLEEN MARY MCSTAY

OWNER: MR RUPERT PHILLIPS
BURNWORTHY MANOR, CHURCHSTANTON, TAUNTON
TA3 7DR

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised B8 business use of part of the land, at Culmhead Business Park, for the storage and distribution of aggregate (road stone), to cease.

RECOMMENDATION

The Solicitor to the Council be authorised to issue an Enforcement Notice and instigate Court proceedings should the notice not be complied with, in order to secure the cessation of the unauthorised use of the land for the storage and distribution of aggregate (road stone).

The requirements of the Enforcement Notice shall be to:-

1. Cease the use of the land for the storage and distribution of aggregate; and
2. Remove the stored aggregate from the land.

Time for compliance: 3 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is located off the Royston Road at the Culmhead Business Park (formerly Culmhead Radio Station), approximately two miles north of Churchinford in the Blackdown Hills AONB. Royston Road at the is point is a relatively straight seven metre wide single carriageway, bordered on either side by a narrow grass verge and a low managed hedgerow, thereby providing visitors to the area a relatively uninterrupted view across the grassland on either side of the carriageway. Access to the Culmhead Business Park is via a tarmacked service road off the Royston Road, which is delineated by two low curved brick walls and gate piers. The service road into the site from Royston Road to the fenced compound and buildings, now used for business purposes, is approximately five hundred metres in length.

BACKGROUND

Two businesses, operating within Culmhead Business Park, brought to Councils attention that land, close to the site entrance, had been apparently leased to a company described as, 'possibly road builders.' Enquiries with the owner of the site revealed that a parcel of land had been leased to a company based in Birmingham called Kiely Bros Limited. On his initial visit to the site, the planning enforcement officer saw two eight wheeled tipper lorries depositing road stone onto an area that contained stored road stone. The area of stored road stone at that time measuring approximately 3.5 metres high by approximately 30 metres in diameter. Three smaller lorry loads had been deposited within an adjacent car park. At an onsite meeting, two weeks later, with the business manager, the enforcement officer was told that the road stone was to be used to fill pot holes and surface dress roads in the Somerset area. Kiely Bros business manager appeared to be apologetic, understanding how the stored road stone, which had increased in size and now measured approximately 7m high by 50m in diameter, detracted from the amenity of the Blackdown Hills AONB. The business manager estimated that the road stone would all be used and the site cleared by August, possibly the end of July 2015. Consequently, the manager was advised that it would be recommended that an enforcement notice would be issued to ensure the AONB was protected from further deposits of road stone.

DESCRIPTION OF BREACH OF PLANNING CONTROL

On the left hand side of the service road, approximately one hundred metres from the site entrance, is a tarmacked area approximately 20m wide by 100m in length, marked out as a car park. This car park is delineated by a 2m high gated chain linked fence. To the left of the service road, between the Royston Road and this car park is grass land. Stored on this grass land, close the car park, is a mountain of aggregate measuring approximately 7m high and 50m in diameter. Deposited in neat rows within the car park are several smaller 'lorry' loads. As a consequence of the low hedgerow and its close proximity to Royston Road, the mountain of stored aggregate is clearly visible to users of Royston Road from a distance of a least 500 metres and adversely affects visual amenity to the detriment of the Black Down Hills Area of Outstanding Natural Beauty.

RELEVANT PLANNING HISTORY

10/11/0010 Change of Use of land to B8 (storage) for the siting of 17 Containers, approved 25/07/11.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraphs 109 & 115.

Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations
DM1 - General Requirements
DM2 - Development in the Countryside
CP8 - Environment

DETERMINING ISSUES AND CONSIDERATIONS

The site is in open countryside and within the Blackdown Hills Area of Outstanding Natural Beauty. The pile of stored 20mm black road stone, is visible to users of the Royston Road, the occupiers and visitors to Business Park and other land users within at least 500 metres of the site and is considered to adversely detract from visual amenity. The NPPF has guidance on the promotion of Natural Environment, opining that “The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.” And that; “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The stored aggregate, being large and close to the highway is in prominent position within the Blackdown Hills Area of Outstanding Natural Beauty, without any justification. No application has been submitted for determination, nor has the Local Planning Authority been consulted this particular land use. The continued use of the site for the storage and distribution is an unacceptable intrusion to visual amenity and for that reason enforcement notice proceedings are considered necessary to ensure its cessation for the following reasons:

The storage of aggregate in the open countryside within the Blackdown Hills Area of Outstanding Natural Beauty is detrimental to visual amenities and contrary to the Taunton Deane Core Strategy Policies SP1, CP8, DM1 and DM2.

It is recommended that the requirements of the Enforcement Notice shall be to:-

1. Cease the use of the land for the storage and distribution of aggregate; and
2. Remove the stored aggregate from the land.

That the time for compliance is three months from the date on which the notice takes place.

(The company – Kiely Bros Ltd – is repairing and surface dressing the roads in the area and the company believe it will take three months to remove / use the stored aggregate.)

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

PLANNING ENFORCEMENT OFFICER: Keith Palmer

CONTACT OFFICER: Keith Palmer, tel 01823 356466