

E/0055/06/13

**CARAVAN AND MOBILE HOME ON SITE AFTER EXPIRY OF TEMPORARY
PLANNING PERMISSION AT MILL FIELD, MINEHEAD ROAD, BISHOPS
LYDEARD**

OCCUPIER:

OWNER: DR T WOODGATE-JONES
COMBE FARMHOUSE, COMBE DAVEY, BROMPTON RALPH
TA4 2RY

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the residential use of the mobile home to cease and for the removal of the touring caravan.

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 of residential use of the mobile home
- the removal from the land of the touring caravan

Time for compliance - 3 months

REASONS FOR SERVING NOTICE:

It is considered that there is no clearly established existing functional need for a worker to be readily available at most times and that the limited need does not relate to a full-time worker. The Local Planning Authority are also concerned about the future financial viability of the enterprise. It is, therefore, considered that there is no essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework and consequently the proposal represents an unjustified dwelling outside the defined settlement limits, the cumulative impact of which would lead to unplanned sporadic extension of settlements, detrimental to the character and appearance of the countryside and collectively increasing the need to travel by private car in order to access day to day services. The proposals would, therefore, be contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

SITE DESCRIPTION

The site comprises agricultural land, on the edge of the village of Bishops Lydeard. The land is currently accessed via a field gate from Minehead Road, adjacent to the neighbouring property. The land slopes down from Minehead Road to the west down to a stream on the east side of the field. The applicants land ownership

continues on the opposite side of the field. The site is bordered by hedges and a number of mature trees to the north, east and west. There is a weaker boundary of trees to the south, where the site borders a neighbouring dwelling. This dwelling has windows overlooking the site.

BACKGROUND

An enforcement notice was served on 29 January 2008 for the unauthorised change of use of land known as Mill Field, Minehead Road, Bishops Lydeard for the stationing of an agricultural worker's mobile home. The notice was appealed but the Inspector dismissed the appeal. A Planning application was submitted during the appeal period for temporary permission for the change of use for mobile home for game bird rearing and pheasant rearing. The application was approved on 12 May 2009 with a condition restricting the permission to a 3 year period. A further application was submitted for a permanent agricultural worker's dwelling but was refused on 19 October 2012. The owner has been contacted reminding him that the use of the mobile home should cease and the additional touring caravan be removed. An amended application for the permanent dwelling was promised but to date nothing has been received and the mobile home and caravan continue to be in use.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The mobile home has been continually occupied since being brought to site. An additional touring caravan was sited adjacent to the mobile home about 18 months ago as it was understood the roof of the mobile home leaked and the touring van is used as a bedroom. Permission to use the mobile home in connection with the rearing of birds expired on 12 May 2012 and to date no renewal of that application has been received.

RELEVANT PLANNING HISTORY

06/06/0029 - use of land for pheasant rearing and siting of an agricultural worker's mobile home. Refused and appeal dismissed.

06/08/0057 - change of use for mobile home for game bird rearing and pheasant rearing temporary approval 12.05.2009

06/12/0038 - Permanent agricultural workers dwelling - refused 19.10.2012

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

NPPF - Paragraph 207

Taunton Deane Local Core Strategy 2011 - 2028

DM1 – General Requirements

DM2 – Development in the Countryside

SP1 – Sustainable Development Locations

DETERMINING ISSUES AND CONSIDERATIONS

The site is located adjacent to, but outside the settlement limit for Bishops Lydeard. There is, therefore, a presumption against granting planning permission in accordance with Policy CP8 of the Taunton Deane Core Strategy which seeks to control development outside settlement limits.

There is a reasonably long established pheasant rearing operation on the site, which was considered to justify a temporary agricultural worker's dwelling in 2009 in order to allow the business to expand. At the end of this temporary period (3 years), an application was submitted for a permanent dwelling however it was considered that there was no longer a functional need for the dwelling – evidence of activities over the preceding few years indicated that the work was not full time and could not be considered to require an on site presence 'at most times.

There has been no change to this situation since the refusal of that application in October 2012 and, therefore, the caravan that is currently on site is not justified by the agricultural need. It, therefore, represents unjustified development in the open countryside, contrary to Policy 55 of the National Planning Policy Framework and Policy DM2 of the Taunton Deane Core Strategy and the service of an Enforcement Notice is recommended.

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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