

E/0146/24/16

Alleged non-compliance with prior notification at Higher Knapp Farm, North Curry

OCCUPIER:

OWNER:

MR A DARE
HIGHER KNAPP FARM, KNAPP ROAD, KNAPP NORTH
CURRY
TAUNTON
TA3 6AY

Purpose of Report

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the unauthorised building works and prevent the potential unauthorised change of use to residential.

Recommendation

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with. The notice is to be issued in the event that no valid application to regularise the works is received by 1 August 2016 or if the application is subsequently refused.

The Enforcement Notice shall require:

- Remove the building works and all materials from the site.

Time for compliance:

- 3 months from the date on which the notice takes effect.

Relevant planning history

24/14/0058/CMB - Prior approval for proposed change of use from agricultural building to dwelling house (use class c3) and associated building operations. REFUSED.

24/15/0013/CMB - Prior approval for change of use and conversion of agricultural building to one private dwelling house (use class c3) including partial demolition, formation of garden curtilage and parking provision. APPROVED.

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless

material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

National Planning Policy Framework

Paragraph 55

Para 207 – Enforcement

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

Following a complaint from a member of the public the site was inspected to see if the development was proceeding in accordance with the prior approval that had been granted. On site it was noted that the majority of the barn (that was to be retained) had been demolished, only a small proportion of the walls remained. Approximately 75% of the building had been removed and it appeared that what was remaining of the building had been demolished and rebuilt. As such the development constitutes the demolition and the erection of a new dwelling in the countryside. The owner of the site can no longer rely on the prior approval that has been issued.

The owners are considering what action they intend to take and may submit a full planning application for the dwelling. If an application is not received or if the application is received and refused officers seek the authority to take enforcement action.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restrict new developments in open countryside.

The residential use and new building works are detrimental to the character and appearance of the area, and increases the need to travel to access services. It is considered expedient to prevent the residential use of the site. The alternative would be sporadic residential development in open countryside contrary to Policy.

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The residential use on the site results in sporadic development in the open

countryside that collectively would be detrimental to the amenities of the Taunton Deane Core Strategy Polices CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

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

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356466