

49/16/0006

MR T BALL

**Change of use of land to allow the siting of storage containers in farm yard at
Candletrees, Jews Lane, Wiveliscombe**

Location: CANDLETREES, JEWS FARM, JEWS LANE, WIVELISCOMBE,
TAUNTON, TA4 2HL

Grid Reference: 306003.129709

Retention of Building/Works etc.

Recommendation

Recommended decision:

1) Planning permission be granted to this proposal for the erection of shipping containers at the site as shown on the revised drawings, subject to conditions as suggested, and

2) Authorisation be given to the Assistant Director, Environment and Development, to serve an Enforcement Notice against the current unauthorised arrangement of shipping containers at the site if the identified breach of planning control is not remedied within two months from the date of any such approval. The Notice to require the cessation of the storage use of the site and the removal of shipping containers; time for compliance – 2 months from the date of service of the notice.

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 14-02211 PA-001 Rev B Location Plan
(A3) DrNo PA-100.A Elevations
(A2) DrNo 14-02211 PA-002 Rev B Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The storage, hereby permitted on the site, shall take place entirely within the shipping containers hereby approved and there shall be no open or other forms of storage at the site other than that specifically approved by this permission. No more than two containers shall be positioned on the site and

the containers shall be sited only as shown on the drawings hereby approved and in no other arrangement. This permission shall enure for the benefit of the applicant only.

Reason: To allow the Local Planning Authority to maintain control of otherwise potentially inappropriate development.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. The current arrangement of two double stacked shipping containers on the site is a breach of planning control in as much as they are unauthorised under the Town and Country Planning Act. If this breach is not remedied within two months from the date of this permission by either implementation of the application hereby authorised, by the complete removal of the containers from the land or by any other legal and acceptable manner, the Local Planning Authority will proceed to rectify the situation by the issuing of an enforcement notice.

Proposal

Planning application is made for the erection of containers in farm yard at Candletrees, Jews Lane, Wiveliscombe. This is tantamount to a change of use to allow B8 storage at the site. There are currently two (double stacked) shipping containers at the site and it is proposed to remove and reposition the top container to form an transversed 'L' arrangement and by setting the northern right angled container into the existing sloping bank by removing approximately 0.5m of land in order to form a level base. The containers each measure a height of approximately 2.6m x 2.478m wide and 6.096m in length. The existing double height stack has a height of 5.292m. The new single level arrangement with the two containers abutting at one end will have an overall length of 8.550m with a width of 6.1m (dwg PA-002 rev B) and will be sited at distances of between 6.2m and 9.640m from an existing equine stable block and livery yard.

The proposal has been submitted as a result in complaints to the Council's Enforcement team.

Site Description

Candletrees, is an existing working agricultural farm and equine unit, located to the north west of the existing Wessex Water treatment plant at Maundown filter station and covered reservoirs.

Access to the site is to the south of the building and west of the dwelling from Jews Lane.

A single track and part of an existing footpath WG16/12 links from the main road from Wellington to Huish Champflower runs in a north westerly direction and along the existing track to the north of the container site then continues northwards through Tuck Mill Copse and onto Scott Hill, Huish Champflower.

The existing working holding comprises of a cluster of traditional farm buildings constructed with block wall and clad with corrugated sheeting. There are also existing livery stables at the site and the associated farm dwelling together with an existing small greenhouse and a static caravan in the residential curtilage, seen at the time of the site visit. The site has recently had an additional business use approved on the site for the storage of a Kitchen unit business.

Existing boundaries at the site on the adjoining boundary comprise of a mixture of 1.8m high fencing in a stepped arrangement, behind which there is an existing range of shrub and tree planting (in the neighbours garden) ranging from between 1m and 3m in height.

Located to the north east of the existing farms structures there are currently a double stack of two shipping containers (the subject of this proposal). These structures are also next to the adjoining eastern boundary of the site shared with the adjoining neighbours known as The Old Granary and to the north of other adjoining neighbours adjacent to this boundary known as Mill Barn. Jews Farm is located further to the east of the proposal site adjacent the The Old Granary. It is understood that both candletrees (proposal site) and the current neighbouring dwellings would have historically been part of the original Jews Farm before being divided up into smaller lots of land.

The existing equine stables and livery yard are approximately 7.5m from the adjoining boundary with The Granary and a significantly higher level than that of the existing double stacked containers. The existing containers are currently stacked on blocks and not a permanent concrete base.

Relevant Planning History

This site has planning permission for the agricultural access and hardstanding (ref 49/15/0006/AGN) which was determined with no objections on 11/05/15. A prior notification application for a flexible use of one of the large agricultural buildings (ref 49/16/0007/CR) has also recently been approved on 12/04/16.

Consultation Responses

WIVELISCOMBE TOWN COUNCIL -

The Town Council **object** to this application for the following reasons:

- The proposed use is unsuitable for the area as this is open country which should not be Compromised with storage containers.
- The appearance and size of a the new structure is not in keeping with its neighbours and the surrounding area and open countryside.
- There is a major visual effect upon the landscape of the surrounding area and neighbours.
- Planners should carry out a site visit to look at other structures on the site.
- This development and previous developments could increase traffic on the highway.
- The containers are going to be located on a culvert that is known to flood and on a inspection Chamber
- The environment agency should inspect the site to survey the culvert in respect of future flooding

Representations Received

11 representations have been received against this proposal from 6 separate correspondants (some objectors writing in more than once). One of the objectors is the Ward Councillor. Concerns have been raised regarding; the proximity of the structures to the existing boundary and visual impact, inaccurate address of the proposal site (amended), a number of varying storage structures already at the site, location of the structure near a section of a culvert and risk of blockages or collapse, piling of rubbish at site by applicant and need to relocate to another site, the removal of the top container will lessen the visual impact but they will still be visible from the adjoining neighbours, use of the containers not stated in the application

Comments from a local Councillor also echo the previous concerns and cites the development control practice on the need for planning permission plus objecting to the proposal.

Planning Policy Context

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 (2015), 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.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP8 - CP 8 ENVIRONMENT,

Determining issues and considerations

The main issues and considerations in this case are;

- Impact on the Character and appearance of the area.
- Impact on residential amenity.

The site of this proposal is located outside the defined settlement area and therefore in open countryside, where local policies CP8 (Environment), DM1 (General requirements) and DM2 (Development in the Countryside) are applicable.

The two shipping containers within this proposal are strong steel storage containers, that by their very nature of the original use are not the most visually attractive structures, but are often used as a storage unit in industrial and farming situations. The existing storage units are double stack close to an adjoining boundary at the site and are also close to the existing livery yard, stable and other existing agricultural buildings much larger in size and height than the containers. The existence of other portcabins, containers and untidy materials at the site are not being considered in this instance.

The character and appearance of the existing holding of 0.1 hectares, has a mix of both agricultural and equestrian uses together with a small amount of business use for the applicants kitchen business. Existing boundaries at the site comprise of typical natural hedge and tree boundaries around the holding. The land is accessed via a narrow lane (Jews Lane) from the main road between Wellington and Huish Champflower in an area known as Maundown, and the land rises from the south to the north and the traditional agricultural land to the north of the proposal site.

Also north of the proposal site is a track from Jews Lane and to the north of the existing containers which runs from east to west of the land and runs directly through the middle of the holding. Along part of this track is part of a public footpath (WG/16/12) as mentioned in the site description. The containers in both the existing and proposed rearrangement will be visible by persons using the footpath therefore there will be some visual impact.

By re siting the containers in a single stack in an 'L' shaped arrangement which are also to be set in to the ground by levelling part of the existing small bank to the north this will not only provide a level base on which to stand the structures but also will help in lessening the visual impact from the track, footpath and land to the north. Impacts to the east and neighbours are to be considered in the next section of the report.

With the existence of a range of several other buildings and structures at this rural site and the context in which the containers will be read, it is considered that whilst there will be a visual impact on the character and appearance of the area this is not significant enough to refuse this proposal.

It is therefore considered that the proposal for the storage containers does support both the business and agricultural use for storage and is acceptable in terms of local policy DM2. The general requirements of DM1 are met as the development will not significantly impact on the character and appearance of the area, no harm will be generated to existing protected species, the existing access will be used and the amenity of users of the PROW will not unacceptably be harmed. The structures themselves are being repositioned into a single stack as the double stack is considered unacceptable and should the containers not be moved further enforcement action could result. In terms of CP8 (Environment), it is considered that the location and siting adjacent to other existing buildings is acceptable.

Impact on residential amenity.

Residential amenity is a consideration in this case because the containers are sited in a position close to an existing adjoining boundary with several neighbours to the east in this rural location. There have historically been a series of neighbour disputes associated with this area in connection with the various differing structures and untidiness of the site. This is a civil matter and it is only the re-siting of the two double stacked containers being considered in this proposal.

It is not disputed that the structures are located close to an adjoining boundary and that the containers are not considered attractive to look at. They are however, next to other existing buildings the nearest of these only 7.5m away. The boundary treatment between the containers and the neighbouring garden comprises of stepped wooden fencing and some shrub and tree planting, and the neighbour in his comments does state that the fence is due to be replaced.

Comments have also raised the point regarding an underground culvert carrying natural spring water next to the shipping containers. This was seen at the time of the officer's site visit. It is noted from the comments received that a watercourse flows under the boundary wall with Mill Barn and passes through the applicants land at the boundary. It is also noted on the location plan PA-002 that there is an existing pond shown to the north of the track and another to the south east of Mill Barn. Any private water supply or culverts at the site will be under the responsibility and control of the applicant and can not be considered under the planning remit. It is further noted that no comments have been received by the Environment Agency or Statutory Water companies.

Given the above comments and considerations it is concluded that there is currently an impact on residential amenity due to the proximity of the siting of the containers to the adjoining boundary. However, they are to be repositioned into a single storey arrangement thereby giving an improvement in the visual amenities, screening and loss of light previously experienced by the adjoining neighbour. There will remain some impacts on the adjoining neighbours, but this could be overcome with boundary replacements or additional planting. On this basis, the rearrangement of the structures is considered to be acceptable.

Other issues

Comments received from the local Parish Council are noted above. In reply to the

comments that the development could lead to increased traffic on the Highway, it is not considered that the development will result in an increase in traffic to the site. Issues relating to streams and ponds are not planning considerations.

The presently unauthorised development

The present use of the site for storage and siting of the shipping containers is unauthorised. For the reasons given in this report, it is recommended that the now proposed configuration of the site would be acceptable. However, to ensure that the permission is implemented, your officers are also seeking authorisation to serve an Enforcement Notice against the unauthorised development. The Notice should require the removal of the containers from the land because the development is only acceptable with the imposition of the recommended conditions.

Conclusion

In light of the discussions above, it is considered that the new arrangement for the containers is an improvement and are considered to be acceptable. It is therefore recommended that conditional approval is given to this proposal. However, if this application is not implemented, or if no further action is taken to remedy the current existing breach of planning control, then officers request authorisation under delegated powers to instigate enforcement action against the current clear breach. It is suggested that two months would be an appropriate time to allow the current breach to be remedied.

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

Contact Officer: Sue Keal