

## Planning Committee – 28 October 2009

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E0181/24/09
2. **Location of Site** Orchard adjacent to Bowldish Farm, North Curry
3. **Names of Owners** Mr John Horacek, Oaktrees, Heathfield Road, Freshwater, Isle of Wight. PO40 9SH
4. **Name of Occupiers** As above
5. **Nature of Contravention**  
Stationing of two touring caravans for residential occupation in excess of 28 days.
6. **Planning History**

In May of this year reports were received that works were being carried out on the above site. The site was being cleared of old apple trees and the area generally cleared of undergrowth. A site visit was made and the owner confirmed that he had just purchased the site and was proposing to replant the apple trees, tidy the site and intended to keep a few bees. The caravans had always been on site but were obscured from view due to the density of the brambles etc. Mr Horacek said he lived on the Isle of Wight and would periodically stay on the site for routine maintenance etc. He has a motor home but would prefer to leave a caravan on site for occupation when visiting the site. A detailed letter was sent to Mr Horacek setting out the options open to him with regard to accommodation on the site. His options are limited due to the 28 day rule under Part 4 Class B1b of the Town and Country Planning Act 1990. Recently one of the smaller touring caravans has been removed but replaced with a larger touring caravan together with a gazebo structure. There have been reports that the caravan is occupied from time to time. A site visit was made on 5<sup>th</sup> October 2009 but no persons were seen on site. No further apple trees have been planted and no evidence of a bee keeping operation has been seen. Mr Horacek has now submitted a planning application for a large log cabin type dwelling together with a timber constructed apple store.

#### 7. **Reasons for Taking Enforcement Action**

The site lies within a zone 3 flood area where residential development would not be appropriate. No justification has been submitted to support the need for a dwelling on agricultural/horticultural need therefore the use of the caravan is contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**8. Recommendation**

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

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

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