

E/0168/35/12

CONVERSION OF STORE / GARAGE TO RESIDENTIAL ACCOMMODATION AT THE GLOBE INN, KITTISFORD ROAD, STAWLEY, WELLINGTON

OCCUPIER:

OWNER: MR J R N LAMBLEY
THE BUNKER, THE GLOBE INN, APPLEY
WELLINGTON
TA21 0HJ

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the residential use of the former bottle store (now known as 'the bunker') to cease.

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 the residential occupation of the former bottle store now known as 'The Bunker'

Time for compliance: 6 months from the date the notice comes into effect.

SITE DESCRIPTION

The property is located within the small village of Appley which is within the parish of Stawley. The building is within the overall site of the Globe Inn. It was formerly used as the bottle store in connection with the public house. The Globe Inn is a Grade II listed building but it has been accepted by the Council's Conservation Officer that the bottle store is of a much later date and therefore does not form part of the listing. The building is located adjacent to the highway and site access and within the car park of the Public House. It has a pitched roof of corrugated sheeting with a gable wall fronting the highway. The walls are cement/sand render with a rough cast finish. The building is of the size of a double garage.

BACKGROUND

The matter was first brought to the Council's attention in October 2012. It was alleged that the building works being undertaken on the building were in connection with a possible change of use to a dwelling. A visit was made to the property and the owner seen. The information given at the time was that the building was being refurbished to be used as a small office and store. Works to alleviate flooding were also being carried out. The owner also owns The Globe Inn but had recently leased the property to others. The occupant has stated that some of the office work to be carried out from the property will involve the administration of the lease in connection with the Globe Inn. Further concerns were received indicating that the works being carried out were more than just refurbishment. Information that the owner was residing in the

properly was received with evidence that his car was at the site all night and facilities within the village were being used by the owner, ie waste disposal. A Planning Contravention Notice (PCN) was served on 4th January 2013 and was returned on 7th January 2013. The information received from the PCN showed that the property has been used for residential purposes since 15th December 2012.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

From the information received it would appear that the building is now being used for residential purposes although at the present time no WC has been provided. This is due to the fact that there is no sewage treatment plant installed so a chemical toilet is being used. A small kitchen has been provided but again no waste pipes are connected. The owner has no alternative accommodation and spends his time going from this property to others owned by his daughters either in the locality or abroad.

The use of the property as a residential unit is a change of use from its former use requiring planning permission. As stated the use of the building has no connection with the public house whose curtilage the property is sited within, therefore one cannot argue that the use is ancillary to the use of the Public House.

The owner wishes to use the building for residential purposes for approximately 4 months of the year and intends to submit a Planning application for use as an occasional holiday let.

RELEVANT PLANNING HISTORY

35/02/0002

35/02/0003LB Demolition of toilets and erection of single storey extension.
approved 14/05/2002

35/07/0021

Internal alterations to The Globe Inn
approved 14/02/2008

RELEVANT PLANNING POLICES

National Planning Policy Framework

Delivering a wide choice of high quality homes - Para 55
Enforcement - Para 207

Taunton Deane Core Strategy

SD1 - Presumption in Favour of Sustainable Development

CP1 - Climate Change

CP2 - Economy

CP4 - Housing

CP6 - Transport and Accessibility

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Open Countryside

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

DETERMINING ISSUES AND CONSIDERATIONS

The occupant and owner of the building in question has stated that he is residing at the site whilst also undertaking work associated with Examex Limited; the exact undertaking of this business is unknown. The owner and occupant has also stated that he resides at the site in order to oversee the lease of the public house. He spends his time shared between the site and his daughters who live in Cornwall and Ibiza.

Core Strategy Policy SP1 (Sustainable Development Locations) sets out the Council's locational approach to the delivery of development. It states that development must be focused on the most sustainable locations and provides a hierarchy of preferred locations ranging from Taunton and Wellington, through to major and minor rural centres and villages. Within villages some small scale infill development is likely to be acceptable in principle, but outside of settlements proposals should be considered as being within open countryside. Policy CP4 states that housing should be delivered in line with the hierarchy established within Policy SP1. Such an approach is consistent with guidance contained within the National Planning Policy Framework (NPPF)

In planning policy terms, Appley is not defined as a settlement within the Core Strategy and therefore the site is in open countryside where the formation of new residential units is not supported unless there are exceptional circumstances; the occupation of The Bunker for residential purposes is in conflict with Policies SP1 and CP4 of the Core Strategy.

Core Strategy Policy DM2 sets out the Council's approach to the conversion of buildings within the open countryside. The site in question is not considered to comply with this Policy as clearly no attempt has been made to find alternative preferred uses. No information has been provided which justifies the need to reside on site and the ongoing business activities do not give sufficient weight to allow the residential occupation to remain ongoing. Notwithstanding the conflict with policy, in practical terms the building is limited in scale and not capable of providing an appropriate degree of residential accommodation without significant extension and alteration. There is currently no waste treatment system or washing facilities and it is unclear exactly how such could be provided. The building is of no intrinsic historic character or heritage value and therefore finding an alternative use to allow for its retention is not considered to be of importance to the locality.

In transport terms, Appley has little to no public transport service and is so remote from larger settlements that any occupant will be heavily reliant upon the private motor vehicle. Such fostering in the need to travel is contrary to the aims of Policies SP1, CP6 and CP8 and Policies STR1 and STR of the Structure Plan. The applicant may spend some time visiting family however no specific information has been provided and it can only be concluded that The Bunker is the main and sole residence of the occupant/owner, as within the Planning Contravention Notice it is stated that he has no other residence.

The occupation of 'The Bunker' for residential purposes is considered to be contrary to planning policy which seeks to ensure that such use is directed towards the most sustainable locations. There is no fall back position with regard to the residential use of the building. I am not convinced that the occupant needs to reside at the site in order to 'administer the fifteen year lease' on The Globe Inn, as such is run

independently by the leasee. In addition, there seems little need to reside on site in order to operate the business of Examex Ltd, as such could and arguably should be undertaken from a more sustainable location.

Having regard to the above considerations, it is considered expedient to take action in order to cease the residential use of The Bunker.

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

PLANNING OFFICER: Mr R Williams
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466