

## Planning Committee – Wednesday 21 May 2008

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E252/05/2005
2. **Location of Site** Fideoak Mill, Bishops Hull, TAUNTON
3. **Names of Owners** Mr G Hunt
4. **Name of Occupiers** Ashwood Timber Ltd, Fideoak Mill, Bishops Hull
5. **Nature of Contravention**

Stationing of Timber Lodge for residential purposes

6. **Planning History**

A complaint was received in September 2005 that a mobile home had been stationed on the site and was being occupied by the owner. A site visit was made and it was found that there were in fact two units linked by a timber structure. The owner was contacted and informed that the use was unauthorised and that a Planning application should be submitted. The site is in an area liable to flooding and the owner had contacted the Environment Agency to ascertain what works needed to be carried out in order to alleviate the flooding risk. In October 2006 the mobile homes were removed and replaced with a large timber lodge. Ashwood Timber manufactures such buildings and the structure doubled as a show home as well as a residence for the owner. An application was submitted but due to the flood alleviation works not being implemented the Environment Agency raised objections. The applicant subsequently withdrew the application. In February 2007 the owner was given 14 days to submit an application but at the time the extensive flood works being carried out had not been completed therefore the owner requested a longer time be given for the application to be submitted. The application was finally submitted on 3<sup>rd</sup> October 2007 but was subsequently refused under delegated powers on 21<sup>st</sup> January 2008. No appeal against the refusal has been received and the Timber Lodge is still on site and occupied.

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

The site, as identified in the Taunton Deane Local Plan is in open countryside, outside of any defined settlement limit, where it is the Policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural need or benefits economic activity. The Local Planning Authority is of the opinion that the development does not satisfy the above criteria and is therefore contrary to Policy S7 of the Taunton Deane Local Plan and Policy STR6 of the Somerset and Exmoor National Park.

The site is located within an indicative floodplain (floodzone 3) and is therefore liable to flooding. The application has insufficient detail to satisfy the Environment Agency and Local Planning Authority that the use here would be acceptable in flood risk terms and the proposal is therefore contrary to Policy EN28 of the Taunton Deane Local Plan and PPS25.

## **8. Recommendation**

The 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 be complied with.

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

**CONTACT OFFICER:**

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