

**E/0004/21/16**

Alleged unauthorised development / untidy site on land off Milverton Road, Langford Budville

**OCCUPIER:**

**OWNER:** MR S MASTERS  
THE BYRE, FITZHEAD, TAUNTON  
SOMERSET  
TA4 3JP

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## **Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of all materials relating to the activities from the site.

## **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 Enforcement Notice shall require:

- a) Cease the use of the site for the stationing of a mobile homes and caravans.
- b) Cease the use of the site for residential / domestic / commercial use.
- c) Remove the mobile homes and caravans from the site.
- d) Remove all residential and domestic equipment, building materials, tyres, builder's rubble, wooden pellets and materials associated with the unauthorised uses from the site.

Time for compliance:

With regards to a) above 3 months from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

With regards to c) above 3 months from the date on which the notice takes effect.

With regards to d) above 3 months from the date on which the notice takes effect.

## **Background**

The site is an agricultural field located adjacent to Milverton on Road, north west of Tonedale, Wellington. The site is accessed by a lane (a public footpath) that joins

Milverton Road and serves two dwellings and an orchard site. The land is surrounded by agricultural fields and a small electrical substation. The site is well screened from Milverton Road but overlooked from the public footpath and the surrounding fields.

A complaint was received in early January 2016 regarding the build-up of waste materials and rubbish. Following an inspection for the site it was identified that there had been a large accumulation of building materials on the site (in particular wooden pallets, vehicle tyres and brick). It was also noted that there were several cars, mobile homes and caravans located on the site. Informants have stated that people intermittently come and stay on the site for short periods of time.

Historical records show the land as an agricultural field and recent aerial photography shows that the field was an open grass field with one small building along the north western boundary.

The owner of the land has been instructed to remove the materials from the land or apply for planning permission. He has disputed that there is a breach and that the activities are associated with an existing agricultural / horticultural use. Officers have clarified with the owner that the activities, structures and development on the land do not have planning permission and that the breach needs to be remedied. The owner has subsequently taken no action to rectify the matter. At the last inspection of the site it appeared that more materials have been imported onto the land including an additional caravan.

## **Description of breach of planning control**

Without planning permission the unauthorised change of use from agricultural land to a mixed use including residential, commercial and the use of the land for storage of materials and the stationing of mobile homes and caravans.

## **Relevant planning history**

NA

## **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**

The site is in open countryside. The site is distinctly visible from the adjacent public walkway and surrounding agricultural land.

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 restricts new developments in open countryside.

The mobile homes and caravans are in a fairly prominent position within the open countryside, without any justification. The continued presence of the mobile homes and caravans and the residential use is detrimental to the character and appearance of the area, and increases the need to travel to access services. It is considered expedient to have the mobile homes and caravans removed and the residential use cease. The alternative would be sporadic residential development in open countryside contrary to Policy.

The development includes the open storage of considerable amounts of building materials and waste materials. The use of the land is unsightly and out of character with the surrounding area. The commercial use of the agricultural land and the deposition of waste materials in the open countryside is contrary to DM1, DM2 and CP8 which seek to limit the impact on appearance and character of affected landscape and rural character

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 and the stationing of the mobile homes and caravans on the site results in sporadic development in the open countryside that collectively would be detrimental to the visual amenities of the Taunton Deane Core Strategy Policies 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.

The commercial use and open storage on the site results in an unacceptable

harmful impact on the character and appearance of the local landscape and its rural character. As such the development is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy.

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

**PLANNING OFFICER: Mr M Bale**  
**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356466**