

E/0035/14/15

ALLEGED UNAUTHORISED B2 (WOOD CHIPPING) BUSINESS USE OF FORMER B1 / B8 INDUSTRIAL UNIT.

OCCUPIER:

OWNER: MR JOE DUNN
NIGEL DUNN FOREST PRODUCTS, LANGDON INDUSTRIES,
WALFORD CROSS
TAUNTON
TA2 8QP

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 equipment related to the use.

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 wood processing and associated storage.
- b) Remove all equipment and materials associated with the unauthorised use 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 4 months from the date on which the notice takes effect.

SITE DESCRIPTION

The site lies at Walford Cross and consists of a large storage building previously used by Langdons for use as an unrestricted B8 cold storage depot. The building extends to the boundary of the site with the 4 residential properties to the north.

The unauthorised activity occupies several connected buildings on the site with a partially covered yard used for the storage of some wood chip and for the operation of two "hoppers" for drying wood chip.

BACKGROUND

In March of 2015 complaints were received regarding activities on the site. At that stage it appeared that the occupier was in the early stages of establishing their business activity on the site. Upon investigation it was established that the owner proposed to use the site for wood chipping, packaging and distribution. The occupier

of the site was given an opportunity to cease using the site or apply for planning permission. The occupier engaged suitably qualified professionals to assist with the preparation of a planning application. A further site visit was undertaken in June 2015 where it was identified that the site was being used for the drying, packing and distribution of wood chip, it was also identified that the a new flue had been erected on the roof and large dryers had been installed in the yard. Following discussion with Council officers a valid application was submitted in July 2015.

Since the matter was first raised with the occupier complaints have continued to be received about noise, dust and smoke from the site. The occupier has sought to address these matters through the planning application in consultation with Council officers.

Planning Permission (ref: 14/15/0020) was considered and refused at the 12 November 2015 meeting of the Planning Committee.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Without planning permission the unauthorised change of use from storage and distribution (Use Class B1/B8) to general industrial (Use Class B2) for wood processing and storage.

RELEVANT PLANNING HISTORY

None.

RELEVANT PLANNING POLICIES

National Planning Policy Framework
Para 207 – Enforcement
Policy DM1 of the Taunton Deane Core Strategy

DETERMINING ISSUES AND CONSIDERATIONS

The current use of the site is unauthorised and not controlled through any conditions attached to a valid planning permission. A number of complaints have been received over the past nine months associated with the use of the site. Complaints relate to dust, smoke and noise associated with the use and the impact of the 24 hour operation of the activity. The planning application that was recently considered (ref: 14/15/0020) was seen as the appropriate way to deal with these impacts of the activity. As planning application 14/15/0020 has been refused it is now considered expedient to take enforcement action to require the activity to cease.

In accordance with the refusal of planning permission, it is considered that the use of the site has an unacceptable adverse impact to the amenities of neighbouring residents by reason of noise and dust nuisance and air pollution contrary to Policy DM1 (e) 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 G Clifford
PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356479