

E/0042/48/15

**UNAUTHORISED B1 / B8 BUSINESS USE OF AGRICULTURAL LAND BY
NORMANDY WINDOWS**

OCCUPIER:

OWNER:

MRS BARBARA HEDGES
HYDE EGG FARM, HYDE LANE, BATHPOOL
TAUNTON
TA2 8BU

MR AL HEDGES
HYDE EGG FARM, HYDE LANE, TAUNTON
TA2 8BU

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 activity from the site.

RECOMMENDATION

The Solicitor of 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:

- a) Cease the use of the site for B1 Office, B8 Storage and Distribution and sui generis use as a showroom and car repair.
- b) Remove all equipment and materials associated with the unauthorised use from the site.

Time for compliance:

With regards to a) above 6 months from the date on which the notice takes effect.

With regards to b) above 6 months from the date on which the notice takes effect.

SITE DESCRIPTION

The site is located off of Hyde Lane, a small non classified road that links to Creech St Michael; Hyde Lane itself is accessed off the A38. The site is located on the southern side of Hyde Lane adjacent to Hyde Park sports ground (to the east of the site). The site is bounded by open fields to the south and west. There are residential dwellings opposite the site and approximately 115 metres to the west.

The site is accessed from a single driveway with a double gate. The front boundary

is an established high hedge which limits some visibility from the access.

The site comprises of a number of old agricultural buildings that were used as part of the Hyde Egg Farm business (now ceased) and what appear to be newer commercial buildings, shipping containers and open storage of building materials.

There is also a mobile home located on the site, this is permitted and not subject to this report.

BACKGROUND

The site has an established history of operating as an agricultural business (egg farm). Permission has also been granted in the past for a mobile home for the operator of the farm as a personal permission.

It is understood that the agricultural business ceased some time ago and that the buildings on the site have been leased or rented out in an ad hoc manner since.

A complaint was received in March 2015 about a new business operation in one of the buildings. The business in question related to a double glazing and conservatory company that had established their office and workshop in one of the buildings. The complaint also made reference to the use of the other buildings for car repair and car breaking.

The site was inspected and it was identified that a number of different commercial activities were being undertaken on different parts of the site. There was a directional sign just inside the site directing observers to one business and the mobile home. There was a variety of commercial vehicles located around the site and a number of vehicles that were in the process of being repaired. There were also a number of shipping containers that appeared to have been located on the site for some time.

On the western side of the site a building was clearly signed with the name of a glazing and conservatory company. Inside the building was a reception area and show room along with a number of offices and a workshop. The web site for the business refers to their site address called "Hyde Business Park".

The entire site comprises of a number of buildings with appear to be leased to a number of different parties both formally and informally.

The owner of the site has been instructed to rectify the matter through submitting an application for planning permission or a certificate of lawfulness. Despite assurances this matter would be rectified no application has been submitted. The owner's agent has stated that an application will be forthcoming in the near future. However officers seek authority to serve an Enforcement Notice in the event that this is not submitted or is subsequently refused. Officers are concerned that this matter has been ongoing for some time and that the activity continues on site without any controls or planning permission in place.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Without planning permission the unauthorised change of use from an Agricultural use to a mixed use as a B1 Office, B8 Storage and Distribution and sui generis use

as a showroom and car repair.

RELEVANT PLANNING HISTORY

N/A

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. The number of users of the site appears to have slowly increased over time and there are currently no limitations on the scale of the activity or the noise or traffic it generates. There are a variety of different users of the site and a large number of associated vehicles.

Complaints about the site relate to the noise of the operations, traffic coming and going from the site and the nuisance caused by deliveries to the site. The new uses potentially give rise to a large number of vehicle movements. There is no formalised traffic or parking control on site and limited visibility from the access.

The development is the change of use of agricultural buildings to various employment uses. In principle, some of these uses are compliant with Policy DM2 of the Taunton Deane Core Strategy, which permits such change of use in principle. Be that as it may, the changes of use are currently unregulated and in the absence of any planning conditions relating to noise or hours of operation, the development has a harmful impact upon nearby property. The only mechanism for the Local Planning Authority to impose such controls is through the grant of planning permission and no application has been forthcoming. It is, therefore, considered expedient to serve an enforcement notice. The site is also in Flood Zone 2. In the absence of any form of flood risk assessment, it is not possible to ascertain if the flood risk posed to users of the site is appropriate and, again, without a planning permission to control the use, it is not possible to ensure that adequate safeguards are in place.

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 traffic 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 M Bale

PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER:

Christopher Horan, Telephone 01823 356479

