

**E/0093/37/15**

**ALLEGED UNAUTHORISED OCCUPATION OF MOBILE HOME AND STORAGE OF CARAVANS, STOKE WOODS, STOKE ST MARY**

**OCCUPIER:**

**OWNER:** Frances Clarke  
6 HOLDEN RIDGE, KENNFORD, EXETER  
EX6 7XA

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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 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 the stationing of a mobile home and caravans.
- b) Cease the use of the site for residential / domestic use.
- c) Remove the mobile home and caravans from the site.
- d) Remove all residential and domestic equipment 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.

## **Relevant planning history**

37/16/0011 – Siting of mobile home to be used as a dwelling for forestry workers at The Woodshed, Stoke Hill, Stoke St Mary (retention of works already undertaken).  
INVALID

37/08/0012/AGN – Erection of an agricultural building for the storage of machinery

and seasoning of firewood. APPROVED

## **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 an ancient woodland located in the open countryside. The site is visible from the adjacent public walkway and surrounding agricultural land. The owner keeps the land as a woodland and states that some small scale forestry operations occur on the site.

A complaint has been received about the stationing of a mobile home within the site, near the southern boundary of the site overlooking the adjacent field. There is also a number of caravans in various states of disrepair located in the middle of the site next to the owners storage shed. The owner alleges that the mobile home is used by a forestry worker (and partner) employed on the site and that the caravans are stored on the land and not used.

The owner has submitted a planning application to retain the mobile home. This application is currently invalid as it included very little detail and cannot be processed. Despite requests to supply the required information this has not been forthcoming.

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 home and caravans are in an isolated location within the open countryside, without any justification. The continued presence of the mobile home 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 home and caravans removed and the residential use cease. The alternative would be sporadic residential development in open countryside contrary to Policy.

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 stationing of the mobile home and caravans on the site and the associated residential use results in sporadic development in the open countryside that is collectively 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.

**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**

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