

E/0127/49/13

SITING OF MOBILE HOME AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT WEST VIEW FARM, CULVERHAY LANE, WIVELISCOMBE

OCCUPIER:

OWNER: MRS S NEATE
WEST VIEW FARM, CULVERHAY LANE, WIVELISCOMBE
TAUNTON
TA4 2AA

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home sited on the land after the expiry of a temporary permission.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- to cease the use of the mobile home for residential puposes and remove it from the land.

Time for compliance: 3 months from the date the notice comes into effect.

REASONS FOR SERVING NOTICE:

It is considered that there is no clearly established existing functional need for a worker to be readily available at most times. Despite having a temporary planning permission for the last 3 years, there has been no attempt to develop the planned enterprise and there does not appear to be any intent to do so. It is, therefore, considered that there is no essential need for a rural worker to live at the site in accordance with paragraph 55 of the National Planning Policy Framework and consequently the proposal represents an unjustified dwelling outside the defined settlement limits, the cumulative impact of which would lead to unplanned sporadic extension of settlements, detrimental to the character and appearance of the countryside and collectively increasing the need to travel by private car in order to access day to day services. The proposals would, therefore, be contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

SITE DESCRIPTION

The site is on an elevated hill-top location, accessed via a steep track from the south off Culverhay Lane. There is another access to the site via South Street. The site has a hedge boundary to the front, but the northern boundary is formed by a timber fence, to the east is an existing stone faced barn.

BACKGROUND

The complaint was received following the expiry of the temporary permission for the mobile home. Contact was made with Mrs Neate who advised that she intended to submit another planning application to extend the permission. She advised that she had contacted the agents that had put the original application in but to date no application has been received.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The siting and occupation of a mobile home after the expiration of the temporary planning permission.

RELEVANT PLANNING HISTORY

In 2008 an application was received for the conversion and change of use of agricultural barn to form a single dwelling but was refused on the 24 October 2008. An appeal was received and subsequently dismissed on the 29 July 2009.

Planning permission was granted for a mobile home on 10 August 2010 for a temporary period of 3 years.

At the same time a change of use application for land to mixed agricultural and pheasant rearing use was approved 10 August 2010.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

Taunton Deane Core Strategy

CP8 - Environment

DM2 - Development in the Countryside

DETERMINING ISSUES AND CONSIDERATIONS

The site is outside the settlement limit for Wiveliscombe. In such locations, Policies CP8 and DM2 of the Taunton Deane Core Strategy place a general presumption against new residential development. Previously, planning permission was granted for a caravan for a temporary 3 year period to enable the applicant to establish a pheasant rearing enterprise on the land. That application was accompanied by an agricultural appraisal that showed that, if the business developed as planned, there would have been an essential need for a worker to live on the site.

Since the grant of planning permission, despite the applicant's occupation of the caravan, there has been no pheasant rearing activity on the site. It is now considered that there is no existing functional need for the dwelling and the past history of the last 3 years suggests that there is no firm intention to develop any new enterprise. The mobile home can no longer be considered necessary on the site and as such, it represents an unjustified dwelling in the open countryside. Such is contrary to policy and there are no material considerations that indicate otherwise

that the development may be acceptable.

It is, therefore, recommended that an enforcement notice is served.

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: Mrs A Dunford

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