

E/0206/10/12

UNAUTHORISED OCCUPATION OF MOBILE HOME AT IVYLEN, STAPLEY ROAD, BISCOMBE, CHURCHSTANTON

OCCUPIER:

OWNER: MR and MRS P BRYAN
IVYLEN, STAPLEY ROAD, BISCOMBE
CHURCHSTANTON
TA3 7PZ

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to secure the cessation of residential occupation of the mobile home.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action subject to evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require :-

- the cessation of the residential occupation of the mobile home.

Time for compliance : 6 months from the date the notice comes into effect.

SITE DESCRIPTION

Ivylen is a two bedroom bungalow in a remote rural location at Biscombe, to the west of Stapley. It lies amongst a scattering of dwellings within the Blackdown Hills Area of Outstanding Natural Beauty. To the east of the property there is a large agricultural building and a further small building sited within the paddock. The mobile home is sited adjacent to this building.

BACKGROUND

The matter was brought to the Council's attention in December 2012. The concern is that the mobile home, which has been on site for many years is currently being used as a separate unit of accommodation. The site was visited on 4 January 2013 and the owners interviewed. They stated that the mobile home had been used in the past by their children as overflow accommodation as the main house was rather small. In September 2012 a family friend found himself in unfortunate circumstances and had nowhere to live. Mr and Mrs Bryan agreed to let him have the use of the mobile home until such time as he was able to find alternative accommodation.

The owners operate a business trading as Animals At Home (Wessex) Ltd. The business essentially provides pet care in your own home plus additional facilities such as pet transport and feeding pets during the day. The occupier of the mobile home does help out in aspects of the business. The occupier also takes some meals in the main dwelling.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The mobile home has been on the site for many years but is clearly located outside of the recognised domestic curtilage of the dwelling. The unit would be immune from action in respect of its removal from the land due to the length of time it has been on the land. The use in the past has only been by family members and not used as a separate unit of accommodation with no connection to the main house. The mobile home is currently not used as before in that it is occupied by a friend and is effectively a separate unit although as stated above some meals are taken in the house and there is a connection with the business.

If the mobile home was relocated some 10m to the west to within the curtilage of Ivylen no permission would be required if used as ancillary accommodation and not as a separate unit of residential accommodation

RELEVANT PLANNING HISTORY

10/01/0020 - erection of replacement cattle shed approved 03/09/2001

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (paragraph 207)

Taunton Deane Core Strategy

SP1 - Sustainable Development Locations

CP1 - Climate Change

CP4 - Housing

CP6 - Transport

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Countryside

Somerset and Exmoor Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

DETERMINING ISSUES AND CONSIDERATIONS

The main issues here are the visual impact of the siting of a mobile home within the Area of Outstanding Natural Beauty and the need to live on site in such a rural and unsustainable location.

The mobile home is currently sited on agricultural land outside of the garden curtilage of the existing property. As such it would require planning permission to be located in this rural position. It is not visible from the public road but would be visible across the valley and consequently is considered to detract from the rural character and amenity of the area to the detriment of the character of the AONB. However, if the residential use ceased and the building was used for agricultural purposes, it would not constitute a breach of planning control.

It would appear the mobile home is currently being occupied for residential purposes for a non-family member. There is no indication that a separate residential use is required here given the owner's business, and as there already a dwelling on the site it is not considered there is justification for an additional dwelling on site.

The site is detached from any settlement and is considered to be in an unsustainable location, lacking in the provision of adequate services generally required for day to day living such as education, health, retail and leisure. Virtue of the lack of services within the area, the occupants of the mobile home are highly likely to be heavily reliant upon the use of the private motor vehicle to access such services, especially given the very limited public transport service that serves the village. The fostering of growth in the need to travel by private motor vehicles is contrary to Policies STR1 and STR6 of the Structure Plan CP6 of the Core Strategy, which states that development should contribute to the reduction in the need to travel. The occupation of the mobile home and its residential use generates additional vehicle movements, which is considered to be detrimental to the environment. The result of retaining the mobile home and its use would be to permit the creation of a dwelling outside of a settlement in a location that is considered to be unsustainable in transport terms. In this regard, occupation of the mobile home is not considered to represent a sustainable form of development, contrary to Policies SP1, CP4 and CP6 of the Taunton Deane Core Strategy.

It is therefore considered appropriate to seek cessation of the residential use. A period of 6 months is considered appropriate to allow for the occupant to find an alternative place to live.

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

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