

**E/0310/05/11**

**VEHICLES FOR SALE AND OPERATION OF CAR MAINTENANCE AND REPAIRS AT THE GABLES, WELLINGTON ROAD, BRADFORD ON TONE, TAUNTON**

**OCCUPIER:**

**OWNER:** MR A HUGHES  
THE GABLES, WELLINGTON ROAD, BRADFORD ON TONE  
TAUNTON  
TA4 1EN

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**PURPOSE OF REPORT**

To consider whether it is expedient to take Enforcement action in order to secure the cessation of car sales and motor vehicle maintenance and repair business operating from the residential property and adjoining yard area.

**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:-

- the cessation of the land and buildings for the operation of car maintenance and repairs together with the sale of vehicles.

Time for compliance - 6 months from the date on which the Notice takes effect.

**SITE DESCRIPTION**

The Gables is a large detached two storey, gabled Edwardian period dwelling with a large rear garden and off road parking together with a workshop/garage structure to the North East of the dwelling. The property is situated next to Three Bridges which operates a Classic car restoration business and beyond that property to the west is a small mobile home park. To the east is the Rumwell Farm Shop. The site is set back from the adjoining A38 to the south by approximately ten metres, and is bound to the south by mature hedgerow and tree planting. The dwelling is open to views from the A38 on its south and eastern side.

**BACKGROUND**

A complaint was received in November 2011 that one or two cars were parked at the entrance and on the verge outside the property. The cars had 'For Sale' signs on the window. It appeared to be the owners vehicles and were there for only a short time. In February 2012 an email was received listing a number of vehicles that had been seen offered for sale outside the property from May 2010 to February 2012 in total 44 cars were listed. The owner of the property was contacted about the car sales business and a letter was received stating that he has sold cars from the property for friends and family but had recently been made redundant and unable to find work

has had to increase the amount of cars he sells. He also enquired about how to go about applying for Planning permission in order to regularise the business. Details of the pre-application procedure were sent however, no further correspondence has been received.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

Vehicles are parked within the grounds of the property and only one or two are parked outside the property on display during the day. Minor repairs/maintenance is carried out in the adjoining workshop/garage. The selling of vehicles is a sui generis use and therefore requires planning permission in its own right. Selling one's own car from your dwelling would be considered as an ancillary activity but due to the numbers involved here and the information given by the owner this situation could not be considered an ancillary use. The car restoration business next door has the benefit of planning permission but has a condition attached preventing retail sales from occurring.

## **RELEVANT PLANNING HISTORY**

There is no Planning history for the site.

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework

Somerset & Exmoor National Park Joint Structure Plan Review

Policy 49 - Transport requirements for new development

Taunton Deane Local Plan 2004

S1 General Requirements  
EC7 Rural Employment Proposals

Draft Taunton Deane Core Strategy

SP4 Rural Policy  
DM1 General Requirements  
DM2 Development in the Countryside

## **DETERMINING ISSUES AND CONSIDERATIONS**

As set out within this report, the site at "The Gables" has been used since 2010 for the selling of motor vehicles on a commercial basis by the owner of the dwelling house. Vehicles are generally parked within the narrow access into the property and are visible from along the highway to the north. In addition to car sales, it also transpires that a work shop building on land adjoining the residential curtilage of The gables is now being used by the owner for the storage of motor vehicles together with maintenance and repair work prior to selling them on.

The principle matters to considered are the impact of the unauthorised business and vehicle sales upon highway safety and whether sales is an appropriate use in this location.

Evidence has been presented that indicates a level of car sales from the property

that is not considered to be ancillary to the residential use at The Gables. The owner/proprietor was also open about the sale of cars from the site which is undertaken together with the maintenance and repair business, after being made redundant. The selling of motor vehicles on land is a Sui Generis use class whilst motor vehicle maintenance and repair place falls within the B2 (General Industry) use class. The site is located within open countryside and distant from any nearby settlement. As well as being sited near a public road, policy EC7 of the Local Plan requires rural employment proposals to be sited adjacent to the limits of a village and where there would be no harm to neighbouring amenity, landscape or highway safety. These policy principles are reiterated within Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy. The site is remote and not within easy access of public transport connections; it is also highly unlikely to have visitors/customers arriving by way of foot or bicycle. As a result the ongoing business use is likely to foster the need to travel by private motor vehicle to the site which is contrary to planning policy.

Notwithstanding the above, upon visiting the site a large number of motor vehicles were parked to the rear of the site within the yard area used for the maintenance and repair business; in excess of twenty vehicles are thought to have been on site and the proprietor advised that they were a combination of privately owned cars being parked within the site as a favour to friends and also non-running motor vehicles that had been bought in order to repair and sell on. In addition, two cars and two white vans were parked within the driveway and turning head of the dwelling house. As a result of these factors, it was not possible to turn within the site and exit in a forward gear. It is taken that lorries and vans visit the site in order to make deliveries/collections and that members of the public also access the site due to the vehicle sales element.

The site is accessed off the A38 along a stretch of highway that is subject to a 60 mph national speed limit. The Highway Authority have provided guidance and advice and consider visibility at the access to be substandard. They advise that splays of 2.4m x 215m would be required in order to meet national standards however, at present a splay of 10 metres is provided to the west although to the east it is better with sight lines up to the Rumwell Farm Shop access. It would be possible to provide a slight improvement to visibility to the west by removing the curtilage hedgerow but this would only achieve a splay of approximately 70 metres, this is significantly below the standard that is usually required by the Highway Authority in order to be considered 'safe'. To the east it would be possible to remove a section of hedgerow over adjoining land to improve visibility near to the requires distance however this field and hedgerow is not thought to be within the ownership of The Gables and therefore it reasonably cannot be expected to be achievable.

The Highway Authority have advised that when travelling at 60 mph, which vehicles generally do along this stretch of the highway, the thinking distance required prior to braking is 52 metres when working at a 2 second reaction time. As such by the time a driver is beginning to brake the entire 70 metre splay would have been covered by vehicles approaching from the west. As a result, were a vehicle to suddenly exit the property heading east then the probability of an accident occurring is considered to be very high. Given that the necessary visibility splays cannot be achieved at the site the ongoing uses and increased vehicles trips to and from the site are considered to be detrimental to highway safety.

In addition, the site is located between accesses to Rumwell Farm Shops, Three Bridges and its associated restoration business and Devonia Park residential park. A fourth busy access along this side of the highway, notwithstanding its substandard

design, will represent a significant danger to highway users. Highway safety is likely to be further comprised by the vehicle sales element of the business at the site. The blocking of the access with vehicles being advertised for sale along the highway will further endanger the safety of drivers and their passengers. The sale of vehicles is likely to result in an increased number of visitors to the site and given the lack of visibility and safe means of access, it is not considered to be appropriate in this location.

The intensified use of the site, which even with improved visibility splays would fail to make access/egress at the site safe for highway users. In addition, the use of the site for both unauthorised uses is considered to conflict with Policy EC7 together with Policy 49 of the Structure Plan as the site is not served by a safe means of access and is not located within an area where retail sales are considered to be acceptable. Such an approach is consistent with the restriction placed upon the nearby vehicle restoration business at the property known as Three bridges.

In addition to highway safety concerns, vehicles that are sold from the site have generally been parked within the access and this has been noticed upon passing the site for a long period of time now; such is considered to result in harm to the visual amenity of the rural area due to the additional visual clutter within the street scene.

Due to the nature of the enforcement procedure, it is not possible to control either the level of business operating from the site nor is it possible to make any authorisation of the business personal to the proprietor who resides in The Gables. As such, were the Council not to take enforcement action over the unauthorised uses at the site it may be possible for any other person or company to operate from the site and such may cause additional harm to highway safety and visual amenity.

For the above reasons the land uses are considered to be contrary to policy EC7 of the Local Plan and Policy 49 of the Structure Plan. It is therefore considered expedient to take enforcement action in order to ensure that vehicles sales and maintenance and repair works cease to constitute a commercial enterprise at the site.

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

**PLANNING OFFICER: Mr R Williams**  
**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

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