

**E/0036/27/12**

**UNAUTHORISED USE OF LAND FOR THE STORAGE OF NON AGRICULTURAL ITEMS ON LAND TO THE SOUTH OF WHISPERFIELDS, OAKE**

**OCCUPIER:**

**OWNER:** MR & MRS G W ALLEN  
THE GARDEN HOUSE, LEWESTON, SHERBORNE  
DORSET  
DT9 6EW

---

**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of non agricultural items from an agricultural field.

**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 land for storage of non-agricultural items.

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

**SITE DESCRIPTION**

The site is a field accessed off the road between Pontispool and Hillfarrance and south of Whisperfields. Tall trees and hedgerows line the field to the north, east and west.

**BACKGROUND**

The complaint was brought to the Council's attention at the end of February 2012. A site visit was made and photographs were taken of the items stored in the corner of the field. A land registry search was carried out and contact has been made with the owner of the land. The owner is in the process of moving to the area from Sherborne and is using this land to store items until he moves into his new property he has bought in Taunton. He has confirmed that it is his intention to remove all non agricultural items by June 2013. The owner has asked to retain the two lock ups/lorry bodies and has been advised that a Planning application needs to be submitted for consideration to retain these items. According to the owner one of the aforementioned lock ups was on site and had been there for some time when he purchased the land in October 2003. No evidence of this has been submitted to date.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The use of an agricultural field for the storage of non agricultural items is a breach of Planning control and requires a change of use application. There are several

vehicles including cars, trailers and two lorry bodies which are used for secure storage. There are tractors and other farm implements also stored but these are for agricultural use and are therefore permitted to be in the field.

## **RELEVANT PLANNING HISTORY**

There are no Planning applications for this site.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

### Taunton Deane Local Plan

Policies S1, S2, S7, EN12 and EN28.

### Emerging Taunton Deane Core Strategy

Policies DM1 and DM2

## **DETERMINING ISSUES AND CONSIDERATIONS**

A site visit was undertaken on land south of Whisperfields, Hillfarrance where it was observed that a range of machinery, vehicles, agricultural implements and two lorry bodies were being stored on land. The vehicles present are one tractor and one land rover in very poor condition. The site is located to the northern most corner of the field and is largely bound to the North, East and West by mature hedgerow and trees.

The principle items of concern are the two large lorry bodies that are being kept on the land for the storage. All other items are likely to fall within the agricultural use of the land. What is being stored within the two lorry bodies is not known but the owner has indicated they are being used in relation to moving house. Therefore it might be reasonable to assume that the lorry bodies contain items of domestic paraphernalia.

The site is located within flood zone 3 and therefore is at a high risk of flooding. The lorry bodies will impede flood flow and pose a risk down stream were they to be caught up in a flood event.

At this time of the year, when the boundary planting being with foliage, the bodies cannot be clearly seen within the local landscape however it is very likely than during the autumn and winter the units will be visible from the curtilage of Whisperfields to the North and from surrounding land and vantage points. Despite the inconspicuous nature of the site in its present form, I am concerned at the accumulative impact upon visual amenity within the area and the detriment to landscape character that may arise from the continued siting of the lorry bodies here. Policies S7 of the Local Plan and DM2 of the emerging Core Strategy make it clear that within the open countryside, new structures will not be permitted unless they do not harm visual amenity or landscape character and are designed and necessary for agricultural purposes.

The siting of the lorry bodies on the land is considered to be contrary to planning policy and harmful to visual amenity and the appearance and character of the surrounding landscape. There appears to be no justification to support their retention on the land given that they are not being used for agriculture and therefore it is

considered reasonable to undertake Enforcement Action to seek their removal.

**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: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**