

**E/0172/17/12**

**OCCUPIED MOBILE HOME AT POND COTTAGE, FITZHEAD ROAD, FITZHEAD**

**OCCUPIER:** MR VILE JNR.

**OWNER:** MR & MRS KEITH VILE  
POND COTTAGE, FITZHEAD ROAD, FITZHEAD  
TAUNTON  
TA4 3JW

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring 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 satisfactory evidence being obtained if the notice has not been complied with.

The Enforcement Notice shall require :

- the cessation of the occupation of the mobile home as a separate unit of accommodation.

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

**SITE DESCRIPTION**

Pond Cottage is situated approximately 850m to the east of Fitzhead. The mobile home is situated in a field approximately 100m to the south of the property. A track has been laid from the curtilage of the property to the mobile home.

**BACKGROUND**

In 2004 a complaint was received that a mobile home had been brought to the property. Investigations carried out revealed that it was a replacement for an existing caravan that had been on site for a number of years but had fallen into disrepair. The owners stated that the mobile home would be used in a similar way as the caravan mainly used for ancillary purposes for friends and family staying for a short periods. It was decided that there was an established use and no Planning permission was required. In October this year a further complaint was received that the mobile home was being occupied on a full time basis. A site visit was carried out and the owner confirmed that the mobile home is being occupied by his son, partner and baby. Some meals are taken in the house but the use is that of a dwelling. A hard core track had been laid across the field which is used by the occupants of the mobile home and by tractors accessing the fields.

Following the serving of a Planning Contravention Notice additional information regarding the former use of the mobile home was obtained. From 1975 to 1990 the original caravan on site was used as a holiday let and occasionally permanent living

accommodation. In 2004 the caravan was replaced with the current mobile home. Since then it was used for occasional holidays and weekend accommodation approximately 4 times a year. The current use commenced in July 2011 but has not been continuous with a break from October 2011 to April 2012.

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

The site is in open countryside and accessed via a track from the main access to Pond Cottage. The mobile home is approximately 10.5m long by 4m wide and is being occupied as a self contained separate unit of accommodation. The stationing of a mobile home on land would not normally constitute development but it is the use the unit is put to that requires permission. Although the occupants are related to the owners of the land the mobile home is no longer being used as ancillary accommodation to Pond Cottage therefore it is considered that a change of use has occurred which requires Planning permission.

## **RELEVANT PLANNING HISTORY**

17/00/0005 Extension to Pond Cottage.

## **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**

Policy SP1 of the Core Strategy sets out strategic locations where development will be supported; it states that development must be focused on the most accessible and sustainable locations. For the purposes of this policy the application site, which is on land adjacent to Pond Cottage, Fitzhead, is located within open countryside, being outside of any recognised limits of Fitzhead to the West. In such locations planning policy clearly indicates that new residential development should be strictly controlled. The pertinent issue that must be considered is whether there are any material considerations that outweigh the objective of planning policy, which seeks to direct new residential development towards sustainable locations within the borough.

Policy CP4 sets out the Councils strategy for the delivery of new housing over the development plan period. Policy DM2 sets out what development will be supported

within the open countryside; new build residential is not supported. Para 55 of the National Planning Policy Framework (NPPF) provides guidance on where housing should be provided within rural areas, and it provides a number of exceptions to normal policy; it is acknowledged that the mobile home is being occupied by the owners son and family and that there is a some form of a relationship between the mobile home and Pond Cottage despite their physical separation, however the occupation of the mobile home does not meet any of the exceptions set out within the NPPF.

The site is detached from the settlement of Fitzhead, which is considered to be an unsustainable rural village due to it 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.

Para 55 of the NPPF makes it clear when exceptions to planning policy as detailed above should be considered as being acceptable, subject to justification. The Core Strategy seeks to direct new residential development towards existing settlements that are served by an appropriate mix and level of services. The Council has obtained additional information from the owner of the site by serving a Planning Contravention Notice (PCN). It is acknowledged that a caravan and mobile home have been positioned on the land for a number of years and that there has, on occasion, been a residential use within the site, albeit unauthorised or not requiring planning permission. From the information provided within the returned PCN, it is clear that the mobile home has not been occupied for a prolonged or continuous period of time to make the residential occupation of the mobile home immune from enforcement action. Notwithstanding the informal historic use of the site and previous caravans/mobiles homes here, the continued occupation of the mobile home now, if allowed to continue, would conflict with development plan policies and there are no material considerations that would outweigh the aims of the plan.

A second matter is the impact of the mobile home and unauthorised stone track and parking turning area that has been laid without permission, upon the character and appearance of the surrounding landscape. The stone hardstanding and track together with the siting of the mobile home within the site is considered to detract from the character and appearance of the landscape. The site is relatively well screened by trees and hedgerows to the South and East but the fact that the development cannot be seen widely from public vantage points does not itself mean that there is no harm. Notwithstanding, whilst there is harm to the landscape, this is not a prominent open site within the landscape and the unauthorised development can only be seen from within the surrounding fields and neighbouring residential curtilage. The development is relatively low key as is the perceived visual harm. As such, this perceived harm is not considered to be significantly damaging to the character or appearance of the landscape.

The site was observed as being adjacent to the property known as Newton Cottage. The unauthorised track runs parallel to the boundary of Newton Cottage and its associated gardens, which are extensive. The use of the track by motor vehicles will lead to a disturbance to neighbouring amenity through noise and light at times of darkness however the amenity of residents within the neighbouring dwelling is not thought to be significantly undermined.

In conclusion, I am sympathetic towards the owners son and his young family and their need to find appropriate accommodation in which to live, however allowing the occupation of a mobile home within the open countryside without any special justification would set an undesirable precedent that would result in other similar proposals being difficult for the Council to resist. Failure to cease the occupation of the mobile home would also lead to an unsustainable development that would be unacceptable in principle, having regard to the aims of local and national planning policy for housing. It is therefore recommended that an Enforcement Notice be served requiring the removal of the mobile home and the cessation of its residential use.

The owners should be advised that the occupation of a mobile home, located within the residential curtilage of Pond Cottage, would not require planning permission subject to mobile home providing ancillary accommodation (i.e. being without a kitchen area or some other degree of accommodation) and to it meeting the criteria of Part 1 Class E of the General Permitted Development Order (2010) with regard to its scale and siting in relation to the property boundaries.

**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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