

E/0337/33/11

**STRUCTURE ERECTED TO ACCOMMODATE A LARGE CARNIVAL FLOAT AT
CROSSWAYS, CURLAND, TAUNTON**

OCCUPIER:

OWNER: MR A and MR T LOCK
c/o 2 GLEBE COTTAGES, GLEBE LANE, THORNFALCON
TAUNTON
TA3 5NL

MRS LOCK

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PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of a structure to house and work on the construction of a Carnival float

RECOMMENDATION

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

The Enforcement Notice shall require :

- The removal of the structure constructed of scaffold poles, tarpaulin sheets and galvanized steel sheeting
- The cessation of any construction work on the carnival float in its present position.

Time for compliance - 4 months from the date on which the Notice takes effect.

SITE DESCRIPTION

Crossway Farm is situated about half a mile to the south of the small village of Staple Fitzpaine. Once a farm comprising of a large yard and a substantial farmhouse the latter has recently been sold together with an amount of land. The remaining farm buildings and land is retained by the Crown.

BACKGROUND

A complaint was received in December 2011 that a structure comprising of scaffold poles and tarpaulins was sited within the farmyard adjacent to the boundary between the privately owned farmhouse and the remaining farmyard. The structure is used to house and work on a Carnival float owned by a local Carnival Club. This structure had been located in a different part of the farmyard but within the last 4 years it has been relocated to its current position which is adjacent to the boundary of the Farmhouse. In addition a small lean to building has been constructed and attached to the neighbouring barn wall is used as a workshop in connection with the Carnival float and its construction. It is claimed that the structure has been in its current position in excess of 4 years and five letters have been received from local residents supporting this claim. It has been suggested to the owners that a Lawful

Development application could be submitted which if accepted would render the structure immune from further action. However, photographs and other information submitted by the complainant refutes this evidence.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure comprises of a number of scaffold poles arranged to form a rigid structure over the float. It is covered with a selection of tarpaulins and plastic sheeting tied to the poles. The structure is fixed to the ground at various points with small bolts fixed through the shoes of the bottom of the scaffold poles into the concrete base. It is considered to comprise a building that does not benefit from an express grant of planning permission.

The main cause of concern is that work on building the carnival float is carried out in the evenings and can on occasions work does not finish until 11 - 11.30pm causing disturbance to the neighbouring property. It is considered that this comprises a change of use of the land which is not ancillary to the existing agricultural use.

RELEVANT PLANNING HISTORY

In 1992 an application for a covered bedded stockyard was approved under application 33/92/0006 and in 2003 the formation of a menage was approved under application 33/03/0003.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan

S1(D) (E) - General Requirements
S2(A) - Design

Taunton Deane Core Strategy 2011 - 2028

DM1 - General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The structure as erected lies on the boundary of the site with the yard of the adjacent Crossways Farm where the boundary treatment is a 2m close boarded fence. The structure housing the carnival float projects a further 4m above the fence and has a corrugated metal roof above white plastic coated sheeting.

The consideration is whether the development is an acceptable one in this location.

The construction of a carnival float is a non agricultural function located within a farmyard complex. Consequently the use is one that is considered would require permission. The structure to house the construction of the float consists of metal scaffolding poles with tarpaulin and plastic sheeting attached to screen the sides. The poles are in places bolted to the ground and this permanency is considered such to consider the structure as non-temporary and therefore planning permission is considered to be required.

The structure is located directly adjacent to the boundary and is considered to be an

unsightly one to the detriment of the visual amenity of the neighbour. In addition the noise arising from the construction causes a disturbance to horses stabled in the adjacent building and to nearby residents. The development is therefore considered to be contrary to policies S1(D) (E) and S2(A) of the Local Plan and policy DM1 of the Core Strategy. An alternative location within the farmyard that is not adjacent to the boundary and of a sufficient distance so as not to cause a visual or noise impact would clearly be possible. The structure in its current location is considered to be unsuitable and to warrant enforcement action.

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

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