

Planning Committee – 10 February 2010

Report of the Growth and Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 21/09/0021 and E0103/21/09
2. **Location of Site** Carriers Gate Orchard, Langford Budville
3. **Names of Owners** Mr D J Ridler Higher Poleshill Farm, Carriers Lane, Langford Budville.
4. **Name of Occupiers** Mr M Ridgeway and Miss J Wallwork-Gush
5. **Nature of Contravention**

Change of use of land for the stationing of a mobile home and a touring caravan for residential purposes.

6. **Planning History**

It was brought to our attention that persons were residing on the above site in June 2009. The occupants were informed that planning permission was required as a change of use of the land had occurred. The occupiers said they were helping out the owner at busy times on the farm and also work in the area as well as having a child who attends Kingsmead School. In September 2009 an application was received for the change of use of the land to site one mobile home and one caravan for agricultural and horticultural workers. The application was subsequently refused on 15th January 2010 under delegated powers

7. Reasons for Taking Enforcement Action

The site is located in open countryside where there is a strong presumption against residential development unless an agricultural or forestry need is proven. The Local Planning Authority considers that the functional need for an agricultural worker has not been proven. In addition no financial justification has been provided to demonstrate that the enterprise has been planned on a sound financial basis. Therefore it fails to comply with Policy H13 of the Taunton Deane Local Plan and National guidance contained within Planning Policy Statement 7- Sustainable Development in Rural Areas. Also the provision of a temporary agricultural workers dwelling represents an inappropriate and unsustainable form of development in the countryside which adversely harms the visual amenities of the area. Therefore it conflicts with the provisions of Exmoor National Park Joint Structure Plan Review Policies 1,5,49 STR1 and STR6 and Taunton Deane Local Plan Policies S1,S2,S7,EN2,EN6 and EN12.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice in order to secure the removal of the two units of accommodation and to reinstate the land to its former condition prior to the unauthorised occupation taking place. Also to take prosecution action, subject to obtaining satisfactory evidence that the notice has not been complied with.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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