

E/0180/27/16

Alleged unauthorised development at Allerford Farm, Norton Fitzwarren

OCCUPIER:

OWNER: MR M JAMES
ALLERFORD FARM, ALLERFORD ROAD, NORTON
FITZWARREN
TAUNTON
TA4 1AL

Purpose of Report

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of various breaches of planning control, detailed below.

Recommendation

A – Enforcement action:

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

The Enforcement Notice shall require:

- Removal of all concrete areas laid without planning permission and external lighting.
- The removal of the external staircase and door at first floor level to the garage building.
- The removal of the base for a store on agricultural land as shown on attached plan.

Time for compliance:

- 4 months from the date on which the notice takes effect.

B – No further action:

That no further action should be taken in respect of the following breaches of planning control:

- The extended summerhouse.
- The unauthorised stable block
- The unauthorised extensions to the dwelling
- The manure store

Background

Allerford Farm comprises a large traditional farm house that is surrounded by converted agricultural buildings. The dwelling benefits from large grounds, containing garaging and a hydrotherapy pool and ancillary building, which is yet to

be completed. The property has landscaped gardens. The site is located within flood zone 3.

The complaint was brought to the Council's attention in July 2016 for the non-compliance with various approvals at this site and contact was made with the owner that works were not being carried out in accordance with the planning approvals. The owner was advised that he should either submit an application for consideration for the works he was doing or build as per the approved plans. As further concerns were being received in September 2016 contact was made with the owner in order that a site inspection could be carried out to identify the various breaches as he continued doing more and more work. A site visit was carried out on the 5th October 2016 to inspect the works in progress, photographs were taken and it was clear that at this time works were still continuing and concrete was being poured for an area of land that had no permission. At this visit discussions took place regarding the planting scheme and the owner's envisaged plans for the horses that were to be on site in the approved stable block which had not been constructed. An explanation was given to the owner suggesting that the works did not appear to have planning permission, but he thought that what he was doing wasn't a problem. On returning to the office it was clear that the location of the manure bay and a concrete path were much closer to some trees than shown on the original plans.

As such a return visit was carried out when measurements were taken of the car park, the manure bay and the concrete path. At this time it became clear that the car park has been constructed larger than shown on the approved plans. It was also noted that development, namely the construction of the manure bay and the concrete track, had taken place outside of the red line of the approved plans and therefore did not have planning permission.

Furthermore, during the second visit it was noted that an additional building of block construction was being erected behind the trees beyond the manure bay. This building was in the early stages of construction and measured 7.44 x 4.33 metres. There is no record of permission having been granted for this building and planning permission is required.

At this time the owner was advised that if he continued to proceed with any works that do not have the relevant planning permission then he did so at his own risk. Furthermore, in the event that planning permission was not granted for any of the works then he may be required to remove the development from the land.

Listed below are the identified breaches that are a concern to the neighbours.

Description of breach of planning control

Listed below are the identified breaches of planning control.

1. Car park together with unauthorised earth bank larger than permitted by application 27/15/0007, not permeable and free standing lighting added.
2. Manure bay erected in wrong location.
3. Planning permission 27/15/0026, Drawing Z21/23C shows paving should be porous. It is concrete.
4. Additional length of concrete track to the trees together with a new building of block construction, in process of being erected behind the trees beyond the manure bay measuring 7.44 x 4.33 metres.

5. The garage is not in accordance with the approved plans. An upper floor has been added together with an external access staircase.
6. Summer house constructed larger than approved plans.
7. Stable block not constructed in accordance with approved plans.
8. Extensions to dwellings not constructed in accordance with approved plans.

Relevant planning history

This site has a long planning history and the recent planning applications are listed.

27/16/0005 - Erection of an agricultural building to the south west of the calf house, Allerford Farm, Allerford road, Norton Fitzwarren. Conditionally approved 29.04.2016

27/15/0026 - Erection of extension to summerhouse at Allerford Farm, Allerford Road, Norton Fitzwarren. Conditionally approved 12.01.2016

27/15/0023 - Variation of Condition 2 (approved plans for application 27/15/0007) to amend the garden layout and planting scheme at Allerford Farm, Allerford Road, Norton Fitzwarren. Conditionally approved 18.12.2015

27/15/0007 - Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren (amended scheme to 27/14/0010) Conditionally approved 28.05.2015

27/14/0010 - Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren (amended description) Conditionally approved 28.11.2014

27/09/0002 - Erection of single storey timber stable block and access track at Allerford Farm, Allerford, Norton Fitzwarren, as clarified by agent's email dated 02 July 2009. Conditionally approved 06.07.2009

27/08/0019 - Erection of a two storey extension, garden room with link to single storey extension to accommodate hydrotherapy pool, associated facilities and garaging at Allerford Farm, Norton Fitzwarren (amended application to 27/2007/016) Conditionally approved 02.07.2008

27/07/0016 - Erection of garden room extension with link to single storey extension to accommodate hydrotherapy pool, associated facilities and garaging at Allerford Farm, Allerford, Norton Fitzwarren. Conditionally approved 02.10.2007

27/05/0023 - Conversion of barns to 3 dwellings, erection of detached garage, conversion of modern farm buildings to garages, stables and indoor riding school and formation of outdoor manege at Allerford Farm Norton Fitzwarren as amplified by agents e-mail dated 3rd February, 2006. Conditionally approved 08.03.2006

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 – General requirements
DM2 – Development in the countryside
CP8 – Environment

Ward Councillor Comments (if applicable)

Determining issues and considerations

The acceptability of the various breaches of planning control are considered below:

1. Extended car park

The concreting over of a large surface area, including tracks and accesses and also a car parking area within Flood Zone 3 is considered to amount to an increase risk to flooding contrary to policy CP8. There does not appear to be any justification for the enlarged parking area, which is excessive and detrimental to the visual amenity of the area. Enforcement action should be taken over the parking area and the lighting. It is possible that it could be re-laid in accordance with the planning permission, or an alternative permission could be sought proposing adequate drainage for the site.

2. Manure Bay

Planning permission has previously been granted for a manure bay. It has been constructed in the wrong location, but not significantly different to the permitted location. It is not considered that it causes any greater impact than the previously permitted location. It is recommended that no further action is taken.

3. Concrete paving

The lack of permeable surfacing has the potential to cause an increase in flood risk. As with the car park, enforcement action is recommended.

4. Additional track and new 'store' building

The building of a store on agricultural land within Flood Zone Area 3 is considered to amount to an increase risk to flooding. It is also sporadic development in the open countryside that should be more appropriately be sited close to other buildings and is contrary to policy CP8 & DM2. Enforcement action is recommended to remove the track and the foundations for the new building.

5. Garage not in accordance with approved plans

The alterations to the garage involving new residential accommodation for staff at first floor level, a new external staircase and door at first floor level, results in significant harm to nearby residential amenity in terms of a loss of privacy contrary to policy DM1.

6. Summerhouse larger than permitted

The summerhouse is within the garden area and does not have a significantly greater impact upon the visual amenities of the area or the amenities of other nearby property when compared to the permitted scheme. It is recommended that no further action is taken.

7. Stable block

The stable block is in broadly the same location as previously permitted, although it is of a different design. It is considered that it does not have a significantly greater impact upon the visual amenities of the area or the amenities of other nearby property when compared to the permitted scheme. It is recommended that no further action is taken.

8. Extensions to dwelling

The extensions to the dwelling are away from nearby property and do not impact upon the amenities of those other nearby properties. They are considered to be acceptably designed and it is recommended that no further action is taken.

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

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

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