

E/0261/10/10

BUILDING ERECTED ON COMMON LAND ADJACENT TO TIMBERLANDS FARM,
CHURCHSTANTON

OCCUPIER:

OWNER:

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the Pole Barn and reinstate the land to its former condition.

RECOMMENDATION

No Further Action be taken

SITE DESCRIPTION

The site is located on the Northern side of the road leading from Stapley to the small hamlet of Biscombe. It consists of a triangle piece of land set off the road and used by the occupier in connection with his agricultural business. The pole barn is sited against the northern boundary and is constructed of telegraph poles and corrugated sheeting. On land to the east of the site lie the occupiers other farm buildings, including a stock building and the mobile home granted permission on a temporary basis

BACKGROUND

A complaint was received on 6th September 2010 regarding the erection of a large 'pole barn' on the triangular piece of land east of Timberlands Farm. The occupier of the land erected the barn in order to keep hay and straw dry. A site visit was carried out and the occupier was asked about the structure. He claimed that the structure was moveable and therefore did not require planning permission. It was suggested that clarification should be obtained as to the planning status of the structure. The Councils Senior Solicitor has been consulted and it is considered that the erection of the barn falls within the definition of development as it is a building operation that has resulted in a building.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

As the barn/structure is considered to be a building under Section 55 of the Town and Country Planning Act, it is necessary to consider whether it is permitted development.

No agricultural notification was submitted prior to the building being erected so it can not be considered to be permitted development under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995. Even if prior notification were sought, the building would not be permitted development as it would be within 25 metres of a metalled part of a classified road.

RELEVANT PLANNING HISTORY

10/08/0028 retention of Mobile Home adjacent to the site

10/11/0049 Permanent agricultural workers dwelling

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

EN10 - Areas of Outstanding Natural Beauty

Taunton Deane Core Strategy 2011-2028

DM1 - General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The pole barn is adjacent to the field boundary set back from the road and is considered a suitably designed agricultural building in keeping with the rural character of the area. It is not adjacent to any residential property and while it is clearly visible from the road the building is considered to be in keeping with the rural character of the Blackdown Hills AONB. Consequently there is not considered to be any harm from the building and it is not considered expedient to take action, particularly when it is also necessary to remove the structure to construct the new agricultural worker's dwelling previously granted.

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

PLANNING OFFICER:

Mr G Clifford

PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER:

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