

# Taunton Deane Borough Council

Planning Committee 21st March 2012

E/0334/36/05

## USE OF SWIMMING POOL FACILITIES BY GENERAL PUBLIC IN BREACH OF CONDITION

**OCCUPIER:** MR R HEMBROW

**OWNER:** MR R HEMBROW  
HOLLY FARM, MEARE GREEN, STOKE ST GREGORY,  
SOMERSET

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### PURPOSE OF REPORT

To consider whether it is expedient to take enforcement action over the non compliance with the Planning permission number 36/03/0033 approved on 10th February 2004.

### RECOMMENDATION

No action be taken over the breach of condition 04.

### SITE DESCRIPTION

The site comprises of a large farmhouse and converted barns providing holiday accommodation. The holiday business has been operating since the early 1990s. The swimming pool complex is sited behind the main holiday units and accessed via a driveway from Frog Lane. The swimming pool is 13m by 7m, the games room and the and the local crafts area are both 11m by 6m. The nearest residential properties are further to the south-west on Stoke Road or to the north at Meare Green Farm, including an agricultural workers dwelling for Meare Green Farm which is adjacent to the site.

### BACKGROUND

Planning permission was granted for the conversion of a range of barns to holiday accommodation in the late 1980s. They proved successful and in December 2003 an application for a covered swimming pool, games room and craft building was submitted. Approval was granted on 10th February 2004 with a condition which states –

*The swimming pool and other facilities hereby permitted shall be used by the owner and family and occupants of the holiday units only and shall not be used at any time by members of the general public.*

The facility opened in the Autumn of 2005 and in December 2005 a complaint was received that the swimming pool was being hired out to the general public in breach of the condition.

Both the pool and the meeting room was let to persons not residing in the holiday accommodation for various events including private parties, craft evening classes and small conferences.

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

Since the facility was opened it has been used in contravention of the condition attached to the permission. When investigated it became apparent that there was a demand within the village and surrounding area for such a development. Discussions took place between the owners and the Local Planning Authority which resulted in the submission of the 2006 application. The reasons for refusal was on highway grounds and the non sustainable location.

Since 2003 the use has been unauthorised but only one complaint has been received.

## **RELEVANT PLANNING HISTORY**

In 2003 application 36/03/0033 was approved for the construction of the pool and associated buildings

In 2006 an application to change the use of the complex for use by the general public was refused in May 2006

## **RELEVANT PLANNING POLICIES**

### National Policy, Guidance or Legislation

PPG 18 - Enforcing Planning Control

### Taunton Deane Local Plan 2004

S7 Outside Settlements;  
EC6 Conversion of Rural Buildings  
EC15 Rural Centres and Villages  
EC 21 Tourist and Recreation Development

## **DETERMINING ISSUES AND CONSIDERATIONS**

Taunton Deane Local Plan EC6 Conversion to Rural Buildings states inter alia that outside settlements, the conversion of buildings to tourism, recreation, community use will be permitted subject to various criteria, including if the site is close to a public road, would be compatible with the rural area, and not harm the residential amenity of neighbouring properties; EC15 policy seeks to restrict shopping and service facilities to within settlements, rural centres and villages and Policy EC21 states that tourist and recreation facilities should be sited within settlement but outside these areas, they should be of an appropriate size and scale, and not harm natural or man made heritage. S7 seeks to restrict new development to that related to agriculture.

This site is outside any settlement limits and is remote from the nearest village, but is close to a well used rural road (Stoke Road) linking North Curry, Meare Green and Stoke St Gregory. The site is approx 0.6km from the Willows and Wetlands Centre, which is a well visited local Tourist Attraction. Holly Farm's visitor facilities are not miles along a narrow twisting country lane, they are accessed close to the

aforementioned rural road, thus it is not considered that the site is too remote in terms of access. It is outside a settlement but is close to Meare Green and within an area where there are several concentrations of dwellings. The residents who are using the facilities are likely to be from the local area, as the actual facilities are limited by size. Otherwise local people would travel to Taunton to reach a full sized swimming pool, and the nearest meeting rooms would be available in Village Halls in Stoke St Gregory and in North Curry.

The site is within a complex of holiday units and not close to many other residents and therefore any potential effect on neighbouring properties is limited to the one adjacent agricultural worker's dwelling. It is not considered that the impact on this property is so significant as to warrant continuing the enforcement procedures. The buildings are not new buildings and thus Policy S7 is not strictly applicable.

Given the size of the facilities and the proximity to Stoke Road, and their use for the community and tourists, it is not considered that the public use of the facilities would be detrimental to the character of the area, or harm the amenities of the few residential occupiers in the area.

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

**ENFORCEMENT OFFICER: Mr John A W Hardy Tel: 356466**  
**PLANNING OFFICER: Ms K Marlow Tel: 356460**