

E/0008/30/13

UNAUTHORISED CHANGE OF USE OF LAND FOR SITING OF A TOURING CARAVAN ON LAND KNOWN AS GYPSY PLATT, LEIGH HILL, Nr BURNWORTHY.

OCCUPIER: MR WYBURN

OWNER: MR WYBURN
8 CHESTNUT CLOSE, WELLINGTON, TA21 8ET

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of two caravans and cease residential occupation of the site at Gypsy Platt, Blagdon Hill, Pitminster, Taunton.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action should the notice not be complied with, to secure the removal of the two caravans and cease residential occupation of the site.

The Enforcement Notice shall require:-

- to secure the removal of the two caravans and cease residential occupation of the site.

Time for compliance: 6 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is off an unnamed road between Corfe and Churchstanton. The site can be seen on the right hand side of the track leading to Burnworthy Manor. The occupier states that the land is used for pheasant rearing and the site is well screened on the northern boundary by tall trees and hedgerows.

BACKGROUND

The complaint was brought to the Council's attention in February 2011. A site visit was carried out but access to the site was unobtainable. A Land Registry search was carried out to establish the owner. Contact was made with the tenant/occupier of the land and a Planning Contravention Notice was served. It revealed that the tenant had lived on the site for eight years. The tenant was invited to submit a Planning application for consideration to retain the caravans for residential use. Members may recall that this was the presentation put before them on 18th July 2012 when it was approved to take Enforcement action to secure the removal of the two caravans and cease residential occupation of the site. Following this the occupier of the caravans moved the two caravans to an adjoining strip of land which he owned. He then submitted a Planning application 30/12/0045 in November 2012, which was subsequently refused on 10th January 2013 under delegated powers.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The siting of two caravans and residential occupation of the site on agricultural land requires planning permission.

RELEVANT PLANNING HISTORY

Planning permission was applied for under application 30/12/0045 in November 2012 and was subsequently refused on 10 January 2013.

An agricultural notification for the erection of a building to be used as a hatchery was applied for under reference 30/12/0044AGN, for which prior approval was refused in January 2013.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

Section 11 – Conserving and enhancing the natural environment

Paragraph 55

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Taunton Deane Borough Council Core Strategy 2011-2028

DM1 – General Requirements

DM2 – Development in the Countryside

CP8 – Environment

SP4 – Realising the vision for the Rural Area

SP1 – Sustainable Development Locations

CP1(a) – Climate Change

DETERMINING ISSUES AND CONSIDERATIONS

Paragraph 55 of the National Planning Policy Framework states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g the essential need for a rural worker to live permanently at or near their place of work in the countryside. It has been widely accepted that the most appropriate way of assessing this need is through the use of the former Annex A of PPS7 and Taunton Deane have now officially agreed this as technical guidance.

A Planning application was received in November 2012 for the retention of one of the touring caravans for rural worker accommodation and was refused for the following reasons.

1. The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. Whilst there is a business being operated from the site, the overall business appears to be of a nature where the vast

majority of work can be carried out during part of the normal working day (however long that day may be). As such, it has not been proven that there is an essential need for a worker to live permanently on the site or that the needs of the enterprise could not be fulfilled by any other existing accommodation in the area. Furthermore, the lack of security of tenure on a large proportion of the land that plays a fundamental part of the business, along with the concerns regarding any new buildings in this isolated location away from other built features results in a likely inability to develop or even sustain the enterprise concerned and fails to demonstrate that the business is planned on a sound financial basis. The scheme therefore represents an unjustified dwelling outside of settlement limits, increasing the need to travel by private car. As such, the proposal is contrary to Policies CP1(a) (Climate Change), SP1 (Sustainable Development Locations) and SP4 (Realising the vision for the Rural Area) of the Taunton Deane Core Strategy, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.

2. The caravan lies in an isolated area that is not well related to existing built structures and would be clearly visible from the adjacent lane. It is therefore stark and prominent in appearance, resulting in detriment to the landscape character and rural beauty of the Blackdown Hills Area of Outstanding Natural Beauty. As such, the proposal is contrary to Policies STR6 and Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

The second reason for refusal would be equally applicable to the other touring caravan understood to be used for storage. It is therefore considered that enforcement action should be taken to secure the removal of the two caravans and cease residential occupation of the site.

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

PLANNING OFFICER: Mrs K Walker

ENFORCEMENT OFFICER: Mrs A Dunford, Tel: 01823 356479

Signature: _____ Date: _____

AUTHORISATION OF CASE OFFICER'S REPORT AND RECOMMENDATION

Chartered Town Planner (Development Management Lead)

I agree/disagree to the above recommendation.

Signature: _____ Date: _____

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

