

E/0033/35/14

ALLEGED UNAUTHORISED DEVELOPMENT ON LAND AT APPLEBY, STAWLEY

OCCUPIER:

OWNER: MR S OWEN
APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY
WELLINGTON
TA21 0HH

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the residential occupation and removal of the mobile home from the land and the removal of the large quantity of timber stored on the land.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require :

- The removal from the land all the stacks of timber positioned along the side of the access track and around the agricultural barn.
- Cessation of the occupation of the mobile home for residential purposes and remove the unit from the site.
- Remove from site the unauthorised timber building sited adjacent to the unauthorised mobile home.

Time for compliance after the notice comes into effect :

- 6 months for the cessation of the residential occupation of the mobile home.
- 3 months for the removal of the timber stored on the land and for the removal of the timber building.

SITE DESCRIPTION

The entrance to the site is located off the road from Greenham to Tracebridge opposite the Pavilion south of Appley Cross. The site is accessed via a long track leading to an area of land to the East of Appley. This part of the site contains the mobile home, the recently constructed agricultural storage building and a further timber building. Stacks of timber are stored around the boundary of this area together with along the western side of the access track.

BACKGROUND

The agricultural access was granted permission on 10 February 2010. In March of 2010 an Agricultural Notification was submitted for the erection of an Agricultural storage building and access track. The access track was commenced in January 2011 but construction on the storage building did not commence until 2014.

A mobile home was brought onto the site for the purpose of overseeing the construction of both elements of the Notification but at the time was not being occupied. Late 2013 saw a new 'park home' type mobile home arrive on site and occupation commenced. Justification for the occupation of the mobile home was that it was necessary during the course of construction of the storage building. This is permitted development under Part 4 Temporary Buildings and Uses Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Complaints were received regarding the large quantities of timber being stored on the site. This was investigated and the owner informed that Planning permission would be required. The owner said he wanted to operate a logging business and understood that would fall under an agricultural operation. This is not the case so a meeting was arranged to discuss what type of business would be acceptable from the site. This meeting was arranged but then cancelled. The timber remained on site but the Council was informed that it would be removed over the next few weeks. Nothing further happened so a visit was made to the site in April 2014 where it was found that the storage building was under construction and the amounts of timber stored appeared to have increased. The mobile home was occupied and an additional timber building had been constructed. This visit prompted the owner to contact the Planning Officer to rearrange the meeting to discuss the way forward.

Further complaints have been received as the owner brought a mobile wood chipper to site on 24 July and commenced a day of chipping some of the timber stored on site. He confirmed that this would only occur on one day a month.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The occupation of the mobile home was only permitted under part 4 Temporary Buildings and Uses whilst the Storage building was under construction. This structure is now complete but the mobile home continues to be occupied. No justification for the occupation of the mobile home for agricultural purposes has been forthcoming therefore its occupation is considered to be unauthorised. The large quantities of timber stacked around the storage building and along the side of the access track have been brought to the site from elsewhere and stored on site. The purpose would appear to be for the production of wood chips for the biomass fuel market. The storage of the timber would constitute a change of use from agriculture. The large timber storage building sited adjacent to the mobile home is unauthorised, its purpose appears to be storage and wc facilities. The wood chipping operation is considered to fall within Part 4 Temporary Buildings and Uses Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provided that it is restricted to 28 days in any one calendar year which appears to be the current intention.

RELEVANT PLANNING HISTORY

35/09/0008AGN Erection of an Agricultural Storage building and Track at land at Appley, Stawley. approved on 24 February 2010.

35/09/0009 Formation of Agricultural access on land at Appley (ST 307225. 121005) approved 10 February 2010

RELEVANT PLANNING POLICES

National Policy Framework

3. Supporting a prosperous rural economy;

6. Delivering a wide choice of high quality homes;
11. Conserving and enhancing the natural environment.

Taunton Deane Core Strategy

Policies SP1, DM1, DM2, CP2, CP4, CP8.

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are whether the unauthorised development is acceptable, having regard to development plan policies for the area in relation to housing and sustainability, highway safety and landscape impact.

Residential Occupation of Mobile Home

The site is located within open countryside, outside of the villages of Appley and Stawley, where Policies SP1 and CP4 of the Core Strategy, together with guidance provided within Para 55 of the NPPF, make it clear that new residential development will not be permitted unless there is an essential need for accommodation to support a rural/farm worker. At present there is no functional requirement for there to be a dwelling at the site. The operation of the timber storage and processing business does not generate a functional need for the operator and their family to live on site and at present there is very little in the way of agricultural activity taking place over the surrounding land. For these reasons, allowing the retention of the mobile home and its occupancy would constitute an undesirable development within the open countryside, contrary to planning policy. The occupation of the mobile home would result in an unsustainable pattern of development, increasing the reliance of occupiers upon the private motor vehicles to access services that are not well provided for within the area.

Highway Safety

The ongoing timber storage and wood chipping operation sees cut timber logs brought to the site from a variety of private (approx 20%) and Forestry Commission (approx 80%) sites across the South West. From information provided by Mr Owen, approximately 105 lorry movements occur per annum; 60 delivering large timber logs for storage and seasoning and 45 for the transportation of chipped timber to wholesale distributors off site.

An average of 105 lorry movements per annum is considered to be relatively low in transport terms. The highway network connecting the site to the A38 comprises a series of narrow rural lanes that are generally single carriageway and poorly aligned with limited forward visibility. Access out of the site onto the public highway is considered to be safe, and the level of movements generated is far less than an agricultural operation might expect to generate. Notwithstanding, whilst access onto the highway network may not harm highway safety, any future intensification in the number of lorry movements along the local highway network may well adversely impact upon highway safety to an unacceptable degree. Unless a planning application is submitted, such would be difficult for the Council to control.

Landscape Impact

The primary concern over the unauthorised use of land arises from the stacking of logs in piles along the access track. The log piles can be readily seen from the public highway to the South and their appearance is at odds with that of the rural

landscape. Logs stored adjacent to the previously approved agricultural building and mobile home are better screened by existing mature hedgerow and trees that bound the site and surrounding fields.

The log piles adjacent to the stone track are considered to have an unsatisfactory appearance to the detriment of the surrounding landscape. It is therefore considered necessary to enforce against their storage.

Conclusions

It is expedient to take enforcement action against the unauthorised use of land and occupation of the mobile home for residential purposes due to conflict with the development plan policies and harm to visual amenity. Further, a failure to provide control over any future intensification of the logging business would likely result in an unacceptable impact upon the local highway network and safety.

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

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