

E/0040/48/12

**CHANGE OF USE OF AGRICULTURAL LAND TO A BUILDERS YARD
ADJACENT TO FOUR POPLARS & THE LODGE, HYDE LANE, TAUNTON**

OCCUPIER: MR K HODGE
K & R HODGE

OWNER: FEAR & HAWKINS LTD
ESSEX HOUSE, 47 FORE STREET, CHARD
SOMERSET
TA20 1QA

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to secure the removal of builders materials and equipment on the land and return the site to its former condition.

RECOMMENDATION

The Solicitor to 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:

- cease the use of the land for the storage of buildings materials,
- secure the removal of building materials, building equipment and other associated materials and
- reinstate the land to its former use.

Time for compliance - 3 months from the date the notice takes effect.

SITE DESCRIPTION

The site is in Hyde Lane, Bathpool and forms part of a field located between Taunton Rugby Club premises and a property known as Four Poplars. It is adjacent to the highway and is accessed via a standard field gate located at the Eastern end of the site. There is a high natural hedge along the frontage of the site so is obscured from view from Hyde Lane apart from the point of access, however the site is also visible from the railway line. The area of land is segregated from the majority of the field by 'Harris' type fencing panels. The site is used to store a number of items of materials associated with the building and ground working trades. Some of the items are stacked whilst others left in an untidy state having just been tipped on the land.

BACKGROUND

A complaint was received on 6th March 2012 that activity had been observed taking place on the field. Vehicles bearing the name K and R Hodge have been seen

entering the field and depositing various items. The existing field access is used which during wet weather causes mud to be left on the road as there is no hard surfaced access track in the field. A Land Registry search was carried out and it was found that the owners have leased the field to Taunton Rugby Club. The owners have been contacted regarding the unauthorised use but to date no response has been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The land is an agricultural field leased to the adjoining Taunton Rugby Club. The use of a section of the field to deposit and store a range of builders materials and waste items constitutes a change of use from agriculture to commercial storage. The site is also within a flood zone and therefore with the storage of the type of material deposited on the land constitutes a flood risk to adjacent residential properties. Although the site is relatively well screened from public vantage points it does not overcome the other concerns in respect of flooding and traffic movements.

RELEVANT PLANNING HISTORY

No planning permissions exist on the site.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

Section 11 – Conserving and enhancing the natural environment

Taunton Deane Local Plan 2004

S1 – General Requirements

S7 – Outside Settlements

EN12 – Landscape Character Areas

Taunton Deane Core Strategy 2011 -2028

Policy DM1 – General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The site lies in a semi rural location within the countryside and consists of a field within the green wedge. There would be a need to travel to and from the site to collect/deposit materials, fostering growth in the need to travel. Use of this site within a flood risk area will lead to mud being tracked onto the road causing a highway safety hazard. On sustainability grounds, this countryside location within the green wedge is not considered appropriate for the storage of building materials, which should be taking place on a site designated for such purposes, such as an established industrial estate. While views of materials from the access point are limited the site is visible from the railway line and these materials appear alien and

stark in appearance and do not blend in with the natural features of the field and hedgerow.

The building materials therefore appear as incongruous features, alien to the appearance of this field within the green wedge and to the detriment of the landscape character of the area. The use of the field would result in mud being left on the road which could be a safety hazard. Furthermore, the continued storage of such materials would set an undesirable precedent for storage in inappropriate locations.

It is therefore considered that enforcement action should be taken to cease the storage of building materials on this site.

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

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