

**E/0130/36/12**

**PERMANENTLY OCCUPIED MOBILE HOME SITUATED AT THE PADDOCKS,  
WINDMILL FARM LANE, STOKE ST GREGORY**

**OCCUPIER:** MS BAILEY

**OWNER:** MS V BAILEY  
THE PADDOCKS, WINDMILL FARM LANE, STOKE ST  
GREGORY  
TAUNTON  
TA3 6EL

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home for residential purposes sited on agricultural land.

**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 caravan and cease residential occupation of the site.

The Enforcement Notice shall require:-

- to secure the removal of the caravan 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 located on Windmill Farm Lane, which is a no through road with only three dwellings beyond. The road is narrow and carries little traffic. The mobile home is situated in an agricultural field adjacent to a stable block and range of outbuildings south -east of The Paddocks. The mobile home is accessed from a gate to the north.

**BACKGROUND**

A complaint was received and a site visit was carried out. The owner was advised that where the mobile home was located it required Planning permission. The owner said that her daughter and partner were living in the mobile home as a separate unit. The owner was reluctant to submit an application for consideration to retain the mobile home in its present location. She was advised of alternative locations but decided to submit a planning application. An application was received but was invalid and subsequently returned. A second application has been received under Planning application 36/12/0030 and refused on the 23 January 2013.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The siting of a mobile home in an agricultural field for domestic purposes requires a change of use planning application for consideration of its retention.

## **RELEVANT PLANNING HISTORY**

Planning application 36/01/0012 - conditionally approved 04/09/2001 for a fence and formation of a hardstanding.

Planning application 36/02/0013 - conditionally approved 05/06/2002 for a granny annex.

Planning application 36/05/0006 - conditionally approved 14.04.2005 for a garage and roof over building.

Planning application 36/12/0030 - refused 23.01.2013 for the change of use of land and retention of a mobile home.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Paragraph 55  
Enforcement (paragraph 207)

### Somerset & 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

DM1 - General Requirements  
DM2 - Development in the Countryside  
CP8 - Environment  
SP1 - Sustainable Development Locations

## **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.

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. There is no business being operated from the site and it has not been adequately proven that there is an essential need for the occupiers of the mobile home to live permanently on the site or that the needs of the animals could not be fulfilled by any other existing accommodation in the area. 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 Somerset & Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National

Planning Policy Framework 2012.

The mobile home appears as a stark and incongruous feature, out of keeping with the countryside location, to the detriment of the character and appearance of the rural landscape, which would be further exacerbated by the large proposed domestic curtilage. Furthermore it would set an undesirable precedent for future development. 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.

**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**  
**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**