

E/0135/38/12

CAR BUSINESS RUNNING FROM PRIVATE RESIDENCE AT 10 FULLANDS ROAD, TAUNTON

OCCUPIER:

OWNER: MR B GODDARD
10 FULLANDS ROAD, TAUNTON, TA1 3DD

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of a car sales business being operated from a residential dwelling.

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 is not complied with.

The Enforcement Notice shall require:-

- the cessation of car sales from the residential property.

Time for compliance - 6 months from the date of the notice coming into effect.

SITE DESCRIPTION

The semi-detached property is of white render under a tile hipped roof part way along Fullands Road. It is set in a row of a mixture of detached and semi-detached dwellings of varying styles.

BACKGROUND

A complaint was received in July 2012 and a site visit was carried out. It was established that a car selling business was being operated from the property. I advised the owner that he would need to relocate his business as it would be unlikely to be acceptable if he were to submit a Planning application for consideration to continue operating from a residential property. The owner advised that he was looking for alternative premises but had started this business from home to see if he could make a success of it as he was being made redundant in September 2012. The owner is actively looking for alternative premises and Matt Parr (Economic Development Project Officer) is also trying to help find alternative premises.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The owner has set up a car sales business from a residential property which constitutes a change of use from residential to mixed use residential/commercial.

RELEVANT PLANNING HISTORY

A Planning application for an extension to the property was approved on 02/09/2010 under 38/10/0250.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Adopted Taunton Deane Core Strategy

DM1 - General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The property lies within a wholly residential area, with no evidence of business use in close proximity to the site. As there is only limited car parking space within the curtilage of the dwelling, the selling of cars from the property results in the cars being parked on the adjacent highway. Being for sale, these cars are not simply parked for brief periods as may be the case with visitors to dwellings along this road, but instead remain there for longer periods, causing an obstruction to the free flow of traffic. This problem is exacerbated by potential customers coming to view cars for sale, resulting in further parking on the highway and disturbance to neighbouring properties by comings and goings as a result of this business.

As such, the business use of the premises is deemed to result in harm to highway safety and nuisance to the occupiers of neighbouring properties, to the detriment of their residential amenities.

It is considered that there are many alternative sites around the Borough, suitable for car sales, within industrial estates for example, that would not result in harm to highway safety or to the residential amenities of nearby properties.

It is therefore considered that enforcement action should be taken to cease the use of this residential property for car sales.

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