

Taunton Deane Borough Council

Planning Committee – 21 March 2012

E/0284/47/11 and E/0111/47/11

ALTERATIONS TO HAY/STRAW BARN TO FACILITATE THE KEEPING OF GREYHOUNDS, TOGETHER WITH EXERCISE AREA AND SHELTERS, THE SITING OF TWO CATERING TRAILERS AND MOBILE HOME ON LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH.

OCCUPIER: MR BARRATT

OWNER: MR BARRATT
LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to cease the use of the land for keeping greyhounds, remove shelters in the field to the side and rear of the barn, together with alterations to the barn and unauthorised storage of catering trailers at the above address.

RECOMMENDATION

Take no further action regarding alterations to the barn e.g cladding and formation of internal pens, creation of the dog run area and siting of shelter buildings in various locations within the site, together with the storage of the two catering trailers

SITE DESCRIPTION

The site lies off the road leading to Meare Green to the West of Meare Elm Cottages. The barn is to the West of the site and the land used for exercising the Greyhounds lies to the North East.

BACKGROUND

A complaint was received in April 2011 complaining about the change of use of land and an agricultural building for non agricultural purposes, including storage and the keeping of Greyhounds. A further complaint was received in October 2011 for the laying of a track, alterations to barn to form kennels and formation of individual pens and kennels on land to the rear, together with the storage of catering trailers.

At the same time, it was stated that a mobile home on the site was being used for residential purposes. Contact was made with the owner and an application was requested. This has been received but was not valid. Due to the time lapse and the relevant papers not being submitted, this application has now been returned.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The division and formation of individual pens, some of which are used for Greyhounds, within an agricultural barn constitutes a change of use. The siting of buildings in a field for use as shelter also requires planning permission as the unit

has no permitted development rights as the overall holding is less than 5 hectares.

The storage of a catering trailers on agricultural land also constitutes a change of use to storage that requires planning permission.

There is a mobile home on the site, which is used for making a cup of tea and toilet facilities, together with the storage of medical supplies, dog food and other sundries required for the animals/poultry on the site. As part of the land is used for the keeping of poultry, which is classed as agriculture and the mobile home is used in association with this, it is considered that in this case, the mobile home can be sited under permitted development rights.

RELEVANT PLANNING HISTORY

In 2005 an agricultural notification for the erection of a hay and straw storage barn was submitted for the barn in question, which at that time formed part of Meare Court Farm. As the holding, at that time, exceeded 5 hectares, the land benefitted from certain agricultural permitted development rights and as such an agricultural notification was sufficient. A letter was sent to the applicants on 3rd March 2005 stating that TDBC did not wish to become involved in the proposal and that works could commence subject to obtaining any other approvals that may be required.

The barn has now been sold off from the farm holding, to Mr Barrett and his holding is less than 5 hectares and therefore does not have any permitted development rights.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 -Design

EN12 - Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

A well established hedge to approximately 3 metres in height forms the roadside boundary and largely screens the land in question, although the wide entrance does enable some views of the site. The view of the barn from the road remains largely as proposed in 2005, being of the same dimensions and open to the front. However, the north-west (rear) and north-east (side) elevations have been wholly blocked up by concrete blocks. The large barn as constructed under the agricultural notification in 2005, has already resulted in an impact on the appearance of the landscape. It is not considered that the blocking up of the formerly open sides, has resulted in a significant increased impact upon it's appearance.

The internal alterations have involved the erection of concrete block walls to create 16 pens inside the building. At the time of the site visit, 5 of these were occupied by dogs and the applicant stated that a maximum of 6 of these would be used for dogs in the future and the remainder would be used for agriculturally related uses, including livestock and the storage of feed, bedding, etc. It is further understood

that the dogs are pets and are not used for breeding or any other business purposes.

The nearest residential property lies 90 metres away, which is deemed an acceptable distance to avoid undue noise and disturbance. It is therefore considered that the use of a small proportion of these newly formed pens (up to 6) for domestic dogs would not result in detriment to neighbouring land uses.

The creation of the dog exercise area to the rear has involved the erection of a wire fence surrounding the area. As this fence does not exceed 2 metres in height, it is important to note that this element alone does not require consent. Two small timber buildings (garden shed style) have also been sited within the fenced run, along with a further two to the side of the run (one timber, one of metal construction) which are being used for hens and geese. To the rear of this a further piece of land has been fenced into 3 areas, with a small wooden shed in each, which was stated to be for ducks, although one of the penned areas could occasionally be used for dogs.

The land forms an L shape, with an elongated plot running back from the road and then running along the rear of the adjacent property to the north-east, The Barn. The site is largely screened from public viewpoint by the well established roadside hedge. A well established hedge also runs along the north-east and south-east boundaries between the site and The Barn. The site is open to the rear, separated only by a wire fence, however the land slopes upwards limiting views of the site from the north-west. Whilst there are views from the access, the dog exercise area is largely screened by the large barn and the garden shed style structures are set back significantly from the road, some behind further hedging and do not appear prominent from public viewpoint.

In view of the well established landscaping, which largely screens the site, along with the shed structures being small and low in height, the dog run area and sheds are not considered to cause excessive harm to the appearance of the countryside.

There are also two catering trailers being stored in the front element of the building, which are visible from the entrance, due to the building being open fronted. The catering trailers, being white/cream in colour, appear stark in appearance and do not blend in with the surroundings, against which the trailers are viewed. However, as the mobile home, which is permitted development, is sited nearby and consequently already has an impact on the appearance of the countryside, the mobile catering units are not considered to result in any additional detrimental impact on the appearance of the countryside.

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

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