

E/0128/10/13

MOBILE HOME REMAINING ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD

OCCUPIER:

OWNER: MS S LOCK
FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD
TAUNTON
TA3 7RW

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home for residential purposes after the expiry of a temporary planning permission.

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 cessation of the residential use of the site and the removal of the unauthorised Mobile Home

The Enforcement Notice shall require:-

- the cessation of the residential use of the site and the removal of the unauthorised Mobile Home

Time for compliance: 3 months from the date the notice comes into effect. (this length of time is suggested as the temporary consent ran out in September 2012, and the occupier has already had this extra length of unauthorised time.)

SITE DESCRIPTION

The site is on the southern side of a field on Moor Lane just to the east of Churchinford in the Blackdown Hills AONB. The access roads to the site are generally narrow and some are quite winding. The existing buildings can be seen on occasion when approaching from the east along Moor Lane. There is a hedge along Moor Lane, to a height of approx. 2m. Fairhouse Farm, a Grade 2* Listed Building lies on the southern side of the road, set back to the south of an out building.

BACKGROUND

Following the expiration of a temporary planning permission granted on appeal, (the temporary lapsed on the 03/09/12), the owner/occupier was advised that should they wish to remain on the site they would need to submit another application for consideration. An application was received in October 2013 but was never validated despite several efforts to do so. In February 2014 the application was returned.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The siting of a mobile home on agricultural land for residential purposes after the expiry of a temporary planning permission granted on appeal. This is a change of use of land for residential purposes.

RELEVANT PLANNING HISTORY

10/96/0014 Erection of stables, approved 29/10/96.
10/97/0003 Erection of Storage Barn and formation of Hard Surface Access, approved 08/04/97.
10/97/0018 Erection of Conservation Pond, approved 18/12/97.
10/01/0011 Formation of all weather manege, approved 19/06/01.
10/03/0036 Stable block, approved 06/11/03.
10/06/0034 Retention of sand arena, refused 17/04/007; enforcement action agreed 23/05/07.
10/07/0028 Retention of sand arena (amended proposal), approved 03/12/07.
10/08/0026 Change of Use for the provision of a temporary occupational dwelling in the form of a mobile home for a period of 3 years, refused 27/11/08 allowed on appeal 03/09/09

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraph 55

Taunton Deane Borough Council Core Strategy 2011-2028

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

DETERMINING ISSUES AND CONSIDERATIONS

The site is in open countryside in a location some 600m from Churchinford. The mobile home is distinctly visible from the adjacent highway. The original application was refused, but allowed on appeal for a temporary period, which has lapsed. No evidence has been produced that either the use as originally projected has proceeded and succeeded or whether another use has commenced which necessitates the retention of the mobile home. There were no horses in the adjacent field on a recent site visit. The planting, which had been imposed as one of the conditions, had taken place but was not now apparent. No replacement planting had occurred for the plants/shrubs which had died. It is not clear from the attempted submission of an application that there was a business on the site; the application form states that there is no employment. The submission however was incomplete in many aspects and after three reminders the paperwork has been returned. It appears that the mobile home is in use for residential purposes.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The mobile home is in a fairly prominent position within the Blackdown Hills Area of Outstanding Natural Beauty and in open countryside, without any justification. At the time of the original application, the Blackdown Hills AONB Partnership and the Landscape Officer had objections to the proposal, and indeed the presence of the mobile home at this location is visually intrusive. The continued presence of the mobile home is detrimental to the character and appearance of the area, and increases the need to travel to access services. Its temporary permission has lapsed and it is considered expedient to have this mobile home removed. The alternative would be sporadic mobile homes in open countryside contrary to Policy.

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The residential use of the site results in sporadic development in the open countryside and Blackdown Hills Area of Outstanding Natural Beauty that collectively would be detrimental to the visual amenities of the Taunton Deane Core Strategy Policies CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

It is recommended that the enforcement Notice shall require:

The cessation the residential use of the site and the removal of the unauthorised Mobile Home

That the time for compliance is three months from the date on which the notice takes place.

(this length of time is suggested as the temporary consent ran out in September 2012, and the occupier has already had this extra length of unauthorised time.)

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

PLANNING OFFICER: Ms K Marlow
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

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