

E/0025/07/11

**UNAUTHORISED MOBILE HOME ON LAND TO REAR OF LANGS FARM,
BRADFORD ON TONE**

OCCUPIER:

OWNER: MR D K HOWELL
LANGS BARN, LANGS FARM, BRADFORD ON TONE
TAUNTON

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the land for residential purposes.

RECOMMENDATION

That the Solicitor of the Council be authorised to serve an Enforcement Notice and to take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- The cessation of the residential use of the site and removal of the unauthorised chalet.

Time for compliance: 6 months from the date on which the Notice takes effect.

The site lies to the North of Lang's Farm which is adjacent to the highway that runs from Oake to Bradford on Tone. Access to the site is off a track which runs to the West of the site. The mobile home/chalet is sited next to the agricultural barn.

BACKGROUND

A complaint was received in January 2011. A site visit was carried out and contact was made with the owner Mr Howell. Mr Howell advised that he had decided to opt out of conventional living and now lives as a traveller. A letter was sent to Mr Howell in May 2011 outlining the options he had. Mr Howell called at the office and spoke with the Senior Enforcement Officer to advise he was submitting a Planning application. To date this has never been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The site is in open countryside and accessed along a track off the main road between Oake and Bradford on Tone. The erection of the chalet (approximately 4mtrs wide by 12mtrs long with a pitched roof) is considered to constitute a building operation and does not fall within the definition of a caravan.

This is also considered to be a change of use of land for residential purposes for which no planning application, including any supporting evidence has been submitted.

In order to remedy the breach it would be necessary to cease the occupation of the building for residential purposes and remove the building from the site.

RELEVANT PLANNING HISTORY

There are no planning applications for this site.

RELEVANT PLANNING POLICIES

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

S7 – Outside Settlements

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR2 – Development outside Towns, Rural Centres and Villages

49 – Transport Requirements of new development.

National Planning Policy

PPS7 – Development in the Countryside

PPG18 – Enforcing Planning Control.

DETERMINING ISSUES AND CONSIDERATIONS

The site is in the open countryside where planning policies place a strict control on new development. As such, new residential development, be that in a permanent dwelling or temporary caravan/chalet, is considered to be unacceptable and contrary to Policy S7 of the Taunton Deane Local Plan. Collectively, such sporadic development could have a detrimental impact upon the open character and landscape in such rural locations.

In discussion with the owner/occupier of the site, your Enforcement Officers have been advised that the owner has opted out of conventional living to live as a traveller. However, planning policies cannot be set aside simply because somebody has decided that they no longer wish to live a conventional lifestyle. No evidence has been submitted to suggest that the owner is seeking an exception to planning policy on the basis of claiming Gypsy or Traveller status within the meaning of Circular 01/06. As such, it must be concluded that the current occupation of the chalet is unacceptable.

Given the isolated nature of the site, and strong tree cover in the vicinity the unauthorised chalet is not prominent in the local landscape, nor is it considered to have an unacceptable impact on the amenities of nearby property.

The access to the site is via a long loosely surfaced track from the main public highway between Bradford on Tone and Oake. Visibility to the left (towards Bradford on Tone) is severely restricted by the presence of three large trees on the highway verge. However, the track formerly provided access to the agricultural barns also on the site and, in this context, it seems unlikely that there would be significant additional loading on the local highway network. It is not, therefore, considered

appropriate to take enforcement action on the basis of the poor visibility at the access.

However, the development is considered to be 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 that, collectively, would be detrimental to the visual amenities of the area contrary to Policy S1 of the Taunton Deane Local Plan.
- 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 Policies S1 and S7 of the Taunton Deane Local Plan and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Members may recall the above report at committee on 29th February 2012 when Enforcement action was approved to issue a Notice to cease using the land for residential purposes.

The Enforcement Notice was served and an appeal was lodged and as part of the preliminary appeal procedure the appellant has submitted 3 statutory declarations showing the chalet has been there for more than four years. If this is the case it would be immune from enforcement action.

We have assessed the statements against the facts that we have to hand and there is nothing substantive to disprove the appellants claim that the use has been in existence for more than four years. There is no option but to withdraw the notice.

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

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