

## **Planning Committee – 18 November 2009**

### **Report of the Growth and Development Manager**

#### **Enforcement Item**

##### **Parish:**

- |           |                                |   |
|-----------|--------------------------------|---|
| <b>1.</b> | <b>File/Complaint Number</b>   | E0365/27/2006   |
| <b>2.</b> | <b>Location of Site</b>        | Land southwest of Allerford Farm known as 'Gaia'                        |
| <b>3.</b> | <b>Names of Owners</b>         | William Salter and Daphne Hawkins, Gaia, Hillfarrance, Taunton, TA4 1AN |
| <b>4.</b> | <b>Name of Occupiers</b>       | As above  |
| <b>5.</b> | <b>Nature of Contravention</b> | Residential occupation of land  |
| <b>6.</b> | <b>Planning History</b>        |   |

In October 2006 it was brought to our attention that an area of land formerly associated with a local farm had been sold. The purchasers had brought onto site various items including portable buildings, equipment and animals. The owners were invited to discuss their future intentions for the land and they were advised that further buildings may require planning permission. An Agricultural notification was received for the erection of a machinery store and hay barn. This was approved in April 2009. Information was received approx 10 weeks ago that the owners had taken up residence in one of the portable buildings on the site. This coincided with the death of Mr Salter's mother whom he was living with in Nynehead. It was difficult to arrange contact with Mr Salter so a Planning Contravention Notice was served requesting information regarding the occupation of the land. The answers given confirmed that Mr Salter and Mrs Hawkins were residing on the land without planning permission.

## **7. Reasons for Taking Enforcement Action**

No evidence has been provided to justify that there is a proven agricultural need to reside on the land and due to the size of the holding it is unlikely that the enterprise would satisfy the criteria. Therefore the residential occupation of the land is contrary to guidance contained in Planning Policy Statement 7, Annex A. Consequently, it represents unjustified development in the open countryside, increasing the likely need to travel by private transport, contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

## **8. Recommendation**

That the Solicitor to the Council be authorised to serve an Enforcement notice to secure the cessation of the residential occupation of the land and take prosecution action subject to satisfactory evidence having been obtained that the notice has not been complied with.

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

**CONTACT OFFICER:**

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