

Planning Committee – 23 March 2011

1. **File/Complaint Number** E0181/46/2010
2. **Location of Site** Alebar Farm, Bussells Farm Lane, West Buckland, Wellington, TA21 9LJ
3. **Names of Owners** Mrs A Routley, Alebar Farm, Bussells Farm Lane, West Buckland, Wellington, TA21 9LJ
4. **Names of Occupiers** Mrs A Routley
5. **Nature of Contravention**

CHANGE OF USE OF LAND TO SITE MOBILE HOME AS
AGRICULTURAL WORKERS DWELLING AND USE OF STABLES
FOR RESIDENTIAL PURPOSES AT

6. **Planning History**

Complaints were received in July 2010 that stables granted Planning permission in 2008 were being used as a dwelling. A visit was made where it was found that the owner was living in the timber stables with an area set up as a kitchen and a lounge area. She was in the process of planting additional trees and proposing to use the land to rear goats, keep a number of ducks and horses.

The owner was advised that Planning permission was required in order to reside on the land and any application must be supported by an agricultural appraisal. No application was received so a further visit made in October 2010 following reports that major earthworks were being carried out. The visit revealed that a large hole ready to receive a septic tank had been dug and a Mobile home had been brought onto site. An application was finally submitted on 4th January 2011 and was subsequently refused under delegated powers on 1st March 2011 for the following reason:

“The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. The proposed dwelling will serve an agricultural enterprise for which there is no essential functional need for a worker to be readily available on hand at most times. Insufficient information has been submitted to demonstrate that the business has been planned on a sound financial basis or that the prospect of being financially profitable over a three year period is achievable. The proposed development fails the tests set out in Planning Policy Statement 7, Annex A and therefore represents an unjustified dwelling in open countryside, contrary to Taunton

Deane Local Plan Policies S1 and S7, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).”

7. Reasons for taking Action

The use of the buildings represent an unjustified residential use in open countryside that is not supported by a justified agricultural or special need. The residential use is contrary to Taunton Deane Local Plan Policies S1 and S7, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice to ensure that the mobile home and the timber stables are not used for residential purposes and take prosecution proceedings, subject to satisfactory evidence being 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

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