

## **PLANNING COMMITTEE – 14 JUNE, 2006**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

##### **Parish: Taunton**

1. **File/Complaint Number** E144/38/2006
2. **Location of Site** 39 Whitmore Road, Taunton.
3. **Names of Owners** Mr C & Mrs P Hockaday
4. **Names of Occupiers** -

5. **Nature of Contravention**

Large Mobile home in rear garden.

6. **Planning History**

An initial enquiry was made to the Authority in June 2005 asking whether planning permission was required to place a small bungalow, log cabin or mobile home in the garden of 39 Whitmore Road. Although little information was provided, a response was given that providing the use was ancillary to the main dwelling planning permission may not be required. However the owner was asked to write to the Council with more details in order that a more formal response could be given. A letter was received dated 22 June, 2005 requesting confirmation regarding the planning position. A letter dated 8 July, 2005 was sent to the owner clarifying the planning situation and stating that any unit must be used ancillary to the main dwelling and must not be self-contained. Further telephone conversations were had with the owner regarding the positioning in relation to fences etc. should a mobile home be sited and whether a site licence was required. Nothing further was heard from the owners. However, on 12 April, 2006 an e-mail was received stating that Whitmore Road would be closed off for a day. On 19 April, 2006 we were informed that a large mobile home was being delivered to 39 Whitmore Road and that it had to be craned over the roof of the main house and sited in the rear garden. Further complaints were received stating that mains services were being connected and persons were now occupying the unit. A site visit was made on 24 April, 2006 when it was found that the unit was in fact a two bedroomed mobile home with living/dining room, kitchen and bathroom. Water and mains drainage were also connected and from an interview with one of the occupiers it appeared that the mobile home was being used as a separate unit with little or no connection with the main residence. It was agreed that the information received would be reported to the Councils Solicitor in order to obtain a legal interpretation of the situation and whether a formal application for planning permission would be required. A letter dated 27 April, 2006 from the Council's Solicitor was hand delivered to the property the same day. The letter stated that from the facts obtained planning permission was required and requiring that an application should be submitted for the siting of the unit. To date no response has been received from the owners to that letter.

7. **Reasons for taking Action**

From the information initially received it was suggested that the unit was to be occupied by an elderly relative, who would take meals in the main house. However the nature of the accommodation provided and the way it is occupied would not be considered ancillary to the use of the main house. The various factors taken into account are derived from case law and take into account such matters as the extent to which the occupier uses facilities within the main house, the level of facilities provided in the mobile home and whether the accommodation is occupied on a full time basis. The siting, size and appearance of the mobile home has a detrimental effect on the neighbouring properties and has a detrimental visual impact on this residential area.

8. **Recommendation**

The Solicitor to the Council be authorised to commence enforcement action and take prosecution action 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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