

Present: Councillor Miss Peppard (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Beaven, Croad, Denington, Floyd, Guerrier, Henley, Hindley,  
House, Phillips, Mrs Smith, Vail and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mrs J Moore (Principal  
Planning Officer (East)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant  
(Review Support Manager)

(The meeting commenced at 7.30 pm).

(Councillors Henley and Denington arrived at the meeting at 7.34pm and 7.41pm  
respectively).

161. Welcome

The Chairman welcomed everyone to the meeting, the first time the Planning  
Committee had met at St Andrews Church Hall in Taunton.

162. Apologies

Councillors Bowrah, Miss Cavill, Stuart-Thorn and Weston.

163. Application for Planning Permission

The Committee received the report of the Development Control Manager on an  
application for planning permission.

RESOLVED that planning permission be refused for the under-mentioned  
development subject to the standard reasons adopted by Minute No 86/1987 of the  
former Planning and Development Committee and such further reasons as stated:-

**24/2004/042**

Change of use of agricultural land to form permanent gypsy site, including the  
stationing of 16 mobile homes, 16 touring caravans and 16 utility day rooms, land on  
Oxen Lane, North Curry.

Reasons

- (a) The proposed development, by reason of its scale and appearance, will be  
detrimental to the visual amenities of this attractive rural area and would not  
respect the distinct Low Vale Character of the North Curry Ridge Landscape  
Area, contrary to Taunton Deane Local Plan Policy EN13.
- (b) The site is location in open countryside where it is the policy of the Local  
Planning Authority to allow gypsy sites to be permitted where they comply  
with the criteria listed in Policy H16 of the Taunton Deane Local Plan. The  
Local Planning Authority considers that the proposal does not comply with

criteria (A), (B), (C), (D), (E), (G), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H16.

- (c) The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Windmill Hill and Greenway, and the County Highways Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Policy 49 and Taunton Deane Local Plan Policy S1(A).
- (d) The use of the site for the provision of 16 mobile homes and 16 touring caravans, by reason of its scale, appearance and close proximity to surrounding properties would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H16(D), (E) and (G).

Having taken the decision to refuse the application, the Chairman announced that the Committee would need to retire to receive a briefing from the Senior Solicitor (Mrs J M Jackson) as to whether it was appropriate to take further enforcement action.

164. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the item of business covered by Minute No 165 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

The Committee retired to a side room at 8.55pm.

Members reconvened in the main hall at 9.18pm.

165. Proposed further enforcement action in relation to the unauthorised occupation of land at Oxen Lane, North Curry.

The Senior Solicitor informed the Committee that it had three possible options to consider. These were:-

- (1) To seek an injunction to secure removal of the caravans from the site pending determination of the enforcement notice appeal and any appeal against the refusal of planning permission (an eviction injunction);
- (2) To seek an injunction to prevent any further occupation of the site pending determination of the enforcement notice appeal and any appeal against the refusal of planning permission (a status quo injunction); and
- (3) To take no action until the appeal against the enforcement notice and any appeal against the refusal of planning permission had been determined.

The Senior Solicitor then outlined the relevant issues that the Committee needed to take into account in reaching its decision.

RESOLVED that, subject to all necessary evidence being available, the Senior Solicitor be authorised to seek an eviction injunction (option (1) above) to secure the removal of the caravans from the site at Oxen Lane, North Curry pending the determination of any appeals lodged against the enforcement notice or the refusal of planning permission.

166. Formation of Steering Group

The Chairman announced that having taken a decision to seek an injunction, it was appropriate to set up a Steering Group to monitor and oversee that process.

RESOLVED that an Oxen Lane Steering Group be formed comprising the Leader of the Council, the Executive Councillor for Planning Policy and Transportation, the Chairman of the Planning Committee and one representative from both the Labour Group and the Liberal Democrat Group.

(The meeting ended at 9.28pm).