

Planning Committee 4 February 2015

Case No. ENF/14/00009/UDRU

Grid Ref: 291802 121769

Address:

Hamslade Farm, Bampton, Tiverton, Devon

Alleged Breach:

Without planning permission, an unauthorised development has been undertaken to the area of land to the north west of Hamslade Farm. Namely the construction of a single storey building with the facilities required for the creation of a residential unit as shown on the attached plan and photographs.

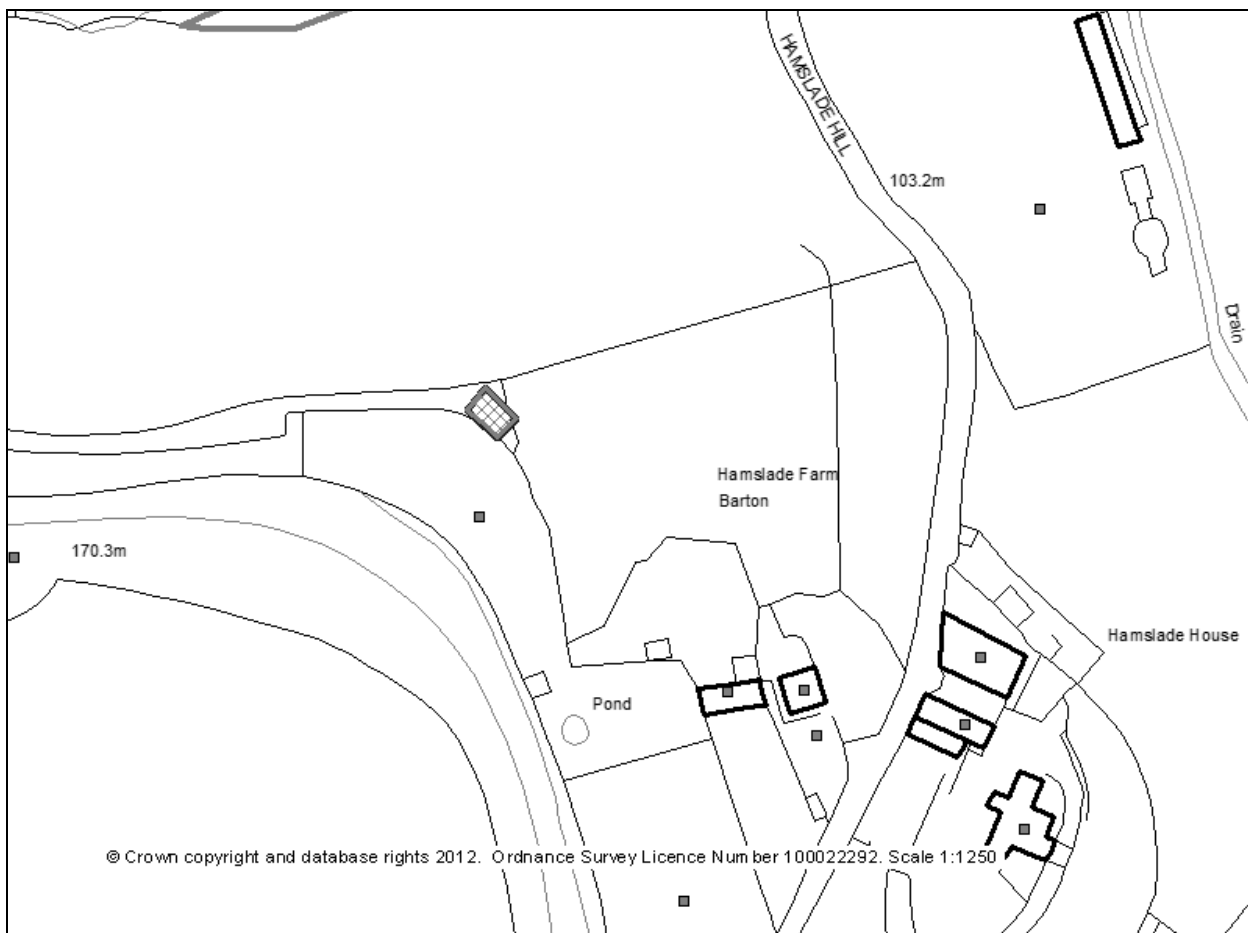
Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a notice or notices, seeking the removal of the structure from the land. In the event of any failure to comply with the notice served the additional authority to prosecute, take direct action and/or seek a court injunction.

Site Description:

Hamslade Farm, Bampton, Tiverton, Devon

Site Plan:



Site History:

87/00662/OUT	Outline for the erection of a dwelling	REFUSE
97/01486/OTHE R	Details of barn conversion	REC
98/00404/FULL	Conversion of barn to form dwelling (Revised Scheme)	PERMIT
78/01792/OUT	Outline for the change of use from barn into dwelling	ROUT
79/02036/FULL	Change of use from barn to dwelling; construction of vehicular access	PERMIT
12/01286/CLU	Certificate of Lawfulness for the existing use of agricultural Land for general storage (Class B8)	PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High Quality Design

DM31 - Planning Enforcement

Reasons/Material Considerations:

The attention of officers was drawn to this site in January 2014. The works have been discussed with the owner who claims that there is an existing building and that this existing building is part of the Certificate of Lawfulness consent 12/01286/CLU for Certificate of Lawfulness for the existing use of agricultural land for general storage (Class B8).

It is confirmed that the majority of the building constructed is within the confines of the CLU area as approved.

However photographs show that the building in question has been recently constructed with new foundations and a damp-proof course inserted. It is our view that regardless of whether there used to be a dilapidated building on this site or not, the existing building is newly constructed and requires specific planning permission for its retention.

It was made clear to the owner that Planning Permission would be required for the proposed structure/building. The owner was also informed that he would need to provide specific reasons why the building is required and for the use it is intended to be put to.

The present structure contains all the required accretments for use as a separate dwelling, there is a living area and kitchen, bathroom, separate room. Your officers consider this separate room could be intended as a bedroom.

A further site visit was undertaken to ascertain the precise location of the building, this shows that the majority of the building is located at grid ref ss9180 and BNG217.

It is considered that adequate time has elapsed for the owner to resolve the issues at Hamslade Farm by either removing the unauthorised structure or submitting an appropriate planning application. No such application has been received and the building remains unauthorised. It is the view of the Local Planning Authority that if an application was received for its retention, that it would be likely to be refused.

Human Rights and Equality Issues:

The taking of any enforcement action could be said to affect the land/property owner/occupiers human rights under the provision of Article 8 and Article 1 of the First protocol to the Human Rights Act 1998.

In this case, the owner has made a free choice to construct the structure/building without any prior approval or discussion as to the merits of building the structure/building.

The Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town and Country Planning Act 1990 as amended so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

This would not be appropriate as it could lead to the setting of a precedent allowing the construction of structures without planning consent.

Invite an application to grant consent to regularise the Development - It would be inappropriate to invite a planning application for the retention of the structure/building considering the likely refusal of such an application.

Issue Enforcement Notice to seek removal of the structure from the land - This is the recommended course of action.

Reasons for Decision:

The unauthorised development has been undertaken within the last four years and is not substantially complete. The development is contrary to policy COR2 and COR16 of the Mid Devon Core Strategy (Local Plan Part1), Policies DM1, DM2, DM3, DM13, of the Mid Devon Local Plan Part 3 (Development Management Policies) and in line with policy DM31 of the same document.

Steps Required:

1. Remove the unauthorised structure/building from the land.

Period for Compliance:

Six months for the date the notice comes into effect.