THE ANNEX hereinbefore referred to

Reasons why the Council consider it expedient to issue an Enforcement Notice in respect of the unauthorised use of Land at Griffin House, Hatch Beauchamp, Taunton, Somerset for the purpose of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment

(1) The Land is in open countryside where it is the policy of the Council to normally resist industrial, warehouse and commercial development.

(2) The Land lies within the Fivehead Ridge Special Landscape Area where it is the policy of the Council to carefully control all development that might damage those features which give the area its special character.

In the opinion of the Council the unauthorised use of the Land generates additional traffic movements which are detrimental to the amenities of the Special Landscape Area and therefore the unauthorised use is contrary to the Council's policy.

(3) The increased use of the existing access to the Land and the resultant generation of additional conflicting traffic movements on the Principal Road A.358 are prejudicial to road safety.

(4) The unauthorised use of the Land constitutes a commercial intrusion within an area of open countryside and is detrimental to the visual amenities of the area.

GW/PD11/A/158

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT, 1971 -
ENFORCEMENT NOTICE

To: [redacted]
of:

WHEREAS:

1. You are the owner and/or occupier of land situate at Griffin House, Hatch Beauchamp in the Borough of Taunton Deane in the County of Somerset which is more particularly delineated on the attached plan and thereon edged red ("the Land")

2. The TAUNTON DEANE BOROUGH COUNCIL ("the Council") are the District Planning Authority and exercise the functions of the Local Planning Authority for the purposes of the provisions of Section 87 of the Town and Country Planning Act, 1971 ("the Act").

3. It appears to the Council that after the 31st day of December 1963 there has been a breach of planning control in that the Land has been developed by the making of a material change in the use thereof ~~to a use~~ for residential purposes and for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment without the grant of permission required in that behalf under Part III of the Act.

4. The Council consider it expedient having regard to the provisions of the Structure Plan and to all other material considerations to issue this enforcement notice in exercise of their powers contained in Section 87 of the Act for the reasons set out in the Annex to this notice

NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in Section 87 of the Act the Council HEREBY REQUIRE YOU within a period of ~~three calendar~~ nine months beginning with the date on which this notice takes effect to:-

Discontinue the mixed use residential purposes and for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment, by discontinuing any use for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act

ON THE TWENTY-NINTH DAY OF NOVEMBER 1982
DATED THIS TWENTIETH DAY OF OCTOBER 1982

Signed: .....
Secretary and Solicitor

Ref: GW/PD11/A/158

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL AGAINST AN ENFORCEMENT NOTICE contained in Section 88 of the Act which are set out in the explanatory booklet "Enforcement Notice Appeals - a Guide to Procedure" enclosed herewith.

A/714X/AJT/P

Department of the Environment and
Department of Transport
Common Services
Room 1410 Tollgate House Houlton Street Bristol BS2 9 DJ
Telex 449321
Direct line 0272-218912
Switchboard 0272-218811

Council Ref: DCF/NP/PD.11/A/158

[redacted]

Your reference

Our reference T/APP/5365/C/82/3168/PE2
and T/APP/5365/A/82/10188/PE2

Date - 4 NOV 83

TAUNTON DEANE
- 7 NOV 1983
MUNICIPAL BUILDINGS
TAUNTON TA1 4AD

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 88 AND 36 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AND BUILDINGS AT GRIFFIN HOUSE, HATCH BEAUCHAMP

1. I have been appointed by the Secretary of State for the Environment to determine your appeals which are against an enforcement notice issued by the Taunton Deane Borough Council and against a refusal of planning permission by that Council, concerning the above-mentioned land and buildings. I have considered all the written representations made by you and by the Planning Authority and also those made by the West Hatch Parish Council, the Somerset Branch of the Council for the Protection of Rural England and interested persons. I inspected the site on Thursday 7 July 1983.

2. a. The date of the notice is 20 October 1982.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the land to a use for the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment without the grant of permission required in that behalf.

c. The requirements of the notice are to discontinue the use of the land for the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment with the exception of those motor vehicles owned by the occupiers of the land and the domestic machinery and equipment used in connection with the running and maintenance of the land.

d. The period for compliance with the notice is three calendar months.

e. The appeals were made on ground 88(2)(a).

3. The development for which planning permission was refused is expressed to be for the change of use from barn to workshop for repairs to cars, chain-saws, motor mowers and small agricultural machinery.

SITES AND SURROUNDINGS

4. The 2 appeals are concerned with 2 partly coincident areas of land at Griffin House on the south-western side of the A358 road by the junction of Griffin Lane

north of the village of Hatch Beauchamp in the Somerset countryside about 8 km south-east of Taunton. The Section 88 enforcement appeal site is an irregularly, U-shaped area of, on my estimate, about 0.09 hectare of land containing on its western side an old, single-storey, stone outbuilding. This site has frontages to both roads so that it surrounds on 3 sides the main building of Griffin House and that part of its garden which fronts onto the road junction. The Section 36 appeal site, which on my estimate is of about 0.02 hectare, is a backland part of the enforcement appeal site and comprises part of the old stone outbuilding and the small area of open yard to the north-west of the house.

5. The enforcement appeal site, which lies below the A358 road, has access to that highway north of the house via a gateway set back about 6 m from the general line of the highway boundary and now closed by a pair of solid wooden gates set in a stone wall all about 1.8 m high. Because the site stands somewhat below the main road this access falls moderately from the main carriageway and the yard and outbuilding may be partly seen over the wall and the gates from the main road. A second access from the southern part of the appeal site is available via a gateway onto Griffin Lane but internal vehicular movements between these 2 accesses is now precluded by a fence along the southern boundary of the Section 36 appeal site. The latter site has no direct highway frontage but connects to the northern access of the enforcement site. Griffin House is a substantial looking, old, 2-storey dwellinghouse which appears to be in residential use.

6. Visibility from the site access onto the A358 road is restricted (to the north quite sharply) along that main road by roadside vegetation and by an agricultural building on the frontage of adjoining land to the north. In this locality the main road has a winding and undulating single, 2-lane carriageway about 6.4 m wide generally flanked by grass verges on both sides, is unlit and not subject to any local speed limit. Griffin Lane is a narrow, winding country lane providing restricted visibility both generally and at the southern access from Griffin House. Its T-junction with the main A358 road also provides restricted visibility at 4.5 m or more back along the centre line of the lane. Development in this locality is thinly scattered, the nearest dwellings to Griffin House visible from the highway being 2 otherwise isolated cottages about 80 m to the south on either side of the main road entrance to the country estate Hatch Park. The site lies in an area not proposed for development, and forming part of a special landscape area, on the County of Somerset Structure Plan.

INSPECTOR'S CONCLUSIONS

The Notice

7. It appears to be common ground between the parties that Griffin House is used, together with some associated land, for residential purposes by yourself and others and that such a residential use has subsisted on the land since before your first occupation, now more than 4 years ago. However that residential use is not referred to in the notice. From my inspection of the appeals sites and the written representations before me I see no reason to doubt that there is now, and was at the date of issue of the enforcement notice, a substantial overlap of residential and business uses on the enforcement appeal site, particularly at the northern, access end. As to the reference in the allegation of the notice to sale of motor vehicles, I note that you do not dispute the facts of such sales and that the Planning Authority, whilst not disputing your statement that only 2 vehicles have actually been sold at the property, refer also to the offering of vehicles for sale. I have considered all the written representations before me, including your references to the site with which the Section 36 appeal is concerned. On a balance of probability I find,

as a matter of fact and degree, that there has been a change in use of the enforcement appeal site since the beginning of 1964 to a mixed use for residential purposes and for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment without the grant of planning permission required in that behalf. On that basis I consider the absence from the notice of reference to a subsisting residential use of the land constitutes an area which ought, for the avoidance of doubt and difficulty, to be corrected. That error appears capable of correction without injustice to yourself as the appellant or to the local planning authority and within the powers of Section 88(2) of the 1971 Act as amended by the Act of 1981 and I intend to correct it accordingly. The requirements of the notice would require consequential amendment as indicated below.

The Deemed and Section 36 Appeal Applications

8. I note that the planning application which, under Section 88B(3) of the 1971 Act as amended, you are deemed to have made clearly relates to a larger area of land than that with which your Section 36 appeal is concerned. However from my inspection of both appeals sites and the written representations before me I consider that the principal issues in both appeals are, firstly, whether continuation of your business on the land is open to material planning objections as being detrimental to the rural character of the locality and to highway traffic flow and safety and, if so, secondly, whether there are special circumstances in this case which are sufficient to outweigh such objections.

9. On the first issue, in my opinion the appeal site may fairly be described as lying in an isolated location well outside the main body of Hatch Beauchamp village in open, agricultural countryside which is of considerable scenic value. Your business use, of general industrial type, is one which, under established local and national planning policies, would not normally be considered appropriate in the countryside. I recognise that because your workshop and its adjoining parking area are within the group of buildings at Griffin House they need not in themselves be widely noticeable, but in planning terms that gives no positive merit to the development. The repair and maintenance of vehicles and agricultural and domestic machinery, even if limited to the Section 36 appeal site, is largely alien to this rural area and may reasonably be expected to involve a noticeable increase in traffic and general activity over what would normally be associated with a lawful residential use of the land. Thus the rural character and amenities of the locality would be damaged if the use were to continue. Furthermore, the residential amenities of Griffin House are also likely to be reduced by such a use; this is also a matter for concern even if, as you have indicated, it remains one property which you occupy.

10. As to the traffic objections raised against the non-residential use of the land, I consider that both the appeals sites' accesses to the highway and the junction of Griffin Lane with the main road provide notably poor visibility for use by vehicles. I accept that the main A358 road here is not of a good standard of width and layout for the substantial volume of generally fast moving traffic which it now carries, so that the Planning Authority are rightly concerned to prevent any interference with the free and safe flow of traffic from avoidable development. There is, of course, no suggestion that the long subsisting lawful, domestic use of these accesses is subject to planning control. However in my view the additional traffic movements likely to be associated with the uses enforced against and proposed present occasional but most undesirable additional traffic hazards which ought not to be permitted to arise in present circumstances. I conclude that the uses enforced against and proposed are open to material planning objections.

11. On the second issue, having considered all the written representations before me I accept that if you were forced to cease your business use by Griffin House at an early date there would be considerable immediate problems in finding suitable alternative premises. In consequence business might well be disrupted with serious effects on what is now your sole means of livelihood and you might well suffer personal hardship. However the local planning authority refer to some potentially suitable premises and will no doubt make every effort, in accordance with the advice in Circular 22/80, to help you to find a suitable alternative site. On the information before me I am not convinced that relocation need now cause more than limited and short-term difficulties.

12. I have taken into account the references in your planning application and in the parties' cases to your work on agricultural machinery but I consider that the available information does not show that service to agriculture is a major part of your business. I consider that the business has not been shown to require location in the countryside. The traffic situation here may be eased in future by construction of a by-pass but the representations before me do not show that there are secure early prospects of this occurring. Having given full weight to the Ministerial advice in Circular 22/80 on planning and the regeneration of the national economy, on the information available to me I am not convinced that there are in this case circumstances so favourable to your appeal as to outweigh the planning objections mentioned above. I conclude that permission ought not to be granted on either the deemed application or the Section 36 appeal proposal. I have taken into account all the other matters referred to in all the written representations before me but find in all these matters nothing to alter materially the balance of considerations that led me to my decisions on the planning merits of these appeals.

Grounds (g) and (h)

13. Although the enforcement appeal is not made on either of these grounds I have considered these aspects of the case. On ground (g), I consider that the requirements of the notice do not reflect what I have found above to be the actual, mixed use of the land and therefore should be varied. I also consider that the wording in the requirements commencing "with the exception ..." is ambiguous in its reference to "vehicles owned by the occupants of the land" and may thereby lead to doubt and difficulty. The making of an exception by this wording appears to me to be unnecessary for what I assume to be its intended purpose of protecting such activities as may lawfully be incidental to the enjoyment of the dwellinghouse as such. For the avoidance of doubt and difficulty I consider this wording, commencing "with the exception" should be deleted. Otherwise I find the requirements of the notice, in effect to discontinue the non-residential use enforced against, do not exceed what is necessary to remedy the breach of planning control to which the notice relates.

14. On ground (h), as indicated above I accept that enforced early cessation of your business on the appeals site would be likely to disrupt the business and cause you hardship, but I consider that relocation need present no more than limited and short-term problems. However I consider the specified period of 3 months for compliance with the notice is unlikely to be sufficient to enable you to find a suitable alternative site and otherwise to comply with the notice. On the information available to me a period of 9 months from the date of this letter appears likely to be reasonably sufficient.

15. I am satisfied that the above-mentioned variations of the requirements of the notice and of the period for compliance, may be made without injustice to yourself as the appellant or to the local planning authority and within the powers of Section 88A(2) of the 1971 Act as amended by the Act 1981.

FORMAL DECISION

16. In exercise of the powers transferred to me, and for the reasons given above I hereby direct that the notice be corrected by the deletion from paragraph 3 thereof of the words "to a use" and the substitution therefor of the words "to a mixed use for residential purposes and". I hereby direct that the notice be varied by the deletion of the words "discontinue the use of the land for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment with the exception of those motor vehicles owned by the occupiers of the land and the domestic machinery and equipment used in connection with the running and maintenance of the land" and the substitution therefor of the words 'discontinue the mixed use for residential purposes and for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment, by discontinuing any use for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment". I also hereby direct that the notice be varied by the deletion of the words "three calendar months" and the substitution therefor of the words "nine months". Subject thereto I hereby dismiss both appeals, uphold the enforcement notice as corrected and varied and, on the application deemed to have been made under Section 88B(3) of the 1971 Act as amended by the Act of 1981 and on the application the subject of the Section 36 appeal, hereby refuse to grant planning permission.

RIGHTS OF APPEAL AGAINST DECISION

17. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant

L W TYERS ARICS
Inspector

ENC

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT, 1971 -
ENFORCEMENT NOTICE

Card. 19/45

To:
of: [redacted]

WHEREAS:

1. You are the owner and/or occupier of land situate at Griffin House, Hatch Beauchamp in the Borough of Taunton Deane in the County of Somerset which is more particularly delineated on the attached plan and thereon edged red ("the Land")

2. The TAUNTON DEANE BOROUGH COUNCIL ("the Council") are the District Planning Authority and exercise the functions of the Local Planning Authority for the purposes of the provisions of Section 87 of the Town and Country Planning Act, 1971 ("the Act").

3. It appears to the Council that after the 31st day of December 1963 there has been a breach of planning control in that the Land has been developed by the making of a material change in the use thereof to a use for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment without the grant of permission required in that behalf under Part III of the Act.

4. The Council consider it expedient having regard to the provisions of the Structure Plan and to all other material considerations to issue this enforcement notice in exercise of their powers contained in Section 87 of the Act for the reasons set out in the Annex to this notice

NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in Section 87 of the Act the Council HEREBY REQUIRE YOU within a period of three calendar months beginning with the date on which this notice takes effect to:-

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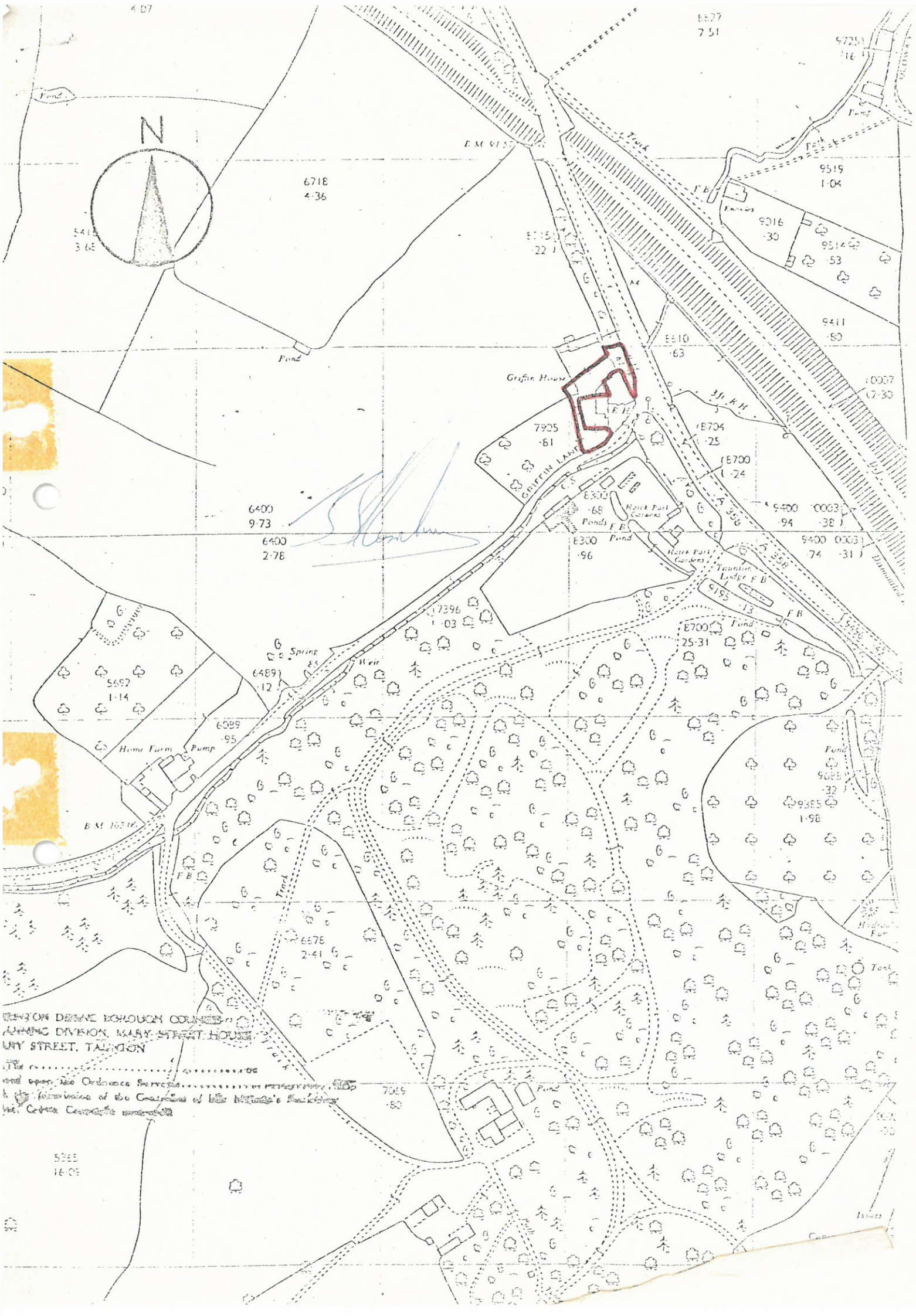
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ON THE TWENTY-NINTH DAY OF NOVEMBER 1982
DATED THIS TWENTIETH DAY OF OCTOBER 1982

Signed.....
Secretary and Solicitor

Ref: GW/PD11/A/158

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N
Griffin House
GRIFFIN LANE
Pond
Spring
Weir
Home Farm
Pump
Pond
Pond
Pond

THE ANNEX hereinbefore referred to

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(1) The Land is in open countryside where it is the policy of the Council to normally resist industrial, warehouse and commercial development.

(2) The Land lies within the Fivehead Ridge Special Landscape Area where it is the policy of the Council to carefully control all development that might damage those features which give the area its special character.

In the opinion of the Council the unauthorised use of the Land generates additional traffic movements which are detrimental to the amenities of the Special Landscape Area and therefore the unauthorised use is contrary to the Council's policy.

(3) The increased use of the existing access to the Land and the resultant generation of additional conflicting traffic movements on the Principal Road A.358 are prejudicial to road safety.

(4) The unauthorised use of the Land constitutes a commercial intrusion within an area of open countryside and is detrimental to the visual amenities of the area.

GW/PD11/A/158

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To: [redacted]
of:

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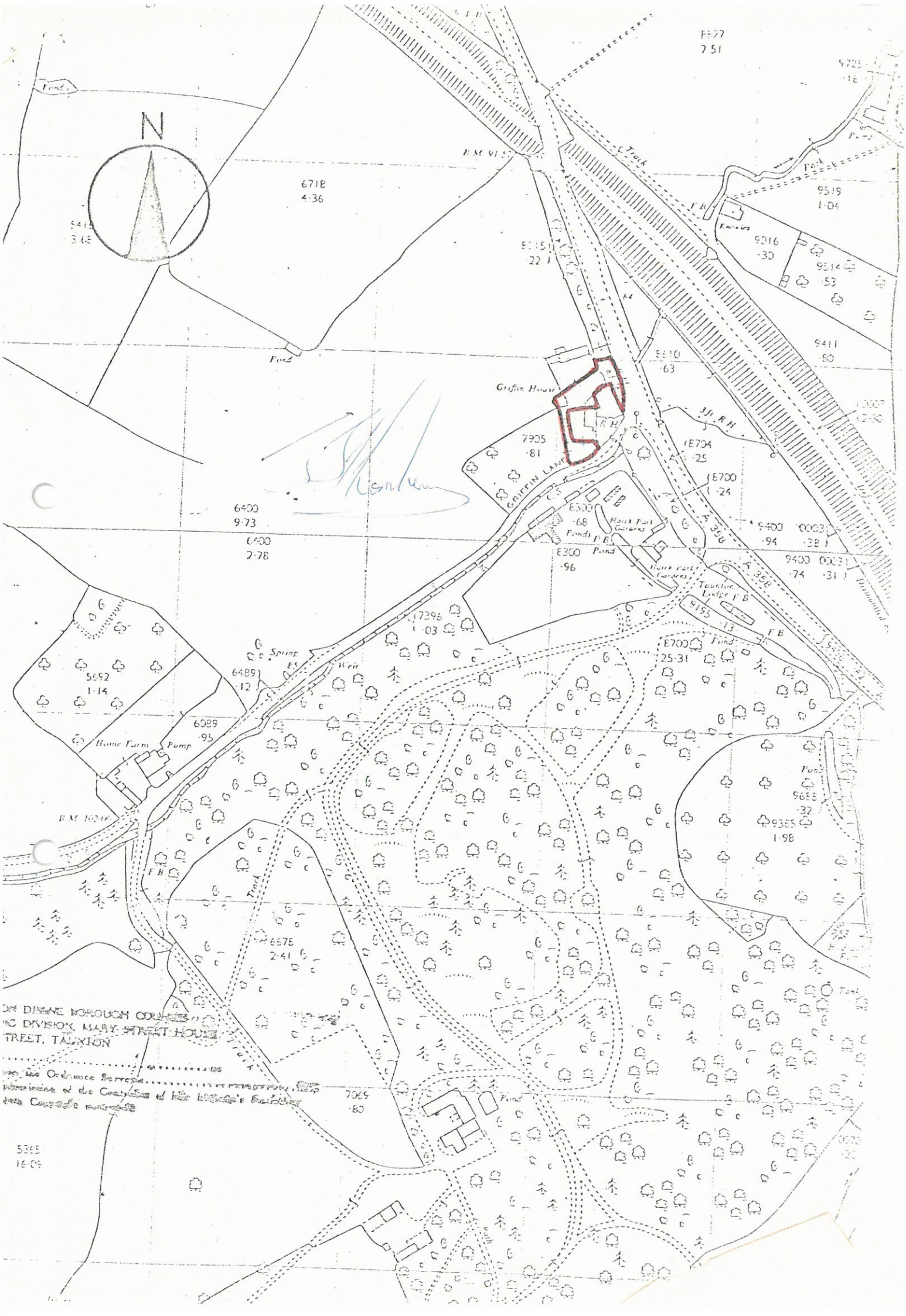
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N
Griffin House
GRIFFIN LANE
Home Farm
Pump
Spring
Pond
Tourton Lodge
Tank
Griffin Lane
Ponds
Pond
Tank
Pond
Pond
Pond

THE ANNEX hereinbefore referred to

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GW/PD11/A/158

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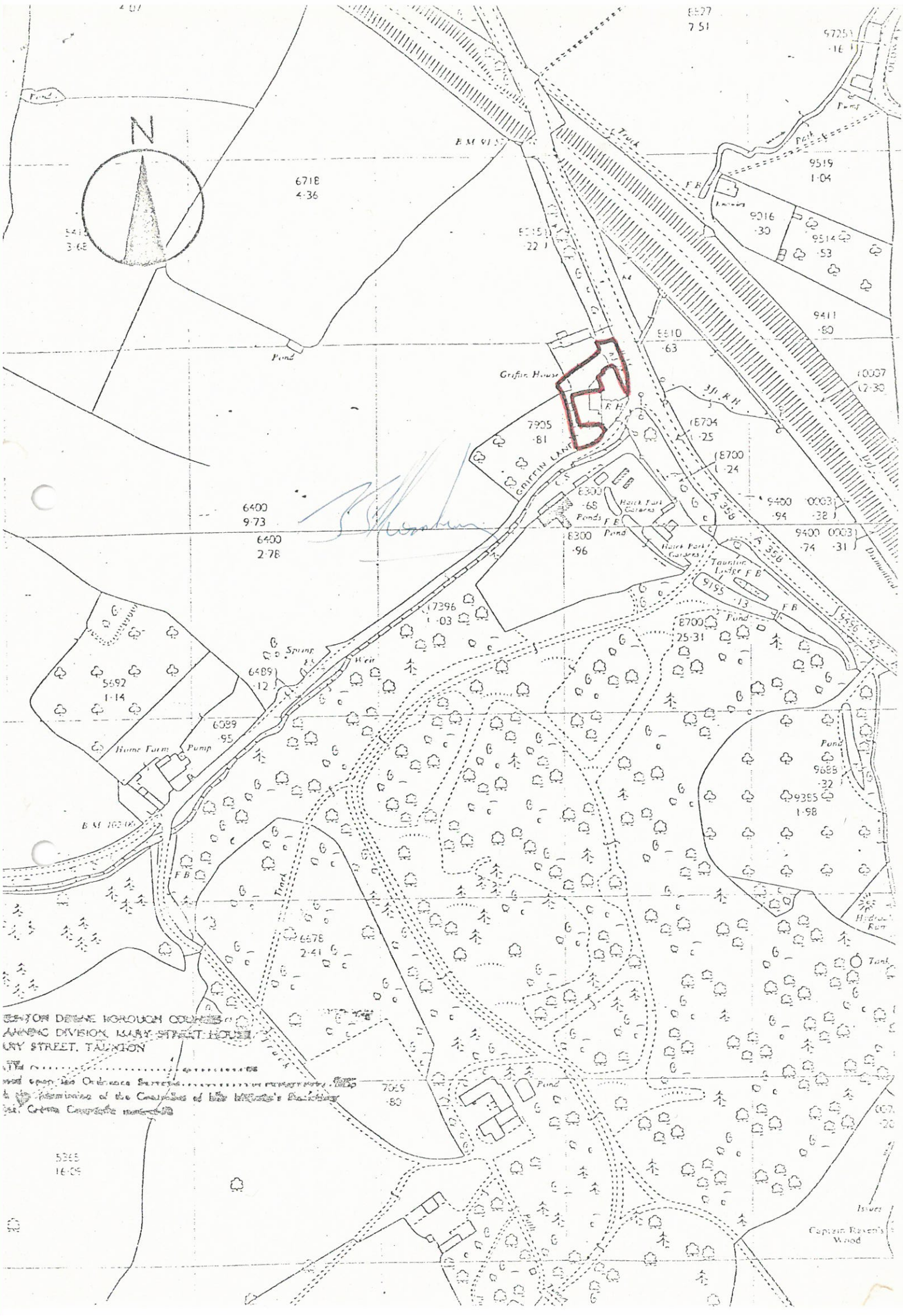
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N
Griffin House
GRIFFIN LANE
Home Farm
Pump
Pond
Spring
Weir
Tank
Captain Raven's Wood
6718
4·36
6400
9·73
6400
2·78
5692
1·14
6678
2·41
5365
16·05
9519
1·04
9411
·80
9514
·53
9516
·30
7905
·81
8300
·68
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·96
9195
·13
8700
25·31
9685
·32
9385
1·98
7059
·80

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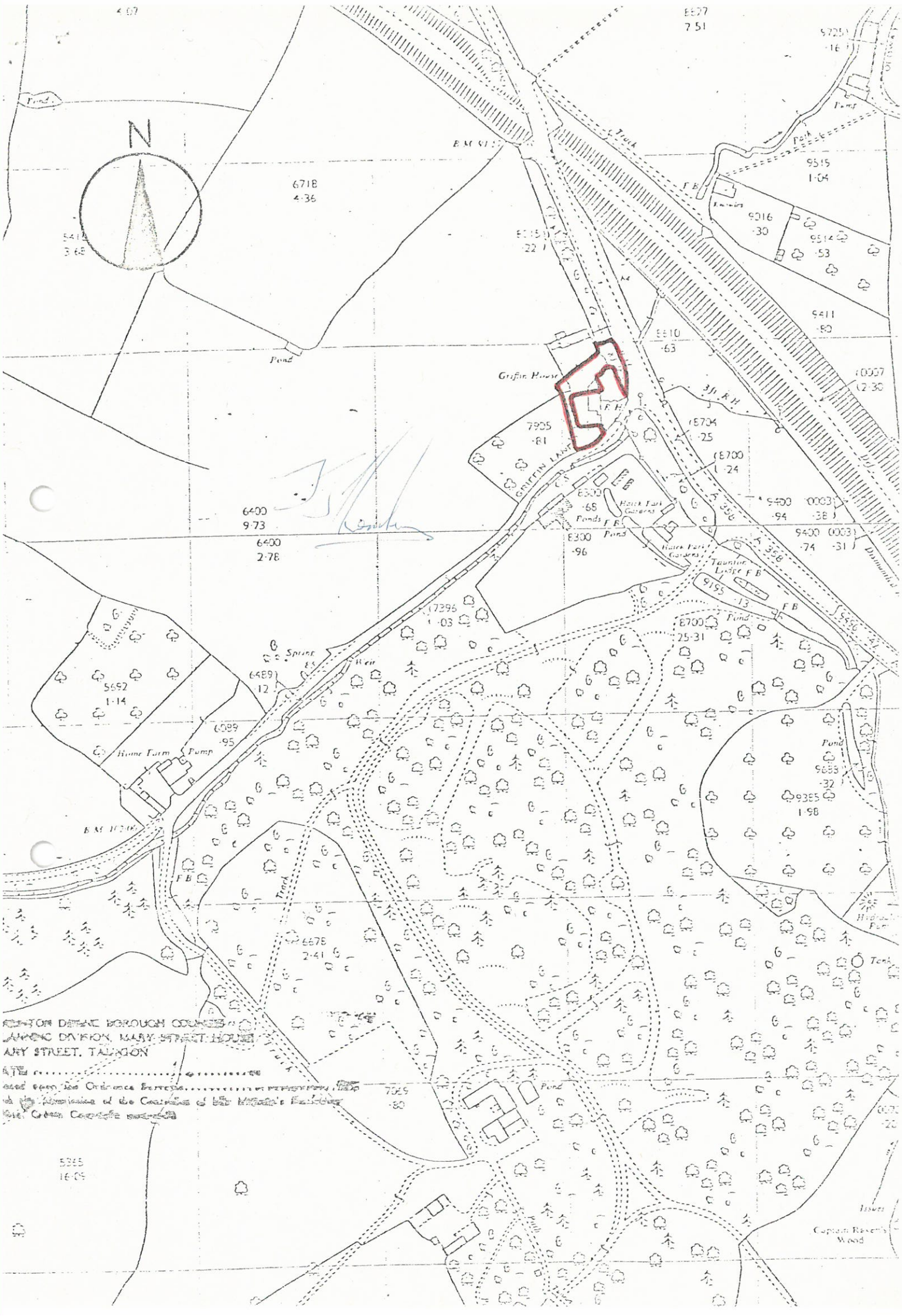
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N
Griffin House
Griffin Lane
Hatch Park Gardens
Taunton Lodge F B
Hume Farm
Pump
Spring
Well
Pond
Track
F B
B.M. 91.57
B.M. 77.36
Captain Reed's Wood

THE ANNEX hereinbefore referred to

Reasons why the Council consider it expedient to issue an Enforcement Notice in respect of the unauthorised use of Land at Griffin House, Hatch Beauchamp, Taunton, Somerset for the purpose of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment

(1) The Land is in open countryside where it is the policy of the Council to normally resist industrial, warehouse and commercial development.

(2) The Land lies within the Fivehead Ridge Special Landscape Area where it is the policy of the Council to carefully control all development that might damage those features which give the area its special character.

In the opinion of the Council the unauthorised use of the Land generates additional traffic movements which are detrimental to the amenities of the Special Landscape Area and therefore the unauthorised use is contrary to the Council's policy.

(3) The increased use of the existing access to the Land and the resultant generation of additional conflicting traffic movements on the Principal Road A.358 are prejudicial to road safety.

(4) The unauthorised use of the Land constitutes a commercial intrusion within an area of open countryside and is detrimental to the visual amenities of the area.

GW/PD11/A/158

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT, 1971 -
ENFORCEMENT NOTICE

To: [redacted]
of:

WHEREAS:

1. You are the owner and/or occupier of land situate at Griffin House, Hatch Beauchamp in the Borough of Taunton Deane in the County of Somerset which is more particularly delineated on the attached plan and thereon edged red ("the Land")

2. The TAUNTON DEANE BOROUGH COUNCIL ("the Council") are the District Planning Authority and exercise the functions of the Local Planning Authority for the purposes of the provisions of Section 87 of the Town and Country Planning Act, 1971 ("the Act").

3. It appears to the Council that after the 31st day of December 1963 there has been a breach of planning control in that the Land has been developed by the making of a material change in the use thereof to a use for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment without the grant of permission required in that behalf under Part III of the Act.

4. The Council consider it expedient having regard to the provisions of the Structure Plan and to all other material considerations to issue this enforcement notice in exercise of their powers contained in Section 87 of the Act for the reasons set out in the Annex to this notice

NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in Section 87 of the Act the Council HEREBY REQUIRE YOU within a period of three calendar months beginning with the date on which this notice takes effect to:-

Discontinue the use of the Land for the purposes of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment with the exception of those motor vehicles owned by the occupiers of the Land and the domestic machinery and equipment used in connection with the running and maintenance of the Land.

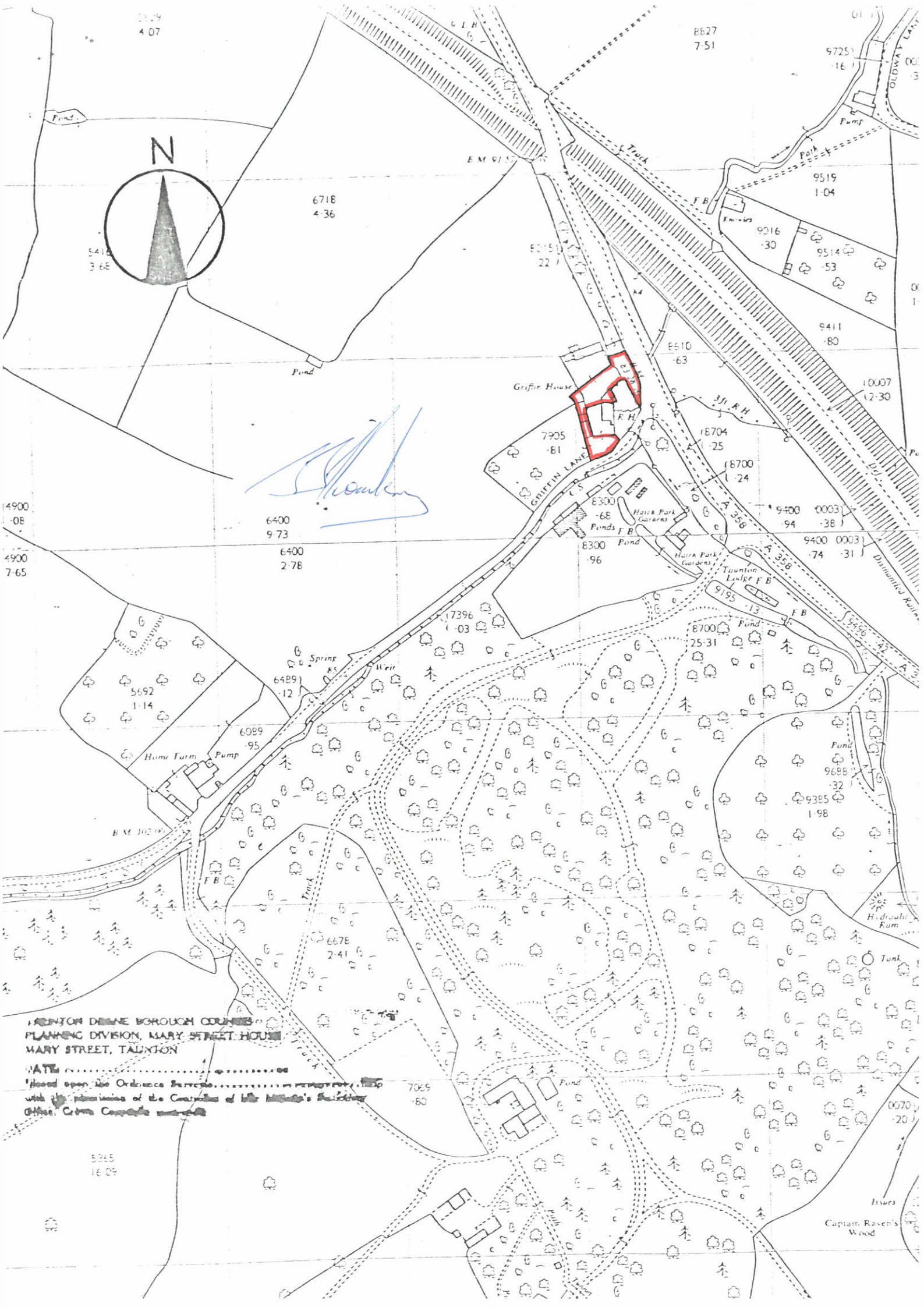
THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act

ON THE TWENTY-NINTH DAY OF NOVEMBER 1982
DATED THIS TWENTIETH DAY OF OCTOBER 1982

Signed.....
Secretary and Solicitor

Ref: GW/PD11/A/158

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL AGAINST AN ENFORCEMENT NOTICE contained in Section 88 of the Act which are set out in the explanatory booklet "Enforcement Notice Appeals - a Guide to Procedure" enclosed herewith.


N
Griffin House
GRIFFIN LANE
Hatch Park Gardens
Taunton Lake
Home Farm
Pump
Pond
Track
Path
Sprint Ho
Weir
Hydraulic Ram
Tank
Captain Raven's Wood
Issues
A 358
B.M. 91.57
B.M. 105.00
6718
4·36
6400
9·73
6400
2·78
5692
1·14
6678
2·41
9519
1·04
9411
·80
9385
1·98
TAUNTON DEANE BOROUGH COUNCIL
PLANNING DIVISION, MARY STREET HOUSE
MARY STREET, TAUNTON

THE ANNEX hereinbefore referred to

Reasons why the Council consider it expedient to issue an Enforcement Notice in respect of the unauthorised use of Land at Griffin House, Hatch Beauchamp, Taunton, Somerset for the purpose of the sale of motor vehicles and the repair and maintenance of motor vehicles and agricultural and domestic machinery and equipment

(1) The Land is in open countryside where it is the policy of the Council to normally resist industrial, warehouse and commercial development.

(2) The Land lies within the Fivehead Ridge Special Landscape Area where it is the policy of the Council to carefully control all development that might damage those features which give the area its special character.

In the opinion of the Council the unauthorised use of the Land generates additional traffic movements which are detrimental to the amenities of the Special Landscape Area and therefore the unauthorised use is contrary to the Council's policy.

(3) The increased use of the existing access to the Land and the resultant generation of additional conflicting traffic movements on the Principal Road A.358 are prejudicial to road safety.

(4) The unauthorised use of the Land constitutes a commercial intrusion within an area of open countryside and is detrimental to the visual amenities of the area.



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