L/229/XJ/1

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cc 4 OPRO
1 CEO
1 LC.
1 County Surveyor
3/7/85

Department of the Environment and Department of Transport
Common Services
Room 1324
Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct line 0272-218909
Switchboard 0272-218811
GTN 2074

Messrs Clarke Willmott & Clarke
6 Hammet Street
TAUNTON
Somerset
TA1 1RG

Your reference
431/53/5119-2-5
Our reference
T/APP/D3315/A/85/26723/P1
Date
-2 [illegible] 1985

TAUNTON [illegible]
-3 JUL 1985
MUN[illegible]S
TAUNTON [illegible]

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 32 AND SCHEDULE 9
APPEAL BY [redacted]
APPLICATION NO: 4/37/84/015

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Taunton Deane Borough Council to refuse planning permission for the retention of an agricultural building and hardcore areas for storage purposes at 'Two Acres', Stoke St Mary. I have considered the written representations made by you, by the council, the parish council and also those made by an interested person. I inspected the site on 14 June 1985.

2. From my inspection of the site and its surroundings and from the written representations made, I am of the opinion that the main issue for consideration in this case is whether or not sufficient reasons exist to justify the retention of this building and hardstanding within an area where only development fulfilling an agricultural or other local need is permitted.

3. Stoke St Mary is one of the many small villages set within the agricultural hinterland to the south-east of Taunton, and is some 2.5 miles from the centre of this town. The appeal site is situated on the southern side of Stoke Road, a narrow thoroughfare, running from the village towards Taunton. It is of some 2 acres in area, and contains within it, a house 'Two Acres', a modern steel frame, steel clad, 4-bay barn with hardstanding floor, and below this, in an area excavated to be level, with banks, is a further area of hardcore. Both the standing areas are filled with movable and semi-movable agricultural equipment including tractors and harvesters, lorries piled with dismantled buildings, and amounts of farm 'scrap'. Access to the site is a joint one, and runs along the south-eastern edge of the land, to serve Cherry Grove, an isolated property at the rear.

4. On behalf of your client you have submitted that the buildings and storage area serve a genuine agricultural need, that Circular 22 leans towards the encouragement of small scale commercial activities, and that similar sites have been permitted on other sites in Somerset.

5. On the question of agricultural need, the situation is one not undeserving of sympathy, as your client has gradually lost the agricultural land he once farmed, including 16 acres at Dowsland Farm, 8 acres at Fullards and 4-5 acres at Stoke Road, leaving apparently only the 2 acres which is the appeal site, and to which your client has gradually withdrawn the equipment previously needed on his original acreage, rather than selling as is more usually the case. The large building now

erected, although it could be varied within its basic shell for various intensive or semi-intensive livestock purposes, cannot be considered as necessary for the farming of the land which your client can use, and cannot therefore be said to be a structure serving a genuine agricultural need.

6. The second point which must be considered is whether any other local need is satisfied by the building and storage areas. No evidence has been submitted that your client's intention lies in the field of agricultural contracting, using such machinery as is available for this purpose, and in any case much of the material stored is of no use for this purpose consisting as it does of farm and building scrap. Under these circumstances I do not consider that the strictures of Circular 22 can reasonably be applied here.

7. Whilst therefore I consider that no case has been made for the permanent retention of this building, in view of the large amount of material stored, and the permanent nature of the structure, I consider that time should be given to allow for disposal of material not needed for the agricultural operations of your client, by sale or other means. On the question of the hardcore areas, these would be invisible, and cause little or no visual damage provided the storage use ceases, a situation which would be resolved when the effective date of the enforcement notice arrives.

8. I have taken into account all the written representations received, but find therein nothing of sufficient value to cause me to vary my decision and for the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the retention of building and hardcore areas at 'Two Acres', Stoke St Mary, near Taunton in accordance with the terms of the application (No 4/37/84/015) dated 25 May 1984 and the plans submitted therewith, subject to the condition that the building hereby permitted shall be removed from the site on or before a date 12 months from the date of this letter.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

S E K CLARK ARICS MRTPI
Inspector

"NOTICE A"

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 Two Acres, Stoke St. Mary 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 storage of trailers, vehicles, timber, asbestos sheets and agricultural equipment and machinery without the grant of permission required in that behalf under Part III of the Act

4. It further appears to the Council that within the period of four years before the date of this notice there has been a breach of planning control in that the Land has been developed by the carrying out thereon of engineering operations, namely the stripping of soil from the Land and the laying of hardcore thereon without the grant of permission required in that behalf under Part III of the Act

5. 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.

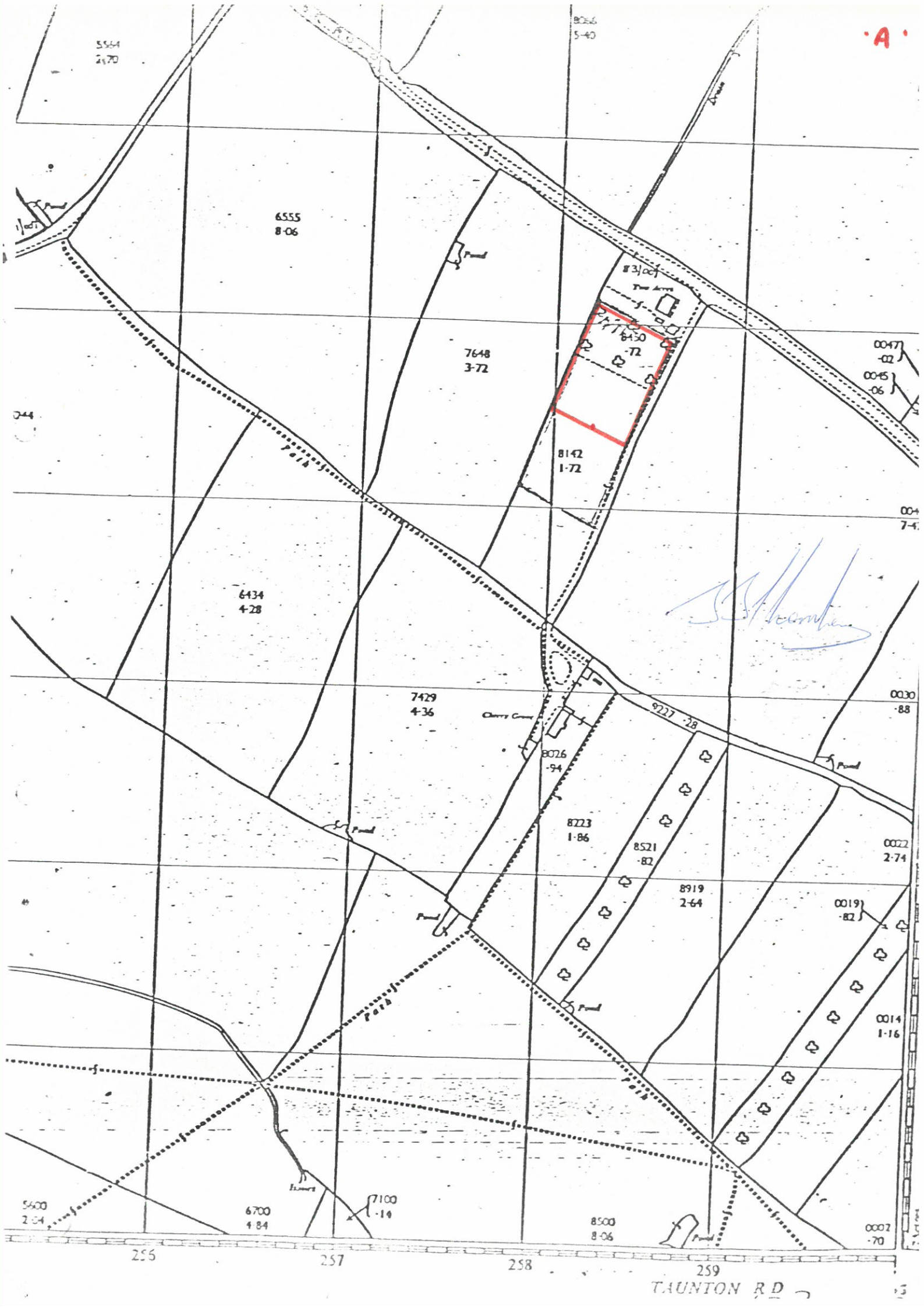
6. NOW THEREFORE TAKE NOTICE that in exercise of their powers contained in Section 87 of the Act the Council HEREBY REQUIRE YOU to take the following steps in order to remedy the breach of planning control, namely:-

(a) within a period of four calendar months beginning with the date on which this notice takes effect to Discontinue the use of the Land for the purposes of the storage of trailers vehicles, timber, asbestos sheets and agricultural equipment and machinery;
and

(b) within a period of six calendar months beginning with the date on which this notice takes effect to:-

(i) remove the hardcore from the Land; and

(ii) reinstate the Land to its condition before the laying of the hardcore took place, namely replace the soil and grade it to an even level


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

ON THE TWENTY-SEVENTH DAY OF MAY 1984
DATED THIS SEVENTEENTH DAY OF APRIL 1984

Signed .....
Secretary and Solicitor

Municipal Buildings,
Taunton, Somerset.

Ref: GW/PD.11/A/187

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

THE ANNEX hereinbefore referred to

Reasons why the Council consider it expedient to issue an Enforcement Notice in respect of the aforesaid unauthorised development

1. The Land is in the open countryside where it is the policy of the Council to resist development unless that development serves a genuine agricultural or other appropriate need

2. The Land is prominent in the landscape and the unauthorised development of the Land seriously detracts from the visual amenities of the locality

DATED this Seventeenth day of April 1984

Signed .....
Secretary and Solicitor

GW/GI/PD.11/A187