

## **Planning Enforcement - West Farm, West Mudford, Yeovil**

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### **Purpose of Report**

To discuss the appeal outcome and enforcement proceedings concerning the use of land as a vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products and ancillary office space at West Farm, West Mudford, Yeovil, BA21 5TL.

### **Public Interest**

The formal enforcement of a planning enforcement notice in the public interest.  
The matter concerns an existing business with a number of employees.

### **Recommendation**

That members consider the officer's report and provide direction as to whether they wish to allow a longer period for compliance with the enforcement notice or if the period of compliance should be fully enforced.

### **Background**

Officers first received an enforcement complaint regarding the use of land and buildings at West Farm, West Mudford in late 2015. The situation was monitored until mid-2016 when activity on the site increased to a point where a material change of use could be argued. Preliminary enforcement proceedings commenced in June 2016. In August 2016 the applicant submitted a Certificate of Lawfulness (COL) to establish the lawful use of the site. This was determined in October 2016. Concurrently a planning application was submitted for the change of use of the land and buildings as a vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products over and above that lawful use determined by the COL. That application was refused in October 2016 because of two reasons;

01. The main access to the A359 and the approach lanes to the site from the east and west by reason of their insufficient width, alignment and geometry are considered unsuitable to serve as a means of access, given the increase in traffic (particularly HGVs) that is likely to occur. The use of such approach lanes raises safety issues for walkers, cyclists and horse-riders and the impact of passing places cannot be assessed without further information. The site is considered to be an inappropriate industrial incursion to the rural countryside that fails to preserve or enhance the character and appearance of the area. As such the application is considered contrary to the aims and objectives of the National Planning Policy Framework and policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028).
02. In the absence of an FRA the applicant has failed to demonstrate that the development would not cause an increased flood risk elsewhere and that appropriate safeguards have been undertaken to prevent pollution. As such the application is considered contrary to the aims and objectives of the National Planning Policy Framework.

A formal enforcement notice was also served at the time of issuing the refusal (Oct 2016). The enforcement notice required the applicant to:

- a) cease the use of the site as a vehicle haulage contractor's yard,
- b) cease the use of the workshop for the manufacture of concrete products,
- c) remove the hard surfacing in the extended area of yard,
- d) restore the extended yard area to its former condition, and
- e) remove all vehicles and associated non-agricultural paraphernalia from the adjacent field.

The enforcement notice required the landowner to comply with the notice within 3 months of issue. The enforcement notice and the application were immediately appealed via the Planning Inspectorate (PINS) meaning the enforcement proceedings were held in abeyance. Unfortunately the appeal process was slow meaning the appeal site visit was not held until September 2017. In November 2017 the appeal was dismissed and the enforcement notice upheld. Despite the landowner/applicant seeking an extension to the period for compliance from PINS the Inspector maintained the 3 month period stipulated by the Council.

The period for compliance with the notice is therefore 3<sup>rd</sup> February 2018.

To date it is understood the applicant/landowner/business owner is having genuine difficulties finding another site to relocate to meaning business continuity is at risk and the future of the business may be prejudiced as a result. The compliance period has also coincided with Christmas. If the notice has not been complied with by 3<sup>rd</sup> February 2018 SSSDC has to consider whether to enforce the notice to its full affect which at the moment will close the business and render its employees redundant.

There are genuine attempts to find another site, now involving our own Economic Development officers and given the implications to the innocent employees in this case the Council has been asked to consider extending the compliance period.

## **Consideration**

Members and local residents may have little sympathy with the applicant/landowner/business owner given the retrospective nature of the enforcement complaint, the impact on the local area and residents, plus the length of time this episode has taken to get to this stage, however there are jobs at risk if the notice is fully enforced. It is for this reason alone that this report seeks Members' view on what course of action to take.

By debating this issue in public the applicant/landowner/business owner can also make representations directly to the committee in terms of the impacts on his business and the efforts he is making to comply with the notice. Conversely local residents can make their comments. This is important because one of the impacts identified in refusing the application and the dismissal of the appeal has been HGV movements, which cause highway safety concerns as well as noise and disturbance. Members will need to weigh up the continuation of this 'harm' against business continuity.

## **Potential Options**

1. To agree to an extension to the notice, items (a) and (b) for 4 months and items (c-e) for 6 months; or
2. To agree another length of time for all items or any individual item, or
3. To hold enforcement proceeding in abeyance in order to seek more information as to the impacts of carrying out enforcement action on the business and its employees; or
4. To deny any extension and instruct officer's to fully enforcement the notice.

## **Financial Implications**

The financial implications largely fall on the applicant/landowner/business owner. However the implications for any subsequent redundancies may have some impact on SSDC through reliance on benefits.

### **Carbon Emissions & Climate Change Implications**

There are no envisaged impacts.

### **Equality and Diversity Implications**

The specific circumstances of all employees at risk are not known at this stage.

### **Background Papers**

Enforcement case 15/00342/USE (confidential)  
Application 16/03580/COL  
Application 16/03738/FUL  
Enforcement Notice served 28<sup>th</sup> October 2016