

APPEALS RECEIVED MAY2019

Site: SAINSBURY SUPERMARKET, HANKRIDGE WAY, TAUNTON, TA1 2LR

Proposal: Installation of concession pod to the front of Sainsburys Supermarket, Hankridge Way Retail Park, Taunton

Application number: 48/18/0040

Appeal reference: APP/D3315/W/19/3224972

Enforcement Appeal: No

Site: DER BAUERNHOF, HEWS LANE, WIVELISCOMBE, TAUNTON TA4 3BU

Proposal: Erection of temporary farm workers accommodation at Der Bauernhof, Jews Lane, Wiveliscombe

Application number: 49/18/0008

Appeal reference: APP/D3315/W/19/3223097

Enforcement Appeal: No

Enforcement Appeal

Site: Land at Higher House Farm, Huntham, North Curry, Taunton, TA3 6EF

Alleged breach of planning control: S174 (2) (f) The steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections. Please state how the requirement should be varied.

Please note our exceptional circumstances at date of appeal.

Key Appeal Issues (Parts 1 and 2)

Appendix A Part 1 – Alleged Breach of Holiday Let Use / Occupation as Consented:-

Focusing carefully to the concise wording in Taunton Deane Borough Council's well respected Senior Enforcement Officer's letter dated 9 April 2010 we respectfully apply for a Minor Non Material Change of Condition 3 to Planning Applications 36/2003/026 and 36/2007/16 to "vary the holiday let condition" originally imposed on the property when it was converted, in order to equitably resolve this appeal.

This appeal, therefore, respectfully seeks the replacement of the 4 weeks in 12 limitation with the wording suggested in the "Government's Good Practice Guide" on Planning for Tourism in order make the holiday / recreational use of the building. I.e. the building should be used for holiday purpose only. The building shall NOT be occupied as a person's sole or main residence;

More importantly this Minor Non-material amendment would also concur with the precedent decisions made at other local comparable use premises eg

- a) Planning application no 36/18/0006 Stoke St Gregory, TA3 6HY.
- b) Planning Inspectorate Appeal Ref APP/D3315/A/07.2048307 A-C Kingston St Mary, TA2 8HL
- c) Planning application no 43/11/0006 Wellington, Somerset, TA21 9PQ
- d) Planning application no 28/10/001 Thurlbear, TA3 5AY

As this key point has not again been referred to since 2010, please may we most respectfully appeal for our LPA to make a similar minor, non-material modification to the permitted development under S96a of the TCPA 1990 as amended by the Planning Act 2008 to ensure a consistent approach to all respects.

Appendix A Part 2 – Re Alleged breach of use of adjoining Orchard Land (OS8669) as shown edged blue and red on the LFA enforcement plan as domestic curtilage;

- a) The fully enclosed orchard remains unchanged since purchase in 2004 and forms part of the freehold of the site. Its area including hedgerow boundaries has to be maintained under DEFRA guidelines to ensure against nuisance to adjoining arable land.
- b) The 3 very old, very modest, low height, temporary construction timber framed sheds and small greenhouse within this adjoining orchard area (as shown edged blue on the LPA plan) are located alongside the wind turbine site. Their use is primarily to store loges as winter fuel for the holiday let and implements and machinery necessary for the essential maintenance of the orchard.

These three old sheds have been on the site since the end of 2004 and have been seen by the LPA inspectors over the years during the site inspections for the siting of the wind turbine etc in connection with applications 26/07/0016, 26/2005/017 and APP/D3315.C/06/2019747.

The LPA has never previously objections or commented upon this particular matter until October 2018.

CONCLUSION – We were previously told by the LPA that planning consent would NOT be required for this old, modest sheds because of their temporary construction, sixe, low height et but it really deemed necessary, would very respectfully request consideration for a Certificate of Lawfulness for their existing use which has been continuous for more than 10 years prior to the date of issue of the enforcement notice.

Reference number: E/0178/36/13

Appeal reference: APP/D3315/C/18/3214852
