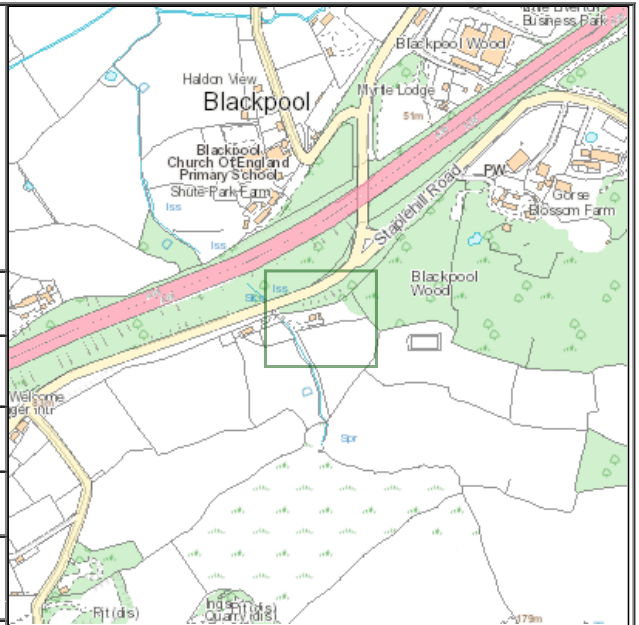


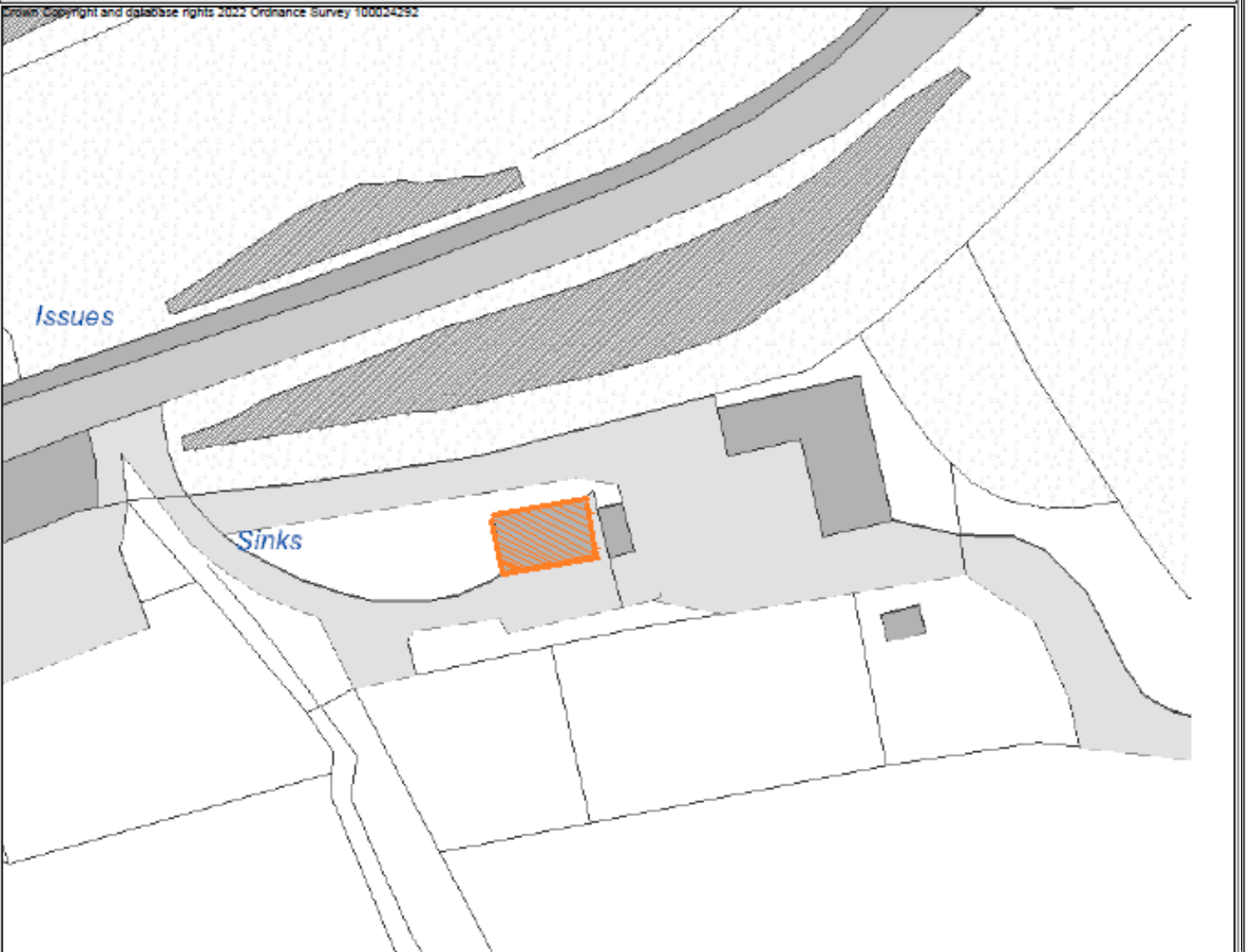
Planning Committee Report

Chairman: Cllr. Linda Goodman-Bradbury

Date	14 June 2022
Case Officer	Steven Hobbs
Location	Rutland Farm, Liverton TQ12 6JA
Enforcement issue	Unauthorised conversion of agricultural building to a dwelling house
Reason for committee consideration	The proposed enforcement action has the potential to render a person homeless (see TDC Constitution, Section 6, Schedule 6, paragraph 5.1)
Ward	Haytor
Member(s)	Cllr Adrian Patch
Reference	20/00037/ENF



RECOMMENDATION: It be resolved that:
i) An ENFORCEMENT NOTICE be issued; and
ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.



1. THE ALLEGED BREACH OF PLANNING CONTROL & ENFORCEMENT INVESTIGATION FINDINGS

- 1.1 Rutland Farm is located off the between Liverton and Bickington. The land is used for agricultural purposes. The current case relates to the unauthorised conversion of an existing building to a dwelling house. The key facts in this case are as follows:
- A barn has been converted to a dwelling house without planning permission.
 - The dwelling house was created in 2018 and has been occupied since 7 October 2018 for residential purposes.
 - The Change of use would not yet be immune from enforcement action.
- 1.3 To determine whether there were any material planning reasons to permit the use of the building for residential purposes – and to provide evidence of need for such - two planning applications have been submitted with the most recent (reference 21/02847/FUL) seeking to replace the (now converted) agricultural building with an agricultural worker's dwelling. This was refused.
- 1.4 Following the refusal of the planning application there is no planning reason for the residential use to continue and the Council must therefore consider whether enforcement action is expedient to remedy the planning breach.

2. BACKGROUND & CONTEXT

- 2.1 In February 2020 the Council received a complaint that people where living on the land at Rutland Farm, Liverton. From an investigation which included a site meeting with the owners of the land it was noted that the building that had originally been granted planning permission (reference 04/03751/COU) as a barn had been converted to a dwelling house. It appears that the residential use commenced on 7 October 2018.

Planning applications

- 2.2 To determine whether the residential use could continue a planning application (reference 20/02321/FUL) was submitted for the retention of residential use of the agricultural building. However, this was withdrawn due to conflicts with policy and an application for an agricultural worker's dwelling (that if justified would stand a greater prospect of receiving approval) was submitted instead (reference 21/02847/FUL).
- 2.3 This second application was refused on 24 February 2022 as there was insufficient evidence to substantiate an essential functional need arising from the business for a full time worker to be housed on the site in a rural location and to demonstrate that the business is economically viable and

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has clear prospects of remaining so; therefore the proposal was contrary to the requirements of Policy WE9 of the Teignbridge Local Plan 2013-2033

Current situation

- 2.4 We understand the residential use is continuing. Furthermore, given that the use commenced in October 2018 to ensure that the unauthorised use does not become established and immune from enforcement action it is necessary to serve an Enforcement Notice within four years of the use commencing. As such it is necessary to ensure that any action is taken by the end of September 2022.
- 2.5 From previous correspondence with the owner it is noted that the building is occupied by two adults and one child. As any action by the Council to ensure the unauthorised use ceases may result in a family being made homeless a sufficient time period needs to be given to comply with any proposed enforcement action. For this reason it is considered that a minimum period of 6 months is given to comply.
- 2.6 An appeal against our planning decision has been submitted but at this point not yet validated.

3. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 3.1 The dwelling house is situated on land outside any settlement limit and no satisfactory evidence of any essential need (such as an agricultural or other rural worker's need) to use the land for residential purposes has been provided. As such the use of the building for residential purposes is considered contrary to Policies of the Teignbridge Local Plan 2013 – 2033.
- 3.2 The Policies of our Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance which has an emphasis on sustainable development and focusing new residential development into settlements and other sustainable locations. It is considered that in this instance the unauthorised use fails to uphold these principles, particularly those in Paragraphs 78 and 80 of the NPPF for the reasons as set out above.
- 3.3 Officers consider enforcement action is necessary and expedient to ensure the unauthorised residential use ceases. This is considered to be expedient and in the public interest in order to support and maintain the delivery of the Strategy of our Local Plan to avoid the inappropriate siting of residential uses in the countryside without good reason and to maintain wider principles of sustainability and good design whilst protecting the character and appearance of the area.

4 RECOMMENDATION

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4.1 The Committee is recommended to resolve:

To serve an Enforcement Notice to:

- i) cease using the building for residential purposes, and
- ii) remove from the building all items associated with the residential use.

The compliance period for both is recommended to be six months after it comes into effect.

In the event of the Notice not being complied with, authorisation is given to take action as necessary including proceeding to prosecution.

5 HUMAN RIGHTS ACT

5.1 The recommendation has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.