

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 31 July 2018

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 16/00441/ENF

DESCRIPTION OF DEVELOPMENT

BISHOPSTEIGNTON: Land at Bakers Yard, Forders Lane, Bishopsteignton

OBSERVATIONS

1. On 13 May 1992 planning permission (reference 90/02007/COU) was granted on appeal for the continued use of the land for general industry, light industry, open and covered storage, and offices at Bakers Yard, Forder Lane, Bishopsteignton. As part of the permission a Condition was attached that required the uses to cease after two years. The condition stated:

At the end of the period of 2 years the uses hereby permitted shall cease and all materials and equipment brought onto the premises in connection with the uses shall be removed.

2. As some of the unauthorised uses did not cease the Council issued a number of Breach of Condition Notices in June 1998. These required the unauthorised uses to cease.
3. Although it is not clear whether the requirements of the BCNs were complied with within the agreed timescales it is clear that they were complied with as the uses are no longer occurring. However, since the previous enforcement action the Council has, over the years, received complaints about the state of the site. There have been concerns raised about the appearance of the buildings and the vegetation that has been allowed, at times, to become overgrown which subsequently has a detrimental impact on the surrounding area.
4. In cases where land or buildings are in a poor state that have a detrimental impact on the surrounding area, the Council can issue an Untidy Land Notice under Section 215 of the Town and Country Planning Act (as amended) to

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ensure steps are taken to tidy the site. In this instance over the years when a complaint has been received the owner has been contacted and advised to take steps to improve the appearance of the site. This has resulted in the overgrown vegetation being cut back but, unfortunately, this opens up the site with views into the land and the existing buildings that have become derelict and unsightly.

5. In December 2016 the Council received a further complaint about the condition of the land. This resulted in the vegetation being cut back but this again opened up the views into the site showing the derelict buildings.
6. One of the main issues with the site over the years has been the lack of development potential to help finance the works required to pay for the site to be cleared. The site is located outside the settlement boundary which restricts development. Furthermore, there are a number of existing buildings on the land that contain asbestos, so it would be expensive to demolish them all and remove the resulting debris from the land. However in October 2017 the Bishopsteignton Neighbourhood Plan was approved which indicated the site could be developed.
7. Again in January 2018 a complaint was received about the condition of the land and in particular the state of the buildings. The Complainant considered that the Council should take steps to have the site cleared once and for all to prevent it becoming an eyesore. It is also claimed that debris from the site is blowing onto adjacent properties. To try and resolve the matter the owner was contacted and it seemed that the site was in the process of being sold. As such it was decided to hold off any further proceedings for three months to allow the sale to go through. It was envisaged that once the land had been sold a planning application would be submitted to develop the site.
8. Following more recent contact with the Owner's Agent it appears that the sale of the site is still going through though there had been a delay in the conveyances. However, given the length of time the matter has been ongoing it is necessary to determine whether formal action should be taken to resolve the condition of the land. From a recent site inspection it is considered that the majority of the buildings are in a stable condition. There was one building on the boundary with Orchard Cottage that is beginning to collapse which maybe resulting in some material blowing over the boundary. As the issue of damage between properties is a civil matter the owner was advised to take steps to prevent further damage and possibly remove this building.
9. As for the remaining buildings, given the amount of asbestos in them the cost to clear the site could be as much as £100,000. In this instance the Council could issue an Untidy Land Notice to require the buildings to be demolished and the vegetation cleared but if the works are not carried out the Council may have to consider carrying out the works and try to recover the costs. Given the costs involved, and the likelihood of a development proposal being forthcoming, it would be more appropriate to hold off any further action for a limited period of time to allow the land to be sold and a subsequent planning

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permission sought to develop the site. If no progress has been made by the end of this period the matter could be reconsidered.

RECOMMENDATION

The Committee is recommended to resolve that no further action is taken for twelve months

WARD MEMBERS:

