

**SECTION 2 – ITEM 8**

<b>Application No:</b>	19/P/3061/FUL	<b>Target date:</b>	03.03.2020
<b>Case officer:</b>	Jessica Smith	<b>Extended date:</b>	17.07.2020
<b>Parish/Ward:</b>	Banwell Banwell And Winscombe	<b>Ward Councillors:</b>	Councillor Karin Haverson Councillor Ann Harley
<b>Applicant:</b>	Mr & Mrs K Cooke		
<b>Proposal:</b>	Change of use of agricultural building (shed 5) to storage (Use Class B8). Erection of extension to building (shed 3) and change of use to Gym (Use Class D2). Erection of replacement storage building (shed 4) (Use Class B8). Use of land for external storage and container storage. Construction of farm track and widening of existing access onto Wolvershill Road. (Retrospective)		
<b>Site address:</b>	Gobbles Farm, Wolvershill Road, Banwell, BS29 6DQ		

**REFERRED BY COUNCILLOR HARLEY**

**Summary of recommendation**

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

**The Site**

The application site is located outside of any established settlement boundary and is therefore located within the open countryside. The application site access is located at the junction of Wolvershill Road and Eton Lane. The site is located at a lower land level to that of Wolvershill Road and is screened by vegetation along the western site boundary. The proposal is retrospective apart from the extension to shed 3 and the relocation of the gym and as such the majority of the proposed development and change of uses are already in use. Adjoining the application site is agricultural land.

**The Application**

Full permission is sought for:

- The extension to the curtilage of the site from agricultural to mixed use (Retrospective)
- The change of use of agricultural building (shed 5) to storage (Use Class B8) (Retrospective).
- The erection of extension to building (shed 3) and change of use to Gym (Use Class D2).

- The erection of replacement storage building (shed 4) (Use Class B8) (Retrospective).
- The use of land for external storage and container storage. Construction of farm track and widening of existing access onto Wolverhill Road. (Retrospective)

### **Relevant Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
19/P/2389/LDE	Lawful Development Certificate for the existing use for siting of one residential mobile home; change of use of two agricultural buildings to commercial storage units (Use Class B8) and change of use of land from agricultural to commercial use as container storage	Approve (Lawful)
19/P/1411/FUL	Retrospective application for: change of use of 3 no. agricultural buildings to storage (Use Class B8); and 1 no. building to Gym (Use Class D2 (Assembly and Leisure)); External storage, container storage and HGV parking. Retention of storage building (Use Class B8) and stationing of mobile home. Proposed erection of replacement storage building (Use Class B8); extension to existing storage building; construction of farm track and widening of existing access onto Wolverhill Road	Withdrawn by applicant
05/P/3076/PDA	Erection of an extension to existing agricultural buildings for farm shop	Full planning permission required
2048/92	Erection of turkey rearing shed.	Approve with conditions
2363/92	Erection of general purpose barn.	Approve with conditions
1372/80	Erection of agricultural covered yard and hay barn.	Approve with conditions

### **Policy Framework**

The site is affected by the following constraints:

- Outside of any established settlement boundary
- Within flood zone 3A
- Within Landscape Character Assessment Area A4 Locking and Banwell Moors

### **The Development Plan**

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS1	Addressing climate change and carbon reduction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS27	Sport, recreation and community facilities
CS33	Smaller settlements and countryside

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM8	Nature Conservation
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM51	Agriculture and land-based rural business development in the countryside
DM54	Employment development on previously developed land in the countryside
DM55	Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside
DM56	Conversion or reuse of rural buildings for employment development
DM69	Location of sporting, cultural and community facilities

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
SA2	Settlement boundaries and extension of residential curtilages

**Other material policy guidance**

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No	Section heading
2	Achieving Sustainable Development
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

#### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

#### Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 6 letters of support have been received. The principal planning points made are as follows:

- Support the gym

**Banwell Parish Council:** "At their meeting on the 3rd February, Banwell Parish Council's Planning Committee resolved to not object to this application but request additional signage along Wolvershill Road (in both directions) warning of slow-moving / turning traffic".

#### **Other Comments Received:**

Environment Agency - No objection provided the LPA are satisfied with the sequential test and recommended a condition relating to the Flood Risk Assessment.

#### Principal Planning Issues

The principal planning issues in this case are (1) principle of development in this location, (2) farm diversification (3) employment development in the countryside, (4) community facility, (5) character and appearance, (6) flood risk, (7) parking and highways safety, (8) impact on neighbours, (9) protected species and, (10) Setting of listed building.

#### **Issue 1: The principle of residential development in this location**

The application site consists of a mixture of uses including agricultural and storage uses with the addition of a D2 Gym and is located outside of any established settlement boundary and is therefore located within the open countryside.

Policy CS33 of the North Somerset Council Core Strategy states that development outside of established settlement boundaries will be strictly controlled in order to protect the character of the rural area and prevent unsustainable development. Furthermore, as the site includes a diversification of the agricultural use, applications that seek to supporting a successful economy is assessed against Policy CS20 of the Core Strategy and should seek to increase their sustainability, self-containment, decrease out-commuting, provide for a range of local jobs and reduce carbon emissions.

The proposal is retrospective and therefore already being used as a mixed-use site. The main issues relating to the principle of the development are set out in detail below.

## **Issue 2: Farm diversification**

The proposal seeks to change of use of agricultural building (shed 5) to storage (Use Class B8). Erection of extension to building (shed 3) and change of use to Gym (Use Class D2). Erection of replacement storage building (shed 4) (Use Class B8). Use of land for external storage and container storage. Construction of farm track and widening of existing access onto Wolvershill Road. This proposal is retrospective and the submission of this planning application follows the approval of application 19/P/2389/LDE for a Lawful Development Certificate for the existing use for siting of one residential mobile home; change of use of two agricultural buildings to commercial storage units (Use Class B8) and change of use of land from agricultural to commercial use as container storage which was granted on 03/12/2019.

Policy DM51 of the Sites and Policies Plan Part 1 permits diversification of existing agricultural and land-based businesses where the proposal is necessary for and ancillary to the use of the land for viable agricultural or land-based businesses and that there is sufficient certainty of long-term benefit to the farm business as an agricultural operation, that other rural businesses and the character and appearance of the countryside are not adversely affected. In this respect, the proposal is retrospective and has therefore already seen a significant loss of agricultural buildings on the site and replacing these with B8 Storage leaving only 1 single agricultural barn and 1 hay barn to remain on the site. The proposal also sees the introduction (retrospective) of additional external storage and more storage containers over and above those already granted as being lawful under application 19/P/2389/LDE. A plan has been submitted to demonstrate that the applicant owns and leases a total of 65 acres in the surrounding area. The agricultural land has no other buildings to serve the agricultural business on the owned and leased land and as such it is unlikely that leaving only a single agricultural building and 1 hay storage barn at the application site would be sufficient to support the existing agricultural business.

Moreover, the diversification of the application site itself further reduces the agricultural business and land by diversifying the majority of the site and extending the curtilage of the mixed use of the site rather than being ancillary to the agricultural business thereby resulting in a further loss and encroachment into the agricultural and land-based use and replacing this with a large industrial style mixed use site.

Consultation with the Economic Development Officer has assessed the details that have been submitted with this application and have found that the information is very limited and that while it is permitted to diversify agricultural businesses in efforts to overcome major challenges faced by farmers and to generate an additional income, in this case there is no clear business model to suggest that there is a need for the B8 storage or for the gym in

this location. In addition, it is unclear how this extensive diversification of the application site would leave sufficient agricultural buildings to support the 65 acres of land that is owned and leased by the applicant and as such it is likely that this level of diversification would be to the detriment of the agricultural business rather than being a long-term benefit to the farm business as an agricultural business. It is therefore considered that the proposal results in an extensive diversification of the site and has not been supported by any evidence to suggest how this diversification would be ancillary to or of long-term benefit to the farm business. In addition, this level of diversification would leave only 1 agricultural building and 1 hay barn to serve 65 acres of land where insufficient information has been submitted to demonstrate that this is sufficient to support the agricultural operation. In this respect, the proposal is contrary to Policy DM51.

### **Issue 3: Employment development in the countryside**

The proposal includes development that is intended to contribute to the economy and employment in the countryside and as such, Policies DM54 and DM56 of the Sites and Policies Plan Part 1 are relevant to this application.

Policy DM54 supports proposal that include the partial or complete redevelopment of previously developed land in the countryside for economic development provided that the proposal would not have an adverse impact on the character of the area, living conditions of neighbouring residents or the highway network and in particular that the redevelopment would bring significant local environmental, economic or social benefits. Policy DM56 relates to development for the conversion and reuse of rural buildings for employment development where the criteria of Policy DM56 echoes that of DM54 in efforts to ensure there would be no harmful impact to the character, neighbours, highway network and has been demonstrated to have a long-term benefit to the agricultural operation.

Consultation with the Economic Development Officer has found that the details relating to the business plan is limited where the documentation submitted with this application provides little evidence to suggest that this development will bring sufficient benefit to the local economy, meets the needs of the local communities, is appropriate in this location or offers sufficient guarantees for the long term viability of this business. In addition, there is no evidence to demonstrate a need for this type of development in this location.

While the redevelopment of rural buildings for employment is permitted in the countryside under Policies DM54 and DM56, there needs to be a clear justification and benefit to the economy, environment and have a social benefit which has not been demonstrated under this planning application. The evidence submitted with this application does not appear to have a clear business plan that seeks to actively have specific social, environmental or economic benefit to the area, but rather appears to be based on an ad-hoc business plan which cannot be sufficiently assessed.

It is therefore considered that given the limited information submitted with this application, it cannot be demonstrated that the proposal would have a social, economic or environmental benefit to the wider area. In addition, as discussed below, the proposal as a whole is considered to adversely impact the rural character of the area and as such the proposed development is contrary to Policies DM54 and DM56 of the Sites and Policies Plan Part 1.

#### **Issue 4: Community Facility**

The proposal includes the relocation of the gym to the adjoining agricultural barn that is also proposed to be extended to accommodate for the gym.

Policy DM69 relates to proposal that include the provision of sporting and community facilities and therefore applies to the gym forming part of the application. DM69 states that that the site would need to be well related to the community it is intended to serve, in a sustainable location and accessible by various modes of transport. Although there is an existing gym on site, this is unauthorised and is now being relocated as part of this application. This relocation and extension to the agricultural barn is not retrospective and had not yet been carried out when a site visit was carried out.

The site is outside of the settlement boundary and is not well accessed by a genuine choose or travel modes due to its location and as such, it is likely to result in individual car trips to and from the gym where the location of the gym on this site is considered to be poorly related to the community it is intended to serve. This is supported by the assessment made by the highways officer below, where there is concern that pedestrians and cyclists would be in conflict with commercial and agricultural vehicles and as such the uses on the site does not allow for a genuine choice in modes of transport due to highway safety concerns as well as being poorly located. In addition, although there have been 6 letters of support for the gym, as assessed above, there is no evidence submitted with this application to demonstrate that there is a need of a gym in this location. In this respect, it is considered that the proposal does not accord with the requirements of Policy DM69.

#### **Issue 5: Character and appearance**

The application site is located outside of any established settlement boundary and is therefore located with the open countryside. The proposed development under this application is retrospective and while the application site itself already has several authorised buildings and storage containers this proposal sees the introduction of a significant increase in both internal and external storage proliferated across the application site as well as an extension to the mixed-use curtilage into what was an agricultural field. All the policies relevant to this proposal (DM32, DM51, DM54, DM55 and DM56) as discussed above all seeks, amongst other things as set out above, that the rural and open character of the countryside is maintained and that the overall site and buildings respects the local rural character.

Although it is noted that the site adjoins the M5 and is not clearly visible from any public footpaths, the increased proliferation and increased curtilage of this site is a further encroachment into the open countryside where additional containers and development on the site as a whole is harmful to the character of the countryside and would result in the site appearing as an industrial unit rather than an agricultural farm which would be harmful to the rural character. In addition, Policy DM55 states that proposals to extend the curtilage into surrounding countryside will need to be fully justified and not be harmful to the character of the area. In this respect, the increase curtilage allows for further development to encroach into the countryside and is therefore harmful to the rural character of the area, where there is no sufficient justification provided with this application other than that this is part of the sites diversification.

It is therefore considered that the overall encroachment of the development and increase curtilage of the application site coupled with the increased proliferation of buildings, external storage and storage containers would result in the application site appearing more industrial than agricultural and a such would be harmful to the established rural character of the area.

The proposal would therefore unacceptably harm the characteristics of the existing site and the rural character of its surroundings. In this respect, the proposal is contrary to policies CS12 and CS33 of the Core Strategy, policies DM32, DM51, DM54, DM55 and DM56 of the Sites and Policies Plan (Part 1).

### **Issue 6: Flood Risk**

The proposal, which involves significant operational development relating to the extension and relocation of the unauthorised gym, lies within flood zone 3a and the applicant has not sufficiently demonstrated that the proposal passes the sequential test as required by the National Planning Policy Framework. The Local Planning Authority is not, therefore, satisfied that there is sufficient justification provided to demonstrate that the application site is the best location within the applicant's ownership in terms of having a lower flood risk for the proposed development where the justification for the location of the gym relies heavily on the diversification of the existing farm business, however the diversification of this application site is considered to extend beyond what is reasonably acceptable leaving less agricultural use than mixed use as has been assessed above. Therefore, the search area for alternative sites is not only limited to the land within the ownership of the applicant but rather to the district of North Somerset Council. In this respect, no alternative sites in the district that are reasonably available for development and have a lower probability of flooding have been assessed as part of the submitted sequential test and as such, the sequential test is not passed.

Regarding the exceptions test, the gym falls under a less vulnerable category and as such an exceptions test is not required. However as assessed above, the sequential test is not passed.

A flood risk assessment has been submitted with this application where the Environment Agency has stated that providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development. However given that the LPA are not satisfied that the requirements of the sequential test have been met, it is considered that the proposal relating to the relocation and extension of the building to be used as a gym does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF).

The development is therefore considered to be at an avoidable and unacceptable risk of flooding and the proposal conflicts with policies CS3 and CS22 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (part 1 – Development Management Policies), and section 14 of the National Planning Policy Framework.



**Issue 7: Parking and highway safety**

The proposal seeks to retrospectively regularise the existing mixed uses of the site. The application has been accompanied by a design and access statement which compares historic (when operating as a turkey farm) and current use of the site. The overall daily traffic movements are comparable although there are some differences with the turkey farm creating greater peak traffic movements at Christmas and more overall HGV movements. A summary of these traffic movements is shown below:

Site Use	Average daily traffic movements	Peak hour movements
Historic Turkey Farm	116	12
Current/proposed mixed use	110	11

Given the above, it is considered that the level of traffic movements identified for the current level of use the mixed use of the site is unlikely to have a detrimental impact on local traffic conditions should the application have been approved. The proposed junction improvements for the access to Wolverhill Road, including the visibility improvements, would have been likely to have had a positive effect on road safety.

Furthermore, although it is recognised that some of the uses on site already have a certificate of lawful use, the total parking requirement for operations on the site is considered below.

Use Class	Gross floor area Sq. m	Parking spaces required
B8, Storage	2895	6 car, 6 cycle
Gym/light industrial	305	7 car, 4 (min. cycle)
Total		13 car, 10 cycle

The proposal includes 31 car parking spaces, 6 HGV parking spaces and 5 no. 7.5 tonne lorry spaces. The proposed number of car and commercial vehicle parking spaces would have been considered acceptable if the application were to have been approved. It should however be noted that only 8 cycle parking spaces are shown on the plans and as such this is an under provision of 2 cycle parking spaces required for the development if were to have been approved.

With regards to the access, the plans indicate that there is some over-running of the verges at the junction with Wolverhill Road. It is proposed to widened access with Wolverhill Road which would have address this issue and provide significantly increased visibility over the existing access if the application had been approved. The proposal would also have increased visibility at the junction of Eton Lane and Wolverhill Road. However, these improvements would have required works on the carriageway, including but not limited to kerbing, road construction and carriageway markings and as such if the application had been approved then the applicants would have needed to provide a highway design plan detailing the proposed works at the junction for approval by an NSC Highway Engineer prior to any works commencing as well as entering into a section 278 agreement with NSC before any development works could have started. In addition to the section 278 agreement, should the application have been approved then under section 184 (Highways Act 1980), any new works within the highway boundary would have had to have been to the Council's specification where prior to any works the developer would have had to arrange with the Council's Streetworks Team (01275 888802) for the approval of the works within the highway. It should be noted that such approval is required

regardless of any other permissions or consents (e.g. planning permission) that may have been granted by the Council.

Although the proposal would have resulted in an improvement to visibility at the access, it should be noted that there is concern over the potential for pedestrian and cyclist to conflict with cars and commercial vehicles within the proposed site and as such should the application have been approved it would have required for a clearly marked out safe pedestrian and cycle routes to have been included within the proposed site and shown on plans.

It is therefore considered that while cycle provision would have fallen under the required provisions, this could have been secured through a condition. Furthermore on-site parking provision is adequate and complies with the standards set out in the North Somerset Parking Standards SPD. It is therefore considered that subject to appropriate safe pedestrian and cycle route plans, the proposal would therefore in accordance with policies DM24, DM28, DM54, DM55 and DM56 of the Sites and Policies Plan (Part 1) should it be approved.

#### **Issue 8: Impact on neighbours**

There are no nearby neighbours that would be adversely affected by the proposed development. In this respect, the proposal complies with policy DM38 of the Sites and Policies Plan (Part 1).

#### **Issue 9: Protected species**

The site is not likely to be used by bats, however as a precaution, if the application were to have been approved, an advice note would have been recommended warning the applicant of the requirements should bats be encountered during the development works. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

#### **Issue 10: Setting of listed buildings**

The proposal does not affect the setting of any listed buildings.

#### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

#### **Conclusion**

The proposed development is mostly retrospective apart from the extensions to shed 3 and relocation of the gym which is already in use on the application site.

The proposal sees the majority of the application site being diversified for uses including external storage, B8 storage, additional container storage, a D2 gym use as well as including an increase in the curtilage of the site. While Policy DM51 of the Sites and Policies Plan Part 1 supports diversification of agricultural businesses where the proposal is necessary for and ancillary to the use of the land for viable agricultural or land-based businesses and that there is sufficient certainty of long-term benefit to the farm business as an agricultural operation. In this respect, the sites history has already seen some diversification if the application site through the granted certificate of existing lawfulness under application 19/P/2389/LDE. Moreover, details have been submitted to demonstrate that the total area farmed (owned and leased) by the applicants amounts to 65 acres where the proposal would only see a single agricultural barn and 1 hay barn remaining to serve the 65 acres. It is therefore unclear how such an extensive diversification of the application site along with its further encroachment into the countryside and loss of agricultural land would support the 65 acres of farming land and it would therefore be detrimental to the agricultural operation contrary to Policy DM51.

Although Policies DM54 and DM56 of the sites and Policies Plan Part 1 support proposal for development on previously developed land in the countryside for employment purposes, consultation with the Economic Development Officer has found the information submitted with the proposal is limited and provides little evidence to suggest that this development will bring sufficient benefit to the local economy, meets the needs of the local community's appropriate in this location or offers sufficient guarantees for the long term viability of this business. In addition, there is no evidence to demonstrate a need for this type of development in this location.

It therefore cannot be demonstrated how this proposed development would meet the economic, social or environmental needs of the wider area and as such the proposal is contrary to Policies DM54 and DM56 of the Sites and Policies Plan Part 1. Furthermore, the continued encroachment of development and proliferation of development across the site is considered to adversely impact the rural character. In this respect, the proposal is contrary to policies CS12 and CS33 of the Core Strategy, policies DM32, DM51, DM54, DM55 and DM56 of the Sites and Policies Plan (Part 1).

Policy DM69 of the Sites and Policies Plan Part 1 requires for development of community facilities to be well related to the community it is intended to serve, in a sustainable location and accessible by various modes of transport. Given that the site is outside of a settlement boundary and not easily accessible by multiple modes of transport, it is considered that the location of the proposed gym would be contrary to Policy DM68. This is further exacerbated by the insufficient sequential test submitted with this application where the proposal fails to pass the sequential test as the justification for the location of the gym relies on the diversification of the agricultural farm. It is therefore considered that the proposed development conflicts with policies CS3 and CS22 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (part 1 – Development Management Policies), and section 14 of the National Planning Policy Framework.

**RECOMMENDATION: REFUSE** for the following reasons:

1. The development, by reason of its siting, mass, design results in an encroachment into the open countryside which would harm the character and appearance of the rural countryside and it is considered

that the increased diversification of the site does not provide sufficient certainty of long-term benefit to the farm business as an agricultural operation and would result in an overall deterioration of the agricultural operation and as such it is contrary to policies CS5, CS12 and CS33 of the North Somerset Core Strategy, policies DM32, DM51, DM54, DM55 and DM56 of the North Somerset Sites and policies Plan - Part 1 and The North Somerset Landscape Character Assessment SPD.

2. The proposed development for the extension and relocation of the D2 (leisure use) gym is located outside of any established settlement boundary where development for sporting facilities outside settlement boundaries should only be in locations where good safe access by a variety of means can be achieved. The development is therefore contrary to policy CS27 of the North Somerset Core Strategy and Policy DM69 of the North Somerset Sites and Policies Plan (Part 1).
3. The application site is in an area at risk from flooding and the application does not demonstrate that the proposal relating to the gym (D2 leisure use) passes the Sequential Test set out in policy CS3 of the North Somerset Core Strategy and section 14 of the National Planning Policy Framework. The Local Planning Authority is not, therefore, satisfied that there are no alternative sites in the area that are reasonably available for the proposed gym (D2 leisure use) and have a lower probability of flooding, or that the flood risks resulting from the proposed gym (D2 leisure use) can be safely managed. The proposed gym (D2 leisure use) is, therefore, considered to be at an unacceptable and avoidable risk of flooding and may increase flood risk elsewhere, contrary to policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and paragraphs 155-163 of the National Planning Policy Framework (and the associated Planning Practice Guidance).

**RECOMMENDATION 2:** That **ENFORCEMENT ACTION** is taken to remedy the breach of planning control.