

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 21 March 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 29 February 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 E/0128/20/10 - Use of land for storage of building materials, field south west of Westland House, Nailsbourne
- 6 E/0288/20/11 - Field being used to store rubble, bricks and builders materials at Tainfield Park, Kingston Road, Kingston St Mary
- 7 E/0243/38/11 - Unauthorised illuminated fascia sign at Phone Junction, 9 Bridge Street, Taunton
- 8 E/0251/38/11 - Cowl lights erected to fascia of Peppercorns Delicatessen, 48 St James Street, Taunton
- 9 E/0254/08/11 - Advert board attached to front wall of residence advertising window cleaning business at 6 Waterleaze, Cheddon Fitzpaine, Taunton
- 10 E/0313/06/11 - Illuminated sign erected at Cedar Falls Health Farm, Watts Lane, Bishops Lydeard, Taunton
- 11 E/0332/48/11 - Childminding business being run from residence causing increased levels of traffic and neighbourhood disturbance at 28 Mead Way, Monkton Heathfield, Taunton
- 12 E/0334/36/05 - Use of swimming pool facilities by general public in breach of condition at Holly Farm, Meare Green, Stoke St Gregory

- 13 E/0284/47/11 and E/0111/47/11 - Alterations to hay/straw barn to facilitate the keeping of greyhounds, together with exercise area and shelters, the site of two catering trailers and mobile home on land adjacent to Two Trees, Meare Green, West Hatch
- 14 E/0176/06/10 - Balcony/decking area erected at Sunnysdene, Dene Road, Bishops Lydeard, Taunton
- 15 E/0294/49/11 - Unauthorised stables erected at Ford Gate Cottage, Ford Road, Wiveliscombe
- 16 Planning Appeals - The latest appeal decision received (details attached)

Tonya Meers
Legal and Democratic Services Manager

08 May 2012

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor C Bishop (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor R Bowrah, BEM
Councillor B Denington
Councillor A Govier
Councillor C Hill
Councillor M Hill
Councillor L James
Councillor N Messenger
Councillor I Morrell
Councillor J Reed
Councillor F Smith
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 29 February 2012

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Denington, A Govier, Mrs Hill, Miss James,
Morrell, Nottrodt, Mrs Reed, Mrs Smith, Watson, A Wedderkopp,
D Wedderkopp and Wren

Officers:- Mr T Burton (Growth and Development Manager), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major Applications Co-ordinator), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Stone in relation to application No 24/11/0039; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

20. Apologies/Substitution

Apologies: Councillors Bowrah, C Hill, Mrs Messenger and Tooze.

Substitution: Councillor Nottrodt for Councillor Bowrah.

21. Minutes

The minutes of the meeting of the Planning Committee held on 8 February 2012 were taken as read and were signed.

22. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control.

23. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager concerning applications for planning permission and it was **resolved** that they be dealt with as follows:-

(1) That **reserved matters be approved** for the under-mentioned development:-

38/11/0595

Application for the approval of reserved matters following applications Nos 38/99/0394 and 38/06/0135 for the erection of 36 no 2 bedroom apartments with associated infrastructure and external works, Area J, Firepool Lock, Taunton

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the letter and schedule attached to the letter dated 20 February 2012;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

Reason for approving the detailed plans:-

The development represented a sustainable use of brown field land for residential purposes of design layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprised details pursuant to an outline consent for development and was considered to constitute an acceptable form of development in accordance with the requirements of Planning Policy Statement 3 and Policies S1, S2 and T3 of the Development Plan.

- (2) That **planning permission be granted** for the under-mentioned developments:-

42/12/0001

Formation of agricultural access and closure of previous access to the field off Amberd Lane, Staplehay

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) (i) The landscaping and planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 10m from the carriageway edge and hung so as to open inwards only;
- (e) Details of the means of preventing surface water draining to the highway shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be implemented as agreed prior to the access being brought into use.

(Notes to applicant:- Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit).

Reason for granting planning permission:-

The proposal was not considered to harm the landscape character of the area, highway safety or flood risk and would not harm either visual or residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and S7 (Outside Settlements) or Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

41/12/0001

Erection of single storey and two storey extensions to the rear of Dobles Farm, Tolland

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above.

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

Members considered that the proposed development would not be detrimental to the character of the main dwelling.

14/11/0051

Installation of 2 dormer windows to the front elevation of 3 Crown Lane, Creech Heathfield

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans.

Reason for granting planning permission:-

The scale and design of the proposed dormers was considered to be acceptable and it was not thought that they would harm the appearance of the building or street scene or neighbouring amenity. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

02/12/0002

Removal of flat roof, erection of first floor extension and other alterations at the Old School House, Ash Priors

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above;
- (d) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (e) No development, excluding site works, shall begin until a panel of the proposed stone work measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such.

Reason for granting planning permission:-

The proposed development was considered to preserve the character and appearance of Ash Priors Conservation Area and, by virtue of its scale and design, the proposals would not detract from the character of the original building. The proposals were therefore considered to be acceptable and accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

Members considered that the proposed development would not be incongruous and overpowering and would enhance the character and appearance of the Conservation Area.

(3) That **planning permission be refused** for the under-mentioned development:-

24/11/0039

Change of use to agricultural land for storage, processing and delivery of firewood with landscaping and access enhancements at Moor Lane, North Curry

Reasons

- (1) The proposed development did not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway with consequent additional hazard to all users of the highway. The proposal was therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000);
- (2) The application, which proposes the removal of a substantial area of existing roadside vegetation, was considered to be unacceptable as it would have a detrimental landscape impact on the character of the area, contrary to Taunton Deane Local Plan Policies EN6 and EN12.

Also **resolved** that enforcement action requiring the cessation of the use of land for the delivery, storage, processing and distribution of firewood and logs be not taken.

24. Construction of the first section of the Wellington Northern Relief Road with access junction with Taunton Road, landscape planting and drainage infrastructure at Longforth Farm, Wellington (43/11/0105)

Reported this application.

Resolved that subject to:- (1) no adverse comments raising new issues being received by 7 March 2012 to the latest submission of plans and information; and (2) resolution of what species will make up the landscaping/ecological mitigation, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, conditions covering the following would be expected to be imposed:-

- (a) Time limit;
- (b) Schedule of plans;
- (c) Ecological mitigation measures;
- (d) Landscaping and long term maintenance;
- (e) Contamination;
- (f) Detailed design of the highway works prior to its construction (where considered necessary and reasonable);

- (g) Lighting;
- (h) Sustainable drainage scheme and long term maintenance and management;
- (i) Details of timescale for provision of temporary access, site compound and topsoil storage.

Reason for planning permission, if granted:-

The proposed development would provide a suitable means of access to Longforth Farm, which was identified as a sustainable urban extension within the emerging Core Strategy for development. The proposal was accompanied by suitable landscape mitigation measures to help soften the impact of the development. Any impact on wildlife would be adequately mitigated and the favourable conservation status of European Protected Species would be maintained. The proposal therefore accorded with the provisions of Policies S1, S2, S7 and EN12, Policies STR1, 9, 42, 44 and 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy SS3 and SP3 of the emerging Core Strategy and advice contained within Planning Policy Statements 1, 3 and 9, and, Planning Policy Guidance13.

25. Unauthorised residential occupation of land to the rear of Langs Farm, Bradford on Tone

Reported that it had come to the Council's attention that a chalet was being used on land to the rear of Langs Farm, Bradford on Tone without the necessary planning consent.

The owner of the site had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised chalet on land to the rear of Langs Farm, Bradford on Tone;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be six months.

26. Unauthorised construction of a Roundhouse in a field opposite Thomas's House, Oake

Reported that it had come to the Council's attention that a roundhouse had been constructed in a field opposite Thomas's House, Oake without the necessary planning consent.

The owner of the site had confirmed that he intended to reconstruct an Iron Age farmstead as an educational resource for the local community but, without the necessary planning consent, he was currently unable to obtain insurance to enable members of the public to visit the site.

The Growth and Development Manager considered that the structures that had been erected on the site did not have an unacceptable impact on the visual amenities of the area. Given the current lack of use, there was no significant impact on neighbouring property or the local highway network. It was therefore not considered to be expedient to take enforcement action at the present time.

Resolved that no further action be taken.

27. Change of use of agricultural land to site a temporary mobile home and retention of buildings in connection with the operation of a falconry business on land to the north of Higher Knapp Farm, Hillfarrance

Reported that it had come to the Council's attention that a mobile home and buildings in connection with the operation of a falconry business were being used on land to the north of Higher Knapp Farm, Hillfarrance without the necessary planning consent.

The owner of the site had been contacted and an application for planning permission had been submitted. However, the application had now been withdrawn.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised mobile home, together with the removal of buildings and structures in connection with the operation of a falconry business on land to the north of Higher Knapp Farm, Hillfarrance;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be nine months.

28. Unauthorised illuminated sign at roof level at Okoko, Dellers Wharf, Taunton

Reported that it had been brought to the Council's attention that an illuminated sign at roof level had been erected at Okoko, Dellers Wharf, Taunton without the necessary advertisement consent being granted.

The owner of the site had been contacted but, to date, an application for consent to regularise the situation had not been received.

Whilst signage at this height (12m above ground level) may not normally be considered acceptable, the sign was sited in a position that historically displayed a sign for "Dellers". Further reported that there had been previous illuminated signs on the building and, although some had not been authorised, they had not raised any objection to harmed amenity of the area.

In the circumstances, the Growth and Development Manager considered that the sign did not harm visual amenity or public safety and therefore did not warrant any further action being taken.

Resolved that no further action be taken.

29. Access not built in accordance with approved plans at Lower Kibbear Farm, Kibbear, Trull

Reported that it had come to the Council's attention that the entrance access at Lower Kibbear Farm, Trull had not been built in accordance with approved plans.

The Growth and Development Manager considered that it was not expedient to take enforcement action to secure compliance with the approved plans. However, during the discussion of this item, Members considered that the unauthorised access did cause harm to the character and appearance of the area.

Resolved that:-

1. Enforcement action be taken to secure compliance with the approved plans at Lower Kibbear Farm, Kibbear, Trull;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be nine months.

30. Altered access and fencing erected adjacent to highway at Parkgate House, New Road, West Bagborough

Reported that it had come to the Council's attention that the access to Parkgate House, New Road, West Bagborough had been widened and fencing over 1m in height adjacent to the highway had been erected without the necessary planning consent.

Resolved that:-

1. Enforcement action be taken to reduce the height of the fencing adjacent to the highway to 1m and to reduce the width of the access to its original size at Parkgate House, New Road, West Bagborough;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be two months.

31. Change of use of land to form car parking area opposite 21/23 Burge Crescent, Cotford St Luke

Reported that it had come to the Council's attention that a hard standing had been created outside the curtilage of 23 Burge Crescent, Cotford St Luke without the necessary planning consent.

The owners of the site had submitted an application to regularise the situation but this had been withdrawn on 12 September 2011. However, to date, the hard standing was still in place for the parking of motor vehicles.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised hard standing opposite 21/23 Burge Crescent, Cotford St Luke;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be two months.

32. Appeals

Reported that one appeal had been lodged and three appeal decisions had been received, details of which were submitted.

(The meeting ended at 9 p.m.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0128/20/10

USE OF LAND FOR STORAGE OF BUILDING MATERIALS, FIELD SOUTH WEST OF WESTLAND HOUSE, NAILSBOURNE

OCCUPIER: MR BARNES

OWNER: MR BARNES
FIELD NEAR WESTLAND HOUSE, NAILSBOURNE

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the land edged red on the attached plan to be reinstated to agricultural use.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- to cease the use of the land for storage of building materials.

Time for compliance: 6mths

SITE DESCRIPTION

The site is an area of land adjacent to the highway along Kingston Road between Taunton and Kingston St Mary. Access to the site is off Kingston Road along a track which runs to the South of the site. The area of land used for storage is in the South West corner of the site and is surrounded by hedge and trees. Currently a variety of materials which include bricks, sections of stone columns, steel lintels, rubble and timber fence posts are stored.

BACKGROUND

A complaint was received in May 2010 that an area of land in an agricultural field was being used to store building materials. Following a site visit, it appeared that a change of use of land from agricultural to storage area for building materials had occurred.

Discussions took place with the owner regarding this change of use and the owner of the land decided to submit evidence that the land had been used for storage for more than ten years. This information was passed to our Legal division who confirmed that further information was required. The owner was advised that further evidence was required and that a Certificate of Lawfulness needed to be submitted for consideration.

An application for a Certificate of Lawful Development was received in January 2011 and subsequently refused in May 2011. An appeal against the refusal was submitted and dismissed in December 2011.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The change of use of land from agricultural to storage of a variety of building materials which include bricks, sections of stone columns, steel lintels, rubble and timber fence posts.

RELEVANT PLANNING HISTORY

An application for a Certificate of Lawful Development was received in January 2011 and subsequently refused in May 2011. Following this refusal an appeal was submitted and dismissed in December 2011.

RELEVANT PLANNING POLICIES

Taunton Deane Local Plan

S1 – General Requirements
S7 – Outside Settlements
EN12 – Landscape Character Areas

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development
STR2 – Development outside Towns, Rural Centres and Villages
49 – Transport Requirements of new development.

National Planning Policy

PPS7 – Development in the Countryside
PPG13 - Transport
PPG18 – Enforcing Planning Control.

DETERMINING ISSUES AND CONSIDERATIONS

The site is located in the open countryside between Taunton and Kingston St Mary. It benefits from a direct access from Kingston Road immediately adjoining the western boundary of the site beyond an earth bank and line of mature trees. Westland House and the various other buildings in the group have been converted to form a number of dwellings, which are accessed from the same point from Kingston Road via a drive that passes the southern boundary of the site. An earth bank and some young planting separates the site from the access drive.

It is considered that the main issues in the consideration of this case are the principle of the use, the impact on neighbouring property and the impact on the visual amenities of the area.

Principle

The site is in the open countryside, where development is strictly controlled. It is part of a parkland setting to Westland House and does not form part of the domestic curtilage. The use that is being carried on at the site appears to be the storage of

building materials that are being used or that have been used in or salvaged from the refurbishment works at Westland House. Although this is not storage of 'domestic items' as such, the items are generally for use in renovation works at Westland House.

In light of the rural location, it is considered that the site would be inappropriate for use as a general builders yard, or indeed for storage of any other items for distribution to other sites. Such a use would be contrary to Policy S7 of the Taunton Deane Local Plan. It would foster an increased need to travel, contrary to Policy S1 of the Taunton Deane Local Plan, STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG13. Such development would be unsustainable in transport terms.

However, the current use for the owner's own purposes at the adjoining dwelling do not cause the same concerns in terms of transport movements. It is possible, therefore, that the use of the site for the applicant's personal use, for storage purposes ancillary to the existing residential use of Westland House may be acceptable in principle. Such could be assessed through a formal planning application and could be controlled by conditions on any planning permission if that was deemed appropriate.

Impact on Neighbours

Some of the residents of other dwellings on the Westland House site have views looking towards the site, albeit that it is partially screened by trees. It is true that the storage activities may be seen by neighbouring residents both from their dwellings and their access drive. However, this is not considered to harm their outlook or amenity to such a degree that would warrant serving an enforcement notice on this ground.

Visual Amenity

The site is screened from Kingston Road by a mature line of trees, such that the storage use is not visible from the public realm. As such, it is considered that the impact on the visual amenities of the area is not sufficient to warrant formal enforcement action.

Conclusion

A use for the private purposes of the occupier may be acceptable in principle and would not impact unreasonably upon the amenities of neighbouring property or the visual amenities of the area. However, your officers do not consider that this control can be properly secured through a precisely worded enforcement notice. Therefore, it is recommended that a notice should be served requiring the cessation of the use and removal of materials to prevent an unrestricted B8 use establishing through the passage of time.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

**CONTACT ENFORCEMENT OFFICER: Mrs A Dunford
CONTACT PLANNING OFFICER: Mr M Bale**

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0288/20/11

FIELD BEING USED TO STORE RUBBLE, BRICKS AND BUILDERS MATERIALS AT TAINFIELD PARK, KINGSTON ROAD, KINGSTON ST MARY

OCCUPIER: MR KEN J TAYLOR

OWNER: MR KEN J TAYLOR
FIELD AT TAINFIELD PARK, KINGSTON ROAD, KINGSTON ST MARY

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the land at Tainfield Park to be reinstated to agricultural use.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- to cease the use of the land for storage of building materials and other non agricultural items.

Time for compliance: 6 months

SITE DESCRIPTION

The site is an area of land adjacent to the highway along Kingston Road between Taunton and Kingston St Mary. Access to the site is off Kingston Road along a track which runs to the North of the site. The area of land used for storage is along the South West edge of the site. Currently a variety of materials which include bricks, a domestic bath, a small boat and timber fence posts are stored.

BACKGROUND

A complaint was received in October 2011 that an area of land in an agricultural field was being used to store various items. Following a site visit, it appeared that the area referred to did have various items on it including dumpy bags, redundant packaging and plastic and therefore a change of use of land from agricultural to storage area had occurred.

A letter was sent to the owner in October asking what was stored in the dumpy and plastic bags on the land. No response was received and a phone call was made to the owner who declined to discuss the situation. A Planning Contravention Notice was sent to the owner in November 2011. This was completed and returned on 30

November 2011. A further letter was sent in January 2012 asking for the dumpy bag, redundant packaging and plastic to be removed. To date all of this has not been removed and further evidence has come to light that a small boat and domestic bath are now being stored on the site.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The change of use of land from agricultural to storage of a variety of items, including bricks, dumpy and plastic bags together with a small boat and a domestic bath.

RELEVANT PLANNING HISTORY

none.

RELEVANT PLANNING POLICIES

Taunton Deane Local Plan

S1 – General Requirements
S7 – Outside Settlements
EN12 – Landscape Character Areas

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development
STR2 – Development outside Towns, Rural Centres and Villages
49 – Transport Requirements of new development.

National Planning Policy

PPS7 – Development in the Countryside
PPG13 - Transport
PPG18 – Enforcing Planning Control.

DETERMINING ISSUES AND CONSIDERATIONS

The site is located in the open countryside between Taunton and Kingston St Mary. It benefits from a direct access from Kingston Road immediately adjoining the western boundary of the site beyond an earth bank and line of mature trees. Tainfield Park and the various other buildings in the group have been converted to form a number of dwellings, which are accessed from the same point on Kingston Road via a drive that passes the southern boundary of the site. The site is open to the access drive to the north.

It is considered that the main issues in the consideration of this case are the principle of the use, the impact on neighbouring property and the impact on the visual amenities of the area.

Principle

The site is in the open countryside, where development is strictly controlled. It is part of a parkland setting to Tainfield Park and does not form part of the domestic curtilage. The use that is being carried on at the site appears to be the storage of building materials that are being used or that have been used in or salvaged from the refurbishment works at Westland House. Although this is not storage of 'domestic items' as such, the items are generally for use in renovation works at

Westland House.

In light of the rural location, it is considered that the site would be inappropriate for use as a general builders yard, or indeed for storage of any other items for. Such a use would be contrary to Policy S7 of the Taunton Deane Local Plan. It would foster an increased need to travel, contrary to Policy S1 of the Taunton Deane Local Plan, STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG13. Such development would be unsustainable in transport terms.

Impact on Neighbours

Some of the residents of other dwellings on the Westland House site have views looking towards the site. Given the open nature of the site, the storage activities may be seen by neighbouring residents both from their dwellings and their access drive. However, this is not considered to harm their outlook or amenity to such a degree that would warrant serving an enforcement notice on this ground.

Visual Amenity

The site is screened from Kingston Road by a mature line of trees, such that the storage use is not visible from the public realm. As such, it is considered that the impact on the visual amenities of the area is not sufficient to warrant formal enforcement action.

Conclusion

Some agricultural items could be stored on the site without triggering a change of use and would not impact unreasonably upon the amenities of neighbouring property or the visual amenities of the area. However, the storage of other items cannot be sanctioned in this unsustainable location and, therefore, it is recommended that a notice should be served requiring the cessation of the use and removal of materials to prevent an unrestricted B8 use establishing through the passage of time.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

**ENFORCEMENT OFFICER: Mrs A Dunford
PLANNING OFFICER: Mr M Bale**

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0243/38/11

UNAUTHORISED ILLUMINATED FASCIA SIGN AT PHONE JUNCTION, 9 BRIDGE STREET, TAUNTON

OCCUPIER: THE MANAGER

OWNER: THE MANAGER
PHONE JUNCTION, 9 BRIDGE STREET, TAUNTON, TA1
1TG

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the unauthorised illumination of fascia sign at Phone Junction, 9 Bridge Street, Taunton.

RECOMMENDATION

The Solicitor to the Council be authorised to commence Prosecution proceedings in order to secure the removal of the unauthorised illumination to the sign.

SITE DESCRIPTION

The site is off the main road that leads through Taunton Town centre. Bridge Street lies to the North West of the River Tone. The building is currently used for retail on the ground floor.

BACKGROUND

The unauthorised illumination to the fascia sign was first brought to the Council's attention in August 2011. A site visit was carried out in September and a letter was sent requesting an application. A further letter was hand delivered in January 2012 requesting that an application be submitted, to date an application has not been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The illumination to the fascia sign is a breach of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 3 Part 1, Class 4B.

RELEVANT PLANNING HISTORY

none

RELEVANT PLANNING POLICIES

National Policies

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining an advertisement proposal are the impact upon the amenity of the area surrounding the application site, together with any potential impact upon public health and safety and impact on the character and appearance of the area.

The sign currently displayed on the front of the premises is an externally illuminated fascia, lit by means of two strip lights fixed above the sign. The light source is visible and the means of illumination of this sign is considered unacceptable and detracts from the appearance and amenity of the property and area contrary to policy EC26(A) of the Local Plan.

An alternative would be to design an unobtrusive trough light into the fascia so a suitable form of illumination to the fascia could be provided. This has been advised verbally to an agent however no application has subsequently been submitted.

Therefore a decision must be made as to whether it is expedient to take action and as the current illumination detracts from the character and appearance of the property, it is not considered to be acceptable.

In preparing this report the Enforcement Officer has considered fully the implications and requirements of the Human Rights Act 1998

**ENFORCEMENT OFFICER: Mrs A Dunford
PLANNING OFFICER: Mr G Clifford**

Taunton Deane Borough Council

Planning Committee 21 March 2012

E/0251/38/11

COWL LIGHTS ERECTED TO FASCIA OF PEPPERCORNS DELICATESSEN, 48 ST JAMES STREET, TAUNTON

OCCUPIER: PEPPERCORNS DELICATESSEN

OWNER: UNKNOWN

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the unauthorised illumination by Cowl lights to the fascia sign at the above address.

RECOMMENDATION

The Solicitor to the Council be authorised to commence Prosecution proceedings in order to secure the removal of the unauthorised illumination to the sign.

SITE DESCRIPTION

The site is off St James Street in Taunton which lies to the South East of the River Tone. The building is currently used for retail on the ground floor within the town centre and lies within a Conservation Area.

BACKGROUND

The Cowl lights were first brought to the Council's attention in August 2011. A site visit was carried out and an application was requested. The tenants advised that the lights were there when they took over the tenancy of the shop unit. However, they have not switched the lights on.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The Cowl lights are above the fascia sign below first floor window level. Under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 3 Part 1, Class 4B no illuminated advertisement is permitted within a Conservation Area.

RELEVANT PLANNING HISTORY

none

RELEVANT PLANNING POLICIES

National Policies

PPG 18 -Enforcing Planning Control

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining an advertisement proposal are the impact upon the amenity of the area surrounding the application site, together with any potential impact upon public health and safety and impact on the character and appearance of the conservation area.

The sign is sited on a building within a conservation area, and the traditional painted fascia sign, without the illumination, is acceptable.

The fascia signs could be illuminated by two large cowl lights that have been fitted above the fascia. Though the cowl lights have not been turned on, this does not mean the sign could not be illuminated at any time. This form of cowl lighting is considered excessive in size, detracting from the building and conservation area, affecting the visual amenity of the area. Illuminating the sign, may be acceptable by another means of illumination; smaller, more discreet lighting, could illuminate the signs whilst still being sympathetic to the character and appearance of the conservation area.

As the building is sited within a Conservation Area regard must also be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve or enhance the character and appearance of the conservation area. The cowl lights are excessive in size and area not considered to preserve the character and appearance of the Conservation Area.

Conclusion

The form of illumination is not considered to be acceptable and does not accord with planning policy EC26 and PPG19; the cowl lights will detract from the appearance of the building, will harm the visual amenity of the street scene and conservation area. Furthermore, the lights would fail to preserve the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The cowl lights are therefore not considered to be acceptable.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

ENFORCEMENT OFFICER: Mrs A Dunford

PLANNING OFFICER: Mr D Addicott

Taunton Deane Borough Council

Planning Committee 21 March 2012

E/0254/08/11

ADVERT BOARD ATTACHED TO FRONT WALL OF RESIDENCE ADVERTISING WINDOW CLEANING BUSINESS AT 6 WATERLEAZE, CHEDDON FITZPAINE, TAUNTON

OCCUPIER: MR KEVIN LUTON

OWNER: MR KEVIN LUTON 6 WATERLEAZE, CHEDDON FITZPAINE, TAUNTON, TA2 8PX

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the unauthorised illumination of fascia sign at 6 Waterleaze, Cheddon Fitzpaine.

RECOMMENDATION

The Solicitor to the Council be authorised to commence Prosecution proceedings in order to secure the removal of the unauthorised sign.

SITE DESCRIPTION

The dwelling is a modern detached house that is on the main road through the development. It is constructed of brick under a tiled roof and the sign is located on the front elevation of the property.

BACKGROUND

A complaint was received in August 2011 and contact was made to the owner who was very unhappy that an application was being requested for such a small sign. He was advised that as he had already confirmed that there was not a business operating from these premises then there was no reason why the sign should be displayed in this location.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The sign has been erected on the front elevation of the property and measures approximately 69cm x 56cm. Advertisement consent is required under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

RELEVANT PLANNING HISTORY

A complaint was received in 2005 stating that the owners were running a business from the premises. On investigation it was deemed that a business was not operating from these premises. There is no other relevant planning history.

RELEVANT PLANNING POLICIES

National Policies

PPG 18 -Enforcing Planning Control
PPG19 – Outdoor Advertisement Control

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and signs

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining an advertisement are the impact upon the amenity of the area surrounding the application site, together with any potential impact upon public health and safety.

The advertisement measures 69cm x 56cm, is non-illuminated and fixed onto a wall of a residential property, within a residential estate; there are no commercial buildings within the vicinity. There is no business being run from the premises, as investigated in 2005, and as such, there is no requirement for the sign to be sited on the building.

The sign is sited in a prominent location on the front elevation of the dwelling, facing onto a footpath and estate road. As such, the sign is considered an incongruous and intrusive element within the street scene and on the front elevation of the dwelling, inappropriately displayed in a residential area. Therefore, the advertisement is considered to detract from the visual amenity of the area and is not considered acceptable.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

**ENFORCEMENT OFFICER: Mrs A Dunford
PLANNING OFFICER: Mr D Addicott**

Taunton Deane Borough Council

Planning Committee: 21 March 2012

E/0313/06/11

ILLUMINATED SIGN ERECTED AT CEDAR FALLS HEALTH FARM, WATTS LANE, BISHOPS LYDEARD, TAUNTON

OCCUPIER: THE MANAGER, CEDAR FALLS HEALTH FARM

OWNER: UNKNOWN

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the unauthorised illumination to the sign at Cedar Falls Health Farm, Bishops Lydeard

RECOMMENDATION

Subject to the receipt of comments from the Local Highway Authority.
No further action to be taken.

SITE DESCRIPTION

The site is along the main A358 road between Bishops Lydeard and Combe Florey. The sign is situated in a wall which surrounds the site and is positioned at the junction between the A358 and Watts Lane.

Watts Lane provides vehicular access to Cedar Falls and the sign can be seen when travelling from Bishops Lydeard towards Combe Florey but not in the other direction.

BACKGROUND

The sign was first brought to the Council's attention in 2010 when an application was requested and submitted. However the application was invalid and was returned to the applicant. The manager of the site at the time verbally confirmed that the illumination would not be switched on. This was adhered to until November 2011 when it was noticed that the sign was illuminated. A new application has been requested and several phone calls have been made but to date an application has not been submitted.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

A sign that is sited in the boundary wall of Cedar Falls has had illumination fitted to it which requires Advertisement consent under Schedule 3 Part 1 Class 2 2A (2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

RELEVANT PLANNING HISTORY

A number of applications have been received for this site including Planning and Listed Building applications. Advertisement application 06/85/0017, granted consent for a non illuminated sign adjacent to the A358 road to the west of Cedar Falls. This is not for the sign that is the subject of this report.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control
PG19 – Outdoor Advertisement Control

Taunton Deane Local Plan 2004

S1 – General requirements
S2 – Design
EC26 – Outdoor advertisements and signs

DETERMINING ISSUES AND CONSIDERATIONS

An unaccompanied site visit was made on 7 February 2012 where it was ascertained that illumination has been added to a sign set within a stone boundary wall at Cedar Falls Health Farm. The sign fronts onto the highway to the south and is positioned at the junction between the A358 and Watts Lane; the latter provides vehicular access to the Cedar Falls complex, private residences and agricultural land.

Cedar Falls Health farm is a well established business that offers overnight and day spa breaks with overnight accommodation together with various leisure facilities. The built element of the site is set well within the site away from the highway and is largely screened by the stone wall and mature trees that line the A358. As a result the site is inconspicuous to passers by and navigation to the property by road is difficult to people unfamiliar with the area.

The sign is set within the stone wall and only visible to vehicles approaching along the highway from the South; it is of a traditional design with a green background and gold lettering. The illumination of the sign is unauthorised and within a rural location such as this it is generally recognised that the use of illumination should be kept to a minimum wherever possible. It is recognised that the need to attract business and provide direction to the property has to be carefully balanced against the potential visual impact and highway safety considerations of the sign and its added illumination.

In this instance, the illumination of the sign is considered to be acceptable given the discreet positioning of the sign and the fact that it will only be visible from one direction of approach. The sign will provide direction to visitors and potential customers at times of darkness whilst not resulting in significant harm to visual amenity or landscape character within the area. In addition when the sign is illuminated at times of darkness the perceived harm to highway safety, in terms of forming a distraction to passing drivers is not thought to be so significant so as to warrant enforcement action.

In preparing this report the Enforcement Officer has considered fully the

Implications and requirements of the Human Rights Act 1998

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

PLANNING OFFICER: Mr R Williams

Taunton Deane Borough Council

Planning Committee 21 March 2011

E/0332/48/11

CHILDMINDING BUSINESS BEING RUN FROM RESIDENCE CAUSING INCREASED LEVELS OF TRAFFIC AND NEIGHBOURHOOD DISTURBANCE AT 28 MEAD WAY, MONKTON HEATHFIELD, TAUNTON

OCCUPIER: MR & MRS DAVEY

OWNER: MR & MRS DAVEY 28 MEAD WAY, MONKTON HEATHFIELD, TAUNTON, TA2 8LT

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to cease the running of a childminding business at the 28 Mead Way, Monkton Heathfield.

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

The property is a detached house off Mead Way, Monkton Heathfield. It is surrounded by residential properties.

BACKGROUND

The complaint was first brought to the Council's attention in November 2011. A site visit was carried out and the owner was very unhappy that a complaint had been made. I explained that Planning permission may be required but she responded that there were a number of childminding businesses in the area and they did not have Planning permission. On discussing the case with the Senior Planning Officer it was decided that Planning permission was required. An application was requested but to date this has not been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The carrying out of a child minding business of over 6 children with an employee at a residential dwelling. This constitutes a change of use to a mixed use of residential dwelling and childminding business.

RELEVANT PLANNING HISTORY

Planning permission for conversion of the garage to living accommodation was granted in April 2001 (48/01/0021). There are no other planning applications for this site.

RELEVANT PLANNING POLICIES

National Policies

PPG18 – Enforcing Planning Control

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR4 – Development in Towns

Taunton Deane Local Plan 2004

S1 (General Requirements)

DETERMINING ISSUES AND CONSIDERATIONS

The site lies within the settlement limits and is considered to be in a sustainable location.

Following the investigation of the use here it would appear that the owner has been operating a child minding business at the property since 2001. At this time the owner was looking after only 3 children and was not employing anyone. Consequently planning permission for the use would have been considered ancillary and not required a change of use at this time.

It is only within the last three years that the business has expanded to the current situation whereby an additional person is employed and the number of children has expanded to between 5 and 9, although the property is registered for up to 11. The numbers of children looked after varies from day to day and the business operates between 7.30 and 5.30. On the basis of this level of use it is considered that a planning application for change of use would be required.

The business utilises the ground floor hall, utility, former garage, kitchen and conservatory as well as the garden. There have been no objections on the basis of noise from the children at the site and the level of use as witnessed is considered acceptable and not detrimental to the amenity of the area. The main concerns raised by the complainant relate to traffic and parking levels in the area of the cul-de-sac. Between 6-11 traffic movements to the site during the morning per day were noted over a period of a week. These movements would not have occurred all at the same time and clearly there is no way of controlling when people deliver their children to the site or where on the highway they stop. It is not considered that the impact of these traffic movements in themselves are sufficient grounds to object to such a use.

The commercial use of the dwelling for child minding that is being carried out is considered to be at an acceptable level and consequently it is recommended that no further action is taken.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

ENFORCEMENT OFFICER: Mrs A Dunford

PLANNING OFFICER: Mr G Clifford

Taunton Deane Borough Council

Planning Committee 21st March 2012

E/0334/36/05

USE OF SWIMMING POOL FACILITIES BY GENERAL PUBLIC IN BREACH OF CONDITION

OCCUPIER: MR R HEMBROW

OWNER: MR R HEMBROW
HOLLY FARM, MEARE GREEN, STOKE ST GREGORY,
SOMERSET

PURPOSE OF REPORT

To consider whether it is expedient to take enforcement action over the non compliance with the Planning permission number 36/03/0033 approved on 10th February 2004.

RECOMMENDATION

No action be taken over the breach of condition 04.

SITE DESCRIPTION

The site comprises of a large farmhouse and converted barns providing holiday accommodation. The holiday business has been operating since the early 1990s. The swimming pool complex is sited behind the main holiday units and accessed via a driveway from Frog Lane. The swimming pool is 13m by 7m, the games room and the and the local crafts area are both 11m by 6m. The nearest residential properties are further to the south-west on Stoke Road or to the north at Meare Green Farm, including an agricultural workers dwelling for Meare Green Farm which is adjacent to the site.

BACKGROUND

Planning permission was granted for the conversion of a range of barns to holiday accommodation in the late 1980s. They proved successful and in December 2003 an application for a covered swimming pool, games room and craft building was submitted. Approval was granted on 10th February 2004 with a condition which states –

The swimming pool and other facilities hereby permitted shall be used by the owner and family and occupants of the holiday units only and shall not be used at any time by members of the general public.

The facility opened in the Autumn of 2005 and in December 2005 a complaint was received that the swimming pool was being hired out to the general public in breach of the condition.

Both the pool and the meeting room was let to persons not residing in the holiday accommodation for various events including private parties, craft evening classes and small conferences.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Since the facility was opened it has been used in contravention of the condition attached to the permission. When investigated it became apparent that there was a demand within the village and surrounding area for such a development. Discussions took place between the owners and the Local Planning Authority which resulted in the submission of the 2006 application. The reasons for refusal was on highway grounds and the non sustainable location.

Since 2003 the use has been unauthorised but only one complaint has been received.

RELEVANT PLANNING HISTORY

In 2003 application 36/03/0033 was approved for the construction of the pool and associated buildings

In 2006 an application to change the use of the complex for use by the general public was refused in May 2006

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG 18 - Enforcing Planning Control

Taunton Deane Local Plan 2004

S7 Outside Settlements;
EC6 Conversion of Rural Buildings
EC15 Rural Centres and Villages
EC 21 Tourist and Recreation Development

DETERMINING ISSUES AND CONSIDERATIONS

Taunton Deane Local Plan EC6 Conversion to Rural Buildings states inter alia that outside settlements, the conversion of buildings to tourism, recreation, community use will be permitted subject to various criteria, including if the site is close to a public road, would be compatible with the rural area, and not harm the residential amenity of neighbouring properties; EC15 policy seeks to restrict shopping and service facilities to within settlements, rural centres and villages and Policy EC21 states that tourist and recreation facilities should be sited within settlement but outside these areas, they should be of an appropriate size and scale, and not harm natural or man made heritage. S7 seeks to restrict new development to that related to agriculture.

This site is outside any settlement limits and is remote from the nearest village, but is close to a well used rural road (Stoke Road) linking North Curry, Meare Green and Stoke St Gregory. The site is approx 0.6km from the Willows and Wetlands Centre, which is a well visited local Tourist Attraction. Holly Farm's visitor facilities are not miles along a narrow twisting country lane, they are accessed close to the

aforementioned rural road, thus it is not considered that the site is too remote in terms of access. It is outside a settlement but is close to Meare Green and within an area where there are several concentrations of dwellings. The residents who are using the facilities are likely to be from the local area, as the actual facilities are limited by size. Otherwise local people would travel to Taunton to reach a full sized swimming pool, and the nearest meeting rooms would be available in Village Halls in Stoke St Gregory and in North Curry.

The site is within a complex of holiday units and not close to many other residents and therefore any potential effect on neighbouring properties is limited to the one adjacent agricultural worker's dwelling. It is not considered that the impact on this property is so significant as to warrant continuing the enforcement procedures. The buildings are not new buildings and thus Policy S7 is not strictly applicable.

Given the size of the facilities and the proximity to Stoke Road, and their use for the community and tourists, it is not considered that the public use of the facilities would be detrimental to the character of the area, or harm the amenities of the few residential occupiers in the area.

In preparing this report the Enforcement Officer has considered fully the implications and requirements of the Human Rights Act 1998

ENFORCEMENT OFFICER: Mr John A W Hardy Tel: 356466
PLANNING OFFICER: Ms K Marlow Tel: 356460

Taunton Deane Borough Council

Planning Committee – 21 March 2012

E/0284/47/11 and E/0111/47/11

ALTERATIONS TO HAY/STRAW BARN TO FACILITATE THE KEEPING OF GREYHOUNDS, TOGETHER WITH EXERCISE AREA AND SHELTERS, THE SITING OF TWO CATERING TRAILERS AND MOBILE HOME ON LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH.

OCCUPIER: MR BARRATT

OWNER: MR BARRATT
LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to cease the use of the land for keeping greyhounds, remove shelters in the field to the side and rear of the barn, together with alterations to the barn and unauthorised storage of catering trailers at the above address.

RECOMMENDATION

Take no further action regarding alterations to the barn e.g cladding and formation of internal pens, creation of the dog run area and siting of shelter buildings in various locations within the site, together with the storage of the two catering trailers

SITE DESCRIPTION

The site lies off the road leading to Meare Green to the West of Meare Elm Cottages. The barn is to the West of the site and the land used for exercising the Greyhounds lies to the North East.

BACKGROUND

A complaint was received in April 2011 complaining about the change of use of land and an agricultural building for non agricultural purposes, including storage and the keeping of Greyhounds. A further complaint was received in October 2011 for the laying of a track, alterations to barn to form kennels and formation of individual pens and kennels on land to the rear, together with the storage of catering trailers.

At the same time, it was stated that a mobile home on the site was being used for residential purposes. Contact was made with the owner and an application was requested. This has been received but was not valid. Due to the time lapse and the relevant papers not being submitted, this application has now been returned.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The division and formation of individual pens, some of which are used for Greyhounds, within an agricultural barn constitutes a change of use. The siting of buildings in a field for use as shelter also requires planning permission as the unit

has no permitted development rights as the overall holding is less than 5 hectares.

The storage of a catering trailers on agricultural land also constitutes a change of use to storage that requires planning permission.

There is a mobile home on the site, which is used for making a cup of tea and toilet facilities, together with the storage of medical supplies, dog food and other sundries required for the animals/poultry on the site. As part of the land is used for the keeping of poultry, which is classed as agriculture and the mobile home is used in association with this, it is considered that in this case, the mobile home can be sited under permitted development rights.

RELEVANT PLANNING HISTORY

In 2005 an agricultural notification for the erection of a hay and straw storage barn was submitted for the barn in question, which at that time formed part of Meare Court Farm. As the holding, at that time, exceeded 5 hectares, the land benefitted from certain agricultural permitted development rights and as such an agricultural notification was sufficient. A letter was sent to the applicants on 3rd March 2005 stating that TDBC did not wish to become involved in the proposal and that works could commence subject to obtaining any other approvals that may be required.

The barn has now been sold off from the farm holding, to Mr Barrett and his holding is less than 5 hectares and therefore does not have any permitted development rights.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 -Design

EN12 - Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

A well established hedge to approximately 3 metres in height forms the roadside boundary and largely screens the land in question, although the wide entrance does enable some views of the site. The view of the barn from the road remains largely as proposed in 2005, being of the same dimensions and open to the front. However, the north-west (rear) and north-east (side) elevations have been wholly blocked up by concrete blocks. The large barn as constructed under the agricultural notification in 2005, has already resulted in an impact on the appearance of the landscape. It is not considered that the blocking up of the formerly open sides, has resulted in a significant increased impact upon it's appearance.

The internal alterations have involved the erection of concrete block walls to create 16 pens inside the building. At the time of the site visit, 5 of these were occupied by dogs and the applicant stated that a maximum of 6 of these would be used for dogs in the future and the remainder would be used for agriculturally related uses, including livestock and the storage of feed, bedding, etc. It is further understood

that the dogs are pets and are not used for breeding or any other business purposes.

The nearest residential property lies 90 metres away, which is deemed an acceptable distance to avoid undue noise and disturbance. It is therefore considered that the use of a small proportion of these newly formed pens (up to 6) for domestic dogs would not result in detriment to neighbouring land uses.

The creation of the dog exercise area to the rear has involved the erection of a wire fence surrounding the area. As this fence does not exceed 2 metres in height, it is important to note that this element alone does not require consent. Two small timber buildings (garden shed style) have also been sited within the fenced run, along with a further two to the side of the run (one timber, one of metal construction) which are being used for hens and geese. To the rear of this a further piece of land has been fenced into 3 areas, with a small wooden shed in each, which was stated to be for ducks, although one of the penned areas could occasionally be used for dogs.

The land forms an L shape, with an elongated plot running back from the road and then running along the rear of the adjacent property to the north-east, The Barn. The site is largely screened from public viewpoint by the well established roadside hedge. A well established hedge also runs along the north-east and south-east boundaries between the site and The Barn. The site is open to the rear, separated only by a wire fence, however the land slopes upwards limiting views of the site from the north-west. Whilst there are views from the access, the dog exercise area is largely screened by the large barn and the garden shed style structures are set back significantly from the road, some behind further hedging and do not appear prominent from public viewpoint.

In view of the well established landscaping, which largely screens the site, along with the shed structures being small and low in height, the dog run area and sheds are not considered to cause excessive harm to the appearance of the countryside.

There are also two catering trailers being stored in the front element of the building, which are visible from the entrance, due to the building being open fronted. The catering trailers, being white/cream in colour, appear stark in appearance and do not blend in with the surroundings, against which the trailers are viewed. However, as the mobile home, which is permitted development, is sited nearby and consequently already has an impact on the appearance of the countryside, the mobile catering units are not considered to result in any additional detrimental impact on the appearance of the countryside.

In preparing this report the Enforcement Officer and Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998

**CONTACT ENFORCEMENT OFFICER: Mrs A Dunford
CONTACT PLANNING OFFICER: Mrs K Walker**

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0176/06/10

BALCONY/DECKING AREA ERECTED AT SUNNYDENE, DENE ROAD, BISHOPS LYDEARD, TAUNTON

OCCUPIER: MR H SMALL

OWNER: MR H SMALL
SUNNYDENE, DENE ROAD, BISHOPS LYDEARD,
TAUNTON TA4 3LX

PURPOSE OF REPORT

To consider whether it is expedient to take enforcement action to secure the removal of the balcony/raised decking serving the mobile home.

RECOMMENDATION

That no further action be taken over the unauthorised decking.

SITE DESCRIPTION

The site, located approximately 5km to the west of Taunton, is on the south side of Dene Road. Dene Road is a classified unnumbered road linking the A358 Taunton to Minehead Road to the east, to the B3227 Taunton to Barnstaple Road to the west. The village of Cotford St Luke is located 220 metres west of the site. A public footpath runs, approximately 200 metres to the west of the site, north-south across Dene Road. The West Somerset Railway Line is approximately 300 metres to the east.

The site is in an area of undulating open countryside, within the Low Vale landscape character area. The land slopes down from Dene Road (north to south). There is an established mature hedge along the northern roadside boundary. Access to the site is at the north-west corner, which was a former agricultural access that has been widened and currently serves the owner's three pitches.

BACKGROUND

The development was noticed on 25th June 2010 following a visit to the site by the Enforcement Officer to inspect the compliance with the Landscaping scheme attached to a previous permission. The raised decking area is on the southern side of the mobile home and is approx 600mm above ground level. The side of the structure can be seen from the site entrance and from other vantage points especially from the public footpath.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure is of a conventional type of raised decking approx 600mm above ground level. Being attached to a mobile home the floor level of the dwelling is

already raised hence why the decking is set at such a height. There is a handrail around the perimeter of the raised area at a height of approx 1m above the floor level.

The works constitute development but as mobile homes do not enjoy permitted development rights under the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008, Planning permission is required.

Even if the above did not apply, as the decking area would be in contravention of Class A (i)(i) of the above Order as it is higher than 300mm above ground level.

In view of the above the reduction of the structure to 300mm above ground level would still not overcome the need for Planning permission

RELEVANT PLANNING HISTORY

Planning permission was granted, in 2006, for a stable on the lower part of the field, reference 06/06/0035.

In 2007, retrospective, planning permission was refused, reference 06/07/0064, for the use of land for the stationing of three mobile homes

Permission was subsequently granted in 2008, for the stationing of three mobile homes, reference 06/08/0046.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG 18 -Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

S7 (Outside Settlement)

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration relates to the visual impact of the unauthorised decking on the visual amenities of the area having regard to its rural setting.

It is considered that the impact of the decking from Dene Road is limited, given its siting and scale, and is not so harmful as to warrant its removal through the enforcement process.

To the South the decking would only be seen from long distance views set against the context of the existing mobile homes. Moreover, a landscaping condition is imposed on the permission for the pitches which would, in time, further mitigate the impact of the development.

As such it is not considered that enforcement action be taken.

In preparing this report the Enforcement Officer has considered fully the implications and requirements of the Human Rights Act 1998

CONTACT ENFORCEMENT OFFICER: Mr John A W Hardy
CONTACT PLANNING OFFICER: Mr A Pick tel 356586

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0294/49/11

UNAUTHORISED STABLES ERECTED AT FORD GATE COTTAGE, FORD ROAD, WIVELISCOMBE

OCCUPIER: MR C MCGRATH

OWNER: MR C MCGRATH
FORDGATE COTTAGE, FORD ROAD, WIVELISCOMBE,
TAUNTON, TA4 2RH

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of sheds/stables from an agricultural field adjacent to Fordgate Cottage, Wiveliscombe

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

Fordgate Cottage is a detached dwelling at the junction of Ridge Hill with Grant's Lane. The site is off Grants Lane which is off the B3188 road from Wiveliscombe passing through Ford. The buildings are sited along the NE edge of the field adjacent to Fordgate Cottage.

BACKGROUND

A complaint was received for the siting of sheds/stables in a field and a site visit has been carried out. It was found that the buildings were in an agricultural field but it appeared the use was for horses.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The sheds/stables are in an agricultural field and require planning permission due to the structures being used for domestic animals. A change of use has occurred.

RELEVANT PLANNING HISTORY

Planning permission 49/08/0051 approved 19.03.09 for the Change of Use of Agricultural Land to domestic and parking area however the shed/stables are not within this part of the site.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Taunton Deane Local Plan 2004

- S1 – General requirements
- S2 – Design
- S7 – Outside settlements
- EN12 – Landscape character areas

DETERMINING ISSUES AND CONSIDERATIONS

A site visit and meeting with the owner of the property was made on 2 November 2011 where it was ascertained that a stable building with two loose boxes had been erected, together with an open fronted implement and hay storage shelter on land to the west of Ford Gate Cottage. The owner was advised that the land on which the buildings had been erected was outside of the recognised residential curtilage of Ford gate Cottage, which was extended following the grant of planning permission (LPA reference 49/08/0051) and therefore, being for equine use, planning permission was required for the development.

The buildings are of a timber frame construction and clad externally in horizontal boarding stained a dark brown; the stables have a shallow pitched roof and the store a lean to roof, both covered in a green mineral felt; they have an approximate height of 3.0 metres and a depth of 2.5 metres; together the buildings span a width collectively of 10 metres (approx). They are set on a concrete base and served by electricity which is run via extension leads from the main dwelling; there are no permanent services provided on site. The buildings occupy a relatively elevated position, being set above the level of the residential parking area to the east by approximately 3.0 metres. The site is screened by the natural lie of the land which has a sharp incline to the west and a more gentle gradient to the south. In general, the fields around the application site are bound by well established hedgerows and groups of mature trees; to the north the buildings are thought to be largely screened by the hedgerow that bounds the field.

There are no public footpaths within the area from which the proposed buildings are thought to be visible from and only a small glimpse of the site is possible through the narrow vehicular access to the property from the main highway to the east. As a result of the above factors, the buildings are only thought to be clearly visible within the local landscape from the adjacent property known as Ridgehaven and private agricultural land to the east.

Whilst the site is somewhat elevated, the buildings are positioned at the lower end of the land which is considered to limit the visual impact of the development upon the wider landscape character and visual amenity. At the time of visiting the site it was apparent that a new native hedgerow had been planted behind the stable buildings; it is recognised that no control will be available to the Council in order to retain this planting, however if allowed to establish it will mature to screen the buildings from views of the neighbouring property and wider area. The buildings will be screened by existing hedgerows, the topography of the landscape and in time the recently planted hedgerow; these factors combine to reduce the prominence of the buildings within the landscape to an acceptable level.

Notwithstanding the above, the owner, Mr McGrath, was advised that an application for planning permission should be submitted to the Council for consideration, however no such application has yet materialised. Having regard to the matters discussed above, the impact of the building within the local landscape is low and it is therefore recommended that no further action be taken.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

ENFORCEMENT OFFICER: Mrs A Dunford

PLANNING OFFICER: MR R Williams

APPEAL DECISION FOR COMMITTEE AGENDA – 21 MARCH 2012

| APPEAL | PROPOSAL | REASON(S) FOR INITIAL DECISION | APPLICATION NUMBER | DECISION |
|----------------------------|---|---|--------------------|--|
| APP/D3315/A/11/2164452/NWF | DEMOLITION OF GARAGE AND ERECTION OF DWELLING WITHIN THE CURTILAGE OF 15 WILTSHIRE CLOSE, TAUNTON | <p>The proposed development would result in a dwelling which appears cramped on its plot and incongruous in the street scene reason of its form, proportion, scale. The proposals for parking provision for the existing and proposed dwellings would significantly undermine the open-plan and spacious appearance of Wiltshire Close.</p> <p>The proposed development would result in an overbearing impact upon the side windows of 15 Wiltshire Close, by reason of the proximity of the building to these windows.</p> <p>The proposed development would remove the existing parking provision for 15 Wiltshire Close, forcing cars to park to the front of 15 Wiltshire Close in close proximity to the</p> | 52/11/0020 | The Inspector considered that, whilst there would be no substantive adverse impact on the living conditions of nearby residents, the proposal would result in harm to the character and appearance of the area and would be contrary to the development plan. He therefore DISMISSED the appeal. |

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|--|--|---|--|--|
| | | main living room windows of 13 Wiltshire Close. | | |
|--|--|---|--|--|

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park