

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 18 April 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 21 March 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 11/12/0005 – Replacement of entrance gates, erection of railings and reconstruction of stone wall at The Old Manor House, Combe Florey
- 6 11/12/0006/LB – Replacement of entrance gates, erection of railings and reconstruction of stone wall at The Old Manor House, Combe Florey
- 7 43/12/0020 – Conversion of bungalow with erection of first floor extension into 2 no two storey dwellings at 30 Blackmoor Road, Wellington
- 8 45/11/0016 – Erection of agricultural workers dwelling and detached garage at Crossways Farm, adjacent to London Farm, West Bagborough
- 9 E/0257/08/04 - Construction of three jetties alongside the canal at Waterleaze, Maidenbrook Farm, West Monkton
- 10 E/0322/24/10 - High spiked fence erected in field adjacent to Broad Lane, North Curry
- 11 E/0328/11/11 - Storage of caravan in field at Dull Cross, Trebles Holford, West Bagborough
- 12 E/0163/30/10 - Land used for storage of builders materials at Minster Edge, Pitminster, Taunton
- 13 E/0080/38/11 - Area created for car parking to rear/side of Havelock Cottage, 49 Kingston Road, Taunton

- 14 E/0301/38/11 - Unauthorised sign to rear of Smiles Cosmetic Centre, 62 Black Horse Lane, Taunton
- 15 E/0298/43/11 - Fences erected at The Orchard, Linden Hill, Tonedale, Wellington
- 16 Planning Appeals - The latest appeals lodged and appeal decisions received (details attached)

Tonya Meers
Legal and Democratic Services Manager

10 September 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 the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
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 F Smith
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 21 March 2012

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Mrs Hill, Miss James, Nottrodt,
Mrs Slattery, Mrs Smith, Watson, Ms Webber, A Wedderkopp and
D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area
Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal
Services Manager), Miss M Casey (Planning and Litigation Solicitor) and
Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

33. Apologies/Substitution

Apologies: Councillors Denington, Govier, Morrell, Mrs Reed, Tooze and
Wren

Substitutions: Councillor Nottrodt for Councillor Morrell, Councillor Ms Webber
for Councillor Mrs Reed and Councillor Mrs Slattery for Councillor
Tooze

34. Minutes

The minutes of the meeting of the Planning Committee held on 29 February 2012
were taken as read and were signed.

35. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member 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 Nottrodt also declared that
he had discussed agenda items 5 and 6. However, he had not pre-determined his
decision.

36. Storage of building materials on field south west of Westland House, Nailsbourne

Reported that it had come to the Council's attention that an area of land south-west
of Westland House, Nailsbourne was being used for the storage of building
materials without the necessary planning consent.

The owner of the land had been contacted and had submitted an application for a
Certificate of Lawful Development. However, this had been refused and a
subsequent appeal was dismissed in December 2011.

Resolved that:-

1. Enforcement action be taken to stop the unauthorised storage of building materials on an area of land south-west of Westland House, Nailsbourne;
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.

37. Storage of rubble, bricks and builders materials on land at Tainfield Park, Kingston Road, Kingston St Mary

Reported that it had come to the Council's attention that an area of land in an agricultural field was being used to store rubble, bricks and builders materials at Tainfield Park, Kingston Road, Kingston St Mary without the necessary planning consent.

The owner of the land had been contacted about the unauthorised use and a Planning Contravention Notice had also been served. Further requests to remove the stored materials had been made but, to date, no action had been taken by the owner of the land.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised storage of rubble, bricks and builders materials from land at Tainfield Park, Kingston Road, Kingston St Mary;
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.

38. Unauthorised illuminated fascia sign at Phone Junction, 9 Bridge Street, Taunton

Reported that it had been brought to the Council's attention that an illuminated fascia sign had been erected at Phone Junction, 9 Bridge Street, 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.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised illuminated fascia sign at Phone Junction, 9 Bridge Street, Taunton.

39. Cowl lights erected to fascia of Peppercorns Delicatessen, 48 St James Street, Taunton

Reported that it had been brought to the Council's attention that two cowl lights had been erected to the fascia of Peppercorns Delicatessen, 48 St James Street, Taunton without the necessary advertisement consent being granted.

The occupier of the site had been contacted and had confirmed that the lights had been erected before taking over the tenancy of the property. However, the lights had not been switched on.

The occupier had been requested to submit an application for consent to regularise the situation but, to date, this had not been received.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised cowl lights at Peppercorns Delicatessen, 48 St James Street, Taunton.

40. Window cleaning business advertised at 6 Waterleaze, Cheddon Fitzpaine, Taunton

Reported that as the sign had been removed, this item had been withdrawn.

41. Illuminated sign at Cedar Falls Health Farm, Watts Lane, Bishops Lydeard

Reported that it had come to the Council's attention that an illuminated sign at Cedar Falls Health Farm, Watts Lane, Bishops Lydeard had been erected 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 illuminated signage within a rural location might not normally be considered acceptable, the sign was discreetly positioned and was only visible from one direction of approach.

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.

42. Childminding business at 28 Mead Way, Monkton Heathfield, Taunton

Reported that it had come to the Council's attention that a childminding business was being carried out at 28 Mead Way, Monkton Heathfield, Taunton without the necessary planning consent.

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

Although the business did have an impact on neighbouring properties, the Growth and Development Manager did not consider it expedient to take enforcement action as the level of harm caused was of an acceptable level.

However, during the discussion of the item Members considered that the impact of the property being used to childmind more than six children, together with an employee, did warrant significant harm being caused to neighbouring properties and agreed that enforcement action should be taken.

Resolved that:-

1. Enforcement action be authorised to reduce the number of children being looked after at 28 Mead Way, Monkton Heathfield, Taunton;
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.

43. Use of swimming pool facilities at Holly Farm, Meare Green, Stoke St Gregory

Reported that it had come to the Council's attention that the swimming pool facilities at Holly Farm, Meare Green, Stoke St Gregory were being used by the general public without the necessary planning consent being granted.

Planning permission had been granted in 2004 with a condition restricting the use of the swimming pool facilities and a further application to regularise the situation had been submitted in 2006. However, this application had been refused.

However, it was not considered that the public use of the facilities would be detrimental to the character of the area or harm the amenities of the neighbouring properties.

In the circumstances, the Growth and Development Manager considered that use of the swimming pool facilities did not warrant any further action being taken.

Resolved that no further action be taken.

44. 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

Reported that a complaint had been received in April 2011 about the change of use of land and an agricultural building for non agricultural purposes, including storage and the keeping of Greyhounds at Two Trees, Meare Green, West Hatch.

A further complaint was received in October 2011 in respect of the laying of a track, alterations to the barn to form kennels and the 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 also being used for residential purposes.

The owner of the property was contacted and an application for planning permission had been submitted but this was considered not to be valid. Due to the

time lapse and the relevant papers not being submitted, this application had now been returned.

As the mobile home was used mostly for storage purposes in connection with an agricultural use, it was considered that it could continue to be sited on the land under permitted development rights.

The other reported uses on the site could however be considered to be changes of use which required planning permission.

In the view of the Growth and Development Manager, the following matters did not make it expedient to take enforcement action:-

- the screening of the site;
- the alterations to the barn which had not resulted in a significant increased impact upon its appearance;
- the intended use of most of the pens that had been created inside the barn for agricultural purposes;
- the nearest residential property being over 90 m away; and
- the mobile catering units being considered not to cause any additional detrimental impact on the countryside than the mobile home which was classed as permitted development.

No further action was therefore recommended.

Members were not content with this recommendation and felt that before any decision was taken, Environmental Health should be asked to investigate how many dogs were actually on the site and the potential for a noise nuisance to occur and that further contact should be made with the West Hatch Parish Council over the uses of the land.

Resolved that the item be deferred until the further enquiries requested had been undertaken.

45. Unauthorised balcony and decking area at Sunnydene, Dene Road, Bishops Lydeard

Reported that it had come to the Council's attention that a balcony and decking area had been erected at Sunnydene, Dene Road, Bishops Lydeard without the necessary planning consent being granted.

The height of the decking area was approximately 600m above ground level and, as the site was a mobile home, did not have permitted development rights and would require planning permission.

However, a landscaping condition imposed on the site would mitigate the impact of the development on the local area and the Growth and Development Manager did not consider it expedient to take enforcement action as the siting and scale of the decking and balcony would not harm the visual amenities of the area.

Resolved that no further action be taken.

46. Unauthorised stables at Ford Gate Cottage, Ford Road, Wiveliscombe

Reported that as an application for planning permission had been received, this item was withdrawn.

47. Appeals

Reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 6.55 pm)

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

11/12/0005

MR J BOULTON

REPLACEMENT OF ENTRANCE GATES, ERECTION OF RAILINGS AND RECONSTRUCTION OF STONE WALL AT THE OLD MANOR HOUSE, COMBE FLOREY (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 315347.131224

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The metal railings and gates, by reason of their design, are considered to be at odds with the character of the listed building and are therefore detrimental to its setting and detrimental to the character and appearance of the conservation area, contrary to Policy S1 of the Taunton Deane Local Plan, DM1 of the Taunton Deane Core Strategy, the duties outlined at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Section 12 of the National Planning Policy Statement.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

This application retrospectively seeks full planning permission for the erection of a new wall, railings and gates at the entrance of the Old Manor House, Combe Florey. The stone wall is approximately 1.2m high with curved top metal railings on top, between posts approximately 2.2m high. The double gates, 5.4m wide have a timber panel lower half, to the height of the wall, and metal railings on top.

SITE DESCRIPTION AND HISTORY

The site is situated adjacent to the main road running through the village of Combe Florey. The property is a Grade II* Listed Building and comprises two storeys in red sandstone random rubble with roughcast facade and a slate roof. The entrance to the property is via a wide entrance leading to an enclosed courtyard.

Prior to the construction of the new boundary wall and entrance gates, the road boundary was formed by a mix of a wall and hedge. To the east of the entrance

gates was a hedge, to the west, the hedge above a stone wall. It can be seen that this original part of the wall is still in existence below new stone work that has raised the height. The previous entrance gates were a pair of 5 bar entrance gates.

Planning and listed building consent applications were submitted earlier in the year for these works and subsequently withdrawn. There have been no other applications at this site. On 23rd February 2012, planning and listed building Enforcement Notices were served requiring the unauthorised wall, railings and gates to be removed. An appeal has subsequently been lodged against the notices and a decision is pending.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

COMBE FLOREY PARISH COUNCIL – The existing wall had become unstable and has been rebuilt to a high standard enhancing the appearance of the village.

SCC - TRANSPORT DEVELOPMENT GROUP – The works represent no increase in vehicle movements and the occupancy of the site will remain the same. It is noted that the access gates lack the required specification to which the Highway Authority seek (a minimum of 5.0m set back from the public highway). However, given that the proposal is a like for like replacement, it would be unreasonable for the Highway Authority to raise an objection.

HERITAGE - The exterior of the building is simple vernacular, with a wealth of historic internal fixtures and fittings, including panelling, plasterwork, plank and muntin screens etc. In other words the richness of the interior is belied by the relatively plain exterior.

Prior to the new wall, gates and railings being constructed, there was a low stone wall, with a hedge on the top, which were fitting/ suitable features, reinforcing the rural character of the village and street scene. The ornate design of the railings and gates, are more characteristic of an urban environment than a rural location and provides a very different setting to the house, than previously existed. As such the works are considered to be detrimental to the setting of this important building

ENGLISH HERITAGE – Whilst we understand the owner's need to secure his boundary, we do not consider that the design of the railings and gate with which he has done so to be appropriate to the setting of a rural vernacular building. We see no reason why either the wall could not have been built up further or the pre-existing hedge retained to fulfil that function.

Representations

29 letters of SUPPORT or stating NO OBJECTION (9 from outside Combe Florey) have been received, raising the following issues:

- A wonderful job has been done erecting the new wall, gates and railings. They look superb and the craftsmanship is beautiful.

- Previously there was a dead/dying hedge and crumbling wall. The new wall and railings are a significant improvement.
- It is in keeping with that age of the house and the vista of the beautiful Somerset village.
- The previous gates were manual and cars had to wait on the highway whilst they were opened, which was dangerous and held up the traffic. There have been a number of near misses from cars speeding down the hill. The new gates are electronic.
- The previous wall was unsafe and could have collapsed into the highway. The application is, therefore, supported on safety grounds.
- The previous wall did not provide good security for the dogs.
- The gates, wall and railings add gravitas to the house and the start of the village.

1 letter of OBJECTION has been received raising the following issues:

- The railings have replaced a hedge. They are curved with too many finials and out of keeping adornments.
- It is too high, and rather fortress like.
- It is more suitable in the Home Counties, but not a country village.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
 EN12 - TDBCLP - Landscape Character Areas,
 S5 - TDBCLP - North Curry Settlement Limits,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration in determination of this application is the impact of the wall on the setting of the listed building and the character and appearance of the conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority ensures that the listed building, its setting and any features of historic or architectural interest that it possesses are preserved when deciding whether to grant planning permission. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

As noted above, The Old Manor House is listed Grade II*. It is, therefore, a highly significant and important heritage asset. The conservation officer has clearly articulated how the exterior of the building is relatively simple and of typical local vernacular, whilst the interior contains a wealth of historic internal fixtures and fittings. This relationship between the exterior and interior is part of what makes the building so special.

Prior to the new wall, gates and railings being constructed, there was a low stone wall, with a hedge on top, which were fitting/suitable features, reinforcing the rural

character of the village and street scene. The ornate design of the railings and gates, are more characteristic of an urban environment than a rural location and provide a very different setting to the house, than previously existed.

Given the relatively plain and simple exterior, the previous rural boundary treatment was entirely fitting to the character of the building. To use the words in one of the representations, the new gates and wall give the building and entrance to the village more gravitas – a status not deserved by the relatively modest simple facade. The advice of English Heritage is also clear in this matter and as ultimate custodians of the historic environment, their comments should be attributed substantial weight.

Paragraph 137 of the National Planning Policy Framework states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. The applicant has suggested that this is complied with as the removal of the hedge and replacement with a wall and railings makes it more visible. However, it is considered that the previous boundary treatment (which has not been preserved) made a positive contribution to the setting whereas the new frontage is at odds with the character of the house.

The applicant has also suggested that the new enclosure delivers better security and better enclosure for their dogs, which would allow the heritage asset to be maintained in a viable use for the long term. It is true, that the security may be improved, but it is not considered that this should be at the expense of the setting of the listed building and other security measures may be available. Similarly, the alleged instability of the old wall does not give reason to replace it with something else. There may also be gains to highway safety from an automated access gate in this location, but it is not accepted that a more sympathetic automated gate could not be provided.

For the reasons given above, the new wall, railings and gates are considered to be inappropriate and unjustified. Paragraph 134 of the National Planning Policy Framework suggests that proposals that cause harm to a listed building or its setting should be weighed against the public benefits of the proposal. There are no public benefits apparent in this instance. As such the works are considered to be detrimental to the setting of this important building and by extension the character and appearance of the conservation area. They are, therefore, contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework, and Policy 9 of the Somerset and Exmoor national park Joint Structure Plan Review.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

11/12/0006/LB

MR J BOULTON

REPLACEMENT OF ENTRANCE GATES, ERECTION OF RAILINGS AND RECONSTRUCTION OF STONE WALL AT THE OLD MANOR HOUSE, COMBE FLOREY (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 315347.131224

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The metal railings and gates, by reason of their design, are considered to be at odds with the character of the listed building and are therefore detrimental to its setting, contrary to the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Section 12 of the National Planning Policy Statement.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

This application retrospectively seeks listed building consent for the replacement of entrance gates, erection of railings and reconstruction of stone wall at the Old Manor House Combe Florey.

The stone wall is approximately 1.2m high with curved top metal railings on top, between posts approximately 2.2m high. The double gates, 5.4m wide have a timber panel lower half, to the height of the wall, and metal railings on top.

SITE DESCRIPTION AND HISTORY

The site is situated adjacent to the main road running through the village of Combe Florey. The property is a Grade II* Listed Building and comprises two storeys in red sandstone random rubble with roughcast facade and a slate roof. The entrance to the property is via a wide entrance leading to an enclosed courtyard.

Prior to the construction of the new boundary wall and entrance gates, the road boundary was formed by a mix of a wall and hedge. To the east of the entrance gates was a hedge, to the west, the hedge above a stone wall. It can be seen that this original part of the wall is still in existence below new stone work that has raised

the height. The previous entrance gates were a pair of 5 bar entrance gates.

Planning and listed building consent applications were submitted earlier in the year for these works and subsequently withdrawn. There have been no other applications at this site. On 23rd February 2012, planning and listed building Enforcement Notices were served requiring the unauthorised wall, railings and gates to be removed. An appeal has subsequently been lodged against the notices and a decision is pending.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

COMBE FLOREY PARISH COUNCIL – The existing wall had become unstable and has been rebuilt to a high standard, enhancing the appearance of the village.

SCC - TRANSPORT DEVELOPMENT GROUP – No comments to make.

HERITAGE - The exterior of the building is simple vernacular, with a wealth of historic internal fixtures and fittings, including panelling, plasterwork, plank and muntin screens etc. In other words the richness of the interior is belied by the relatively plain exterior.

Prior to the new wall, gates and railings being constructed, there was a low stone wall, with a hedge on the top, which were fitting/ suitable features, reinforcing the rural character of the village and street scene. The ornate design of the railings and gates, are more characteristic of an urban environment than a rural location and provides a very different setting to the house, than previously existed. As such the works are considered to be detrimental to the setting of this important building

ENGLISH HERITAGE – Whilst we understand the owner's need to secure his boundary, we do not consider that the design of the railings and gate with which he has done so to be appropriate to the setting of a rural vernacular building. We see no reason why either the wall could not have been built up further or the pre-existing hedge retained to fulfil that function.

Representations

19 letters of SUPPORT or stating NO OBJECTION have been received, raising the following issues:

- A wonderful job has been done erecting the new wall, gates and railings. They look superb and the craftsmanship is beautiful.
- Previously there was a dead/dying hedge and crumbling wall. The new wall and railings are a significant improvement.
- It is in keeping with that age of the house and the vista of the beautiful Somerset village.
- The previous gates were manual and cars had to wait on the highway whilst they were opened, which was dangerous and held up the traffic. There have

been a number of near misses from cars speeding down the hill. The new gates are electronic.

- The previous wall was unsafe and could have collapsed into the highway. The application is, therefore, supported on safety grounds.
- The previous wall did not provide good security for the dogs.
- The gates, wall and railings add gravitas to the house and the start of the village.

1 letter of OBJECTION has been received raising the following issues:

- The railings have replaced a hedge. They are curved with too many finials and out of keeping adornments.
- It is too high, and rather fortress like.
- It is more suitable in the Home Counties, but not a country village.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
S&ENPP9 - S&ENP - The Built Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

This application must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that when deciding whether to grant listed building consent, the Local Planning Authority must ensure that the listed building, its setting and any features of historic or architectural interest that it possesses are preserved.

As noted above, The Old Manor House is listed Grade II*. It is, therefore, a highly significant and important heritage asset. The conservation officer has clearly articulated how the exterior of the building is relatively simple and of typical local vernacular, whilst the interior contains a wealth of historic internal fixtures and fittings. This relationship between the exterior and interior is part of what makes the building so special.

Prior to the new wall, gates and railings being constructed, there was a low stone wall, with a hedge on the top, which were fitting/suitable features, reinforcing the rural character of the village and street scene. The ornate design of the railings and gates, are more characteristic of an urban environment than a rural location and provide a very different setting to the house, than previously existed.

Given the relatively plain and simple exterior, the previous rural boundary treatment was entirely fitting to the character of the building and its setting. To use the words in one of the representations, the new gates and wall give the building and entrance to the village more gravitas – a status not deserved by the relatively modest simple facade. The advice of English Heritage is also clear in this matter and as ultimate custodians of the historic environment, their comments should be attributed substantial weight.

Paragraph 137 of the National Planning Policy Framework states that proposals that preserve those elements of the setting that make a positive contribution to or better

reveal the significance of the asset should be treated favourably. The applicant has suggested that this is complied with as the removal of the hedge and replacement with a wall and railings makes it more visible. However, it is considered that the previous boundary treatment (which has not been preserved) made a positive contribution to the setting whereas the new frontage is at odds with the character of the house.

The applicant has also suggested that the new enclosure delivers better security and better enclosure for their dogs, which would allow the heritage asset to be maintained in a viable use for the long term. It is true, that the security may be improved, but it is not considered that this should be at the expense of the setting of the listed building and other security measures may be available. Similarly, the alleged instability of the old wall does not give reason to replace it with something else. There may also be gains to highway safety from an automated access gate in this location, but it is not accepted that a more sympathetic automated gate could not be provided.

The applicants agent for the pending appeal has subsequently suggested that listed building consent is not required for the gates as they are free standing. However, this is not accepted as the railings atop the gates are attached the railings which, in turn are attached to the walls. In any case, the argument is somewhat academic as the gates also require planning permission and they are just part of a wider series of works.

For the reasons given above, the new wall, railings and gates are considered to be inappropriate and unjustified. Paragraph 134 of the National Planning Policy Framework suggests that proposals that cause harm to a listed building or its setting should be weighed against the public benefits of the proposal. There are no public benefits apparent in this instance. As such the works are considered to be detrimental to the setting of this important building and by extension the character and appearance of the conservation area. They are, therefore, contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework, and Policy 9 of the Somerset and Exmoor national park Joint Structure Plan Review.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

43/12/0020

MR J HESTER

CONVERSION OF BUNGALOW WITH ERECTION OF FIRST FLOOR EXTENSION INTO 2 NO. TWO STOREY DWELLINGS AT 30 BLACKMOOR ROAD, WELLINGTON

Grid Reference: 314563.119941

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the character of the area or highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review, or Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Site Location Plan
(A3) DrNo 2328 1C of 6 Existing and Proposed Plans
(A3) DrNo 2328 2B of 6 Existing and Proposed Front Elevations
(A3) DrNo 2328 3B of 6 Existing and Proposed Rear Elevations
(A3) DrNo 2328 4B of 6 Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. The first floor window in the northwest elevation shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

6. The driveways hereby permitted shall be surfaced in permeable materials, or provision shall be made for the disposal of surface water within the site in accordance with details that shall first have been agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

Notes for compliance

PROPOSAL

The proposal comprises the extension and conversion of a detached bungalow into two semi-detached dwellings. The extensions to the bungalow include raising the height of the roof and single storey extensions.

A garage and off-road parking space will be provided for each dwelling, both with their own new access onto Blackmoor Road.

The new dwellings will be finished with brick on the ground floor and render on the first floor.

The application has been amended, infilling an open porch on the front elevation and enlarging the gardens of the proposed dwellings.

SITE DESCRIPTION AND HISTORY

The existing brick bungalow is set back from Blackmoor Road with a grass lawn to the front of the dwelling, there is currently no vehicular access at the front of the dwelling. Blackmoor Road has a distinct divide, with one half of the road being characterised by two storey dwellings and the other half being bungalows. The application site adjoins a two storey dwelling at the start/end of the two storey dwellings.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Awaited.

WELLINGTON TOWN COUNCIL - Objects - The development by reason of its size and location is out of keeping with the surrounding properties and would result in overdevelopment of the site. Increasing the property to 2 storeys would result in overlooking of neighboring properties.

Representations

FIVE letters of OBJECTION raising the following issues:

- Four bedroom windows overlooking property of 21 Pyles Thorne Road, couldn't windows be relocated to side or as roof windows; otherwise, no objections.
- Overdevelopment.
- Out of character with area that consists of detached houses or bungalows.
- Overlooking; loss of privacy.
- Loss of light.
- Boundary between 31 Blackmoor Road and proposed development has not been determined and map may erroneously enlarge applicants plot.
- Boundary fence between 29 and 30 Blackmoor Road owned by 29 Blackmoor Road; have not given consent for my boundary to be replaced; concern at proposed 1.8m fence against boundary.
- Residents previously denied planning permission for extensions as not in keeping

- with local area and landscape.
- Vehicular access to properties would also in the long term bring problems; increase in traffic and likelihood of on street parking that does not currently happen.
 - Old and defined hedge boundary for wildlife and plant life; hedge contains Arum Lilly, in decline in much of country and overdevelopment will further erode this native plant; hedge already at risk as developer has drastically reduced it to maximise the site.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations in the determination of this application are impact on visual and residential amenity and the character and appearance of the area.

Character and appearance

Blackmoor Road consists of two storey detached dwellings as well as detached bungalows with a distinct divide between the two types of dwelling; the Oldway park end of Blackmoor Road consisting of bungalows which then joins onto the two storey dwellings that lead to Elms Road.

The proposal is sited at the end/beginning of the two storey dwellings in Blackmoor Road, as such, a two storey dwelling in this location provides a natural extension to the two storey properties in Blackmoor Road and is not out of keeping with the character of the area.

Whilst the proposed development is semi-detached, rather than detached, this is not considered to harm the character or amenity of the area in this instance. Furthermore, the proposed garden area has been extended, and as such, the gardens are considered sufficient to provide amenity for the future occupiers and not an overdevelopment of the site.

The proposed finish, half brick and half render, is not widely used in Blackmoor Road, though a two storey property opposite the site has a similar design. Given the nearby property, it is not considered reasonable to resist this design in this instance.

Residential amenity

Three bedroom windows are proposed within the first floor rear elevation of the dwellings, four within the front elevation, and a first floor window within one of the side elevations that serves a landing/staircase.

The rear elevation is approximately 25m to the nearest dwellings of 21 Pyles Thorne Road and Town Stream House, given this distance there is not considered to be any undue overlooking or loss of privacy.

Bedroom windows within the front elevation are not considered to cause any undue overlooking beyond that of the existing properties within Blackmoor Road.

The first floor window within the side elevation serves a staircase landing and is not considered to cause any undue overlooking. To safeguard the privacy of the neighbouring property a condition will be attached for the window to have obscure glazing.

Whilst raising the roof by 1.6m may have some impact on the neighbouring properties, this is not considered to an extent to warrant refusal. Number 29 Blackmoor Road is sited to the southeast of the proposal and as such there would be limited loss of light from the northwest. Number 31 is sited to the northwest, though the introduction of a two storey dwelling would be similar to the existing siting of the two storey dwellings on this side of Blackmoor Road.

Highways

Whilst the Highway Authority comments are awaited, the proposal provides for two off road parking spaces per dwelling which is considered acceptable. The increase in traffic from an additional dwelling within Blackmoor Road is not considered to be detrimental to the overall amenity of the area.

Other matters

Any trees that have been felled within the garden of 30 Blackmoor Road were not protected and could have been felled without any consent. The removal of any domestic hedge is also outside of any planning control. As the submitted plan refers to the retention of the hedge along the boundary with 31 Blackmoor Road, a condition will be attached to allow for additional planting within the hedge.

Conclusion

The proposed two semi-detached dwellings can be built without any detrimental harm to visual or residential amenity or harm the character and appearance of the area. The proposal is therefore considered acceptable and it is recommended that planning permission is granted.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

45/11/0016

MR R CRIDDLE

ERECTION OF AGRICULTURAL WORKERS DWELLING AND DETACHED GARAGE AT CROSSWAYS FARM, ADJACENT TO LONDON FARM, WEST BAGBOROUGH

Grid Reference: 315912.132989

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the business being operated from the site comprises a mix of enterprises, the overall business appears to be of a nature where the vast majority of work can be carried out during part of the normal working day (however long that day may be). As such, it has not been proven that there is an essential need for a worker to live permanently on the site and the proposal therefore represents an unjustified dwelling in the countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

Crossways Farm is situated on New Road, adjacent to London Cross, to the south-west of West Bagborough. Crossways Farm is a range of agricultural buildings and a mobile home, which is understood to be used for agricultural purposes and not residential use. A catering trailer 'Miss Piggy's' is also operated from the site. There is a block of 40 acres of land adjacent to the farm buildings. A further 110 acres of grassland is farmed at Sandhill; 40 acres at Crowcombe and 30 acres at East Combe. The land farmed therefore totals 220 acres, of which approximately 40 acres is owned.

The farm includes a suckler herd of 18 cows and heifers, 42 grazing cattle, 50 young calves (at any one time), 170 breeding ewes, 850 fattening hogs, 50 laying hens, 40 mares and foals and 9 donkeys. The agent states that there is a need to live on site to assist with calving, lambing and foaling and this need cannot be fulfilled other than

by a dwelling at Crossways Farm.

This application seeks planning permission for a four bedroom agricultural workers dwelling to the south of the farm buildings. No materials have been indicated and this is stated 'to be approved'. Following concerns raised by the Landscape Officer, Parish Council and AONB Service, the size of the plot was reduced, the detached double garage removed and the dwelling repositioned.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRANSPORT DEVELOPMENT GROUP, COUNTY HALL - The proposed development site is located approximately 350m outside of the development limit of West Bagborough and is remote from any urban area and, therefore, distanced from adequate services and facilities, such as education, employment, health, retail and leisure and, in addition, the public transport services in the area are limited. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to the government advice given in PPG13 and RPG10 and to the provisions of policies STR1 and STR6 of the Somerset & Exmoor

National Park Joint Structure Plan Review (adopted April 2000).

Whilst refusal of this application is recommended for the above reason, it must be a matter for the Local Planning Authority to decide whether there is overriding support and/or the agricultural workers dwelling is required to satisfy a genuine local need which outweighs the transport policies that seeks to reduce reliance on the private car. In detail, the development will utilise an existing point of access onto New Road, a classified, unnumbered highway. New Road is one of the main routes into/from the village of West Bagborough, and whilst it is subject to the national speed limit (60mph), it is observed that vehicles appear to be travelling at approximately 40mph.

Visibility of the private access of London Farm, which will be shared by this proposal, onto the highway is currently restricted for vehicles emerging to see and be seen and which is considered detrimental to highway safety.

I would therefore seek that improvements are made to visibility, and visibility splays should be provided based on co-ordinates of 2.4m x 120m (to the nearside carriageway edge either side of the access with no obstruction greater than 900mm). It should be noted that this will not be achievable within the red or blue lines, associated with the current proposal. If the LPA are minded to grant consent, I would welcome the opportunity to recommend suitably worded conditions in respect of parking, turning, access (including consolidating the surface and drainage) and visibility splays.

WEST BAGBOROUGH PARISH COUNCIL - Initial comments – Object. Sensitive site, impact on Quantock Hills AONB immediate and significant. Development should only be allowed proportionate to the need and with minimum visual impact on neighbours and Quantock Hills AONB. Dwelling prominent on approach from south-west along New Road, main access into West Bagborough and AONB. Impact could be reduced if dwelling closer to farm buildings and reduce need for significant landscaping. Provision of separate double garage should be reviewed as suitable buildings within farm could serve same purpose. New buildings should be

kept to the minimum essential area.

Following these comments, a meeting was held between the Parish Council and applicants, after which the Parish Council confirmed that the proposed changes adequately addressed the objections raised to the original application.

Comments following amendments – Support revised plan and application

THE QUANTOCK HILLS AONB SERVICE - The AONB Service recognises that the amended scheme shows a new proposed location for a dwelling and double garage. The new location is an open field, detached from the main body of the farm. Although changes have been made to the design of the building, we believe it would be clearly visible and would not be read in the landscape as a part of the farm unit.

We are concerned that that it would appear unduly prominent - affecting the quality of views and negatively impacting on the setting of the AONB. Although the applicant's agent proposes to "screen all public views of the new dwelling with the retention of existing mature hedgerows", the existing hedgerows do not prevent views into the site. As stated in our response to the previous application, London Farm is conspicuous from New Road and we believe the addition of development to the south of the existing collection of buildings will only act to further increase the visual impact of the buildings against the backdrop of one of the Quantock Hill escarpments.

Query why a change of use of the land does not form part of this application. Whilst account is taken of the economic and social needs of the local communities, the primary purpose of AONB designation is to conserve and enhance natural beauty. We believe the proposed development will be contrary to this primary purpose and for that reason we are unable to support the application. In light of this we wish to highlight Taunton Deane Borough Council's statutory duty to have regard for the purposes of designation when carrying out their function (Section 85, CROW Act 2000).

No further comments received following re-consultation.

LANDSCAPE - Initial comments – This is an extremely large plot for one dwelling in open countryside. It would be clearly visible from a number of vantage points and in my assessment, contrary to EN12.

Comments following amendments – Subject to details of landscaping, this is a much better scheme that would have an acceptable level of landscape impact.

FRIENDS OF QUANTOCK - No comments received

Representations

Four letters received in support on the grounds of:

- Important to be on site for both animal welfare and security.
- Necessity to be on site due to welfare standards, in some cases people mutilating livestock and calving and lambing problems, which often occur during the night.
- Theft from farms is an increasing problem, including farm machinery, implements and livestock.

- Crossways Farm forms the core of the business.
- Mr Criddle is a farmer and integral part of the local community and needs a home at Crossways Farm.
- Mr Criddle used to live nearby in Bagborough in a let cottage, but can no longer have it. Living in Wellington is an unsatisfactory arrangement. Lot of time spent driving around and therefore not spending time with his livestock.
- A good shepherd needs to almost live with his livestock at lambing time, especially if weather is foul. Young stock can soon die in cold.
- He is chairman of Quantock Pony Society and owns 20-30 animals, mainly breeding stock.
- Query whether a house would be an inconvenience or eyesore to anyone if built on own land, entrance shared with present farm entrance.
- As his veterinary surgeon, I would support application for a dwelling so that he could be in attendance for calving and foaling and any emergencies.

CLLR WARMINGTON – Supports - Revised application for smaller dwelling, repositioned to mitigate the impact on the nearest neighbours and satisfy concerns of Parish Council. Now Parish is in support and neighbours have no objections, would like to add my support. Although Mr Criddle does not own a lot of land, he has farmed a lot for many years. Being able to live on site is important for animal welfare and security. Theft is increasing and difficult to police. This application is reasonable and deemed necessary from an established local farmer, who has endeavoured to follow advice given by interested parties.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
 S1 - TDBCLP - General Requirements,
 S7 - TDBCLP - Outside Settlement,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP5 - S&ENP - Landscape Character,
 PPF655 - NPPF Section 6, Paragraph 55,

DETERMINING ISSUES AND CONSIDERATIONS

During the processing of the application, amended plans were submitted reducing the size of the plot, removing the double garage and revising the positioning of the proposed dwelling, which has reduced the level of landscape impact of the proposed dwelling.

However regardless of this, paragraph 55 of the National Planning Policy Framework states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The main issue for consideration is therefore whether there is an essential need for a worker to be accommodated on the holding. A functional test is therefore undertaken in order to ascertain whether it is essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to take into account whether the required problems/emergencies are likely to occur

during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

The business is mixed, including 18 suckler cows and heifers, 42 grazing cattle, 50 young calves (at any one time), 170 breeding ewes, 850 fattening hogs, 50 laying hens, 40 mares and foals and 9 donkeys.

It is acknowledged that there is a workload associated with the keeping of livestock: grazing cattle and young calves require regular checking/monitoring, feeding and bedding (if housed), along with other husbandry such as worming, dehorning, castrating, tagging, TB testing, drafting out for selling, treating with antibiotics, etc; breeding sheep/fattening hogs also require monitoring, feeding, bedding (if housed), treating against parasites, worming/drenching, tagging, docking, shearing, feet trimming, drafting out for selling, monitoring rams with breeding sheep, etc; and laying hens require feeding, watering and egg collection as well as general husbandry. Whilst little information has been provided about the operation of the poultry, it is normal to assume that the laying birds are shut up at night to protect them from predators. On this basis, they are at little risk at night. It would therefore appear that the bulk of the workload would be carried out as part of the normal working day, rather than at night. As such, this does not add to the justification of a worker being readily available at most times.

Within this mixed enterprise, it is acknowledged that there are some elements of the business where emergencies could arise, such as problems during calving, which require intervention. However, the limited amount of cows/heifers calving, being a maximum of 18 per year, is not considered to be of a size that warrants a worker being readily available at most times. It is important to note that a competent stock man would have a good idea of when a cow is likely to calve, and whilst many would calve during the day, if necessary he/she could return to the site to check the occasional cow that might calve at night. As there are no plans indicated to expand the herd size, this element of the enterprise remains reasonably small, as would be the risk of problems occurring that need essential care at short notice.

The lambing of the 170 breeding ewes is also an element of the business that may require a worker to be available during the night, but again this is a low level and only seasonal. As such, lambing would take place over a relatively short time period.

Members should also be aware that there is a mobile home on the site at Crossways Farm. Whilst no permission has been granted for permanent residential use, under the Caravan Sites and Control of Development Act 1960, the mobile home can be used for seasonal agricultural functions. On this basis, it is considered that the mobile home could be utilised to serve the minimal level of cows calving and seasonal lambing that may require a worker to be on hand over night.

It is therefore considered that the level of calving and lambing taking place is reasonably low and the vast majority of the work/problems/emergencies can be dealt with during a normal working day, albeit possibly a long working day. As such, the above enterprises are not considered to provide justification for a worker being readily available at most times.

There are however 40 cob mares on site. These were not originally included in the

labour calculations as the agent stated that it had not been possible to obtain figures for Standard Man Days, however this has now been included and the labour calculation revised. It is stated that 35 of the 40 mares foal successfully each year and 30 of these foals are sold each year at the Quantock Fair. The agent states that horses can be notoriously difficult at the time of foaling and require constant attention by an experienced stockman, who would know when to call for veterinary assistance.

Whilst the addition of the 35 mares foaling annually may add to the level of calving to provide a justification for a worker to reside on site, the agent has made it quite clear that they are not prepared to submit any further information and that a decision should be made on the basis of the information that has been provided.

However, there are unresolved concerns in that a significant amount of time i.e 80 standard man days is spent of the cob mares, a much greater proportion of time than is spent on the suckler cows (i.e 24.3 standard man days). However, information provided by the agent suggests that this part of the farming activity does not form a significant part of the income of the enterprise and as sales of foals are once yearly and receipts not large, they are not reported separately in the accounts. Concern is therefore raised that an element of the business, which could form such a fundamental part of the functional need, does not warrant being mentioned in the profit and loss account, as receipts are so insignificant, despite 30 being sold annually. The agent has been invited to submit further information to clarify this but at the time of writing, no further information has been received. A further concern is raised in that the veterinary fees in the profit and loss account appear to be very low, bearing in mind the level of livestock on the holding and in particular, the fact that the agent states that foaling can take a significant amount of time and a veterinary assistance can often be required. It would therefore be envisaged that a vet would be required to deal with at least some foalings out of a total of 35, which should then be reflected in the veterinary fees in the profit and loss account.

In summary, there are several different enterprises being operated on the site, being suckler cows, beef, breeding sheep, fattening hogs, laying hens and foaling mares. Whilst it is acknowledged that the combination of the enterprises, including the foaling mares could create a functional need, in the absence of sufficient clarification on the above points, it has not been adequately proven that it is essential to the proper functioning of the enterprise for a worker to live on site. As a result, a clear functional need has not been proven and there is therefore no other option than to recommend the application for refusal.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0257/08/04

CONSTRUCTION OF THREE JETTIES ALONGSIDE THE CANAL AT WATERLEAZE, MAIDENBROOK FARM, WEST MONKTON

OCCUPIER:

OWNER: BRITISH WATERWAYS
HARBOUR HOUSE, WEST QUAY, THE DOCKS
GLOUCESTER
GL1 2LG

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of three jetties each approximately 8m in length together with fencing and gates along the top of the canal bank on the canal side at Waterleaze, Maidenbrook.

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:-

- the removal of the three jetties together with fencing and gates along the top of the canal bank.

Time for compliance: 2 month (however, the serving of the notice should be deferred until September 2012 to allow for British Waterways to remove the jetties as previously advised)

SITE DESCRIPTION

The site is located to the north east of Taunton. Waterleaze housing estate lies to the north, the Crown Industrial estate to the west of the sites and the Priorswood tip to the south of the canal. There are three timber jetties projecting out from the bank and into the canal with a fence and gate enclosure at the top of the bank.

BACKGROUND

An enquiry was received in August 2004 requesting information on the procedure to enable a jetty to be provided along the Bridgwater and Taunton Canal. It was then revealed that there were already three jetties located along the canal. The jetties were erected on the Canal some time ago without Planning permission or the permission of British Waterways as owner of the waterway. Numerous letters were sent to the owners and British Waterways to establish who was going to submit an application for Planning permission. An application was eventually submitted in 2008

by one of the owners, on behalf of all three owners, for the retention of the three jetties together with a fence and gate enclosure to each so that consideration could be given. This application was subsequently refused in February 2012.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Three jetties each approximately 8m in length with fencing and gates along the top of the canal bank on the canal side at Waterleaze, Maidenbrook. These were constructed on behalf of the property owners who fronted that section of the canal following informal discussions with British Waterways staff.

British Waterways are the owners of the canal and banks where the jetties together with fencing and gates have been constructed. Where the fencing and gate enclosure incorporate an area of land at the top of the bank they result in a change of use of land from public to private.

RELEVANT PLANNING HISTORY

Planning permission was granted in 1999 for residential development of land to the north of the Bridgewater and Taunton canal. The permission included the provision of public open space with informal walk ways and landscaping on the land between the houses and canal and this has now been provided on the site.

08/96/0021 – Residential Development including associated site works and vehicular access thereto and conversion of buildings to residential and leisure use at Maidenbrook Farm, Cheddon Fitzpaine permission granted 25th February 1998

08/1998/0015 – Erection of 70 dwellings with associated works at Maidenbrook Farm – details approved 15th November 1999

08/99/0008 – Erection of 50 dwellings, garages and construction of roads, sewers and other associated works at Phase 2 Maidenbrook Farm – details approved 30th March 2000

08/99/0009 – Erection of 59 dwellings, garages and associated works at Phase 2 Maidenbrook Farm – details approved 9th February 2001

48/08/0062 - Construction of three jetties alongside the canal at waterleaze, maidenbrook farm, west monkton, (retention of development already undertaken) - Refused February 2012

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Local Plan 2004

S1 – General Requirements

S2 – Design

EN22 – Development of areas affecting sites of County Archiological Importance

EN25 – The Water Environment

DETERMINING ISSUES AND CONSIDERATIONS

The land between the housing and the Bridgwater and Taunton canal was provided as landscaped public open space including a canal side walkway in connection with the residential development of the surrounding land. The jetties were constructed on behalf of property owners who fronted that section of the canal following informal discussions with British Waterway's staff.

The erection of gated, fenced areas at the top of the bank causes a visual intrusion into this open area which is out of keeping with and detrimental to the character of the area and interferes with its approved general public use. British Waterways are the owner of the canal and banks where the jetties and fencing/gates have been constructed and have raised objection commenting that the waterside jetties are unsafe and unacceptable. Local residents have objected to the retention of the jetties with concern from a resident that one of the jetties has been used late at night in the summer and having a detrimental impact on their amenity.

Following lengthy discussions, British Waterways have agreed to remove the unauthorised structures by August this year.

Where the fencing and gate enclosures incorporate an area of land at the top of the bank they result in a change of use of land from public to private which is contrary and detrimental to the leisure requirements of the existing Waterleaze residential estate public open space. Due to the length of time that has been taken for negotiations to date I consider that it is expedient to take enforcement action against the land owner, British Waterways with a compliance period that fits with the British Waterways programme of work (to be removed by the end of August 2012).

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

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

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0322/24/10

HIGH SPIKED FENCE ERECTED IN FIELD ADJACENT TO BROAD LANE, NORTH CURRY

OCCUPIER:

OWNER: MRS C RUNDLE
HONEYPOT HILL COTTAGE, THORNE LANE, THORNFALCON
TAUNTON
TA3 5NH

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the reduction of the metal spiked gates and fence to 1m high.

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 has not been complied with.

The Enforcement Notice shall require:

- The reduction of the fence and gates to 1m in height measured from the adjacent ground level.

Time for compliance - 6 weeks from the date the notice takes effect.

SITE DESCRIPTION

Broad Lane is off Stoke Road which is the road leading from North Curry to Stoke St Gregory. The site is approx 115m from the junction of Broad Lane and Stoke Road. The access is in the southern corner of the field in a slightly elevated position from the road. The access has been surfaced with hard core which leads into the field serving a range of timber buildings used to rear Alpacas.

BACKGROUND

A complaint was received in October 2010 that the existing field gate was replaced with galvanized steel high gates and similar fencing each side of the gates. The gates and fencing have spiked tops and are left in the natural galvanized colour. The owner was informed that the gates and fencing required permission but argued that they were necessary for security purposes. No valid planning application has been submitted.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The gates and fencing across the access are approx 1.8m high. It is considered that

the gates are positioned adjacent to the highway and as such are only permitted up to 1m in height. Under The Town and Country Planning (General Permitted Development) Order 1995 as amended Part 2 Minor Operations state that Planning permission is required if the height of any gate fence wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would exceed 1m above ground level.

In order to comply with Part 2 above the gates and fencing should be reduced to 1m.

RELEVANT PLANNING HISTORY

Planning permission granted under application 24/05/0017 for the formation of a field access and new field gate.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Taunton Deane Local Plan 2004

EN12 – Landscape Character Areas
S1(D) – General Requirements
S2(A) – Design

Emerging Core Strategy

DM1 (d) – General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The main issue in respect to this impact is the adverse visual impact of the proposal. The site is located in a very rural area and is within the North Curry Landscape Character Area. As such the proposal must be considered in line with Policy EN12 of Taunton Deane Local Plan which states;

"Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas."

The gates, due to their height and design, represent an incongruous intrusion into the rural area. The gates are typical of what may be found on an industrial area within a town. They are not characteristic of the rural area and there is no justification for their design, which has a significant adverse impact upon the surrounding area. Many agricultural and equestrian businesses have a high value of stock on their sites yet they do not have industrial style fencing and gates. There are ways to secure the premises without such an visual intrusion into the area. The fence abuts a hedge which surrounds the field. The fence could be replaced with a similar hedge, which, when established, would provide as much security as the existing boundary hedge.

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

PLANNING OFFICER: Ms F Wadsley
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0328/11/11

STORAGE OF CARAVAN IN FIELD AT DULL CROSS, TREBLES HOLFORD, WEST BAGBOROUGH

OCCUPIER: MR & MRS PLENTY

OWNER: MR & MR PLENTY
1 HORNER COTTAGES, TREBLES HOLFORD ROAD, COMBE FLOREY
TAUNTON
TA4 3HA

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a caravan that is being stored in an agricultural field.

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 has not been complied with.

The Enforcement Notice shall require:

- the removal of the caravan

Time for compliance - 2 months from the date the notice takes effect.

SITE DESCRIPTION

The site is at Dull Cross which is off the A358 road from Taunton to Minehead at Trebles Holford in the parish of Combe Florey. The field in which the caravan is stored is off a lane and is surrounded by hedges. Planning permission has previously been granted for a stable block in the same field.

BACKGROUND

The complaint was first brought to the Council's attention in November 2011. Contact was made with the owner and he was advised that the storing of a caravan in an agricultural field required planning permission. It was also suggested that alternative storage should be sought. At the same time an application was invited to be submitted for consideration but to date this has not been forthcoming.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The storage of a caravan in an agricultural field requires a change of use. The caravan is a small tourer and is stored in the corner of the field because the owner

does not have room within his domestic curtilage. Since contacting the owner regarding the breach he has put a camouflage covering over the caravan and it is now difficult to see whether it is there or not.

RELEVANT PLANNING HISTORY

Planning permission for a stable block was applied for in this same location under application No 11/04/010 and subsequently approved 20 July 2004. The stable block has been built and the unauthorised caravan is sited nearby.

RELEVANT PLANNING POLICES

National Planning Policy Framework 2012

Enforcement (Paragraph 207)

Section 11 – Conserving and enhancing the natural environment

Taunton Deane Local Plan 2004

S1 – General Requirements

S7 – Outside Settlements

EN12 – Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

Following initial discussions with the owner, it was thought that an application may be made, although this has not been forthcoming. It is therefore necessary to establish whether it is expedient to take action to secure the removal of the caravan.

The caravan has been sited alongside a well established hedge, close to the stable block and has now been camouflaged. Furthermore, the owner has stated in an earlier email that he would be prepared to plant high vegetation to provide additional screening from the main road. Subject to this, it would blend in with the surrounding area and not appear unduly prominent in the countryside.

However, the storage of the caravan on agricultural land is classed as a B8 use, which is not appropriate in a remote countryside location such as this and taking no action could result in the Local Planning Authority not having any future control of the use.

Ideally, the caravan should be stored on a site designated for such purposes, of which there are many around the district. In this case, given the presence of the private stable block, it is also considered that, subject to additional planting, a personal permission for the storage of the caravan, solely for the owners personal use may be acceptable. However, such control cannot be given through the serving of an enforcement notice. As such, in the absence of a planning application, under which, such personal permission may have been possible, the local planning authority has no option but to take enforcement action to seek the removal of the caravan.

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

PLANNING OFFICER:

Mr M Bale

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0163/30/10

LAND USED FOR STORAGE OF BUILDERS MATERIALS, PITMINSTER

OCCUPIER:

OWNER: MR P A ADAMS
MINSTER EDGE, PITMINSTER, TAUNTON
SOMERSET
TA3 7AT

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of building materials, building equipment and other associated materials and reinstate the land to its former 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 has not been complied with.

The Enforcement Notice shall require:

- cease the use of the land for the storage of buildings materials,
- secure the removal of building materials, building equipment and other associated materials and
- reinstate the land to its former use.

Time for compliance - 3 months from the date the notice takes effect.

SITE DESCRIPTION

The site is located to the North of Minster Edge and comprises a narrow strip of land approx 100 m long and on average 10m wide. It is accessed from an existing access which also serves a Wessex Water facility. The site is adjacent to the road leading from Pitminster to Poundisford and is screened from the highway by a substantial hedge and tree belt.

BACKGROUND

Complaints have been made about the activity on this and an adjoining site for a number of years. The owner who is a local builder, was approached and requested to remove small items of builders equipment that were stored on the land. This was undertaken so the cases were closed. However in June 2010 a complaint was made that the area of land in question was becoming full of equipment and materials. No further complaints were received so it was assumed the activity had ceased much like the others. Further anonymous complaints were received prior to the new

Enforcement policy being adopted so the matter was looked at again when it was found that the majority of the land was being used as a builders storage yard far in excess of what was stored in the past.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The owner is a local Builder and it is clear from the items that are stored on the land that the site is used for the every day running of the business. The land is used to store items such as sand, gravel, timber, scaffolding and all manor of associated equipment. No change of use application has been made to regularise the situation. Although the site is not that visible from the highway the land is open to view from the South and East where the items can be seen from various vantage points. The access to the site has restricted visibility and although the highway is unclassified it carries vehicles travelling from the village of Pitminster and surrounding areas into Taunton. The land would benefit from substantial screening on all sides which would help to obscure the items stored on the land from view.

RELEVANT PLANNING HISTORY

No Planning applications have been made on the site.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Enforcement (Paragraph 207)

Section 11 – Conserving and enhancing the natural environment

Taunton Deane Local Plan 2004

S1 – General Requirements

S7 – Outside Settlements

EN12 – Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

The site lies in a remote location within the countryside. As such, there would be a need to travel to and from the site to collect/deposit materials, fostering growth in the need to travel. On sustainability grounds, this countryside location is not considered appropriate for the storage of building materials, which should be taking place on a site designated for such purposes, such as an established industrial estate.

The lane between Pitminster and Poundisford is a rural country lane with tree lined hedgerows, giving it a very rural character. Whilst at certain times of the year, the roadside hedgerow may provide improved screening, at the current time the hedge is sparse and allows clear views of the building materials being stored. These materials appear alien and stark in appearance and do not blend in with the natural features of the surrounding countryside.

The building materials therefore appear as incongruous features, alien to the rustic appearance of the countryside, to the detriment of the character of the surrounding rural landscape. Furthermore, the continued storage of such materials would set an undesirable precedent for storage in inappropriate and remote locations.

It is therefore considered that enforcement action should be taken to cease the storage of building materials on this site.

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

PLANNING OFFICER: Mrs K Walker
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0080/38/11

AREA CREATED FOR CAR PARKING TO REAR / SIDE OF HAVELOCK COTTAGE, 49 KINGSTON ROAD, TAUNTON

OCCUPIER:

OWNER: MRS BOLISTON
HAVELOCK COTTAGE, 49 KINGSTON ROAD, TAUNTON
TA2 7SL

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice for the unauthorised change of use of land at the above address.

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 has not been complied with.

The Enforcement Notice shall require:

- The cessation of the use of the land for a parking of any vehicle.

Time for compliance - 6 weeks from the date the notice takes effect.

SITE DESCRIPTION

The area of land in question is to the rear of Havelock Cottage and close to the junction of Greenway Road and Kingston Road. Kingston Road leads away from Taunton Town Centre to the North of the river.

BACKGROUND

The complaint was first brought to the Council's attention in March 2011. Contact was made with the owner who denied that the area of land was being refurbished to park vehicles. This area of land had been purchased by the present owner of the cottage from Somerset County Council and the use of the land was previously public open space. The present owner cleared the land, paved it and it is now used for the parking of a motor vehicle.

Letters have been sent to the owners, the most recent being hand delivered in October 2011, clearly stating that Planning permission would be required for the land if it was used for the parking of vehicles. The owner has not made contact with the office following this letter and no valid planning application has been submitted

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The formation of an area for parking vehicles constitutes a change of use of the land from public open space (sui generis) to domestic (C3) under The Town and Country Planning (Use Classes) Order 1987.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Somerset and Exmoor National Park Joint Structure Plan Review

Policy 49 – Transport Requirements of New Development

Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

DETERMINING ISSUES AND CONSIDERATIONS

The issue here is that the area of land has been incorporated into the curtilage of the property concerned. There is not considered to be any objection to the use of this area as garden in connection with the house. Concern has been raised over the parking of a vehicle on this land and the Highway Authority has been consulted.

The Highway Authority have the following concerns:

"The site situated along Kingston Road is a classified unnumbered highway. As such the Highway Authority would require the development to provide separate vehicle parking and turning, it was evident from my site visit that the development cannot provide this. As a result it is likely that excess manoeuvres on the public highway will take place. A vehicle parking and turning area needs to be segregated within land controlled by the applicant, otherwise the proposal will become contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy S1 of the Taunton Deane Local Plan.

The Highway Authority has concerns over the levels of visibility that can be achieved in this location. The created access is located in close proximity to the traffic light junction of Greenway Road and Kingston Road. This section of highway can become heavily trafficked especially at peak periods. There are concerns that the access does not incorporate visibility splays for any vehicle pulling out of this access especially towards the junction.

For the above mentioned reasons it would be likely that the Highway Authority would raise objections to this proposal were it to be subject to a planning application."

If a planning application were submitted for a change of use to domestic curtilage, it is likely that it would be recommended that planning permission be granted for the use, but a specific planning condition would restrict the use to include the parking of a vehicle. Therefore, as the breach of planning control is the change of use to

domestic curtilage, but the harm is caused by the parking of a vehicle on, it is recommended that the Council under-enforce by serving an Enforcement Notice to cease using the land for the parking of a vehicle, but not enforce against the change of use to domestic curtilage.

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

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0301/38/11

UNAUTHORISED SIGN TO REAR OF SMILES COSMETIC CENTRE, 62 BLACK HORSE LANE, TAUNTON

OCCUPIER:

OWNER: THE MANAGER
SMILES COSMETIC CENTRE, 62 BLACK HORSE LANE,
TAUNTON
TA1 1UE

PURPOSE OF REPORT

To consider whether it is expedient to take prosecution action against the display of a large board sign to the rear of Smiles Cosmetic Centre, facing onto Black Horse Lane, Taunton.

RECOMMENDATION

No further action to be taken

SITE DESCRIPTION

The sign is displayed on the rear boundary wall of 62 Black Horse Lane. The sign faces towards the rear access road to Station road properties and Morrisons Supermarket.

BACKGROUND

An Officer of the Council noticed on 30 October 2011 that the sign was displayed. The business had recently relocated from its premises further along Station Road. A number of business' operating in Station Road (who have rear access from Black Horse Lane) display signs on boundary walls facing onto Morrisons Supermarket car park.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The sign is a breach of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 3 Part 1, Class 2B and Class 5. In order to remedy the breach it would be necessary to either remove the sign or reduce it in size to fall within the regulations

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICES

National Policies

National Planning Policy Framework

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

DETERMINING ISSUES AND CONSIDERATIONS

The sign currently displayed on the rear of the premises is a large free standing board sign set behind the boundary wall. It is prominent in the street scene but when considered against the already cluttered street scene (of the back of retail premises and flats) it is considered that the visual amenity of the area is not unduly harmed to such a degree to warrant prosecution action.

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

PLANNING OFFICER: Mr B Kitching
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0298/43/11

FENCES ERECTED AT THE ORCHARD, LINDEN HILL, TONEDALE, WELLINGTON

OCCUPIER:

OWNER: MR LODGE
THE ORCHARD, LINDEN HILL, TONEDALE
WELLINGTON
TA21 0AD

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to secure the reduction of the fencing and gates to 1m in height.

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 has not been complied with.

The Enforcement Notice shall require :

- The reduction of the fence and gates to a height of 1m.

Time for compliance - 2 months from the date on which the notice takes effect.

SITE DESCRIPTION

The Orchard is a detached bungalow within the Tonedale area of Wellington, located between Burchills Hill to the west and Millstream Gardens to the east. The property benefits from gardens to three sides and two points of vehicular access - one off Burchills Hill and one off Millstream Gardens. The dwelling benefits from the ancillary buildings that are sited along the north east boundary of the property and from off road parking to the eastern corner of the site. The application site is surrounded in its entirety by private housing.

BACKGROUND

The present owner purchased the property some 18 months ago. The previous owner erected timber picket fencing and gates erected along the eastern boundary of the site; this fencing was erected without the grant of planning permission and therefore was unauthorised development. This matter was reported to the council's Planning Committee who determined not to take any enforcement action against the owner of the property at that time.

Prior to the erection of the fencing and gate subject of this application, the vehicular

access and driveway to the western boundary of the site was originally open fronted with only reflective traffic bollard's and stones sited along the highway edge with space retained to allow access and egress to and from the site.

The owner was contacted and informed that the newly erected fencing is significantly different to the previous fencing and as such requires Planning Permission. An application was submitted and subsequently refused under delegated authority on 27 January 2012

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The Orchard has two road frontages, one onto Linden Hill and the other onto Millstream Gardens. The former has fencing approx 1.2m high and is of timber picket style fencing and a 3.6m wide timber field gate. As this is adjacent to the highway the maximum height permitted without planning permission is 1m. If the fence was to be reduced to 1.0m high no permission would be required.

The fence adjacent to Millstream Gardens is 1.8m high (approx) close boarded fencing and gates and are sited on the eastern boundary of The Orchard and the driveway/access serving the property that leads onto the Millstream Gardens residential area. The total permitted height is as above i.e.1m as the fencing and gates are positioned on the back edge of the highway.

RELEVANT PLANNING HISTORY

Enforcement case number E258/43/08 for the erection of gates and fencing over 1m in height. Planning committee resolved not to take any further action

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Local Plan 2004

S2 – Design

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining the proposed development are considered to be the visual impact of the unauthorised fencing and gates upon visual amenity within the area and the impact of the development upon highway safety.

Visual amenity:

The estate of Millstream Gardens directly adjoins the application site and shares access over the adopted highway; the closed board fencing and gates to the eastern boundary, are clearly visible within the street scene from public vantage points along the highway. Millstream Gardens, which adjoins the application site, is open plan to the front of the properties and this aspect of the estate has been largely maintained since its development in the 1980's.

The enclosure to the eastern boundary and fronting onto Millstream Gardens is

considered to be at odds with the surrounding residential area onto which it fronts and shares vehicular access. The main form of enclosures within the area are brick walls and small sections of fencing that are generally no more than 500mm in height. Where there are enclosures they are predominantly brick walls within the public realm, such as along footways to the back and sides of dwellings; they are not of close boarded timber fencing and in this regard there are no known examples of such fencing of the scale, design or proximity to the highway such as that proposed, within the Millstream Gardens area.

The proposed 1.8 metre fencing and gates, if allowed, would appear stark and dominating in contrast to the open plan nature of adjacent properties, the common brick wall boundary treatments and low level fencing of surrounding properties, to the detriment of the character and appearance of the street scene. Whilst I acknowledge that previous picket style fencing and gates was erected along this boundary, it is considered that such would have had far less a detrimental impact upon visual amenity of the area than the fencing subject of this application.

It is important to note that a fence/gates up to 1 metre in height could be built in this location under permitted development rights, without the need for planning permission. Whilst this has been taken into account, it is considered that the additional mass of the fencing exceeding the permitted 1 metre, would result in significant harm to the character and appearance of the surrounding area. Therefore the fence and gates, by virtue of its design and materials fails to respect, and detracts, from the character of the area and the street scene, to the detriment of the appearance of the surrounding area.

With regard to the fencing and gate, which front onto the highway at Burchills Hill, to the western boundary of the application site, it is felt that the lower height and open aspect of the picket style design has a far less intrusive appearance within the street scene and visual amenity to that found at the opposite end of the domestic driveway at Millstream Gardens.

Highway safety:

The fencing and gates at both the east and west access points to The Orchard have been erected within a close proximity of the highway, which is considered to include pedestrian footway at Millstream Gardens. The Highway Authority have raised concerns over both aspects of the proposals, virtue of the proximity to the roads, lack of acceptable visibility splays and the potential to require vehicles to wait on the highway

At the access with Millstream Gardens, a number of residents and the Town Council have raised concern as to the impact of vehicles emerging from The Orchard without the necessary visibility that would allow drivers to see and also be seen. The gates and fencing that have been erected on the corner of the plot and on a bend in the highway will restrict visibility for access & egress. I acknowledge that the fencing will prevent any clear unobstructed view to the left for vehicles exiting The Orchard, however the public footway ends at the corner of the site and any vehicle leaving the cul;-de-sac is likely to be doing so at this point at slow speed. The recommendation of the Hlghway Officer to set the fencing and gates back from the footway by 2m is a sensible one, however having been erected on site already, it seems to me that such an undertaking is unlikely at this point. Notwithstanding this factor, the reduction in sight lines to the left and right over a short distance is not thought to prejudice highway safety to a point that would warrant the refusal of planning permission.

At the access with Burchills Hill, the fencing and gates have been erected abutting the highway to a height of 1.2 metres (approx). The Highway officer has made recommendations that would be necessary in order to provide for a safe access and egress to/from the driveway in terms of visibility lines and also providing space for a vehicle to wait clear of the highway whilst the gates are opened. Burchills Hill is a moderately trafficked road that provides a useful cut through between Milverton Road and Westford, whilst also leading to allotments gardens, a children play area, large nursing home together with agricultural and private residential properties. The gate and fence that fronts onto Burchills Hill is not designed to a degree that would ensure highway safety is maintained along this point of the road. New development should be well designed in order to minimise any detrimental impact within its surroundings, particularly upon highway safety. It is considered that the timber fencing, gate and gate posts will result in conflict along the highway virtue of there being insufficient visibility splays in both directions that are considered necessary so as to allow vehicles to see and be seen. For these reasons it is recommended that planning permission be refused for the retention of gate and fencing at the access onto Burchills Hill.

The Highway Authority have asked for the LPA to seek an agreement between the landowner and themselves over future maintenance costs given the proximity of the fencing and gates at Millstream gardens to the public footway. Whilst this is understandable, it is considered to be a civil matter between the two parties; it is not therefore a matter to remedy via the use of planning conditions or the planning system more generally.

Conclusions:

The proposed development will result in an incongruous development, whose stark and imposing appearance within the street scene and visual amenity will result in significant harm to the local area if it were to be retained. It is also considered that the gate and fencing onto Burchills Hill will result in the provision of an unsafe vehicular access onto the highway network to the detriment of road safety.

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

PLANNING OFFICER: Mr R Williams
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 18 April 2012

Proposal	Start Date	Application/Enforcement Number
ERECTION OF SINGLE STOREY EXTENSION (SCHEME B) TO EAST ELEVATION AT BUTTLES LODGE, VILLAGE ROAD, HATCH BEAUCHAMP (AS AMENDED)	05 APRIL 2012	19/11/0002LB & 0003LB
WALL DEMOLISHED AND NEW GATES ERECTED AT OLD MANOR HOUSE, COMBE FLOREY ROAD, COMBE FLOREY	28 MARCH 2012	E/309/11/11

APPEAL DECISION FOR COMMITTEE AGENDA – 18 APRIL 2012

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/11/2166779/NWF	ERECTION OF SINGLE STOREY DWELLING AND GARAGE AT MEADOWAY, HAYDON, STOKE ST MARY	<p>The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the site is not suitable for housing as the proposal does not constitute a genuine agricultural or other appropriate need and the proposal would detract from the character of the surrounding environment. The proposal is contrary to Taunton Deane Local Plan Policies S1 and S7 and advice given in PPS7, PPS1 and PPS3. The proposed development would</p>	37/11/0012	<p>The Inspector considered that the proposal would be harmful to the character and appearance of the area and would conflict with Policy S7 of the Local Plan. She also considered it most likely that the occupants of a new dwelling in this location would make use of the private car for most of their daily needs, conflicting with Government advice in Planning Policy Guidance Note 13. The appeal was DISMISSED.</p>

		<p>foster a growth in the need to travel and would therefore be contrary to government advice given in PPG13 and RPG10, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted: April 2000), and Policy S7 of the Taunton Deane District Local Plan.</p>		
APP/D3315/A/11/2161759/NWF	<p>ERECTION OF CLASS A1 RETAIL UNIT AND RECONFIGURATION OF CAR PARKING AT TAUNTON RETAIL PARK, HANKRIDGE WAY, TAUNTON AS AMENDED</p>	<p>The applicant has not adequately demonstrated compliance with the sequential approach and the proposed retail floorspace and end user could be provided in a more central and accessible location within or on the edge of Taunton Town centre and if allowed it would set an undesirable precedent for similar out of centre retail floorspace proposals which could have a cumulative</p>	48/11/0011	<p>The Inspector considered that the appellant had not demonstrated that the existing and available town centre premises at 15-16 High Street could not be adapted to meet the requirements of the occupier proposed in this case. As a result, the proposal has not demonstrated compliance with the sequential approach, and for this reason she concluded that the appeal should be DISMISSED.</p>

		<p>negative impact upon the town centre and is contrary to the objective of sustainable development. The proposal is considered contrary to PPS1, PPS4, PPG13, Taunton Deane Local Plan Policies S1(B), the objectives of the Taunton Town Centre Area Action Plan and policies CP1 and CP3 of the published Taunton Deane Core Strategy 2011-2028.</p>		
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TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

Planning Committee – 18 April 2012

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,
Horsley, Miss James, Nottrodt, Mrs Reed, Mrs Smith, Tooze, Watson and
A Wedderkopp

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area
Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal
Services Manager), Miss M Casey (Planning and Litigation Solicitor) and
Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee; and Councillor Mrs
Warmington in connection with application No 45/11/0016.

(The meeting commenced at 5.00 pm)

48. Apologies/Substitutions

Apologies: Councillors Mrs Messenger, D Wedderkopp and Wren

Substitutions: Councillor Horsley for Councillor D Wedderkopp and Councillor
Nottrodt for Councillor Wren

49. Minutes

The minutes of the meeting of the Planning Committee held on 21 March 2012
were taken as read and were signed.

50. Declarations of Interest

Councillor Govier declared a personal interest as a Member 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 Tooze declared a personal
interest as an employee of UK Hydrographic Office. Councillor Mrs Reed declared
a personal interest as her daughter works as an administrator in Development
Control. Councillor Watson declared a personal interest in application No
45/11/0016 as he knew the applicant. Councillor Govier declared a personal
interest in application No 43/12/0020 as the item had been discussed at Wellington
Town Council. However, he had not pre-determined his decision. Councillor
Govier also declared a prejudicial interest in agenda item 15 and left the meeting
during the consideration of this item.

51. Applications for Planning Permission

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

(1) That **planning permission be granted** for the under-mentioned development:-

43/12/0020

Conversion of bungalow with erection of first floor extension into 2 no two storey dwellings at 30 Blackmoor Road, Wellington

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) Prior to their installation, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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;
- (d) (i) Prior to its implementation a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The first floor window in the north-west elevation shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The type of obscure glazing shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (f) The driveways hereby permitted shall be surfaced in permeable materials, not loose stone or gravel, or provision shall be made for the disposal of surface water within the site in accordance with details that shall first have been agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such;
- (g) The area allocated for parking on the submitted plan drawing No 2328 4B shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of vehicles only.

(Note 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 would require a Section 184 Permit).

Reason for granting planning permission:-

The proposal was not considered to have a detrimental impact upon visual or residential amenity, the character of the area or highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review, or Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy.

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

11/12/0005

Replacement of entrance gates, erection of railings and reconstruction of stone wall at the Old Manor House, Combe Florey (retention of works already undertaken)

Reason

The metal railings and gates, by reason of their design, were considered to be at odds with the character of the listed building and were therefore detrimental to its setting and detrimental to the character and appearance of the Conservation Area, contrary to Policy S1 of the Taunton Deane Local Plan, DM1 of the Taunton Deane Core Strategy, the duties outlined at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Section 12 of the National Planning Policy Statement.

11/12/0006/LB

Replacement of entrance gates, erection of railings and reconstruction of stone wall at the Old Manor House, Combe Florey (retention of works already undertaken)

Reason

The metal railings and gates, by reason of their design, were considered to be at odds with the character of the listed building and were therefore detrimental to its setting, contrary to the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Section 12 of the National Planning Policy Statement.

45/11/0016

Erection of agricultural workers dwelling and detached garage at Crossways Farm, adjacent to London Farm, West Bagborough

Reason

The site lies in a countryside location where it was the policy of the Local Planning Authority to resist new housing development unless it was demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the business being operated from the site comprises a mix of enterprises, the overall business appears to be of a nature where the vast majority of work can be carried out during part of the normal working day (however long that day may be). As such, it has not been proven that there was an essential need for a worker to live permanently on the site and the proposal therefore represents an unjustified dwelling in the countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.

52. Construction of three jetties alongside the canal at Waterleaze, Maidenbrook Farm, West Monkton

Reported that it had come to the Council's attention that three jetties with fencing and gates had been erected along the top of the canal bank on the canal side at Waterleaze, Maidenbrook Farm, West Monkton without the necessary planning consent.

The owners of the site had submitted an application for planning permission to regularise the position but this had been refused in February 2012.

Resolved that:-

- 1) Enforcement action be taken to remove the three jetties erected alongside the canal at Waterleaze, Maidenbrook Farm, West Monkton;
- 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. However, the serving of the enforcement notice should be deferred until September 2012.

53. Metal spiked gates and fence erected in field adjacent to Broad Lane, North Curry

Reported that it had come to the Council's attention that metal spiked gates and fencing over 1m in height had been erected in a field adjacent to Broad Lane, North Curry 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 reduce the height of the gates and fencing to 1m in height measured from the adjacent ground level in the field adjacent to Broad Lane, North Curry;

- 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 weeks.

54. Storage of caravan in field at Dull Cross, Trebles Holford, West Bagborough

Reported that it had come to the Council's attention that a caravan was being stored in a field at Dull Cross, Trebles Holford, West Bagborough 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 caravan on land at Dull Cross, Trebles Holford, Westborough;
- 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.

55. Land used for storage of builders materials, Minster Edge, Pitminster

Reported that it had come to the Council's attention that building materials and equipment were being stored at Minster Edge, Pitminster 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 builders materials stored at Minster Edge, Pitminster;
- 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.

56. Area created for car parking to rear of Havelock Cottage, 49 Kingston Road, Taunton

Reported that it had come to the Council's attention that an area of land to the rear of Havelock Cottage, 49 Kingston Road, Taunton was being used for the parking of vehicles 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 cease the use of the land to the rear of Havelock Cottage, 49 Kingston Road, Taunton for the parking of vehicles;
- 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 weeks.

57. Unauthorised sign to rear of Smiles Cosmetic Centre, 62 Black Horse Lane, Taunton

Reported that it had come to the Council's attention that a sign was currently being displayed on the rear boundary wall of 62 Black Horse Lane, Taunton without the necessary advertisement consent being granted.

Although the sign was in a prominent position, the street scene of the rear of retail premises was already cluttered.

In the circumstances, the Growth and Development Manager considered that the sign did not harm the visual amenity of the area.

Resolved that no further action be taken.

58. Fences erected at The Orchard, Linden Hill, Wellington

Reported that it had come to the Council's attention that fencing had been erected over 1m in height had been erected at The Orchard, Linden Hill, Wellington 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 been refused on 27 January 2012 and an appeal had been lodged.

Resolved that:-

- 1) Enforcement action be taken to reduce the height of the fencing to 1m at The Orchard, Linden Hill, Wellington;
- 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.

59. Appeals

Reported that two new appeals had been lodged and two appeal decisions had been received, details of which were submitted.

(The meeting ended at 7.10 pm)