

## **Planning Committee - 28 January 2004**

Present: Councillor Mrs Allgrove (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Beaven, Croad, Denington, Floyd, Guerrier, Henley, House,  
Morrell, Miss Peppard, Mrs Smith, Stuart-Thorn, Vail and Wedderkopp.

Officers: Mr N T Noall (Chief Planning Officer), Mrs J M Jackson (Senior Solicitor)  
and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

### 4. Apologies

The Mayor (Councillor Govier) and Councillors Bowrah and Miss Cavill.

### 5. Minutes

The minutes of the meetings held on 17 December 2003 and 7 January 2004 were taken as read and were signed.

(The Chairman (Councillor Mrs Allgrove) declared a personal interest in the matter covered by Minute No. 6 below).

### 6. Enforcement Action in respect of Foxmoor Nurseries, Haywards Lane, Wellington

RESOLVED that this item be deferred until the next meeting of the Planning Committee on 18 February 2004 to allow:-

- (1) The submission of further information from the owners of Foxmoor Nurseries and their current tenants;
- (2) A further site visit to be undertaken by the Senior Solicitor and the Enforcement Officer;
- (3) Detailed consideration of the report prepared by the Vehicle and Operator Services Agency; and
- (4) Traffic levels and the suitability of the bridge on the access road leading to the site to be assessed.

### 7. Applications for Planning Permission

The Committee received the report of the Chief Planning Officer on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

- (1) That **outline planning permission be granted** for the under-mentioned developments subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**38/2003/641**

Erection of bungalow on land to rear of 34 - 40 Greenway Crescent, Taunton (outline application).

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) C101 - materials;
- (e) C402 - single storey dwelling;
- (f) C414 - no increase in site level;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and reenacting that Order), no entrance gates shall be erected without the prior written permission of the Local Planning Authority;
- (h) Before the dwelling hereby permitted is occupied, a properly constructed and surfaced turning space for vehicles shall be constructed within the curtilage in accordance with the details shown on the submitted plan, and thereafter kept unobstructed for the benefit of 36 and 38 Greenway Crescent in addition to the dwelling hereby approved;
- (i) Sufficient space for one garage and one parking space, together with parking spaces or garages for 36 and 38 Greenway Crescent, together with a vehicular access thereto shall be provided for the dwelling. The said garages (or garage spaces), parking space and access shall be constructed or hardsurfaced before the dwelling hereby permitted is occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access.  
(Notes to applicant:- (1) N118A - disabled access; (2) N024 - development in accordance with approved plans; (3) N040A - drainage/water; (4) N051B - health and safety.

Reason for granting outline planning permission:-

The proposal accorded with the requirements of the Taunton Deane Local Plan Revised Deposit Policy H1 in that a dwelling could be accommodated without material adverse impact upon adjoining properties. Safe access and suitable levels of parking could also be achieved.

**48/2003/064**

Residential development of land at Sidbrook Farm, West Monkton.

## Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) Within a period of three years from the date of this permission, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced. The agreed drainage works shall be completed in accordance with these details and timescale;
- (e) C101- materials;
- (f) The number of dwellings to be provided on the site shall not exceed six;
- (g) (i) Prior to the commencement of works on site, full details of a landscaping scheme to incorporate a landscaping belt (an average 8m wide) along the western boundary of the site, together with details of the implementation and future management of the landscape belt 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 the planting scheme the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (h) C013 - site levels;
- (i) C215 - walls and fences.
- (j) A fully equipped recreational open space shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within six months of the date of commencement of the development and shall thereafter be used solely for the purpose of recreational open space incorporating a children's play area;
- (k) Before the development hereby permitted is commenced, the existing access shall be modified in accordance with details shown on the submitted plan, drawing no. SF.01RevA and shall be available for use before the commencement of the development hereby approved;
- (l) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
- (m) Prior to the commencement of development, the turning area shown on the submitted plan no. SF.01RevA shall be fully constructed on site

and thereafter maintained to the satisfaction of the Local Planning Authority;

- (n) C321A - parking;
- (o) No development shall take place until the existing access track leading to the development site has been upgraded and resurfaced in accordance with details and specifications to be submitted to, and approved in writing by, the Local Planning Authority. Such detail shall include provision of an acceptable visibility splay and appropriate traffic management works to augment the existing 30 mph speed limit on Greenway Road;
- (p) No development shall take place until details showing a restriction to the width of the highway, in white lining painted on the road, to provide the required visibility splays are submitted to, and approved in writing by, the Local Planning Authority and the road markings carried out.

(Notes to applicant:- (1) With regard to condition (g), applicant was advised that the landscape belt should be planted as soon as work commences on the site; (2) N096 - bats; (3) Applicant was advised that the existing barns on the site may provide nesting sites for birds. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 and you are therefore advised to contact English Nature for advice in this matter; (4) N111 - disabled access; (5) N112 - energy conservation; (6) N114 - meter boxes; (7) N116 - disabled access; (8) N117 - crime prevention; (9) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Section 184 Permit must be obtained from the Highway Services Manager, Taunton Deane Area. Application for such a permit should be made at least three weeks before access works are intended to commence; (10) Applicant was advised to investigate the use of Sustainable Drainage Systems (SUDS) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water and include:- (a) infiltration techniques; (b) detention/attenuation; (c) porous paving/surfaces; and (d) wetlands.)

Reason for granting outline planning permission:-

The proposal was located within the settlement limits of Monkton Heathfield where residential development was considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4 and Taunton Deane Local Plan Revised Deposit Policies S1, H1 and T1. The access improvements would have an acceptable impact on the highway network as required by Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. Landscaping would be required in accordance with Policy S1(D) of the Taunton Deane Local Plan Revised Deposit.

- (2) That **planning permission be granted** for the undermentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the

former Planning and Development Committee and such further conditions as stated:-

**09/2003/010**

Change of use of barn to dwelling and associated garaging, Rowlands Barn, Chipstable

Conditions

- (a) C001 - time limit;
  - (b) C106 - second-hand materials;
  - (c) C101 - materials;
  - (d) C010A - drainage - not commenced until percolation test approved;
  - (e) C112 - details of guttering, downpipes and disposal of rainwater;
  - (f) C215 - walls and fences;
  - (g) C205 - hard landscaping;
  - (h) C917 - services - underground;
  - (i) C416 - details of size, position and materials of meter boxes;
  - (j) C654A - windows;
  - (k) C601 - schedule of works to ensure safety and stability of structure;
  - (l) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
  - (m) The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (n) Any entrances gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
  - (o) C306 - access - gradient;
  - (p) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
  - (q) C321B - parking;
  - (r) C926B - remediation investigation/certificate;
  - (s) P001A - no extensions;
  - (t) P003 - no ancillary buildings;
  - (u) P006 - no fencing;
  - (v) P010 - no further windows;
  - (w) C201 - landscaping;
- (Notes to applicant:- (1) N024 - development in accordance with approved plans; (2) N025 - conversion; (3) N111 - disabled access; (4) N112 - energy conservation; (5) N115 - water conservation; (6) N114 - meter boxes; (7) N095 - owls and bats; (8) N048A - remediation strategy; (9) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Section 184 Permit must be obtained from the Highway

Services Manager, Taunton Deane Area. Application for such a permit should be made at least three weeks before access works are intended to commence; (10) N25A - conversion.)

Reason for granting planning permission contrary to the recommendation of the Chief Planning Officer:-

The Committee took the view that the proposed building was in keeping with the surroundings and would not harm the rural character of the area in accordance with Policy H9 of the Taunton Deane Local Plan Revised Deposit.

**22/2003/019**

Creation of vehicular access and parking area, 2 Nethercott Way, Lydeard St Lawrence

Conditions

- (a) C001 - time limit;
- (b) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (c) The proposed access over the first 4.5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) NO24 - development in accordance with approved plans; (2) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Section 184 Permit must be obtained from the Highway Services Manager, Taunton Deane Area. Application for such a permit should be made at least three weeks before access works are intended to commence).

Reason for granting planning permission:-

Whilst the proposal would have some adverse affect on the visual amenity of the street, this was not deemed to be so significant as to warrant permission being refused. The proposal had been amended to meet the requirements of the County Highway Authority and was considered to satisfy the requirements of Taunton Deane Local Plan Revised Deposit Policies S1 and S2 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

**32/2003/004**

Conversion of agricultural building into dwelling and conversion of barn into car port and store, Broadleigh, Whiteball, Wellington

Conditions

- (a) C001 - time limit;
- (b) C010A - drainage - not commenced until percolation test approved;
- (c) C106 - second-hand materials;

- (d) C112 - details of guttering, downpipes and disposal of rainwater;
- (e) C201A - landscaping;
- (f) C215 - walls and fences;
- (g) C321B - parking;
- (h) Before the dwelling hereby permitted is occupied, a properly constructed and surfaced turning space for vehicles shall be constructed within the curtilage in accordance with the approved plan and shall thereafter be kept unobstructed.
- (i) C416 - details of size, position and materials of meter boxes;
- (j) C601 - schedule of works to ensure safety and stability of structure;
- (k) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (l) C926B - remediation investigation/certificate;
- (m) P001A - no extensions;
- (n) P003 - no ancillary buildings;
- (o) P006 - no fencing;
- (p) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and reenacting that Order with or without modification), no doors and windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.  
(Notes to applicant:- (1) N025 - conversion; (2) N25A - conversion; (3) N024 - development in accordance with approved plans; (4) N111 - disabled access; (5) N112 - energy conservation; (6) N115 - water conservation; (7) N048 - remediation strategy; (8) N051B - health and safety; (9) N095A - owls and bats; (10) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Revised Deposit Policies S1 (general criteria) and H9 (conversion of rural buildings) and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**42/2003/046CA**

Demolition of buildings, Gatchell House, Honiton Road, Trull

Condition

C002 - time limit - listed building.

Reason for granting Conservation Area Consent:-

The buildings were of limited interest and their removal did not conflict with Taunton Deane Local Plan Revised Deposit Policy EN16 taking into account the other proposals at this location.

**42/2003/047CA**

Demolish former squash club buildings, outbuildings and walls, Gatchell House, Honiton Road, Trull

Condition

C002 - time limit - listed building.

Reason for granting Conservation Area Consent:-

The buildings were of limited interest and their removal did not conflict with Taunton Deane Local Plan Revised Deposit Policy EN16 taking into account the other proposals at this location.

**42/2003/048**

Erection of extension to Gatchell House in the form of an 'orangery' as a meeting room to serve elderly persons' dwellings to be constructed in accordance with planning permission No 42/1999/010 at Gatchell House, Honiton Road, Trull.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C112 - details of guttering, downpipes and disposal of rainwater;
- (d) C113 - details of structure and colour of mortar;
- (e) Specific details of all external joinery, at a scale of 1:50, shall first be submitted to, and approved in writing by, the Local Planning Authority. Such details to include sections, mouldings, relationship to outer face of structure, profiles, working arrangement, ventilation and finished treatment.  
(Notes to applicant:- (1) N051B - health and safety; (2) N040A - drainage/water; (3) N024 - development in accordance with approved plans; (4) N052 - fire safety).

Reason for granting planning permission:-

The proposal respected the character and appearance of Gatchell House and would not have any adverse impact on the surrounding area. The proposal therefore accorded with Taunton Deane Local Plan Revised Deposit Policy EN15.

**43/2003/136**

Retention of wooden fence and use of land as domestic curtilage to rear, and formation of pedestrian access onto Champford Lane, 26 Champford Lane, Wellington

Reason for granting planning permission contrary to the recommendation of the Chief Planning Officer:-

The Committee felt the fencing did not constitute an intrusive feature in the street scene. The proposal would not therefore affect the visual or residential



amenity of neighbouring properties in accordance with Taunton Deane Local Plan Revised Deposit Policy S1.

**48/2003/067**

Change of use of existing office to residential use as part of Cherry Grove Cottage and change of use of outbuilding to office use at Winsford, West Monkton

Conditions

- (a) C001 - time limit;
- (b) This permission shall enure for the benefit of the office business operated by Mr Rodney Bates, whilst he is resident at Winsford only and not for the benefit of the land;
- (c) Within 28 days of the use at Winsford hereby approved commencing, the use of Cherry Grove Cottage shall revert to that of a single dwelling house and shall remain so at all times thereafter;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and reenacting that Order) there shall be no construction of any hard surface designed for vehicle parking within the curtilage of Winsford unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority or, in default, by the Office of the Deputy Prime Minister;
- (e) The access and parking arrangements as shown on drawing no 0340/03A shall be completed to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.

Reason for granting planning permission:-

In light of the condition requiring the cessation of the office use at Cherry Grove Cottage, it was concluded that no demonstrable harm would be caused in terms of either sustainability or highway safety. The proposal was therefore considered not to conflict with Taunton Deane Local Plan Revised Deposit Policy EC3 which related to the conversion of rural buildings to business use.

- (3) That **planning permission be refused** for the undermentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

**38/2003/650**

Erection of dwelling for use as a unit of multiple occupation (six bedrooms) at land adjacent to 14 Greenway Road, Taunton

Reason

The proposed building would result in an over intensive use of the site likely to give rise to undue nuisance and disturbance to neighbouring properties and would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(F).

Reason for refusing planning permission contrary to the recommendation of the Chief Planning Officer:-

The Committee considered that a unit of multiple occupation on this site would be an over-development and would give rise to undue noise and nuisance to adjacent properties.

8. Erection of two dwellings with garages on land adjoining Thornhams, Henlade (31/2003/032)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Council's Drainage Officer, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following condition be imposed:-

- (a) Climbers and shrubs shall be planted along the eastern boundary fence in accordance with details which shall first be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out within the first available planting season from the commencement of the development.  
(Note to applicant:- Applicant's attention was drawn to the conditions of outline planning permission 31/2003/023 which must be complied with before development commences).

Reason for approving detailed plans, if granted:-

The application site lay within the settlement limits of Henlade and it was considered that the scale and design of the dwellings was appropriate. The scheme would not harm the appearance of the street scene nor significantly harm neighbouring amenity. Therefore the proposal accorded with Taunton Deane Local Plan Revised Deposit Policies S1 and H1.

9. Erection of 28 apartments/cottages for the elderly and disabled, the conversion of part of Gatchell House to provide support accommodation, erection of extension to Gatchell House in the form of an orangery as a meeting room to serve the proposed apartments/cottages at Gatchell House, Honiton Road, Trull (42/2003/049)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by 18 February 2004 to:-

- (1) Restrict occupancy to elderly or disabled persons;
- (2) Provide seven social housing units; and
- (3) Provide a financial contribution of £80,000 towards new squash facilities or the development of existing facilities and, if such could not be provided within two years, the contribution to be used towards the provision of other forms of sports/recreation facilities, the Chief Planning Officer be authorised to

determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C112 - details of guttering, downpipes and disposal of rainwater;
- (d) C113 - details of structure and colour of mortar;
- (e) C201 - landscaping;
- (f) C205 - hard landscaping;
- (g) C206A - existing and proposed levels;
- (h) C208A - protection of trees to be retained;
- (i) C210 - no felling or lopping;
- (j) No windows other than those shown on the plans hereby approved shall be constructed in any wall of the buildings which abut the boundary with Gatchell Meadow without the prior written consent of the Local Planning Authority;
- (k) There shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 4m back from the carriageway edge on the centre lines of the access and extending to points on the nearside carriageway edge 70m either side of the access. Such visibility splays shall be fully provided before any of the accommodation hereby approved is first occupied and shall thereafter be maintained at all times;
- (l) The access road shall not be less than 5m in width over the first 25m of its length;
- (m) A radius of not less than 6m shall be provided on the southern side of the access road junction with the Honiton Road and a radius of not less than 12.5m shall be provided on the northern side;
- (n) Development shall not begin until full details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread plus 25% of the American Oak situated to the east of Gatchell House are submitted to, and approved in writing by, the Local Planning Authority. The above details shall include an investigation and assessment to identify the extent of any damage or disturbance which may be caused to the root system and the measures to be taken to avoid any damage which is likely to affect the American Oak when the site is developed. Development shall not commence until the measures approved in the details submitted have been implemented;
- (o) Details of proposals to ensure protection of bats shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence and any resulting measures shall be implemented in accordance with an agreed programme;
- (p) Specific details of all external joinery, at a scale of 1:50, shall first be submitted to, and approved in writing by, the Local Planning Authority. Such details to include sections, mouldings, relationship to outer face of structure, profiles, working arrangement, ventilation and finished treatment.

(Notes to applicant:- (1) N051B - health and safety; (2) N040A - drainage/water; (3) N052 - fire safety; (4) N024 - development in

accordance with approved plans; (5) N075 - Section 106 Agreement; (6) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 - 1800 hours; Saturdays 0800 - 1300 hours. At all other times, including public holidays, there shall be no noisy works).

Reasons for planning permission, if granted:-

Gatchell House Squash and Fitness Club clearly provided a useful facility for a large number of people and a diverse range of groups. However, no evidence had been submitted which could lead to a different conclusion from that of the Appeal Inspector that "notwithstanding the outcome of this application, there was little or no likelihood of the club re-opening". The site was suitable for residential use and more particularly for elderly persons' accommodation. Appropriate provision of affordable housing was being proposed. The applicants had addressed previous concerns in respect of mass, form, detailed design and impact upon the Conservation Area. English Heritage no longer objected to the proposal. Overall, it was concluded that the scheme was appropriate in terms of preservation and enhancement of the Conservation Area, bearing in mind the need to provide densities that accorded with the requirements of Planning Policy Guidance Note No 3. The proposal accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 37 and Taunton Deane Local Plan Revised Deposit Policies EN15, C3 and H1.

10. Erection of new dwelling on land to the rear of 2 Highland Place, High Street, Wellington (43/2002/159)

Reported that planning permission for this development was granted in January 2003.

An application for a minor amendment had recently been received to reduce the height of a wall at the new property, increase the height of a boundary fence to reduce the impact of the development and to replace one first floor window and insert two new windows all on the north-west elevation to serve a bathroom, landing and bedroom. Noted that the bathroom and landing windows were proposed to be obscure glazed.

Details of the minor amendment had been circulated to the Wellington Town Council and local residents for comment. Although the Town Council had raised no objection to the proposals, three letters of representation had been received, details of which were reported.

In the view of the Chief Planning Officer, the obscure glazing of two of the windows, the distance from the dwelling to the nearest neighbouring property, the difference in ground levels and the increased height of the boundary fence would all keep any overlooking or loss of privacy to a minimum.

Despite this, members considered that the three windows that had been installed on the north-west elevation were unacceptable.

RESOLVED that:-

- (1) The request for a minor amendment be refused;
- (2) Enforcement action be taken to ensure full compliance with the approved plans, in relation to the provision of one first floor window only on the north-west elevation of the new dwelling; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notice not be complied with.

11. Unauthorised fence to the rear and side of 99 Burge Crescent, Cotford St Luke

Reported that despite planning permission being refused for the retention of a 1.85m high fence to the rear and side of 99 Burge Crescent, Cotford St Luke, no action to remove the unauthorised fence had been taken to date.

RESOLVED that:-

- (a) Enforcement action be taken seeking the removal of the unauthorised fence erected at the rear and to the side of 99 Burge Crescent, Cotford St Luke; and
- (b) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notice not be complied with.

12. Planting of hedge and provision of timber protection at The Cothelstone, Lydeard Mead, Bishops Lydeard

Reported that the owner of the property known as The Cothelstone, Lydeard Mead, Bishops Lydeard had recently planted a hedge at the front of the property and erected a small fence to protect the hedging plants whilst they became established.

Although this appeared to be in contravention of one of the planning conditions relating to the property, a past appeal decision had deemed that as the planting of a hedge could not be classed as development, such conditions were unenforceable.

As the timber protection of the hedging plants was likely to be removed once the hedge had grown, it was not considered expedient to take any action over this matter.

RESOLVED that no further action be taken.

13. Occupancy of dwelling in breach of condition - Hopper Lodge, The Kingfisher Centre, Nailsbourne, Kingston St Mary

Reported that the dwelling known as Hopper Lodge, The Kingfisher Centre, Nailsbourne, Kingston St Mary was currently being occupied in breach of an agricultural tying condition.

The dwelling which had been granted planning permission in 1989 had previously been used in connection with Nailsbourne Nursery until it had been sold to the current owner in December 2002 without the existence of the agricultural tie being revealed.

It had been intended to let out two of the rooms as bed and breakfast accommodation for people who were carers of terminally ill friends or relatives.

Although it was open to the owner of the property to submit a planning application to lift the tying condition, this would be considered on its merits and would normally require evidence of marketing the property for sale as an agricultural dwelling at an appropriate price.

RESOLVED that:-

- (1) The service of a Breach of Condition Notice be authorised; and
- (2) Such action be deferred for a period of 18 months from the date of the Committee in order that the property could actively be marketed as an agricultural dwelling in compliance with the condition.

14. Unauthorised use of barn as business premises at Wellisford Manor, Lower Wellisford, Wellington

Reference Minute No 74/2003, reported that the owner of the barn from which the business was operated had now purchased a unit on phase 2 of the Chelston Industrial Estate, near Wellington. The unit, which was currently being constructed, would be ready for occupation by March 2004

RESOLVED that service of the previously authorised Enforcement Notice be further delayed until the end of March 2004 to enable the business to relocate to the newly purchased premises at Chelston Industrial Estate.

15. Erection of 1.8m high fence at Marlborough Cottage, Stoneyhead Hill, Wrantage, North Curry

Reported that despite planning permission being refused for the retention of a 1.8m high fence adjacent to the highway at Marlborough Cottage, Stoneyhead Hill, Wrantage, North Curry, no action to remove the unauthorised fence had been taken to date.

Further reported that the applicant was currently seeking to address the concerns of the Chief Planning Officer and had agreed a suitable landscaping scheme. A further application was anticipated to retain the fence.

RESOLVED that:-

- (1) enforcement action be taken seeking the removal of the fence adjacent to the highway at Marlborough Cottage, Stoneyhead Hill, Wrantage, North Curry;

- (2) such action be deferred for two months to allow the submission of a further planning application; and
- (3) subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should any Enforcement Notice served in respect of the fence be not complied with.

(Councillors Floyd and Henley left the meeting at 9.05 pm and 10.19 pm respectively).

(The meeting ended at 10.24 pm).