

E/0253/31/15

Alleged unauthorised installation of external extract ducting at Ruishton Inn, Cheats Road, Ruishton

OCCUPIER:

OWNER: WADWORTH & CO LTD
41-45 NORTHGATE STREET, DEVIZES, WILTSHIRE
SN10 1JW

Purpose of Report

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the unauthorised extraction flue from the building.

Recommendation

The Solicitor of the Council be authorised to service 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:

- Remove the unauthorised extraction ducting from the building.

Time for compliance:

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

Relevant planning history

31/15/0020 installation of external extraction ductwork to the east elevation at Ruishton Inn, Cheats Road, Ruishton REFUSED.

31/16/0005 Installation of external extraction ductwork to the east elevation at the Ruishton Inn, Cheats Road, Ruishton (resubmission of 31/15/0020). APPROVED

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

National Planning Policy Framework

Paragraph 55

Para 207 – Enforcement

Determining issues and considerations

Extract ducting was installed on the building and modified in 2015 to comply with gas regulations. This work was unauthorised in planning terms. Complaints have been received from the neighbouring property regarding noise and vibration from the unauthorised development. The existing extractor is positioned very close to the north boundary wall and as such there has been disturbance to the adjoining occupants.

The owner of the site submitted an application for an alternative ducting scheme in late 2015. This proposal was not considered acceptable and was refused. The owner's agent then developed an alternative scheme that positions the outlet away from the boundary wall to reduce odour and noise disturbance to the adjoining property. This new scheme was approved in June 2016 and included advice that the works should be carried out within 2 months of the date of issue in order to rectify the breach of planning control. This date has now passed and the agent has stated that they hope to have the works carried out by the end of October.

Officers are concerned that the matter has been ongoing for some time and wish to ensure that there is a clear direction given to the owner of the site that the unauthorised development needs to be rectified in accordance with the new planning permission. To this end authority is sought to issue an enforcement notice to ensure that the works are carried out.

The existing extraction ductwork, by virtue of its size, and siting, is considered to have unacceptable impact upon the character and appearance of the building and the amenities of adjoining occupiers and is contrary to Policy DM1 (d & e) of the Taunton Deane Core Strategy.

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: Christopher Horan

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