

26/2005/007

MR & MRS G BURT

RETENTION OF CHANGE OF USE ON AGRICULTURAL LAND TO DOMESTIC CURTILAGE, ASHMORE, 1 MONUMENT VIEW, NYNEHEAD.

14576/22894

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal comprises a retrospective application for the change of use of agricultural land to form an extended garden to the west of the applicants existing garden. The area of land measures approximately 30 m x 27 m with a timber post and rail boundary, and the proposal will double the size of the existing curtilage. The existing hedgerow boundary has been removed.

The dwelling, and neighbouring property, was granted outline planning permission (26/1998/014) on the 8th March, 1999. Condition 12 of this permission stated that the existing hedgerows on all boundaries should be retained to the satisfaction of the Local Planning Authority.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the proposal would be out of character with the surrounding countryside and therefore contrary to Policy EN12 and S2.

PARISH COUNCIL no objection to suitable screening and removal of development rights. We note that the site is outside the 'village envelope' and a bank containing TPO trees has been removed.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR 6 restricts development outside development limits, Policy 5 (Landscape Character) seeks to safeguard the character of the countryside of Somerset.

Taunton Deane Local Plan Policies S1 and S2 seek, inter alia, to safeguard visual amenity. Policy S1 (D) is relevant as it seeks to ensure that the appearance and character of any affected landscape would not be harmed as a result of the development. Policy S7 restricts development outside development limits. Policy EN12 states that development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

ASSESSMENT

Planning policy generally restricts the change of use of agricultural land to garden due to the subsequent detrimental visual impact on the land due to the siting of domestic structures, sheds etc and planting of domestic shrubs and trees. Furthermore, the shape of the curtilage is considered too large a projection into the agricultural land, making an intrusive feature.

The Local Planning Authority would however consider this form of development favourable where extensions to garden areas would logically round off an existing garden, with minimal impact upon agricultural land and visual intrusion.

For the above reasons the proposal is considered to materially harm the rural character and appearance of the locality, and would not be in accordance with Local and Structure Plan policies.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposal would constitute an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality, and landscape character of the area. Furthermore the proposal would create a precedent for the neighbouring property. Therefore the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 5, and Policy STR6 and Taunton Deane Local Plan Policies S1, S2, S8, and EN12.

The Chief Solicitor be authorised to take enforcement action to proceed for the removal of the fence and for the hedge to be reinstated to the satisfaction of the Local Planning authority, as planning condition 12 of application 26/1998/014.

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

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NOTES: