

Taunton Deane Borough Council

Planning Committee - 19 OCTOBER 2011

E/0060/19/11

ERECTION OF FENCING AND LAYING OF HARDSTANDING AT CORNER OF MILL LANE AND STOCKS LANE, HATCH BEAUCHAMP

OCCUPIER: MR PETER RUST,
THE ASHILL INN, ASHILL, ILMINSTER. TA19 9ND

OWNER: MR PETER RUST
LAND AT MILL LANE, HATCH BEAUCHAMP

PURPOSE OF REPORT

To consider whether it is expedient to instigate Enforcement Action to secure the reduction of the height of the boundary fence/entrance gates and the removal of the unauthorised hardstanding following the refusal of Planning Permission for a larger development.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice to require the reduction in height of the boundary fence and entrance gates to 1m in height where abutting the highway and the removal of hard standing and access track within the site.

SITE DESCRIPTION

The site is flat and comprises part of an agricultural field that lies between the river and the road situated to the north of Elm Bridge. The field was previously laid to grass and enclosed by a hedge. The North and East boundaries of the field adjoin the road. The western boundary is separated from the remainder of the field by a corrugated fence. The river runs along the southern boundary. there is some post and rail fencing inside the enclosure along with a vegetable garden and a small shed with mesh fencing attached to it.

BACKGROUND

The works at the above site was first brought to the Council's attention on 2nd March 2011. A site visit was made where it was found that a vertical boarded fence approx. 1.8m high had been erected on the roadside boundaries. There appeared to be new planting provided in front of the new fence. Corrugated entrance gates had been provided in what is alleged to be a new access which are approx 2m in height.

The ownership of the field was established and on 15th March 2011 and a letter was sent requesting an application for the works carried out. No response was received and on 12th April 2011 a further letter was sent requesting an application without delay. On the same day the agent acting for Mr Rust telephoned the

Council confirming that an application would be submitted within the next few weeks.

A planning application for a change of use of land to erect stables and store, erection of timber fence and formation of access road was submitted and registered on 2nd June 2011. The application was subsequently refused under delegated powers on 3rd October 2011.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Following the refusal of planning permission (to regularise the already carried out development together with the proposed stable block) the development already constructed is unauthorised. This includes the boundary fencing over 1m in height adjacent to the highway, the gates over 1m high and the access road within the site.

Any fencing that is within the site would not constitute a breach of planning control provided that it did not exceed 2 metres in height

RELEVANT PLANNING HISTORY

19/11/0009 - CHANGE OF USE OF LAND TO ERECT STABLES AND STORE, ERECTION OF TIMBER FENCE AND FORMATION OF ACCESS ROAD AT LAND AT ELM BRIDGE, HATCH BEAUCHAMP. Application refused for the following reasons:

- 1 The site is located within a floodplain in open countryside and the erected fence and access road and the proposed change of use of land to erect stables and store are considered to result in significant adverse impact upon the visual amenities, wildlife and character of the surrounding area and floodplain, for which no Flood Risk Assessment has been submitted. The scheme is therefore contrary to PPS25 and Taunton Deane Local Plan Policies S1, S2, S7, EN12, EN25 and EN28.
- 2 The site is not within a defined settlement and proposed change of use is not for the purposes of agriculture or forestry and would result in an increase in traffic to and from the site. As such the development is contrary to Policy S7 of Taunton Deane Local Plan and Policies STR1 and STR6 of Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

RELEVANT PLANNING POLICIES

Taunton Deane Local Plan Policies

S1 - General Requirements
S2 - Design
EN12 - Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

The fences and gates that have been erected result in dramatic adverse visual impact upon the character and appearance of the area. The use of corrugated sheeting for the gate and fence that runs along the eastern boundary is an eyesore and it was not considered that this could be improved to an

acceptable level by landscaping alone.

The erection of the timber fence has resulted in the loss of a protected hedgerow. This loss of a hedgerow has had significant impact upon the character and appearance of the area as well as on the wildlife that would have used it. That said, the removal of a hedgerow does not require planing permission.

The solid timber fence is wholly out of character for use on a field in such a rural location. The height of the fences and gates magnify the resulting impact. There has been a small amount of planting along the fence but it is far too little to minimise the visual impact of the fence. There is insufficient room between the fence and the road to enable a fully grown hedgerow to be grown.

The laying of hardstanding next to a watercourse in the Flood Zone 3b (Functional Flood Plain) has the potential to alter ground levels and restrict or impede flood waters. No flood risk assessment was submitted with the planing application and therefore it can not be assumed that the works carried out are safe or have no adverse impact on other land (both on and off-site). It is therefore recommended that any hardstanding is removed to ensure that ground levels revert back to their original height.

The development does not relate well to the surrounding area and the design is incompatible with the rural location. It results in significant adverse impacts upon the character, appearance and wildlife of the immediate countryside.

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

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