

Planning Committee – 1 July 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E/0042/04/09
2. **Location of Site** Forde Barn, Dairy House Lane, Bickenhall, Taunton TA3 6TY
3. **Names of Owners** Mr J Lawton
4. **Name of Occupiers** Mr J Lawton
5. **Nature of Contravention**

RETENTION OF FENCE AND STRUCTURES AT FORDE BARN, DAIRY HOUSE LANE, BICKENHALL, TAUNTON

6. **Planning History**

In 2001 an application was received for the retention of a section of fence within the hedgerow adjacent to the highway at Forde Barn, Dairy House Lane, Bickenhall. The application was granted temporary approval with a condition that planting be provided to reinforce the existing hedge. Once established the fence was to be removed or at the latest by 31st March 2004. However, the planting did not take place as consent had to be obtained from SCC as Highway Authority who own the land. Due to the delay a further application was submitted and again temporary permission was granted. This required the fence to be removed by 31st May 2007. Agreement was finally reached with the Highway Authority that planting could be carried out but the plants then had to be agreed by both Highways and Taunton Deane. By this time the planning permission had expired although the planting was implemented as agreed. The fence remains in situ but is being gradually concealed by the growth of the plants. During this period the applicant applied for a change of use of some of the adjoining agricultural land to be incorporated into the domestic curtilage and erection of pony stable and associated storage building. Approval was granted on 26th January 2007 and implemented shortly after approval. However, a small glass house and timber building was positioned on the agricultural land which is being used in conjunction with the growing of vegetables on this land. Complaints have been received regarding the fence and structures within the agricultural land. It has not been possible to resolve the situation so the matter is now brought to Members seeking their views.

7. Reasons for Not Taking Enforcement Action

It is considered that the fence, although unauthorised will be completely concealed once the plants have established. With regard to the structures within the agricultural field it is considered that they are ancillary to the use of the land and in the event of an application being submitted would be granted approval. Therefore it would not be expedient to take further action on either of these matters.

8. Recommendation

Members resolve not to take any further action over the above breaches of Planning Control.

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

CONTACT OFFICER:

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