

Planning Committee –19 NOVEMBER 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E152/31/2008
2. **Location of Site** Barrow Corner, Lower Henlade
3. **Names of Owners** Mr & Mrs M Groves
4. **Name of Occupiers** Mr & Mrs M Groves
5. **Nature of Contravention**

The erection of a retaining wall over 1meter in height adjacent to the highway.

6. **Planning History**

The construction of a wall was first brought to the Councils attention in June 2008. A site visit was made and contact was made with the builder who was unaware that Planning permission was required. Discussions took place and it was agreed that the builder would submit a retrospective application for consideration to retain the wall. A telephone call was made to the builder at the beginning of July reminding him about the application and he advised that he just needed to complete the forms and they would be submitted. On the 16th July a letter was sent to the builder because the application had not been received and a copy of the letter was also sent to the owner. The owner was unhappy that the builder had not submitted the application, but was unaware that Planning permission was required. Prior to works commencing the owner had made enquires from the Highways department who visited the site and a local councillor and was advised everything was in order and no further permission were required. Once the owner was aware that Planning permission was required he submitted a Planning application at the end of July for the retention of the boundary wall but this was subsequently refused on 23rd September 2008 under delegated powers.

7. Reasons for Taking Action

The wall due to its scale and design, constitutes an undesirable intrusion into the rural area, to the detriment of the visual amenities of the locality. As such, the wall is considered contrary to Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). Also the erection of the wall will reduce the adequate visibility for vehicles turning right from the residential access and turning left at the T-junction, therefore it is prejudicial to road safety. The proposal is contrary to Taunton Deane Local Plan Policy S1 (General Requirements).

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the full removal of the unauthorised wall and reinstate the earth bank and take Prosecution proceedings, subject to satisfactory evidence being obtained that the notice has not been complied with.

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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