

**E/0242/30/15**

**ALLEGED UNAUTHORISED WORKS WITHIN THE CURTILAGE OF A LISTED BUILDING TO THE REAR OF THE LAMB AND FLAG INN, BLAGDON HILL**

**OCCUPIER:**

**OWNER:** PEGGE HOLDINGS LTD  
12A THE VILLAGE WALK, ONCHAN, ISLE OF MAN  
IM3 4EB

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**Purpose of Report**

To consider if it is expedient to take enforcement action in relation to the unauthorised removal of a historic wall.

**Recommendation**

The Solicitor of the Council be authorised to serve a Listed Building Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Listed Building Enforcement Notice shall require:

- a) Reinstatement of the wall using the original stone material or if sufficient original stone is not available stone of same type.
- b) The wall shall be reconstructed in the same style (including coursing, pointing and mortar) as the rest of the wall.
- c) Remove the new post and metal fencing erected in the car park between Curdleigh Lane and the stone wall.

Time for compliance:

With regards to a) above 3 months from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

With regards to c) above 3 months from the date on which the notice takes effect.

**Relevant planning history**

30/16/0004/LB - Removal and relocation of section of wall to allow for access to the rear of The Lamb and Flag, Blagdon Hill (retention of part works undertaken).  
REFUSED

30/15/0058 - Outline application for the erection of a detached dwelling in the garden of The Lamb and Flag Inn, Blagdon Hill Road, Blagdon Hill. REFUSED

## **Development Plan Policies**

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.

CP8 – CP 8 ENVIRONMENT,

DM1 – TD CORE STRATEGY – GENERAL REQUIREMENTS

NATIONAL PLANNING POLICY FRAMEWORK - PARA 207 – ENFORCEMENT

## **Determining issues and considerations**

The site forms part of a garden and car park to the existing public house, a grade II listed building. The walls are approximately 2m high of natural stone. Part of the boundary wall to the car park is in a state of disrepair. A section of garden boundary wall has been removed without consent.

A complaint was received regarding works that were being carried out in the rear garden of the Lamb and Flag Public House in November 2015. Following an investigation of the works it was established that the rear garden and part of the car park of the site had been sold off to a separate land owner. A gap of approximately one metre had been created in the wall. Furthermore a wooden fence had been erected in the rear garden to separate the site from the main building and a fence had been erected in the car park of the site. The owner stated that the hole had been created to allow them access into the site.

A Listed Building application for retention of the works was submitted and subsequently refused in early March 2016. An outline planning application for a dwelling on the site was also refused in early March 2016.

The wooden fence in the rear garden has subsequently been removed, however the fencing in the car park and the gap in the stone wall remain.

The main issue here is the loss of historic fabric and the impact on the character of the listed building.

The wall has been removed to allow the formation of an access to a building plot that has been refused planning permission and constitutes part of the historic curtilage of the public house which is grade II listed. The wall is recognised by the Conservation Officer as being of particular importance to the setting and character of the listed building. It is therefore recommended that formal enforcement proceedings should be instigated.

**In preparing this report the Enforcement Officer has considered fully the**

## **Implications and requirements of the Human Rights Act 1998**

**PLANNING OFFICER:** Mr M Bale  
**PLANNING ENFORCEMENT OFFICER:** Christopher Horan

**CONTACT OFFICER:** Christopher Horan, Telephone 01823 356466