

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0322/24/10

HIGH SPIKED FENCE ERECTED IN FIELD ADJACENT TO BROAD LANE, NORTH CURRY

OCCUPIER:

OWNER: MRS C RUNDLE
HONEYPOT HILL COTTAGE, THORNE LANE, THORNFALCON
TAUNTON
TA3 5NH

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the reduction of the metal spiked gates and fence to 1m high.

RECOMMENDATION

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

The Enforcement Notice shall require:

- The reduction of the fence and gates to 1m in height measured from the adjacent ground level.

Time for compliance - 6 weeks from the date the notice takes effect.

SITE DESCRIPTION

Broad Lane is off Stoke Road which is the road leading from North Curry to Stoke St Gregory. The site is approx 115m from the junction of Broad Lane and Stoke Road. The access is in the southern corner of the field in a slightly elevated position from the road. The access has been surfaced with hard core which leads into the field serving a range of timber buildings used to rear Alpacas.

BACKGROUND

A complaint was received in October 2010 that the existing field gate was replaced with galvanized steel high gates and similar fencing each side of the gates. The gates and fencing have spiked tops and are left in the natural galvanized colour. The owner was informed that the gates and fencing required permission but argued that they were necessary for security purposes. No valid planning application has been submitted.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The gates and fencing across the access are approx 1.8m high. It is considered that

the gates are positioned adjacent to the highway and as such are only permitted up to 1m in height. Under The Town and Country Planning (General Permitted Development) Order 1995 as amended Part 2 Minor Operations state that Planning permission is required if the height of any gate fence wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would exceed 1m above ground level.

In order to comply with Part 2 above the gates and fencing should be reduced to 1m.

RELEVANT PLANNING HISTORY

Planning permission granted under application 24/05/0017 for the formation of a field access and new field gate.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Taunton Deane Local Plan 2004

EN12 – Landscape Character Areas
S1(D) – General Requirements
S2(A) – Design

Emerging Core Strategy

DM1 (d) – General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The main issue in respect to this impact is the adverse visual impact of the proposal. The site is located in a very rural area and is within the North Curry Landscape Character Area. As such the proposal must be considered in line with Policy EN12 of Taunton Deane Local Plan which states;

"Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas."

The gates, due to their height and design, represent an incongruous intrusion into the rural area. The gates are typical of what may be found on an industrial area within a town. They are not characteristic of the rural area and there is no justification for their design, which has a significant adverse impact upon the surrounding area. Many agricultural and equestrian businesses have a high value of stock on their sites yet they do not have industrial style fencing and gates. There are ways to secure the premises without such an visual intrusion into the area. The fence abuts a hedge which surrounds the field. The fence could be replaced with a similar hedge, which, when established, would provide as much security as the existing boundary hedge.

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

PLANNING OFFICER: Ms F Wadsley
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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