

30/2006/050

MR & MRS D PERRATT AND MR & MRS J KELLY

**RETENTION OF USE OF LAND AS GARDEN TO REAR OF FLINTSTONES AND GLENGARRY, BLAGDON HILL (AMENDED DESCRIPTION)**

321072/118047

RETENTION OF BUILDINGS/WORKS ETC.

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**PROPOSAL**

The proposal is to retain an area of land to the rear of two existing properties, formerly paddock, as grassed garden area, together with landscape planting to the boundary with the Area of Outstanding Natural Beauty. This is a resubmission following the Committee's consideration of a similar proposal in November 2006 which was refused due to the siting of garden sheds.

**CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER subject to details of landscaping it should be possible to integrate the proposals into the local landscape (EN12). POLICY UNIT the proposal is described as retention of a use (as domestic garden). However there is no record of planning consent for the change of use from agricultural land so the use as garden is unauthorised. Therefore the proposal is retrospective for this change of use, which would extend the gardens of each of the two dwellings Flintstones and Glengarry, onto land lying outside the settlement limits of Blagdon Hill as defined in the adopted Taunton Deane Local Plan. The extended gardens would adjoin the Blackdowns AONB. The existing sheds harm the setting and character of the area. Conditions should therefore be imposed to relocate the sheds to the original curtilages of the houses and permitted development rights removed. Any development on the extended garden would adversely affect the landscape setting of the village adjoining the AONB, contrary to policies S1, S7 and EN10 of the Local Plan. Therefore while the proposal includes hedgerow planting which would help screen such structures, permitted development rights should be removed as an additional safeguard. Subject to the addition of conditions to remove permitted development rights and relocate the sheds to existing curtilages, the Forward Planning Unit has no objection to the proposal.

PARISH COUNCIL the site lies on the slopes of the Blackdowns escarpment and can be viewed from many directions. It has been suggested by the Planning Authority that subject to planting condition and restriction of no buildings without permission use of the area as garden outside the AONB may be acceptable. The Parish Council objects for the following reasons: Once granted changes would gradually take place to alter the native setting. You only have to view the area east of Blagdon Hill village where gardens granted planning with conditions of no buildings now have swings, slides, greenhouses etc. Council lose control once granted. A new owner of either of the properties would not be aware of any conditions. A similar piece of land in Pitminster has been subject to a gradual change of use but has been resisted. If granted it will send a signal to that owner and refusal would be difficult.

Retention will set an undesirable precedent and will be likely to encourage similar proposals for other land in the vicinity which might be difficult to resist and the cumulative affect would further detract from the character and appearance of the AONB. The development would constitute an undesirable extension of residential development beyond the recognised limits of existing settlement, and this has had a detrimental impact on the character and appearance of the open countryside and on the setting of the adjoining AONB. This is contrary to Taunton Deane Local Plan policies S1, and EN10 and Somerset and Exmoor National Park Joint Structure Plan Review policies 3 and STR6. If allowed it would send a strong signal to this Parish and other communities that carrying out development that has been refused and applying for retention will reverse the decision. This would have the effect of degrading the planning system. The applicants were aware when purchasing their dwellings that an application had been made and refused for change of use from agricultural land to residential land.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 – General Requirements, S7 – Outside Settlement Limits, EN9 – Tree Planting, EN10 – Areas of Outstanding Natural Beauty, EN12 – Landscape Character Areas.

## **ASSESSMENT**

The proposal is to retain an area of land as garden to the rear of two new properties granted permission in 2004. Previous permission for change of use of the land was refused in 2005 on the basis of detrimental impact on the appearance of the countryside and AONB and precedent. Permission for the use and timber sheds was also refused last November with enforcement authorised against the sheds.

The current application is for the retention of the garden use only and proposes additional native landscape planting to the boundaries to provide a natural buffer between the site and the AONB. The current site lies outside the AONB but also outside the village settlement limit. The proposed planting would secure a native planting boundary to the site and it is not considered that the proposal would cause harm to the character of the rural area or the adjacent Area of Outstanding Natural Beauty and it is considered in line with Policies EN10 and EN12 of the Local Plan. The Landscape Officer considers the landscape impact acceptable.

The area of land concerned is adjacent to a paddock area which lies outside the settlement boundary but also outside the AONB. It is the only area of land with this status on the western side of the village and the applicants are willing to accept a condition preventing further built development on this land. This would protect the character of the area and the proposal is not considered to cause any harm despite the objection from the Parish Council and the proposal is not considered contrary to policies of the Development Plan. Concern has been raised over the paddock land to the south. However this is in separate ownership and lies outside the village boundary whereby any form of built development will require planning permission. The approval of the current application is therefore not seen as a precedent for allowing future built development in this location.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of landscape planting and removal of rights for further buildings or enclosures on the land. Note re enforcement action.

**REASON(S) FOR RECOMMENDATION:-** The proposal is not considered to adversely harm the setting of the village, the AONB or the amenity of neighbours and is considered to comply with Taunton Deane Local Plan Policies S1, EN10 and EN12 and material considerations do not indicate otherwise.

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

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