

## Planning Committee – 19 November 2008

### Report of the Development Manager

#### Enforcement Item

##### Parish:

1. **File/Complaint Number** 0258/43/08
2. **Location of Site** Millstream Gardens, Wellington
3. **Names of Owners** Mr and Mrs Spurway, The Orchard, Hamfield, Tonedale, WELLINGTON TA21 0AD
4. **Name of Occupiers** Mr and Mrs Spurway
5. **Nature of Contravention**  
Fence erected adjacent to highway

##### 6. **Planning History**

A complaint was received on 30th September 2008 stating that gates had been erected at the entrance to The Orchard and posts were provided across the entrance to the lane which runs to the side of the property. The owners were contacted and informed that a planning application was required for the gates as they were over 1m in height adjacent to the highway. A further visit was made on 17th October 2008 when it was noticed that the fencing had been provided across the lane. The situation was discussed at length with Mrs Spurway and her contractor. Mrs Spurway stated that the new gates replaced existing gates that had become rotten. The new gates are of a slightly different design and height of those they replace. The fence across the entrance of the lane was erected to prevent it being used as a short cut. This access way is not a public right of way but has been allowed to be used for many years by Mr and Mrs Spurway as a short cut. However, a gate has been provided within the fence to allow access if required. As stated the works require planning permission but in principle the provision of a fence and gates of this design in this location would be acceptable. Mr and Mrs Spurway have declined to submit a planning application.

7.

It is considered that due to the design, scale and materials used for the fence and gates an application, if submitted is likely to be approved. In view of this Government guidance suggests it would not be expedient to take enforcement action over development that is acceptable to the Local Planning Authority.

8. **Recommendation**

No further action be taken

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

**CONTACT OFFICER: Mrs J Hardy 01823 356466**