

E/0154/24/12

ALLEGED UNTIDY SITE AT 12 TOWN CLOSE, NORTH CURRY

OCCUPIER:

OWNER: MR HUNT
12 TOWN CLOSE, NORTH CURRY, TAUNTON
TA3 6LZ

PURPOSE OF REPORT

To consider whether it is expedient to serve a notice under Section 215 of the Town and Country Planning Act 1990 requiring the rear garden of 12 Town Close, North Curry Taunton to be cleared of items as listed below considered to cause injury to the visual amenities.

RECOMMENDATION

It is considered that the amount of items stored on the land does not constitute injury to the visual amenities of the neighbouring property and as such the service of a notice under s215 would not be expedient.

SITE DESCRIPTION

12 Town Close, North Curry is a small development built by the Local Authority. It comprises mainly of semi and terraced properties fronting onto a small cul de sac accessed from Windmill Hill. The properties have front and rear gardens some with parking. Two other parking areas are provided within the development. Many of the properties are now owner occupied, Number 12 being one. The slightly unusual rear garden configuration of number 12 has lead to the situation being more noticeable by more properties than would normally be the case. This is due to the garden wrapping around the neighbours garden and being adjacent to the rear garden of No 5 Chapel Close, a relatively new development.

BACKGROUND

Complaints have been received about possible unauthorised activities at the property as far back as 2007. The owner started to construct a building in the garden to store some of the items and enquired how big the building could be without the need for planning permission. The building proposed was within the size criteria at the time so was 'permitted development'. In 2012 a complaint was received that the rear garden was very untidy and was affecting the neighbouring properties. A visit was made some time later where it was found that although the rear garden contained many items it appeared tidier than on previous visits. The owner showed me the area adjacent to Chapel Close and insisted that everything stored had a use. He still intends to complete the construction of the building which he originally enquired about. A subsequent visit was made to the neighbouring property to assess the impact of the items stored in the rear garden on that property. The owner confirmed that although noticeable above the fence they did not have a problem with the condition of the garden. I was shown the view of the garden from the upstairs windows of No 11. I took a photo which shows the way the garden of 12 Town Close surrounds the garden of number 11 and the open fields beyond.

DESCRIPTION OF BREACH OF PLANNING CONTROL

It would appear that the garden has never been used for any other purpose than for domestic use. All the items stored are considered to be in connection with the domestic use of the property. Therefore no enforcement action can be taken for a change of use.

If it appears to the Local Planning Authority that the amenity of part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under section 215 of the Town and Country Planning Act 1990.

Various factors have to be taken into account when assessing if a Section 215 notice is appropriate.

- Does the condition of the land affect members of the public
- Is the land viewed from a public vantage point.
- Is the way items stored on the land for private use have an affect on the quality of the neighbours amenities.

One also has to take into account that not everyone keeps their property in a tidy condition and therefore peoples perception of what is tidy and what is not is vastly different.

There are a number of items stored that could be positioned less obtrusively but the owner knows what he has on the land and can readily access the items required. There is a degree of order in the dis - order.

If the land was tidied the appearance may still have an affect on the neighbouring properties due to their close proximity and overlooking.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

DETERMINING ISSUES AND CONSIDERATIONS

The main issue for consideration is the impact on amenity of the area and on the public. The rear garden is 'L'-shaped and abuts 3 adjacent properties. The back of the garden that is fenced is also visible from two public rights of way, one to the north and one to the south.

There are two large timber posts and a bracing timber with tarpaulin over within the garden that are visible from a distance from the public rights of way. The impact of this is not considered harmful to the amenity of the area in general, given its location within a private garden. The storage of domestic items within a private rear garden is not visible from public vantage points and is only visible from individual private locations. The majority of the garden storage is obscured from adjacent gardens by fencing and views are only possible from first floor windows. The impact of these very limited views is not considered sufficient an impact to significantly harm amenity.

In view of the limited amenity impact and impact on the public it is not considered expedient to take further action and serve a Section 215 notice in this instance.

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

PLANNING OFFICER: Mr G Clifford

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