

E/0016/42/13

UNAUTHORISED USE OF ANNEXE AT COMEYTROWE MANOR WEST, LIPE HILL LANE, COMEYTROWE

OCCUPIER:

OWNER: MR S HARRIS
COMEYTROWE MANOR WEST, LIPE HILL LANE,
COMEYTROWE
TAUNTON
TA4 1EF

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to cease the use of renting "Bakers Cottage" as a separate unit of accommodation.

RECOMMENDATION

The Council's Solicitor be authorised to serve a Planning Enforcement Notice, and take prosecution action should the notice not be complied with, to cease the use of renting "Bakers Cottage" as a separate unit of accommodation

Time for compliance: 6 months of the date the notice comes into effect.

SITE DESCRIPTION

Bakers Cottage is a large linear building sited to the west of Comeytrove Manor West. Comeytrove Manor was divided in the 1990's to East and West and are now two semi detached properties which are Grade II Listed. Bakers Cottage is within the curtilage of Comeytrove Manor West and is accessed via Comeytrove Lane, sharing an access with the Comeytrove Manor Industrial Estate, which abuts the property to the west.

BACKGROUND

The complaint was first brought to the Councils attention in January 2013. Contact was made with the owner and a Planning Contravention Notice was served. This was completed and returned and revealed that "Bakers Cottage" was being occupied by non family members and not as an annexe to the main dwelling.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Without planning permission the use of Bakers Cottage can only be as an annexe to Comeytrove Manor West and used as ancillary accommodation with that property. From the information supplied by the owner, Bakers Cottage is currently being occupied and rented out to non family members. Previously it had been occupied by the owners grandmother and therefore complied with the requirements of the Planning Acts as an annexe.

RELEVANT PLANNING HISTORY

There have been two Listed Building applications for "Bakers Cottage".

42/99/0026LB - Internal Repairs to Walls and Installation of New Windows and Replacement Windows at Bakers Cottage, Comeytrowe Manor West, Comeytrowe Lane, Taunton. Conditionally Approved 28 October 1999.

42/11/0026LB - Insertion of additional Window on Ground Floor East elevation at Comeytrowe Manor West, Comeytrowe Lane, Taunton. Conditionally Approved 13 September 2011.

There has been a recent application for Planning Permission for the erection of a detached garage at Comeytrowe Manor West, Comeytrowe Lane, Trull under application No 42/11/0027 which was conditionally approved on the 12 September 2011.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

NPPF – paragraph 207

Taunton Deane Local Core Strategy 2011-2028

CP8 – Environment

DM1 – General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The two storey outbuilding lies approximately 7.5m to the west of the former Manor House. It has been in use for a number of years in connection with the residential use of the main building as an annexe. It faces out towards an industrial site and backs onto the courtyard area of the Comeytrowe West Manor and only has an amenity space to the rear shared with the main house. The relationship between the two structures is a close one with overlooking of the private courtyard between the buildings and the use of the annexe building as a separate dwelling is not considered appropriate due to the privacy and amenity issues that result from this closeness. Also as a separate dwelling there would undoubtedly be a requirement to separately define the curtilage with associated fencing or walling. This would detract from the setting of the listed building, although it would be controlled under the Part 2 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995. Planning permission would be required for use of the outbuilding as a separate dwelling and this would not be considered acceptable for the reasons outlined above.

In light of the above considerations, and without evidence to show the building has been let separately for 4 years or more, a use of the building as a separate dwelling is not considered acceptable given the character of the listed property and its historic relationship and enforcement action to prevent subdivision is considered appropriate.

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

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479