

# **Taunton Deane Borough Council**

## **Planning Committee – 21 April 2010**

### **Enforcement item**

#### **1. File/Complainant Number E/0083/08/10**

#### **2. Location of Site**

MAIDENBROOK FARMHOUSE, TUDOR PARK, TAUNTON

#### **3. Names of Owners**

MR M MEIN  
MAIDENBROOK FARMHOUSE  
TUDOR PARK  
PRIORSWOOD  
TAUNTON  
TA2 8TD

#### **4. Names of Occupiers**

MR M MEIN

#### **5. Nature of Contravention**

**ERECTION OF FENCE ON LAND TO REAR OF MAIDENBROOK FARMHOUSE,  
TUDOR PARK, TAUNTON**

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

Planning permission and Listed Building Consent were granted in 2002 for the conversion of Maidenbrook Farmhouse into two dwellings - Maidenbrook Farmhouse (northern dwelling) and Mill Leat (southern dwelling). The permission allowed the domestic curtilage of the farmhouse to be split between the two new units. When the conversion works were completed the site owner sold the units with a significantly reduced domestic curtilage to that associated with the planning and listed building permissions. In 2005 a planning application was submitted for the erection of a dwelling on the former garden land to the rear of the new units. Planning permission was subsequently refused by committee at which time enforcement action was authorised to secure the removal of the fencing around the reduced garden area.

The applicant lodged an Appeal against both the refusal of Planning permission for the new dwelling and against the Enforcement Notice for the removal of the unauthorised fence. During the Appeal process for the new dwelling, the Enforcement Appeal in respect of the unauthorised fence was held in abeyance, at the request of the appellant. When the Appeal for the new dwelling was dismissed, the appellant withdrew the appeal in respect of the unauthorised fence.

The owner of Mill Leat has since purchased the rear area of garden to extend the domestic curtilage to that shown on the original planning permission. The owner of Maidenbrook Farmhouse has however declined to purchase the area of land to the rear of his existing curtilage. As such the site developer now proposes to sell the aforementioned portion of garden land to the occupier of one of the new houses to the west.

In March 2010 it was brought to the attention of the Council that the fencing around Maidenbrook Farmhouse had been altered. The unauthorised western boundary fence, (close boarded fencing) had been re sited approximately 2mtrs. In addition, a new fence, (comprising posts and black plastic netting) had been erected along the northern boundary. The owner of Maidenbrook Farmhouse has been advised that both of the aforementioned fences require Planning permission and advised that they are considered to be a) too close to the Listed Building and as such have a detrimental impact on the setting of the Listed Building and b) consists of inappropriate materials and design which further compound the detrimental affect on the character and setting of the Listed Building.

The owner has declined to submit retrospective applications.

## **7. Reasons for Taking Action**

The fencing by reason of location, materials and design is considered detrimental to the character and setting of the Listed Farmhouse, contrary to Taunton Deane Local Plan Policies S1(D), S2(A) and H2(F), Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and guidance as contained in PPS5.

## **8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the removal of the fencing and to take Prosecution action subject to satisfactory evidence being obtained that the Notice has not been complied with.

**Contact Officer Mr John A W Hardy Tel 356466**