

**APPEAL DECISION FOR COMMITTEE AGENDA – 20 MARCH 2013**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/12/2185875	<p>OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE, AND FORMATION OF VEHICULAR ACCESS TO THE REAR OF 24 COMEYTROWE LANE, TAUNTON</p>	<p>The proposed development represents an undesirable form of backland development which, due to its siting and means of access from an un-metalled service road and no frontage to the public realm is at odds with the prevailing development pattern and character of the area.</p> <p>The development is proposed to be accessed by a private track from the public highway that does not have sufficient width to accommodate two-way vehicular movements. There is, therefore, likely to be a conflict of vehicle movements on the track to the inconvenience of all users of that private way,</p>	52/12/0006	<p>The Inspector considered there were two main issues to this appeal: the effect of the proposed development on the character of the area and the implications of the proposed development for users of the track and footpath.</p> <p>He considered the development does not unacceptably harm either the street scene, because it would be inconspicuous, or the settlement. On the first issue, the inspector concluded the proposed development would not unacceptably harm the character of the area and, as such, found no conflict with CS Policies DM1 or DM4, or advice in the NPPF.</p> <p>On the second main issue, the Inspector concluded the proposed development would have no adverse implications for users of the track and footpath. As such he</p>

				<p>found no conflict with criterion b) of CS Policy DM1.</p> <p>Having regard to these and all other matters raised the Inspector ALLOWED the appeal subject to the identified conditions</p>
<p>APP/D3315/C/12/218256 6 &amp; 2182567</p>	<p>STRUCTURE ERECTED TO ACCOMMODATE A LARGE CARNIVAL FLOAT AT CROSSWAYS, CURLAND, TAUNTON</p>	<p>It appears to the Council that the above breach of planning control has occurred within:-</p> <p>(a) the last four years in respect of the erection of the structure; and</p> <p>(b) within the last 10 years in respect of the change of use of the Land for the stationing and construction of a carnival float.</p> <p>a) With regard to the unauthorised structure, it is located directly adjacent to the boundary of the neighbouring property and is considered to be detrimental to the visual amenity of the neighbour.</p> <p>b) With regard to the unauthorised change of use, the</p>	<p>E/0337/33/11</p>	<p>The Inspector did not consider that the appellants' claim that the structure was used for agricultural purposes was acceptable since the items could be stored just as conveniently in a nearby agricultural workshop and storage building and the bales of hay in the large barn for storing hay. It was evident that the main purpose of the structure was to provide cover for the carnival float. Further, the Inspector was satisfied from the evidence that the storage of a carnival float on agricultural land and the pattern of construction work carried out on it amounts to a material change of the use of the land and a breach of planning control.</p> <p>From the evidence the Inspector concluded it was not too late for the Council to take enforcement action to require the appeal</p>

		<p>stationing and construction of a carnival float is a non agricultural function located within a farmyard complex and is not ancillary to the existing agricultural use. Work carried out in connection with the construction of the carnival float has been carried out in the evenings and on occasions has not ceased until 23:00/23:30 hrs. The noise arising from the construction causes a disturbance to nearby residents and to horses stabled in the adjacent neighbouring property.</p> <p>The unauthorised development and unauthorised change of use is considered to be contrary to policies S1(D) &amp; (E) (General Requirements) and S2(A) (Design) of the Taunton Deane Local Plan; and policy DM1 (General Requirements) of the Taunton Deane Core Strategy 2011-2028; and guidance contained in the National Planning Policy Framework.</p>		<p>structure's removal and the injury to amenity could not be remedied by lesser steps than those required by the notice.</p> <p>The enforcement notice is corrected by inserting in allegation b), after the words 'agricultural use to use for' the words "agricultural and". Subject to this correction the appeals are DISMISSED and the enforcement notice is upheld.</p>
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