

Planning Committee – 21 November, 2007

Report of the Development Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E193/38/2007
2. **Location of Site** Eagle Tavern, South Street, Taunton.
3. **Names of Owners** The Landlord
4. **Names of Occupiers** The Landlord

5. **Nature of Contravention**

Smoking shelter erected to front of property together with a fence erected adjacent to the highway over 1 m high.

6. **Planning History**

The matter was brought to the Council's attention on 10 July, 2007. This was soon after the smoking ban came into effect. A site visit was made and the landlord was contacted and informed that a planning application was required for both the smoking shelter and the fence. Public houses do not enjoy permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 therefore any form of development requires planning permission. The landlord has been contacted in August and again in November but no application has been forthcoming and the structure is still in place.

7. **Reasons for taking Action**

The structure requires permission under the Town and Country Planning Act 1990 and the fence is over 1 m high adjacent to the highway and is not therefore in accordance with Schedule 2 Part 2 Class A Minor Operations of the General Permitted Development Order 1995. It is considered that the fence, by reason of its siting, height and design constitutes an intrusive feature within the street scene to the detriment of the visual amenities of the area. As it is sited on the back edge of the pavement there is no opportunity to provide planting to soften the overall impact in the street scene. Therefore it is contrary to the Taunton Deane Local Plan Policies S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution proceedings, subject to satisfactory evidence that the notice has not been complied with.

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

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