

Taunton Deane Borough Council

Planning Committee - 8th February 2012

E/0006/05/12

**PLOTS 41 AND 54 NOT BUILT IN ACCORDANCE WITH PLANNING APPROVAL
AT BISHOPS HULL RESIDENTIAL DEVELOPMENT, BISHOPS HULL, TAUNTON**

OCCUPIER: PERSIMMON HOMES (SW) LTD

**OWNER: PERSIMMON HOMES (SW) LTD BISHOPS HULL
RESIDENTIAL DEVELOPMENT**

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action following the unauthorised changes to the approved materials on plots 41 and 54, Kinglake, Bishops Hull.

AND

To consider whether it is expedient to take prosecution action should the existing enforcement notice on Plots 1 and 3 not be complied with.

RECOMMENDATION

The Solicitor of the Council be authorised to serve an Enforcement Notice and to take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice Shall require:

- In respect of Plot 41 remove the half timbered/herringbone brick finish to the front of the dwelling and replace with the red brick finish approved pursuant to 05/11/0016 and
- In respect of Plot 54 remove the tile hanging to the front of the dwelling and replace with the red brick finish approved pursuant to 05/11/0016

Compliance time – Two months from the date on which the Notice takes effect.

AND

The Solicitor of the Council be authorised to take Prosecution action should the Enforcement Notice served on 8th August 2011, in respect of Plot 1 and 3, not be complied with.

SITE DESCRIPTION

The site lies on the western side of Bishops Hull village and is bounded by residential development to the north and south and Bishops Hull Road and housing to the east with fields to the west.

BACKGROUND

05/07/0057 - Outline permission was approved subject to a Section 106 legal agreement in May 2010. The access into the site from Bishops Hull Road was not a reserved matter and was approved as part of the outline.

05/10/0014 - Reserved matters was approved by Members in February 2011 and was for the erection of 171 dwellings and included details of the materials for the plots.

05/11/0016 - A revision to the materials for Phase 1 was considered by Members in May 2011 and was approved following deletion of plots with half-hips, half timber and tile hanging.

05/11/0026 - Planning permission was refused on 25th July 2011 for a further revision to the materials on 7 plots to include:

- Plots 1, 20, 24 and 54 - Rustic red hanging tiles with rustic red roof
- Plots 3,13 and 41 – Half timber/herringbone detailing with slate roof

When this application was considered by the Planning Committee, both plots 1 and 3 had been constructed as proposed in the application and not in accordance with the approved plans pursuant to 05/11/0016.

Therefore Members also resolved to serve an Enforcement Notice with regard to Plots 1 and 3 requiring both plots to be finished in accordance with the approved plans. An Enforcement Notice was served on 8th August 2011 with a two month compliance time.

Appeals were submitted against both the decision to refuse planning permission and the Enforcement Notice which were considered together by the Planning Inspectorate. Both appeals were dismissed on 23rd December 2011.

The Enforcement Notice on Plots 1 and 3 has now come into effect with a two month compliance time expiring on 23rd February 2012.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Plot 41 has been constructed with a facing brick ground floor and part half timbered first floor. Plot 54 has been constructed with facing brick ground floor with part tile hung first floor. This is not in accordance with the approved plans and materials and is not permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

RELEVANT PLANNING POLICIES

National Planning Guidance

PPS1 – Delivering Sustainable Development,
PPS 1 SUPP – Planning and Climate Change,
PPS3 – Housing,
PPG18 – Enforcing Planning Control

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development,

Taunton Deane Local Plan

S1 - General Requirements,
S2 - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The issue is one of design and the appeal Inspector considered it important that new housing on the estate reflects local distinctiveness and harmonises with existing residential development at Bishops Hull. The tile hanging and half timbered designed properties are not regarded as a characteristic feature of the vernacular architecture of the village. The half timber and tile hung properties would not add to local distinctiveness and would detract from the cohesive identifiable character of the permitted scheme recognised by the Planning Inspector and so would be contrary to policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy S2(A) of the Taunton Deane Local Plan.

In order to ensure reinstatement of the approved red brick finish to the 4 properties concerned it is considered necessary to recommend enforcement action for the two plots not yet authorised and for prosecution action should the reinstatement work not be carried out as required by the enforcement notices.

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

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