

Taunton Deane Borough Council

Planning Committee – 18 April 2012

E/0080/38/11

AREA CREATED FOR CAR PARKING TO REAR / SIDE OF HAVELOCK COTTAGE, 49 KINGSTON ROAD, TAUNTON

OCCUPIER:

OWNER: MRS BOLISTON
HAVELOCK COTTAGE, 49 KINGSTON ROAD, TAUNTON
TA2 7SL

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice for the unauthorised change of use of land at the above address.

RECOMMENDATION

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

The Enforcement Notice shall require:

- The cessation of the use of the land for a parking of any vehicle.

Time for compliance - 6 weeks from the date the notice takes effect.

SITE DESCRIPTION

The area of land in question is to the rear of Havelock Cottage and close to the junction of Greenway Road and Kingston Road. Kingston Road leads away from Taunton Town Centre to the North of the river.

BACKGROUND

The complaint was first brought to the Council's attention in March 2011. Contact was made with the owner who denied that the area of land was being refurbished to park vehicles. This area of land had been purchased by the present owner of the cottage from Somerset County Council and the use of the land was previously public open space. The present owner cleared the land, paved it and it is now used for the parking of a motor vehicle.

Letters have been sent to the owners, the most recent being hand delivered in October 2011, clearly stating that Planning permission would be required for the land if it was used for the parking of vehicles. The owner has not made contact with the office following this letter and no valid planning application has been submitted

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The formation of an area for parking vehicles constitutes a change of use of the land from public open space (sui generis) to domestic (C3) under The Town and Country Planning (Use Classes) Order 1987.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Somerset and Exmoor National Park Joint Structure Plan Review

Policy 49 – Transport Requirements of New Development

Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

DETERMINING ISSUES AND CONSIDERATIONS

The issue here is that the area of land has been incorporated into the curtilage of the property concerned. There is not considered to be any objection to the use of this area as garden in connection with the house. Concern has been raised over the parking of a vehicle on this land and the Highway Authority has been consulted.

The Highway Authority have the following concerns:

"The site situated along Kingston Road is a classified unnumbered highway. As such the Highway Authority would require the development to provide separate vehicle parking and turning, it was evident from my site visit that the development cannot provide this. As a result it is likely that excess manoeuvres on the public highway will take place. A vehicle parking and turning area needs to be segregated within land controlled by the applicant, otherwise the proposal will become contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy S1 of the Taunton Deane Local Plan.

The Highway Authority has concerns over the levels of visibility that can be achieved in this location. The created access is located in close proximity to the traffic light junction of Greenway Road and Kingston Road. This section of highway can become heavily trafficked especially at peak periods. There are concerns that the access does not incorporate visibility splays for any vehicle pulling out of this access especially towards the junction.

For the above mentioned reasons it would be likely that the Highway Authority would raise objections to this proposal were it to be subject to a planning application."

If a planning application were submitted for a change of use to domestic curtilage, it is likely that it would be recommended that planning permission be granted for the use, but a specific planning condition would restrict the use to include the parking of a vehicle. Therefore, as the breach of planning control is the change of use to

domestic curtilage, but the harm is caused by the parking of a vehicle on, it is recommended that the Council under-enforce by serving an Enforcement Notice to cease using the land for the parking of a vehicle, but not enforce against the change of use to domestic curtilage.

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

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479