

E/0145/42/11

ACCESS NOT BUILT IN ACCORDANCE WITH APPROVED PLANS AT LOWER KIBBEAR FARM, KIBBEAR, TRULL

OCCUPIER:

OWNER: KIBBEAR FARM PARTNERSHIP
LOWER KIBBEAR FARM, KIBBEAR, TRULL
TAUNTON
TA3 7LN

BACKGROUND

The above Enforcement item was considered by Members at Committee on 29th February 2012. Authorisation was given to serve an Enforcement Notice.

In preparation of the notice evidence has come to the notice of the Local Planning Authority that the entrance, walls and coping stones have been in place for more than four years. The evidence is an invoice from the contactor who carried out the works dated 21st December 2007.

This suggests that the wall has been in existence for more than 4 years thus making it immune from any action by the Local Planning Authority under Section 171B (1) of the Town and Country Planning Act 1990 – which states:

.....where the breach of planning control consists of carrying out without planning permission of building, engineering, mining or other operations, no enforcement action may be taken after the end of a period of four years beginning with the date on which the operations were substantially completed.

Due to the new evidence coming to light it is not possible to take any further action over the unauthorised access and walls.

RECOMMENDATION

No further action be taken

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

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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