

Planning Committee – 16 December 2009

Report of the Growth and Development Manager

Enforcement Item

Parish:

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| 1. | File/Complaint Number | E/0324/46/08 |
| 2. | Location of Site | Orchard Croft, Bussells Farm Lane, West Buckland, Wellington, TA21 9LJ |
| 3. | Names of Owners | Mr Hammond, Orchard Croft, Bussells Farm Lane, West Buckland, Wellington |
| 4. | Name of Occupiers | Mr Hammond |
| 5. | Nature of Contravention | |

New wall and gates at Orchard Croft, Bussells Farm Lane, West Buckland.

6. **Planning History**

The new wall and gates were first brought to the Council's attention in November 2008. A site visit was made in December 2008 and an application was requested.

A response was received by e-mail attaching photos of the old wall and gate. These were shown to the Senior Enforcement Officer and he was of the opinion that Planning Permission was required for the new boundary treatment.

In March 2009 a letter was sent to Mr Hammond chasing the application. A response by e-mail was received stating that advice had been taken and because the wall and gates were within Planning requirements there was no need to submit a Planning application. An e-mail was received in May 2009 from Davis Blackburn advising us that an application was to be submitted. The Planning application was submitted in June 2009 for the wall and was subsequently refused under delegated authority on 31st July 2009. Further investigations were carried out and it was found that the gates were on agricultural land and therefore a separate application was to be submitted to deal with these. The application for the gates was submitted in October 2009 and subsequently refused under delegated authority on 20 November 2009.

7. Reasons for Taking Enforcement Action

The site is within the designated area of the Blackdown Hills Area of Outstanding Natural Beauty where it is the policy of the Local Planning Authority to safeguard the exceptional landscape and wildlife quality of the countryside through the strict control of development. In the opinion of the Local Planning Authority the proposal would constitute a visual intrusion which would be detrimental to both the street scene and wider visual amenities of the Area of Outstanding Natural Beauty, by virtue of the scale, height, massing, colour and materials, and would therefore be contrary to Taunton Deane Local Plan Policies SI (D), S2(A) and ENIO, Somerset and Exmoor National Park Joint Structure Review Plan Policy 3 and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

The proposed wall and gates, if permitted, would result in a substandard level of visibility serving the adjoining agricultural access and would therefore be prejudicial to highway safety. Accordingly, the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. Recommendation

The Solicitor to the Council, be authorised to issue an Enforcement Notice and take Prosecution Action subject to satisfactory evidence being obtained 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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