

38/2007/065

MR & MRS K JEFFRIES

**ERECTION OF TIMBER FENCE ACROSS FOOTPATH AT 36 CRAIG LEA,
TAUNTON**

322250/126341

FULL

PROPOSAL

In association with the residential development of the Bishop fox's school site in Kingston Road, a footpath link was provided between the new development and the Cinder track (a footpath running along the western boundary of the site). In 2002 the owner of the footpath link sought permission to fence across the footpath and change the use of the land from a footpath to garden area. The application was withdrawn prior to its consideration by Planning Committee. In November 2002 Planning Committee authorised enforcement against the owner for the erection of a fence across the footpath. This notice was subsequently complied with but the owner planted a row of tall shrubs across the footpath preventing the use of the footpath. The planting of the shrubs did not, in itself, require planning permission. In order to ensure that the footpath remained open the Council attempted to purchase the land by a Compulsory purchase order. This action failed. In his report the inspector and Secretary of State considered that the re-opening of the link would result in increased anti-social behaviour and crime and that the layout of the footpath did not, in any event accord with good design practice.

This application is for the erection of a timber fence with shrub planting across the footpath between 36 and 37 Craig Lea.

CONSULTATIONS AND REPRESENTATIONS

WARD COUNCILLOR I fully support the erection of a permanent fence.

1 LETTER OF SUPPORT has been received from the adjoining landowner who considers that without a substantial barrier it would be difficult to maintain the closure of the footpath

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, Policy 42 Walking, Policy 43 Cycling.

Taunton Deane Local Plan Policy H2 Housing within Classified Settlements.

ASSESSMENT

The Compulsory Purchase Order inquiry considered the benefits and disbenefits of the provision of the footpath and determined that there was not a compelling need in

the public interest for the compulsory purchase of the land. In addition the inspector considered that whilst the footpath was of benefit to a small number of residents this was not representative of the estate as a whole and that the Kingston Road and Station Road routes into town provided footpaths and cycle routes and were well lit and overlooked by properties fronting onto the street. In comparison the Cinder track was not overlooked and provided ample opportunity for concealment and anti social behaviour.

In view of these considerations, I must conclude that the closure of the footpath link is acceptable in principle. The erection of a 2m high timber fence, to match the existing fencing on either side of the footpath, would be in keeping. Furthermore the proposal is to plant shrubs adjacent to the fence and this will make it visually more in keeping with the existing Cinder track and Craig Lea.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, details of fencing to be agreed on site prior to erection, landscaping scheme.

REASON(S) FOR RECOMMENDATION:- The erection of a fence would be in keeping with the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1, S2 and H2.

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

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NOTES: