

Planning Committee – 21 November, 2007

Report of the Development Manager

Enforcement Item

Parish: Wiveliscombe

1. **File/Complaint Number** E230/49/2007
2. **Location of Site** Candletrees, Maundown, Wiveliscombe.
3. **Names of Owners** Mr T A Ball
4. **Names of Occupiers** Mr T A Ball
5. **Nature of Contravention**

Formation of an additional access driveway to Candletrees over agricultural land.

6. **Planning History**

A complaint was received on 6 August, 2007 that works were being carried out on the agricultural land adjoining Candletrees. The works involved the excavation of soil the laying of hardcore and a surface dressing of tarmac. The owner was contacted on 31 August, 2007 advising that the new access drive would require planning permission as it constituted a change of use from agricultural land to that of domestic. The owner replied on 7 September, 2007 stating that the access had been laid down to overcome the difficulties that large agricultural vehicles experienced when accessing the farm via steep slopes and bends. It also means that there is in effect a two way system to the farm. It was further explained to the owner that although there may be genuine agricultural need for the access the position and surface treatment would suggest that it would mainly serve the dwelling rather than the farm. Also if the works were intended for agriculture, prior to carrying out the development a notification should have been submitted. Now that the works have been completed a planning application will now have to be submitted even if it is to be used for farm traffic. To date no application has been received and the driveway remains on site.

7. **Reasons for taking Action**

It is considered that the formation of this driveway across agricultural land is a visual intrusion and detrimental to the visual amenities of area. Also it may be close to an important County Archaeology site and therefore contrary to Taunton Deane Local Plan Policy EN22.

8. **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.

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

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