

Taunton Deane Borough Council

Planning Committee - 21 March 2012

E/0176/06/10

BALCONY/DECKING AREA ERECTED AT SUNNYDENE, DENE ROAD, BISHOPS LYDEARD, TAUNTON

OCCUPIER: MR H SMALL

OWNER: MR H SMALL
SUNNYDENE, DENE ROAD, BISHOPS LYDEARD,
TAUNTON TA4 3LX

PURPOSE OF REPORT

To consider whether it is expedient to take enforcement action to secure the removal of the balcony/raised decking serving the mobile home.

RECOMMENDATION

That no further action be taken over the unauthorised decking.

SITE DESCRIPTION

The site, located approximately 5km to the west of Taunton, is on the south side of Dene Road. Dene Road is a classified unnumbered road linking the A358 Taunton to Minehead Road to the east, to the B3227 Taunton to Barnstaple Road to the west. The village of Cotford St Luke is located 220 metres west of the site. A public footpath runs, approximately 200 metres to the west of the site, north-south across Dene Road. The West Somerset Railway Line is approximately 300 metres to the east.

The site is in an area of undulating open countryside, within the Low Vale landscape character area. The land slopes down from Dene Road (north to south). There is an established mature hedge along the northern roadside boundary. Access to the site is at the north-west corner, which was a former agricultural access that has been widened and currently serves the owner's three pitches.

BACKGROUND

The development was noticed on 25th June 2010 following a visit to the site by the Enforcement Officer to inspect the compliance with the Landscaping scheme attached to a previous permission. The raised decking area is on the southern side of the mobile home and is approx 600mm above ground level. The side of the structure can be seen from the site entrance and from other vantage points especially from the public footpath.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure is of a conventional type of raised decking approx 600mm above ground level. Being attached to a mobile home the floor level of the dwelling is

already raised hence why the decking is set at such a height. There is a handrail around the perimeter of the raised area at a height of approx 1m above the floor level.

The works constitute development but as mobile homes do not enjoy permitted development rights under the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008, Planning permission is required.

Even if the above did not apply, as the decking area would be in contravention of Class A (i)(i) of the above Order as it is higher than 300mm above ground level.

In view of the above the reduction of the structure to 300mm above ground level would still not overcome the need for Planning permission

RELEVANT PLANNING HISTORY

Planning permission was granted, in 2006, for a stable on the lower part of the field, reference 06/06/0035.

In 2007, retrospective, planning permission was refused, reference 06/07/0064, for the use of land for the stationing of three mobile homes

Permission was subsequently granted in 2008, for the stationing of three mobile homes, reference 06/08/0046.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG 18 -Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 (General Requirements)
S2 (Design)
S7 (Outside Settlement)

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration relates to the visual impact of the unauthorised decking on the visual amenities of the area having regard to its rural setting.

It is considered that the impact of the decking from Dene Road is limited, given its siting and scale, and is not so harmful as to warrant its removal through the enforcement process.

To the South the decking would only be seen from long distance views set against the context of the existing mobile homes. Moreover, a landscaping condition is imposed on the permission for the pitches which would, in time, further mitigate the impact of the development.

As such it is not considered that enforcement action be taken.

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

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