

APPEAL DECISION FOR COMMITTEE AGENDA – 27 FEBRUARY 2013

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/C/12/218227 9/	HIGH SPIKED FENCE ERECTED IN FIELD ADJACENT TO BROAD LANE, NORTH CURRY	<p>It appears to the Council that the above breach of planning control has occurred within the last four years.</p> <p>The fence and gates are approximately 1.8m high measured from ground level where they are sited and are adjacent to a highway. Schedule 2, Part 2, paragraph A.1 (a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provides that Development is not permitted by Class A (<i>"The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure"</i>) if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular</p>	E/0322/24/10	<p>The Inspector was not satisfied that the appellant had discharged the onus upon him to show that the gates and fence in this appeal are not adjacent to a highway used by vehicular traffic. This means of enclosure is in excess of one metre in height, in breach of limitation A.1(a) to Class A of Part 2 of Schedule 2 to the GPDO, and planning permission has not been granted for its erection. As such there has been a breach of planning control and so the ground (c) appeal must fail.</p> <p>Reducing the height of the fence and gates to 1m in height above ground level would remedy the breach of planning control.</p> <p>The ground (f) appeal also fails.</p> <p>Having regard to all other matters raised the Inspector concluded the</p>

		<p>traffic would, after the carrying out of the development, exceed one metre above ground level.</p> <p>The fence and gates are contrary to development plan policies and harmful to the visual amenities of the area. The fence and gates, due to their height and design, represent an incongruous intrusion in to the rural area which is within the North Curry Landscape Character.</p> <p>The fence and gates are typical; of what may be found on an industrial area within a town. They are not characteristic of the rural area and there is no justification for their design.</p> <p>The fence and gates are considered to be contrary to Local Plan Policies S1(D) (General Requirements), S2(A) (Design) and EN12 (Landscape Character Areas), Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy; and guidance contained within</p>		<p>appeal should not succeed and so the enforcement notice should be upheld.</p>
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		<p>the National Planning Policy Framework.,</p> <p>The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.</p>		
APP/D3315/A/12/2183655	Installation of 40 no. photovoltaic solar panels to provide a 10kw installation to the roof of a building at Slough Court, Slough Lane, Stoke St Gregory (retention of works already undertaken)	The development does preserve the setting of the principal listed building and therefore is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework.	36/12/0009	The Inspector considered that overall the scheme causes some very limited harm to the setting of the listed building. No alternative site has been identified and the limited harm is outweighed by the public benefit of cutting greenhouse gas emissions. The development is also reversible. A planning condition limiting permission to the remainder of the development's 25 year 'lifetime' would ensure there was no lasting damage to the distinctive qualities of the former dairy. Furthermore, heritage assets are likely to be adversely affected unless climate change is addressed. The Inspector therefore concluded that the benefit of generating electricity

				from a renewable resource outweighs the very limited harm to the setting of Slough Farmhouse. The scheme accords with the provisions of CS Policy CP1 and therefore SUCCEEDS.
APP/D3315/				