

Planning Committee – 29 September 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 0193/38/07
2. **Location of Site** Eagle Tavern, South Street, TAUNTON
3. **Names of Owners** Mr I Nation and Ms M Barnes
7 Luttrell Close
Taunton TA2 8SA
4. **Name of Occupiers** The Landlord
The Eagle Tavern
South Street
TAUNTON
TA1 3AF
5. **Nature of Contravention** Erection of a Smoking shelter at The Eagle Tavern, South Street TAUNTON
6. **Planning History** A complaint was received in July 2007 that a fence and smoking shelter had been erected at the Eagle Tavern. Both structures required Planning permission and the Landlord was requested to submit an application however, no application was forthcoming. An Enforcement Notice was issued on 4th March 2008 and the fence was removed in compliance with the Notice. The smoking shelter has been altered slightly but is still on site. The Area Planning Manager has visited the site and is of the view that the shelter, although requiring Planning permission, is acceptable and if an application were to be submitted it would be viewed favourably. In view of this it would not be expedient to take further action.
7. **Reasons for Not Taking Enforcement Action**

It is considered that the smoking shelter in its present form is acceptable and would gain approval therefore it complies with Taunton Deane Local Plan Policies S1 and S2
8. **Recommendation**

Members agree not to take any further action over the Smoking Shelter.

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

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