

## Planning Committee – 18 November 2009

### Report of the Growth and Development Manager

#### Enforcement Item

##### Parish:

1. **File/Complaint Number** E/0314/38/09
2. **Location of Site** Eastwick Farm, Eastwick Road, Taunton, TA2 7HY
3. **Names of Owners** Mr C Mitchell  
9 Fore Street  
Williton  
Somerset  
TA4 4PX
4. **Name of Occupiers** Mitchell Architects
5. **Nature of Contravention**

Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton

6. **Planning History**

A Planning application was received in May 2006 for the redevelopment of Eastwick Farm to provide 24 flats with associated parking. This was subsequently approved in August 2006. The development commenced and is now nearing completion. A complaint was received in October 2009 informing the Council that the development appeared to have exceeded the boundary of the site and therefore the approved plans had not been adhered to. Also a 1.8 metre high fence had been erected on an area of land outside the approved site. A site visit was carried out and the owner contacted in October 2009 alerting him to the fact that the works carried out, comprising of car parking spaces and bin storage together with the erection of a timber fence was unauthorised. The bin store has been sited on the land outside of the application site and not in the purpose built building approved under the permitted scheme. Investigations are under way with regards to the ownership of the land, outside of the application site, with our legal division. Currently the development is being marketed through a local estate agent.

**7. Reasons for Taking Enforcement Action**

It is considered that the bin and bike store should be built in accordance with the approved plans under Planning approval 38/06/0198. Cessation of the unauthorised development of land to the east of the site together with the removal of the unauthorised wooden fence and the reinstatement of the land to its original condition including the boundary hedging as approved thereby complying with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4 and Policy S1E

**8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice to ensure compliance with the approved plans and take Prosecution Action subject to obtaining satisfactory evidence 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.**

**CONTACT OFFICER:**

**Mrs A Dunford – Tel: 01823 356479**