

Taunton Deane Borough Council

Planning Committee - 29 FEBRUARY 2012

E/0145/42/11

ACCESS NOT BUILT IN ACCORDANCE WITH APPROVED PLANS AT LOWER KIBBEAR FARM, KIBBEAR, TRULL

OCCUPIER KIBBEAR FARM PARTNERSHIP

OWNER: KIBBEAR FARM PARTNERSHIP
LOWER KIBBEAR FARM, KIBBEAR LANE, TRULL,
TAUNTON, TA3 3LN

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure compliance with the approved plans.

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

The access to the field was formed following the granting of planning permission on 5th July 2007. The access is off an classified/unnumbered from Trull to Pitminster. The access as originally proposed was 6m wide and 9.6m deep. As constructed it is approximately 12m wide and approx 20m deep of hard surfaced apron. The track to the farm is approx 3.3m wide.

BACKGROUND

A complaint was received in May 2011 that the entrance was not built in accordance with the approved plans. The plans indicated that a new hedge was to be planted either side of the entrance with a post and rail fence in front leading to the gate. Additional planting either side of the entrance was to be provided to reinforce the point of access within the existing hedge line.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The development carried out on site comprises of a curved natural stone wall either side of the access with pre cast concrete coping stones on top. At the front of the wall adjacent to the highway two piers have been constructed with pre cast concrete capping and acorn finials. The hedge planting has been carried out behind the stone wall.

RELEVANT PLANNING HISTORY

42/07/0010 – Formation of access, hardstanding and farm track on land at Kibbear, Trull

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

S7 (Outside Settlement)

DETERMINING ISSUES AND CONSIDERATIONS

The issue is whether the impact of this unauthorised access is such that it causes demonstrable harm to the character and appear of the area. The hardstanding is significantly larger than the approved scheme here, however the walling is around 1m high (at the road frontage) which is in line with permitted development rights and the fallback position must be taken into account.

The wall is constructed of a natural stone rather than the permitted post and rail fencing with hedging behind. In this case, it is considered that natural stone is an appropriate material for a low boundary treatment and does not cause significant harm to the character and appearance of the area.

The piers on the frontage are just over 1.3m high with acorn finials on top. While this is slightly uncharacteristic of the rural area and is higher than the fall back position for permitted development, the impact of these does not affect visibility and is not considered to harm the visual amenity of the area to such an extent to warrant enforcement action being authorised.

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

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