

## **PLANNING COMMITTEE – 28 JANUARY, 2004**

### **Report of the Chief Planning Officer**

#### **ENFORCEMENT ITEM**

**Parish:** Bishops Lydeard

- 1. File/Complainant Number** E450/06/2003
- 2. Location of Site** The Cothelstone, Lydeard Mead, Bishops Lydeard, TAUNTON
- 3. Names of Owners** Mr & Mrs Staples
- 4. Names of Occupiers** Mr & Mrs Staples
- 5. Nature of Contravention**

Planting of hedge and provision of timber protection

- 6. Planning History**

It was brought to the Council's attention in December 2003 that the owner of 'The Cothelstone' had planted a hedge at the front of his property and erected a small fence to protect the hedging plants whilst they become established. When this small development of two houses was granted planning permission in May 1995 a condition was attached which states that:- no gate, fence, wall, hedge or other means of enclosure shall be erected on the site. In view of this condition the planting of the hedge along with the timber protection would require planning permission. However, soon after the granting of this permission the standard condition was amended and the word hedge was deleted. This was due to an appeal decision where it was deemed that this condition was not enforceable, as the planting of a hedge is not classed as development. In view of this it would not be expedient to request that an application be submitted for the planting of this hedge.

- 7. Reasons for Taking Action**

It is considered that the planting of a hedge is not development and therefore the original condition attached to the planning approval cannot be enforced. Also as the timber protection to the hedging plants is likely to be removed once the hedge is established it would not be expedient to take action over this matter.

- 8. Recommendation**

The Committee resolve not to take any further action over the planting of the hedge.

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

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