

Taunton Deane Borough Council

Planning Committee - 29 February 2012

E/0240/45/10

ALTERED ACCESS AND FENCING ERECTED ADJACENT TO HIGHWAY PARKGATE HOUSE, NEW ROAD, WEST BAGBOROUGH

OCCUPIER: MR D BRADBURY

OWNER: MR D BRADBURY
PARKGATE HOUSE, NEW ROAD, WEST
BAGBOROUGH, TAUNTON, TA4 3EP

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the reduction of the fencing to a height of 1m and reinstate the access to its original width and to stop the unauthorised use of land as a logging business.

RECOMMENDATION

That the Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- The cessation of the logging business.
- The reduction of the fencing to 1m adjacent to the highway.
- Reduce the width of the access back to its original size

Time for compliance - 2 Months from the date on which the notice takes effect.

SITE DESCRIPTION

The access is located on a bend along New Road which is a classified unnumbered busy road and the main route into West Bagborough. The access has been widened and close boarded fencing 1.8m high provided either side of the access. Gates have been provided to the access constructed in similar materials to that of the fencing. The land immediately behind the gates is currently used to cut and store logs which in itself generate additional traffic.

BACKGROUND

A planning application for a new access to serve Parkgate House was submitted and refused on 19th January 2010. A complaint was received in August 2010 that works to an existing access to the north of the refused access was taking place. A visit was made and it was found that the owner of Parkgate House owned the access and following refusal of a proposed access decided to utilise the existing access, albeit in a more dangerous location on a bend in the highway. The owner was informed that the fencing erected either side of the access required Planning permission due to it being over 1m in height. It was suggested that the access had also been widened.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The access is sited north of Parkgate House on the Eastern side of New Road, West Bagborough. The existing small access has been widened and 1.8m high fencing erected either side of the access adjacent to the highway. The access has a metal gate across that has been clad in similar materials to the fencing and is of a matching height.

As New Road is a classified unnumbered road Planning Permission is required for the altered access and for the gates and fencing that is in excess 1m in height.

The land is also being used as a logging enterprise; the timber is not sourced from the land on which it is being worked and therefore the use of land is also considered to be unauthorised.

RELEVANT PLANNING HISTORY

45/09/0017 for the formation of a new access to Parkgate House, West Bagborough which was refused on 19th January 2010.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG 18 - Enforcing Planning Control

Somerset and Exmoor National Park Joint Structure Plan Review

Policy 49 – Transport Requirements of New Development

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

EN12 – Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

The fences and gates have been erected alongside fronting onto the adjacent highway to the west; the horizontal timber shiplap style fencing which spans either side of the enlarged access has a height of approximately 1.8 metres. In addition, timber boarding has been attached to a metal field gate across the access and is of a similar height to the aforementioned fencing. The fencing and gate with attached timber are considered to represent incongruous features within the visual amenity of this rural lane and accumulatively they result in a dramatic adverse visual impact upon the character and appearance of the area.

Due to the close proximity of the fencing and gates to the highway, I do not consider there to be any scope for improving the visual impact of the fencing and gates to an acceptable level by landscaping. The solid timber fence and enclosed gate is out of character for use on a field in such a rural location and the height of the timber fence and gate result in magnified visual impact.

The erection of the timber fence and the widening of the access have resulted in the loss of modest section of hedgerow/trees. This loss and its replacement with timber fencing and gate has had significant impact upon the character and appearance of the area as well as on the wildlife that would have used it. Notwithstanding, the removal of a hedgerow does not require planning permission itself but permission is required as a consequence of these works resulting in the widening of the original access point which is derived off a classified highway.

The highway from which access is derived connects the B358 to the south with West Bagborough and the Quantock Hills to the north; it is a well trafficked stretch of highway which is generally well aligned with the exception of the point of access to the site concerned. The land that is served by the access constitutes two small paddocks to the north of Parkgate House; the larger field to the north has its own vehicular access off the highway to the north of the site whilst Parkgate House similarly has its own access.

The land to which the access relates is being used for the purposes of a logging enterprise, which utilises timber from trees that have been felled off site. This use is unauthorised and compared to the servicing of two small paddocks, the number of vehicle movements over the access on a daily basis is likely to be considerably greater than the authorised agricultural use. The access is positioned on a sweeping corner of the highway and the view to the north is blind although visibility in both directions is considered to be substandard being obscured by the hedgerow and trees that line the highway. Vehicles can travel up to the national speed limit of 60 mph along this stretch of highway and therefore being able to see and be seen upon access and egress at the site is imperative for highway safety reasons.

The unauthorised use of the land is likely to result in a significant intensification in the use of the substandard access by vehicles and therefore the impact upon highway safety is not thought to be acceptable. The works

undertaken to widen the original access do not provide for sufficient visibility in either direction to overcome these concerns.

The development does not relate well to the surrounding area and the design and appearance of both the fencing and timber clad gate is incompatible with the rural location of the site. The unauthorised development is considered to result in significant adverse impacts upon the character and appearance of the immediate countryside and upon highway safety.

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

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