

PLANNING COMMITTEE – 14 DECEMBER 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Langford Budville

1. **File/Complaint Number** E364/21/2005
2. **Location of Site** Langford Lakes Christmas Tree Farm, Land adjacent to Junction 25, M5, Staplegrove Mills, Rumwell, Chelston and White Ball and Wiveliscombe. Directional sign within 1.5 miles of Langford Lakes.
3. **Names of Owners** Various
4. **Names of Occupiers** Mr R Hendy, Middle Hill Farm, Langford Budville, Wellington
5. **Nature of Contravention**
Display of Christmas Tree advertisements and directional signs
6. **Planning History**

The advertisements have been displayed at various locations in the Deane since 2002. The owner displays the signs from the end of November and removes them on or about 23 December the same year. It was decided that it was not expedient to take action in 2002 as assurances were given that the signs would be removed. Mr Hendy was asked to submit an application in readiness for the following year but no application was received. The signs were again displayed in 2003 at the same time and again no action was taken however a number of complaints were received over both the large signs in fields and the directional signs. The signs were removed just before Christmas. Contact was again made with Mr Hendy and it was agreed that a meeting should be arranged with both County Highways and the Area Planning Manager to agree suitable sites for the signs and an acceptable period for their display. If consent was to be granted the permission would enable the signs to be displayed for a prescribed period every year. Mr Hendy made no contact and a repeat of the previous years followed with signs being displayed in the same locations but again these were removed just before Christmas. More complaints were received mostly from other Christmas Tree retailers. Again we were persuaded not to take action as assurances were given that for 2005 an application would be submitted. Mr Hendy failed to contact the

office so on 3 October 2005 a letter was sent requesting an application in readiness for the display of signs for the 2005 season. After repeated telephone calls and e-mails no contact was achieved until mid November when Mr Hendy was contacted by telephone. He said he was intending to repeat the same process as previous years and remove them by Christmas. He said he was writing to the Council after receiving advice that advertisement consent was not required. He reiterated his concerns that he has to sell his product within a three-week period and the only way he can make an impact is to advertise heavily over that time scale. The letter dated 22 November 2005 and received on 25th stated that he was of the opinion that consent was not required for the advertisements and that they comply with the current Regulations. A letter dated 28 November to Mr Hendy explained why the signs require consent under The Town and Country Planning (Control of Advertisement) Regulations 1995 and that should an application not be received the matter would be reported to the Planning Committee on 14 December 2005. The signs were displayed over the weekend of 26/27 November 2005 and no application has been received. Somerset Highways have visited the locations where the signs are displayed on highway land and appropriate action will be taken to secure their removal.

7. Reasons for taking Action

It is considered that the display of advance signs in their current locations are a distraction to road users and detrimental to the visual amenities of the area. If allowed to remain it would create an unfortunate precedent for further similar advertisements, which the Local Planning Authority would find difficult to resist

8. Recommendation

The Solicitor to the Council be authorised to commence Prosecution action against Langford Lakes Christmas Tree Farm and the landowners where these have seen to derive benefit from allowing the signs on their land.

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

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