

PLANNING COMMITTEE – 25 JANUARY, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Comeytrove

1. **File/Complaint Number** 52/2005/033
2. **Location of Site** 1 Burch's Close, Taunton, Somerset
3. **Names of Owners** Mr P K Downer
4. **Names of Occupiers** Mr P K Downer
5. **Nature of Contravention**
Erection of boundary fence.
6. **Planning History**

The fence was brought to the Council's attention on 20 January, 2005. A planning application was submitted after the owner was informed the fence required planning permission due to the height being over 1 m adjacent to the highway and permitted development rights having been withdrawn in respect of gates, walls and fences. The application was refused under delegated powers on 6 May, 2005. The owner decided to re-submit the application on 26 August, 2005 but the only difference from the previous application was that the fence was now treated with a coloured preservative. The application was refused under delegated powers on 20 October, 2005. The applicant has not lodged an appeal against the refusal and the fence remains in place.
7. **Reasons for taking Action**

The retention of the fence along the section of the side boundary conflicts with the principle of open plan front gardens which has been adopted for this area and detracts from the street scene at this point. It is considered that the fence causes a loss of visual amenities and sets an undesirable precedent for similar proposals, contrary to Taunton Deane Local Plan Policies S1 and S2
8. **Recommendation**

The Solicitor to The Council be authorised to commence Enforcement action and take prosecution action subject to sufficient evidence should the notice not be adhered to.

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

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