

PLANNING COMMITTEE – 16 JUNE, 2004

Report of the Chief Planning Officer

ENFORCEMENT

Parish: Fitzhead

1. **File/Complainant Number** E252/17/2002
2. **Location of Site** Fitzhead Court, Fitzhead, Taunton.
3. **Names of Owners** Mr A M Cross
4. **Names of Occupiers** Mr & Mrs A M Cross
5. **Nature of Contravention**

Wall collapsed within grounds of listed building

6. **Planning History**

None relevant to contravention

7. **Background History**

(a) Fitzhead Court is a Grade II Listed Building. The boundary wall abutting the road to its east is also the subject of specific listing. By virtue of section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, all structures within the curtilage of the principal Listed Building, are also afforded the same protection.

(b) In 2002, concern was expressed about the condition of the boundary wall abutting the road and a collapsed section of walling on the northern side of the entrance drive to Fitzhead Court.

(c) Some repairs have subsequently been effected to the roadside wall and partial rebuilding of the wall abutting the entrance drive has been undertaken.

(d) Concern is still on going with regard to non-reinstatement of the wall abutting the entrance drive. Remedy is available under the provisions of the principal Act, by way of a Repairs Notice. Such a Notice can require the building to be reinstated to its condition at the time of listing and is rarely used. An option available to the owner on service of the Notice is to require Compulsory Purchase by the Council. (Typically such action is used where a principal or important curtilage building is being neglected (often deliberately) and the Council has a third party "signed up" to take the building on and ensure its appropriate restoration).

(e) The boundary wall to the North of the entrance to Fitzhead Court, is Listed by virtue of curtilage and this is indicative of its relative importance to the site as a whole. The wall has been partially reinstated, such that the character of the former wall has been largely regained. The service of a Repairs Notice is therefore not deemed appropriate in the particular circumstances. As the structural condition of the wall does not give rise for concern, the issue of a Dangerous Structure Notice, is negated.

8. Recommendation

No action is instigated.

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

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