

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

MISCELLANEOUS ITEM

42/2003/023 Enforcement Notice at Rebit House, Trull

Outline permission for this house included a condition requiring parking for two vehicles. The detailed proposal included a garage which in addition had enough space in front to accommodate two vehicles.

However, the developer did not put in a garage door, claiming that by allowing enough space for two vehicles he had complied with the outline condition. An application to retain the garage as built was refused in June 2003 and enforcement action authorised.

In light of the parking available being in excess of what would normally be required (Policy M4 of the local plan requires a maximum of 1.5 spaces) the matter was reported back to Committee in February 2004. However, Members resolved once more than an enforcement be served giving the reason "The failure to provide a garage door in accordance with the approved drawings will result in an inadequate level of parking in relation to other properties in Ladylawn which will not be in the interests of either highway safety or the character of the street and is therefore contrary to Policy S1 of the Taunton Deane Local Plan." A notice was served and an appeal subsequently lodged.

The appeal is to be dealt with by means of a hearing. In light of the developer's clear compliance with the Council's normal standards and policies, I strongly contend that to ask a Planning Officer to defend this decision at a hearing would put them in a very difficult position professionally.

Members are therefore requested whether in light of this it would be appropriate to ask a Member of the Planning Committee to present the Council's case at the hearing.

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

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