

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 8 April 2014

Report of the Development Manager

The Brow, Leavening

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 The Brow is a residential dwelling situated within the open countryside approximately 300m to the west of Leavening. The site is also located within the Yorkshire Wolds Area of High Landscape Value.

2. ALLEGED BREACH OF PLANNING CONTROL

- 2.1 The erection of a 1.8m high timber boundary fence adjacent to a highway used by vehicular traffic.

- 2.2 Members are made aware of Part 2 Minor Operations of the General Permitted Development Order 1995. This allows "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.*" without the need for planning permission, subject to the following (relevant) condition:

(a) *the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;*

- 2.3 Members will note that in this case, the fence requires planning permission as it exceeds 1m in height.

3. WHEN ALLEGED BREACH FIRST OCCURRED

- 3.1 The Local Planning Authority was first made aware of the breach on 26 June 2012.

4. HISTORY AND EVIDENCE OF BREACH

- 4.1 Planning Application ref. 12/00637/HOUSE was validated by the Local Planning Authority on 18 July 2012. The application was refused planning permission on 9 October 2012.

- 4.2 A further planning application ref. 12/01223/HOUSE was validated by the Local Planning Authority on 18 December 2012. The application was refused planning permission on 27 January 2014.
- 4.3 A Council Officer who visited the site on 25 March confirmed that the unauthorised fence was still in situ.

5. APPRAISAL

- 5.1 The relevant planning policy considerations are:

National Planning Policy Framework

Section 7: Requiring Good Design

*64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

Ryedale Local Plan Strategy

Policy SP13: Landscapes

This Policy states that *“Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally: The Wolds Area of High Landscape Value...*

*The Yorkshire Wolds and Fringe of the Moors are value d locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.”*

Policy SP16: Design

Requires that *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings...”*

SP20: Generic Development Management Issues

Ensures that in considering new development account will be taken of the following:

- *Character*
- *Design*
- *Amenity and Safety*
- *Access, Parking and Servicing*

- 5.2 The unauthorised timber fence of a height of 1.8m forms a type of development that would not be expected within this rural location. It is conspicuous on the front of the property and is akin to an urban / town development. The development is therefore considered to represent an alien feature within the area which does not reinforce the local distinctiveness of the site or the Yorkshire Wolds Area of High Landscape Value.

The overall character and design of the fence is considered to be unacceptable and harmful to the locality which if not removed could set an undesirable precedent for similar types of development within the Yorkshire Wolds AHLV.

6. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

- 6.1 The reasons why it is considered expedient to serve an enforcement notice are outlined below (as set out in the decision of the refusal of planning application ref. 12/01223/FUL):

The retention of the boundary fence would not respect the character of the original dwellinghouse and is considered to be an alien feature that is not appropriate in the open countryside within the Area of High Landscape Value. The development is therefore contrary to the requirements of Policy SP13, SP16 and SP20 of the Ryedale Local Plan Strategy.

7. STEPS NECESSARY TO REMEDY THE BREACH

- 7.1 This report seeks authorisation to serve a formal enforcement notice for the removal of the fence.

8. SUGGESTED PERIOD FOR COMPLIANCE

- 8.1 A compliance period of 2 months is recommended in respect to any enforcement notice.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the removal of the fence.