

WOODBURY SALTERTON
(Woodbury)

No. 07/F0230
(Enforcement)

Date complaint received:
10 May 2007

Land Owner: F W S Carter & Sons Limited, Greendale Business Park,
Woodbury Salterton

Location: Land at Greendale Business Park, Woodbury Salterton

Alleged Breach of
Planning Control: The construction of an earth bund

SITE LOCATION AND DESCRIPTION

This small earth bund was constructed earlier this year as part of a proposal to carry out other works for a recycling centre under an application submitted to Devon County Council. The Company were endeavouring to provide screening for any development on the Business Park to overcome local concerns on the western edge of Woodbury Salterton. The bank is approximately 2-3 metres high and covers a distance of approximately 10 metres. The bank has been grassed and planted with a mixture of shrubs and trees.

Site plan and photograph is attached for Members' information.

BACKGROUND

Following local representations, the Planning Enforcement Officer undertook a site visit and then wrote to the Company by letters on 23 May, and 28 June 2007, advising that an application for planning permission for the retention of the earth bund was required. Despite repeated assurances that the Company were considering submitting an application to regularise this matter, to date no such application has been received.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
07/1230/COU	Erection of building and associated compound for kerbside waste transfer	04.08.07.	Refused by Devon County Council

TOWN/PARISH COUNCIL

The Parish Council have been consulted in this matter and the Parish Council consider that it is expedient to instigate enforcement action to secure the removal of the earth bund.

WARD MEMBER

Cllr. A. Liverton

"An application should be submitted when requested as a general rule. I think if this were brought to Committee there would be no grounds for refusal. The bund has a positive effect on the landscaping of the site and indeed was requested by local residents at a public meeting regarding various recent planning applications. The Ward Member therefore sees no problem with this and would be happy for it to proceed under the delegated system. "

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

CURRENT SITUATION

The earth bund remains in situ, with grass and planting having taken.

PLANNING VIEWPOINT

The main issue with the earth bund revolves around its impact on the character and appearance of the area designated as countryside.

In this respect the bund itself is an alien feature with/adjacent a field that has little natural undulation. Despite the alien nature of it, particularly when this was first formed, it has since been grassed and planted and in this respect now blends into the background. As well as providing important screening of the business park that lies beyond, the soil mound therefore causes little discernable harm to the character of the area and if this was pursued through enforcement to appeal, it is considered doubtful whether such an appeal would be successful.

While this is therefore an alien feature, it is not considered sufficiently harmful or contrary to policy to sustain enforcement action being pursued.

HUMAN RIGHTS ACT

It is considered that there are no Human Rights that are affected in this case.

RECOMMENDATION

That no further action is taken.

List of Background Papers

Application file, consultations and policy documents referred to in the report.