IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991) ("the Act")

TDBC PLANNING
07 JAN 2016
RECEIVED

ENFORCEMENT NOTICE – E/0120/43/15

ISSUED BY: Taunton Deane Borough Council ("the Council")

Land at 18 Trinity Gardens (also known as 18 Trinity Close) Wellington Somerset TA21 8TZ ("the Property")

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the Act, at the land described below. They consider that it is expedient to issue this Enforcement Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Enforcement Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 18 Trinity Gardens (also known as 18 Trinity Close) Wellington Somerset TA21 8TZ ("the Property") shown edged in red on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission the change of use of the Property from use as a dwellinghouse to a mixed use comprising use as a dwellinghouse and use for the breeding and sale of dogs

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Property is situated in a residential area. The use of the Property for breeding and sale of dogs gives rise to unacceptable effects on the living conditions of residents of properties adjoining the Property by way of odour and noise. The commercial use of the Property also results in a large number of visits to the Property by people viewing and purchasing dogs. The additional traffic adversely impacts on the amenity of the residential area,

It is considered that the unauthorised use of the Property has an unacceptable adverse impact on the amenities of the surrounding residential property by reason of noise, odour and traffic.

This is contrary to Policy DM1 (e) of the Taunton Deane Core Strategy – *("General Requirements - Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider*

environment") and guidance at paragraph 207 (Enforcement) of the National Planning Policy Framework.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

(i) Cease using the Property for the breeding and sale of dogs; and

(ii) Remove from the Property the kennel structure located at the rear of the Property (the extent of the kennel structure being shown on the 2 photographs attached to this Enforcement Notice); and

(iii) Remove from the Property all equipment associated with the breeding and sale of dogs.

6. TIME FOR COMPLIANCE

With regard to 5 (i) above: - 1 (one) month from the date that this Enforcement Notice takes effect; and

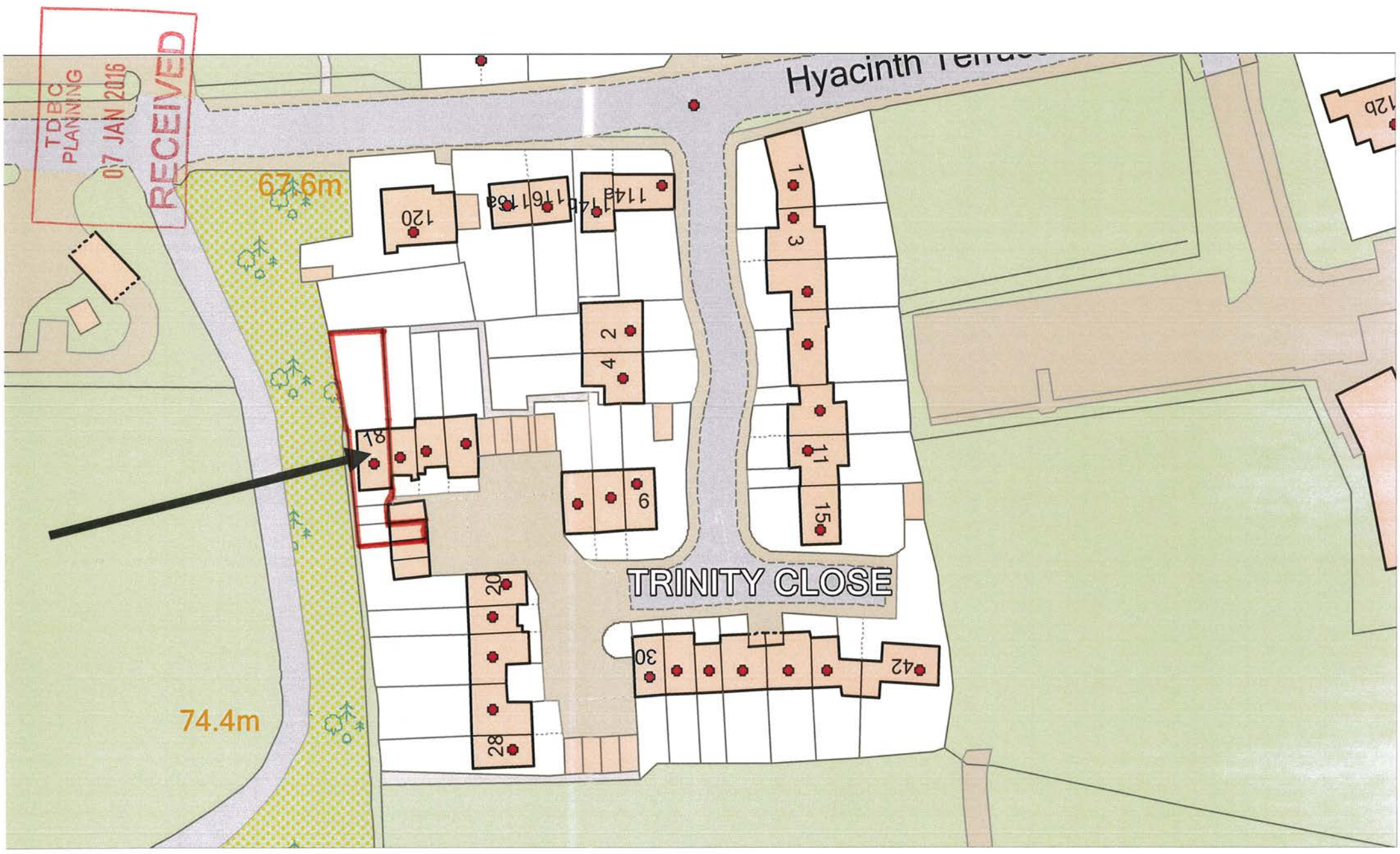
with regard to 5 (ii) and 5 (iii) above – 3 (three) months from the date that this Enforcement Notice takes effect;

7. WHEN THIS ENFORCEMENT NOTICE TAKES EFFECT

This Enforcement Notice takes effect on 10 February 2016 unless an appeal is made against it beforehand.

Dated: 6 JANUARY 2016
Signed:
On behalf of: Taunton Deane Borough Council The Deane House Belvedere Road Taunton Somerset TA1 1HE

Nominated Officer: Mr Christopher Horan
Telephone Number: 01823 356466


TDBC
PLANNING
07 JAN 2016
RECEIVED
67.6m
74.4m
Hyacinth Terrace
TRINITY CLOSE
120
116
116a
114a
114c
1
3
2
4
18
6
11
15
20
28
30
42
12b


RECEIVED
07 JAN 2016
PLANNING
29.07.2015 13:44


29.07.2015 13:44

TDBC
PLANNING
07 JAN 2016
RECEIVED

ANNEX

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991) ("the Act")

ENFORCEMENT NOTICE – E/0120/43/15
ISSUED BY: Taunton Deane Borough Council ("the Council)

Land at 18 Trinity Gardens (also known as 18 Trinity Close) Wellington Somerset TA21 8TZ ("the Property")

This local planning authority, Taunton Deane Borough Council, has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Enforcement Notice as you have an interest in the Property. Copies of the Enforcement Notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the Property.

Your Right of Appeal

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 10 February 2016.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the Enforcement Notice were not served as required by Section 172;

(f) that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the Notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the Notice and you will have to pay a fee equivalent to double the amount payable for a normal planning application. (The fee is £385.00 and so double the fee payable is £770.00). You should pay the fee to Taunton Deane Borough Council (cheques should be made payable to Taunton Deane Borough Council). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Parties on whom the Enforcement Notice has been served:-

[redacted]

