Important - This Communication Affects Your Property
Town and Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

Enforcement Notice: E/0093/37/15
Issued By: Taunton Deane Borough Council ("the Council")
Land at Stoke Woods Stoke St Mary Taunton Somerset TA3 5BU ("the Site")

1. This Enforcement 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 above 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 Enforcement Notice Relates
Land at Stoke Woods Stoke St Mary Taunton Somerset **TA3 5BU** shown edged red on the attached plan ("the Site").

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, the stationing of a mobile home for residential occupation on the Site in the approximate position coloured blue and marked "I" on the attached plan and the stationing of caravans and storage of equipment used for domestic purposes on the Site in the approximate position coloured blue and marked "II" on the attached plan and as shown on the attached 3 photographs marked 1-3. The mobile home is marked "A" on photograph 1 and the caravans are marked "1", "2", and "3" on photographs 2 and 3 .

4. Reasons For Issuing This Enforcement Notice
It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Site lies in ancient woodland located in the open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the development proposal serves a genuine appropriate rural need. The Site is visible from an adjacent public walkway.

Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. It has not been proven that that there is an essential need for a rural worker to reside on the Site.

The mobile home represents an unjustified dwelling outside of the settlement limits and increases the need to travel to access services. The mobile home and the caravans and the domestic equipment stored on the Site are sporadic development in the open countryside and are collectively detrimental to the visual amenities and appearance of the rural landscape. This is contrary to the following policies:-

CP8 (Environment), DM1 (General Requirements), DM2 (Development in the Countryside) and SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy.

It is also contrary to guidance at paragraphs 55 of the NPPF.

The Council do 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 the use of the Site for the stationing of a mobile home and caravans; and
(ii) Cease the use of the Site for residential/domestic use; and
(iii) Remove the mobile home and caravans from the Site; and
(iv) Remove from the Site all residential and domestic equipment and materials associated with the unauthorised residential use

6. Time For Compliance

(i) With regard to 5 (i) above - 3 months from the date that this Enforcement Notice takes effect; and
(ii) With regard to 5 (ii) above - 3 months from the date that this Enforcement Notice takes effect; and
(iii) With regard to 5 (iii) above - 3 months from the date that this Enforcement Notice takes effect; and
(iv) With regard to 5 (iv) above - 3 months from the date that this Enforcement Notice takes effect

7. When This Enforcement Notice Takes Effect

This Enforcement Notice takes effect on 23 September 2016 unless an appeal is made against it beforehand.

Dated: 18 AUGUST 2016
Signed:

on behalf of SOLICITOR TO THE COUNCIL
Taunton Deane Borough Council
The Deane House Belvedere Road Taunton Somerset TA1 1HE

Annex

Important - This Communication Affects Your Property
Town and Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

Enforcement Notice relating to Land at Stoke Woods Stoke St Mary Taunton Somerset TA3 5BU ("the Site")

This local planning authority, Taunton Deane Borough Council, has issued an Enforcement Notice relating to the above Site and I now serve on you a copy of that Enforcement Notice as you have an interest in the Site. 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 Site.

Your Right of Appeal
There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the Enforcement Notice will take effect on 23 September 2016 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in 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 23 September 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 Enforcement 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 Enforcement 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 Enforcement 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 Enforcement Notice in accordance with section 173(9) falls short of what should reasonably be allowed.

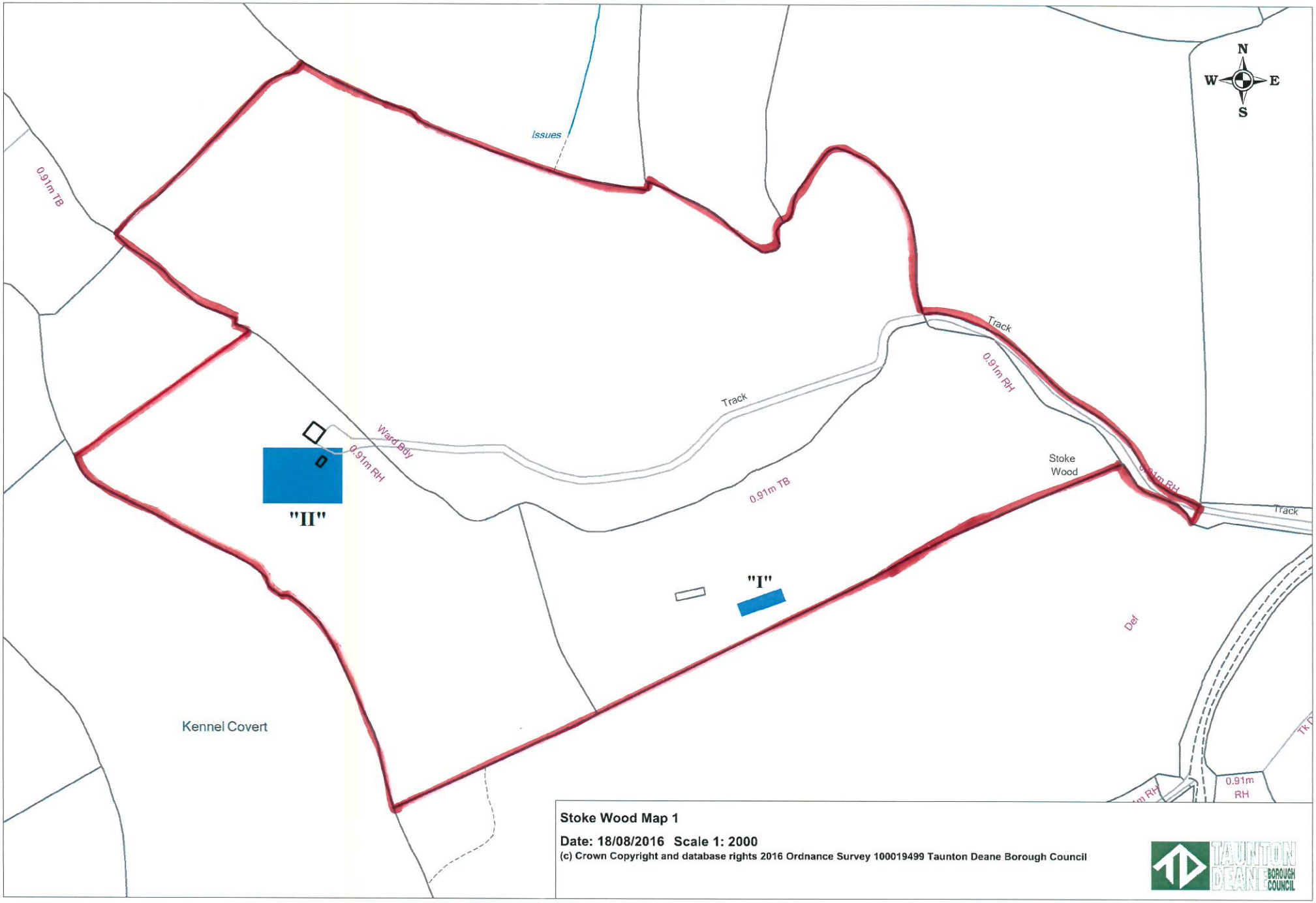
Not all of these grounds may be relevant to you.

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 the Taunton Deane Borough Council (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

Parties on whom the Enforcement Notice has been served

[redacted]



Stoke Wood Map 1

Date: 18/08/2016 Scale 1: 2000

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TAUNTON DEANE BOROUGH COUNCIL


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3
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