Enforcement Notice
Operational Development

Important - This communication affects your property

Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

Enforcement notice

Issued by: Taunton Deane Borough Council

1. **This is a formal notice** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **The land affected**

Land at The Eagle Tavern, 46 South Street, Taunton shown edged red on the attached plan.

3. **The breach of planning control alleged**

Without planning permission, the erection of a smoking shelter to the front of The Eagle Tavern, 46 South Street, Taunton together with a fence over 1 metre high adjacent to the highway.

4. **Reasons for issuing this notice**

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

The structure comprising the smoking shelter is considered to be an intrusive feature within the street scene to the detriment of the visual amenities of the area.

It is considered that the fence, by reason of its siting, height and design also constitutes an intrusive feature within the street scene to the detriment of the visual amenities of the area. As it is sited on the back edge of the pavement there is no opportunity to provide planting to soften its overall impact in the street scene. Therefore it is contrary to Taunton Deane Local Plan Policies S1 and S2.

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

5. **What you are required to do**

(i) Stop using the smoking shelter which has been erected to the front of The Eagle Tavern, 46 South Street, Taunton. Completely dismantle the shelter and remove all the materials used in its construction from the land.

Time for compliance: 4 weeks after this notice takes effect.

(ii) **Either** completely dismantle the fence and remove all the materials used in its construction from the land **or** arrange to reduce the height of the fence so that it is no more than 1 metre in height.

Time for compliance: 4 weeks after this notice takes effect.

6. **When this notice takes effect**

This notice takes effect on 7 April 2008 unless an appeal is made against it beforehand.

Dated: 4 March 2008

Signed: 

On behalf of: Taunton Deane Borough Council

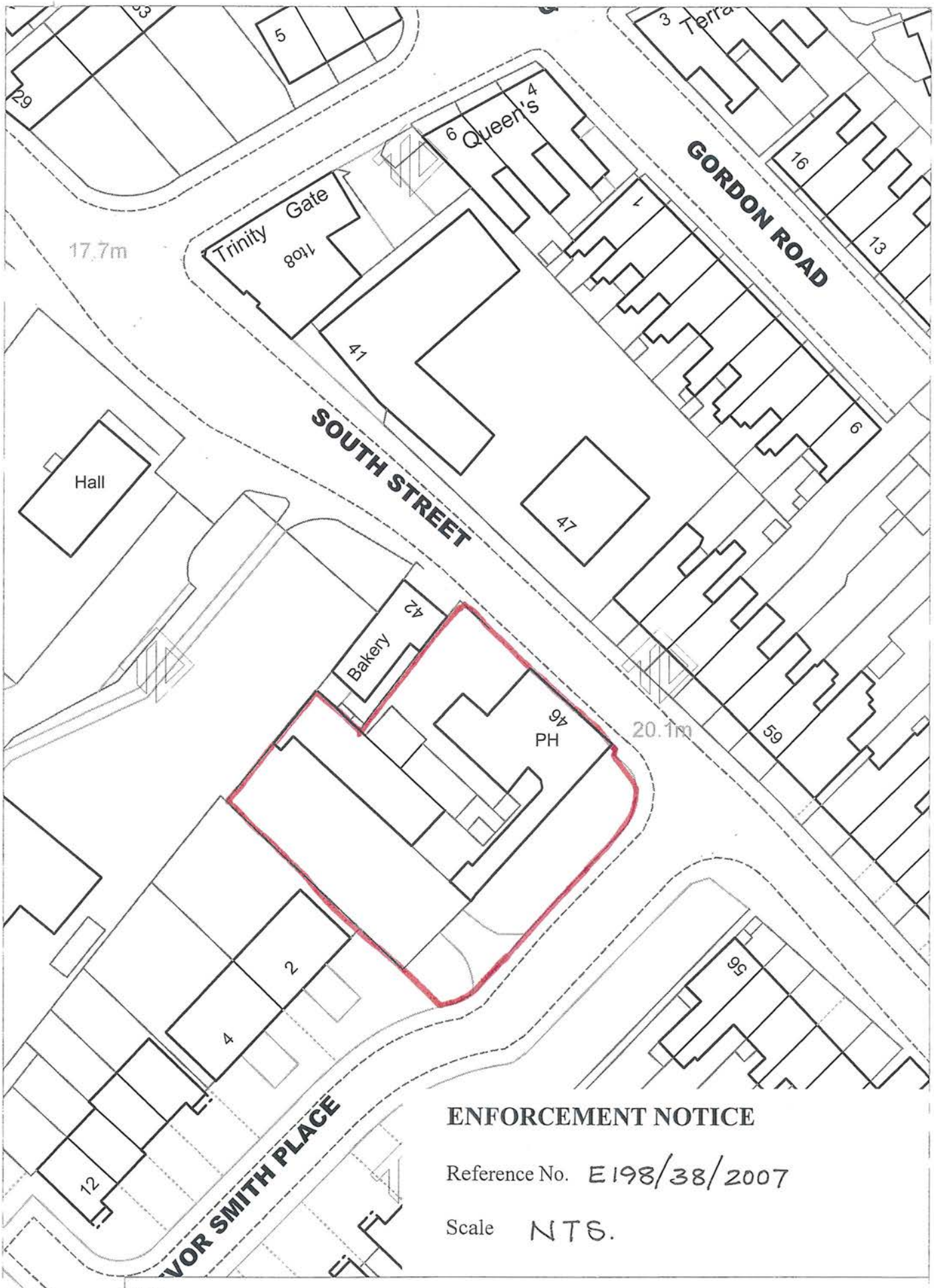
The Deane House,
Belvedere Road,
TAUNTON.

Your right of appeal

You can appeal against this notice but any appeal must be received, or posted in time to be received, by The Planning Inspectorate before 7 April 2008. The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to The Planning Inspectorate if you decide to appeal. The other should be sent to the Head of Legal and Democratic Services at Taunton Deane Borough Council. You should also send The Planning Inspectorate the spare copy of this enforcement notice which is enclosed.

What happens if you do not appeal

If you do not appeal against this enforcement notice, it will take effect on 7 April 2008 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[s] specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



ENFORCEMENT NOTICE

Reference No. E198/38/2007

Scale NTS.

Title:

Date: 30/11/2004

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Taunton Deane Borough Council