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/0056/43/15

Issued By: Taunton Deane Borough Council ("the Council")

Land known as 39a Mantle Street Wellington Somerset TA21 8AX

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
39a Mantle Street Wellington Somerset TA21 8AX ("the Property") shown edged red on the attached plan marked Plan 1.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL
Without planning permission the erection of 2 dwellings in the approximate position marked with black cross hatching on the attached plan marked Plan 2 ("the 2 Unauthorised Dwellings").

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.

Planning application 43/12/0081 was approved on 22 January 2013 for the demolition of a function room and erection of 2 dwellings on the Property ("the 2 Dwellings Planning Permission").

An additional dwelling ("the Additional Dwelling") to the 2 dwellings permitted under the 2 Dwellings Planning Permission was subsequently permitted to be erected and attached to the northern end of the 2 dwellings permitted under the 2 Dwellings Planning Permission to form a row of 3 terraced dwellings. The Additional Dwelling is marked (for identification purposes only) with green hatching on Plan 2.

The 2 dwellings (authorised under the 2 Dwellings Planning Permission) as built on the Property do not correspond to those dwellings shown on the approved plans

relating to the 2 Dwellings Planning Permission and have resulted in being 'the 2 Unauthorised Dwellings' to which this Enforcement Notice applies.

The 2 Unauthorised Dwellings and the Additional Dwelling have not been built in the correct location on the Property.

The unauthorised development is excessive in height and has an unacceptable adverse impact on the amenities of the occupiers of neighbouring properties. In particular the unauthorised development is considered to be unacceptably overbearing in relation to the neighbouring garden of 37 Mantle Street and is detrimental to the amenity of that dwelling by reason of overlooking and a loss of privacy.

This is contrary to Policy DM1(d) of the Taunton Deane Core Strategy – *("General Requirements – (d) The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development; ")* 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) Demolish the 2 Unauthorised Dwellings; and

(ii) Remove from the Property all building materials and rubble arising from compliance with requirement 5 (i) above of this Enforcement Notice

6. TIME FOR COMPLIANCE

With regard to 5 (i) and 5 (ii) above: - 12 (twelve) months from the date that this Enforcement Notice takes effect

7. WHEN THIS ENFORCEMENT NOTICE TAKES EFFECT

This Enforcement Notice takes effect on 18 March 2016 unless an appeal is made against it beforehand.

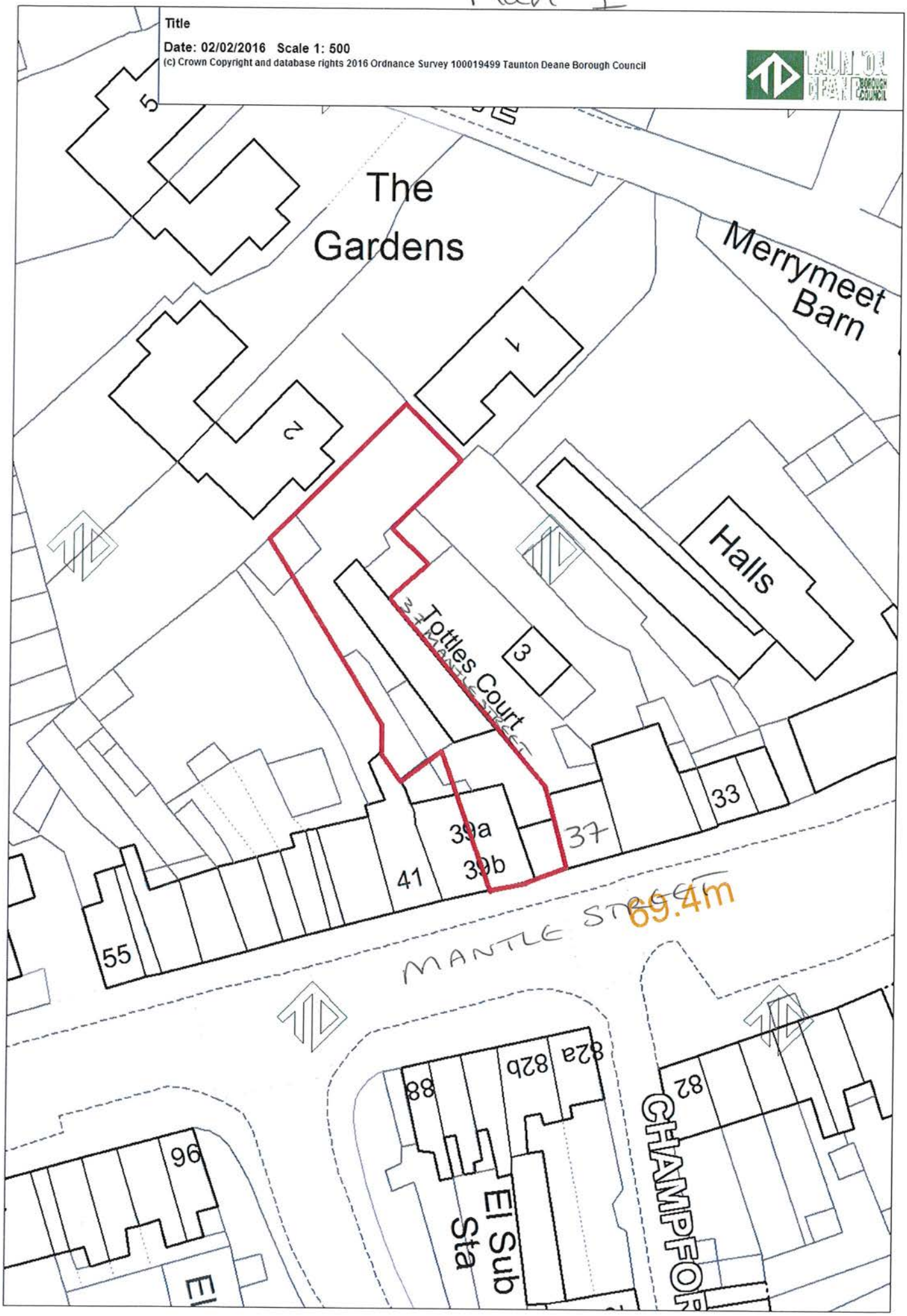
Dated: 12 February 2016

Signed:

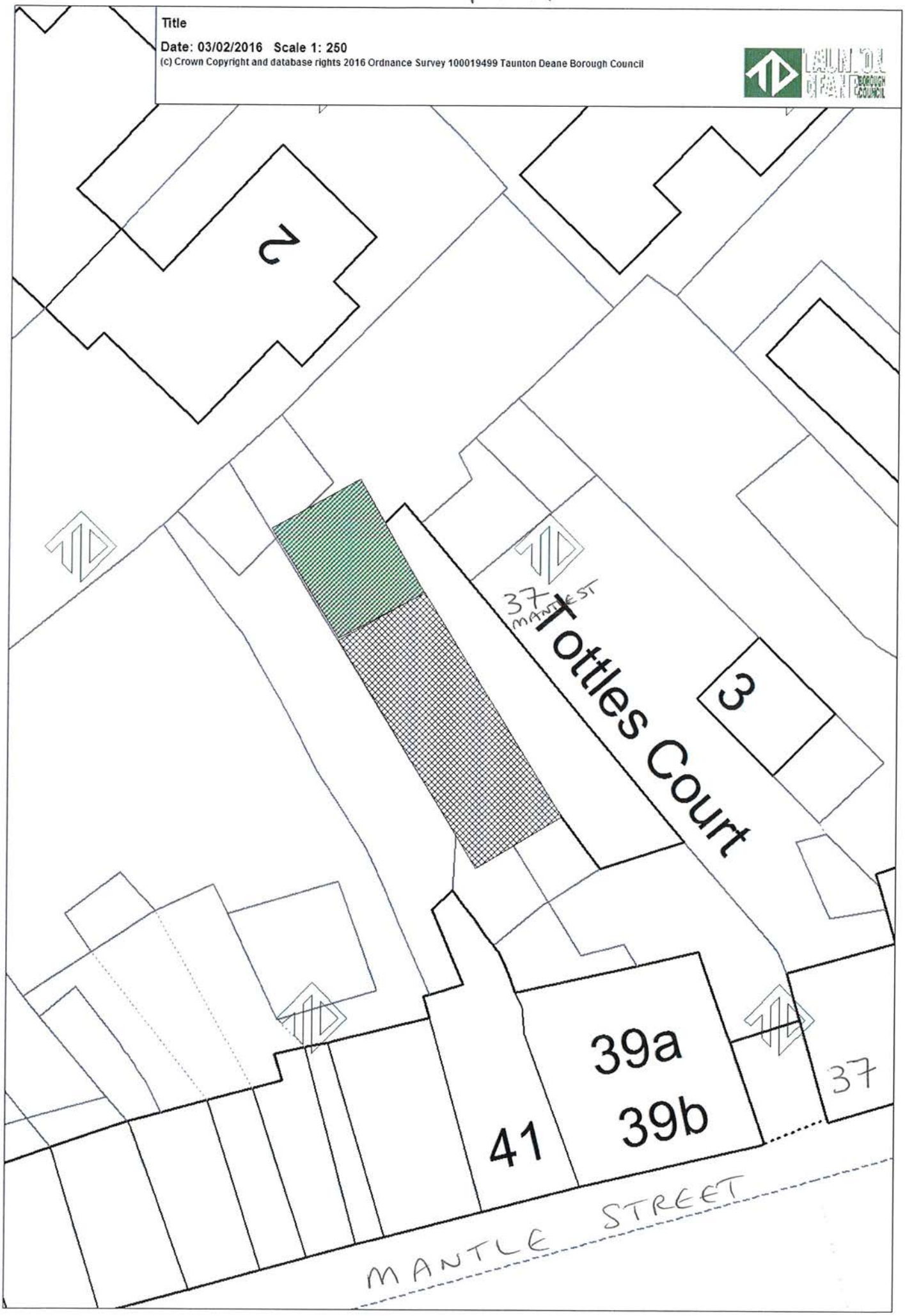
On behalf of: Taunton Deane Borough Council The Deane House Belvedere Road Taunton Somerset TA1 1HE

Nominated Officer: Mr Christopher Horan
Telephone Number: 01823 356466

Plan 1


Title
Date: 02/02/2016 Scale 1: 500
(c) Crown Copyright and database rights 2016 Ordnance Survey 100019499 Taunton Deane Borough Council
The Gardens
Merrymeet Barn
Halls
Tottles Court
MANTLE STREET
69.4m
MANTLE ST
CHAMPFOR
El Sub Sta
5
2
1
3
33
37
39a
39b
41
55
96
88
82a
82b
82

Plan 2


Title
Date: 03/02/2016 Scale 1: 250
(c) Crown Copyright and database rights 2016 Ordnance Survey 100019499 Taunton Deane Borough Council
2
37 MANTLE ST
Tottles Court
3
39a
39b
41
37
MANTLE STREET

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/0056/43/15

Issued By: Taunton Deane Borough Council ("the Council")

Land known as 39a Mantle Street Wellington Somerset TA21 8AX ("the Property")

This local planning authority, Taunton Deane Borough Council, has issued an Enforcement Notice relating to the above land ("the Property) 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 18 March 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 Enforcement 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 Enforcement 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 (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 Enforcement 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 Enforcement 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]