Original

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

Enforcement Notice: E/0309/11/11
Issued By: Taunton Deane Borough Council ("the Council")

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 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. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. The Land To Which The Notice Relates
Land known as The Old Manor House Combe Florey Road Combe Florey Taunton Somerset TA4 3JD being a listed building and shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, construction of block and stone wall with metal railings on top and installation of gates adjacent to the highway over 1m in height as shown on the 2 attached photographs.

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 wall, railings and gates have increased the overall height to approximately 1.8m and are adjacent to a highway. Schedule 2, Part 2, Class A.1(a) of the Town and Country Planning (General Permitted Development) Order 1995 provides that Development is not permitted by Class A if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level.

The Council considers it expedient to issue this Notice having regard to the effect of the unauthorised works on the character of the listed building as one of special architectural or historic interest. The building is a Grade II* listed building as defined in Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The wall, railings and gates are contrary to development plan policies and harmful to the visual amenities of the area. The exterior of the listed building is simple vernacular with a wealth of historic internal fixtures and fittings including

panelling, plasterwork, plank and muntin screens. The richness of the interior of the building is belied by the relatively plain exterior of the building. Prior to the unauthorised Works, there was a low stone wall topped by a hedge which were fitting and suitable features reinforcing the rural character of the village and street scene.

The ornate design of the railings and gates are more characteristic of an urban environment than a rural location and provides a very different setting for the listed building than previously existed.

The unauthorised works are considered to be detrimental to the setting of this important building and are therefore contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The works are considered to be contrary to Planning Policy Statement 5 (Planning for the Historic Environment); Local Plan Policies S1(D) (General Requirements); S2(A) (Design) and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (The Built Historic Environment)

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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

1. Remove the railings on top of the wall and make good the top of the wall
2. Remove the gates

6. Time For Compliance
Three months from the date when this Notice takes effect

7. When This Notice Takes Effect
This notice takes effect on 26 March 2012, unless an appeal is made against it beforehand.

Dated: 22 February 2012
Signed: Joanne Taylor

on behalf of

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 The Old Manor House Combe Florey Road Combe Florey Taunton Somerset TA4 3JD

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 notice as you have an interest in the land. Copies of the 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 land.

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 26 March 2012 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the 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 26 March 2012.

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 of £670.00. You should pay half of the fee (£335.00) to the Taunton Deane Borough Council (made payable to Taunton Deane Borough Council) and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). 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.

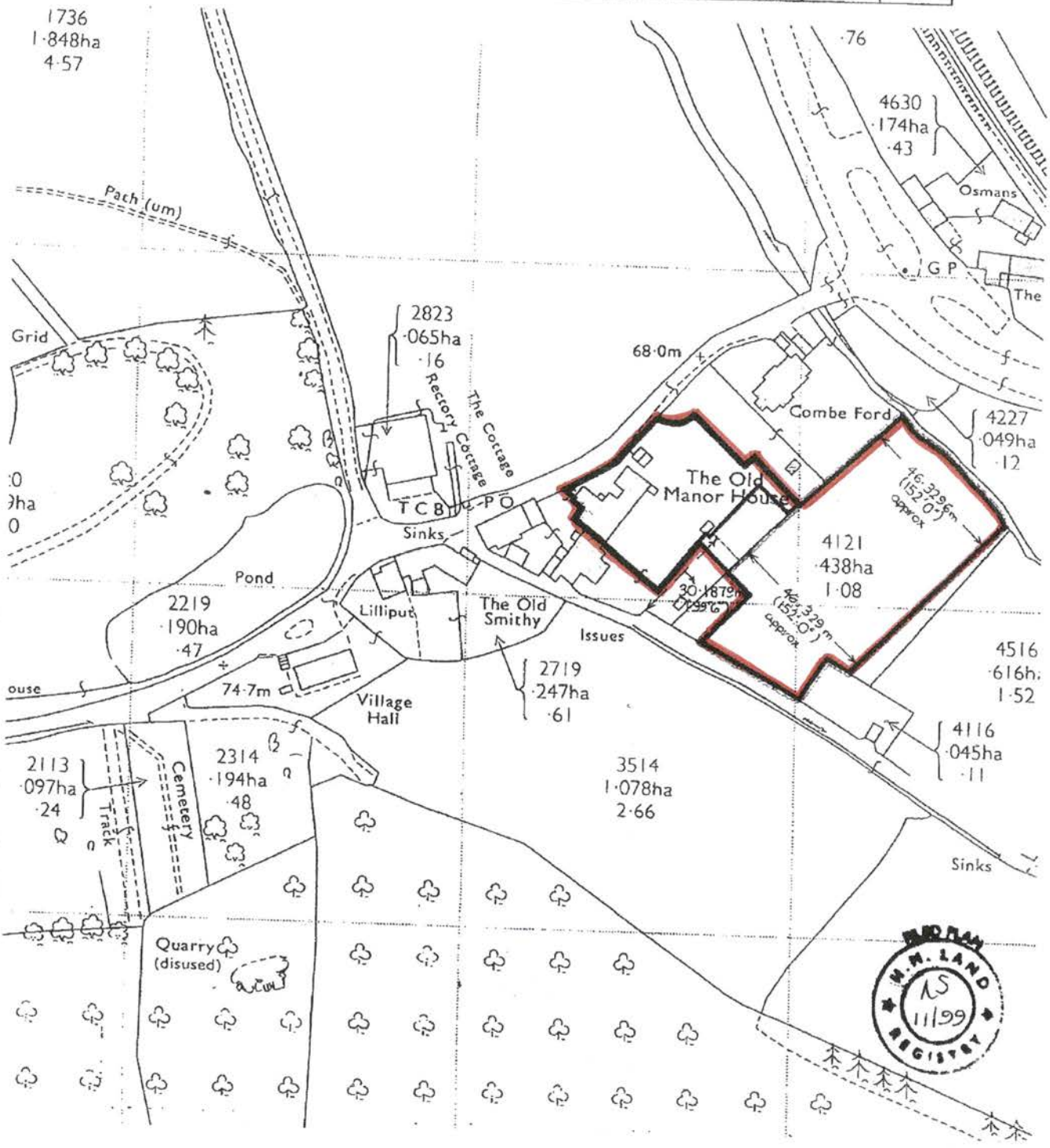
Parties on whom the enforcement notice has been served

[redacted]

H.M. LAND REGISTRY

TITLE NUMBER	
ST 125634	

ORDNANCE SURVEY PLAN REFERENCE	ST1531	Scale 1/1250
COUNTY SOMERSET	DISTRICT TAUNTON DEANE	© Crown copyright



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 22 February 2012 at 11:55:14. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - Title Plans.



