Original

Listed Building Enforcement Notice
Planning (Listed Buildings and Conservation Areas) Act 1990

Important - This Communication Affects Your Property

Issued by: Taunton Deane Borough Council

1. **This Listed Building Enforcement Notice** ("the Notice") is issued by Taunton Deane Borough Council ("the Council") pursuant to Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") because it appears to the Council that works have been carried out within the site of the listed building described in paragraph 2 of this Notice in contravention of Section 7 of the Act. The Council considers it is expedient to issue this Notice having regard to the effect of the works on the character of the Building as being of special architectural or historic interest.

2. **The Building to Which the Notice Relates**
   The building known as The Old Manor House Combe Florey Road Combe Florey Taunton Somerset TA4 3JD ("the Building") as shown edged red on the attached plan ("the Plan") which is a Grade II* listed building as defined in Section 1 of the Act.

3. **The Breach of Listed Building Control**
   It appears to the Council that the works specified below have been or are being executed to the Building ("the Works") and are such as to constitute a contravention of section 9(1) of the said Act:

   (i) Without Listed Building Consent the original dwarf stone wall has in part been rebuilt and overall has been increased in height to over 1m and metal railings fitted to the top of the said wall increasing the overall height to approximately 1.8m (as shown on the copy photos marked 1 and 2 attached to this Notice); and
   (ii) Without Listed Building Consent the original timber field gates (as shown on copy photos marked 3 and 4 attached to this Notice) have been replaced with modern half timbered and metal curved top gates (as shown on copy photos marked 1 and 2 attached to this Notice)

4. **Reason for issuing the Notice**
   The Council considers it expedient to issue this Notice having regard to the effect of the said Works on the character of the Building as one of special architectural or historic interest.

   The exterior of the 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 Building than previously existed.

The Works are considered to be detrimental to the setting of this important building and are therefore contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 (Planning for the Historic Environment) and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (The Built Historic Environment)

5. Steps required to be taken

The Council requires the steps specified below to be taken within three months from the date that this Notice takes effect for the purposes of restoring the Building to its former state:

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 when this Notice takes effect

7. When this notice takes effect

This Notice will take effect on 26 March 2012 unless an appeal is made against it beforehand

Dated: 22 February 2012

Signed: Joanne Tocker

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

Annex

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

The Planning (Listed Building and Conservation Areas) Act 1990 as amended.

Listed Building (or Conservation Area) Enforcement Notice relating to The Old Manor House Combe Florey Road Combe Florey Taunton Somerset TA4 3JD

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

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 building.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the 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 Listed Building 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 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), you may appeal on one or more of the following grounds:-

(a) <u>For a listed building</u> - that the building is not of special or architectural or historic interest;

<u>For a building within a conservation area</u> – that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated;

(b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

(c) that those matters (if they occurred) do not constitute such a contravention;

(d) that the works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;

(e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;

(f) that copies of the notice were not served as required by section 38(4).

(g) except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out; (Note: It should be noted that its condition before the works were carried out refers to its former authorised condition, which is its condition when listed, subject to any listed building consents subsequently granted. It does not refer to its physical condition, for example in terms of repair.)

(h) that the period specified in the notice as the period within which any steps required by the notice is to be taken falls short of what should reasonably be allowed;

(i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve the purpose. (Note: this ground cannot be pleaded at the same time as grounds (j) and/or (k) -see note below.

(j) that the steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building. (Note: This ground is concerned with alleviation, not with restoration and cannot be pleaded at the same time as grounds (j) and/or(k)- see note below)

(k) that steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with(Note: This ground cannot be pleaded at the same time as grounds (i) and/or(j) –see note below.

Note: Not all of these grounds may be relevant to you.

Please also note that grounds (i), (j) and (k) are mutually exclusive and cannot be pleaded simultaneously although any one of them can be pleaded at the same as ground (g).

Ground (i) should be pleaded if the notice has been issued under Section 38(2)(a) and relates only to restoration

Ground (j) should be pleaded if the notice requires alleviation of the works and it has been issued under Section 38(2)(b).

Ground (k) should be pleaded if the notice has been issued under Section 38(2)(c) and requires bringing the building to the state it would have been in if the terms and conditions of any Listed Building Consent had been complied with.

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.

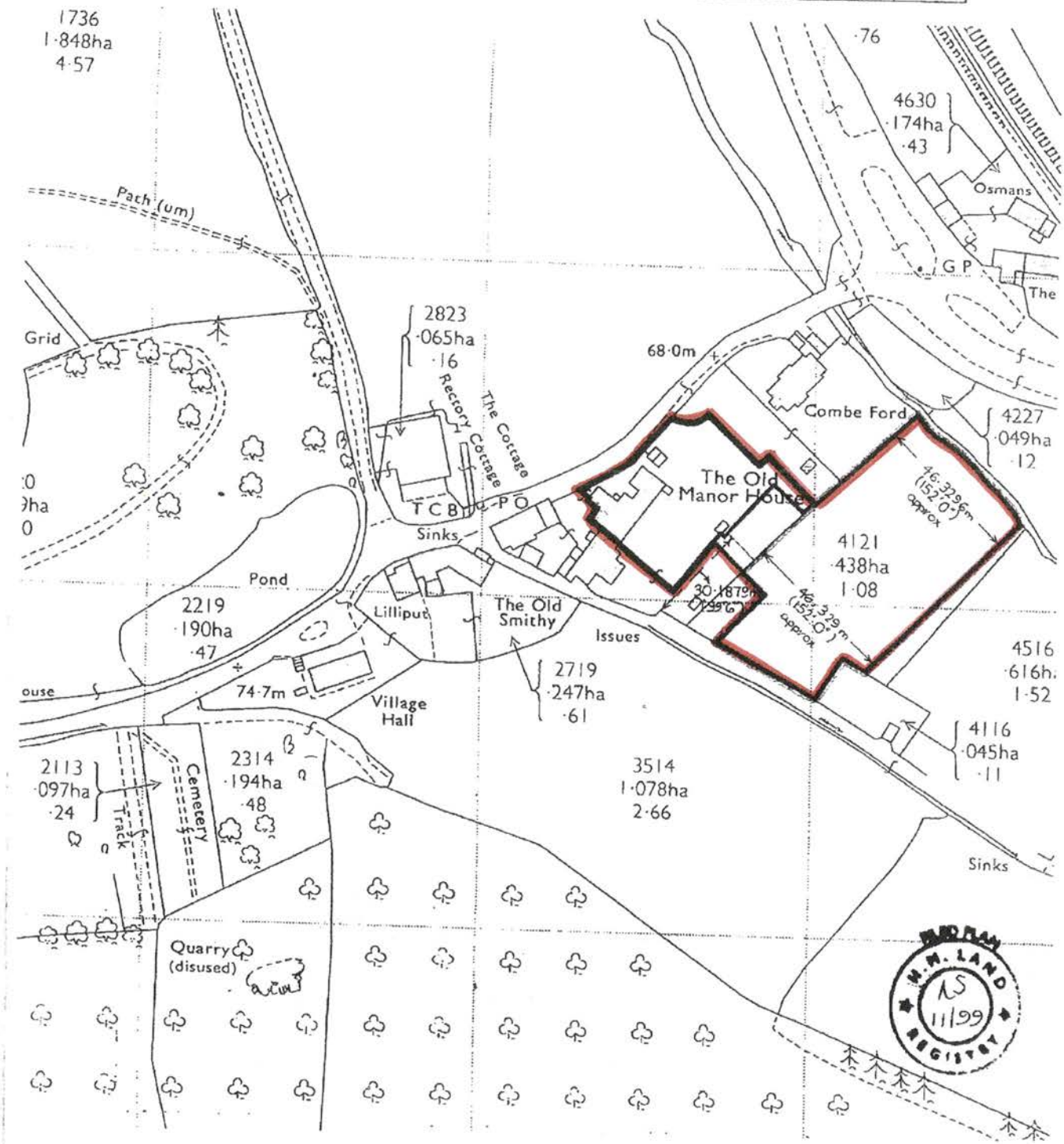
Parties on whom the enforcement notice has been served:-



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.





Google

Address

Address is approximate

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Address

Address is approximate

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