Original

**Important - This Communication Affects Your Property**
**Planning (Listed Buildings and Conservation Areas) Act 1990**
**Listed Building Enforcement Notice**

SCANNED 2 - MAR 2012

**Issued by: Taunton Deane Borough Council ("the Council")**

1. The Council is the local planning authority for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") in relation to the following building:

   21 East Street Taunton Somerset TA1 3LP ('the Building') the location of which is shown edged red on the plan attached to this Listed Building Enforcement Notice.

2. The Building is included within a list of buildings of special architectural or historic interest compiled or approved under section 1 of the Act

3. **Breach of listed building control**
   It appears to the Council that the works specified below have been or are being executed to the Building and are such as to constitute a contravention of Section 8(1) of the Act:

   Alterations to install a shop front and display of internally illuminated fascia sign and display of projecting sign as shown on the photos marked 1 and 2 attached to this Listed Building Enforcement Notice.

4. **Reason for issuing the notice**
   The Council considers it expedient to issue this Listed Building Enforcement 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 signs are considered to appear visually obtrusive by reason of the design, materials and illuminations and are out of keeping with the character of the listed building. The shop front works are not of a design and materials in keeping with the character of the listed building and are also considered to detract from its character. The works are therefore contrary to guidance as contained in PPS5 (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 six months from the date that this Listed Building Enforcement Notice takes effect for the purposes of restoring the building to its former state:

   1. Remove the unauthorised shop front, fascia, projecting sign, wiring and shutters, in their entirety; and

2. Install:

- a smooth rendered, matt white painted stallriser, to the same height as existing ('existing' being similar to when the Building was occupied by Carphone Warehouse as shown on the photo marked 3 attached to this Listed Building Enforcement Notice);
- a red, satin finished powder coated aluminium shop front, with flush, centrally positioned double doors with solid bottom panels to the same depth as the stallriser, all set back from the front of the building as existing and between the pilasters as existing;
- a single fanlight over the double doors;
- full height glazing either side of the double doors;
- a red, satin finished, powder coated, flat aluminium fascia, of the same depth as existing, set back from the front of the building and between the pilasters, as per the shop front;
- similar non-illuminating fascia signage including size of lettering and logo, with the logo being centrally positioned., as existing

**6. Time for compliance**

6 months from the date when this Notice takes effect

**7. When this notice takes effect**

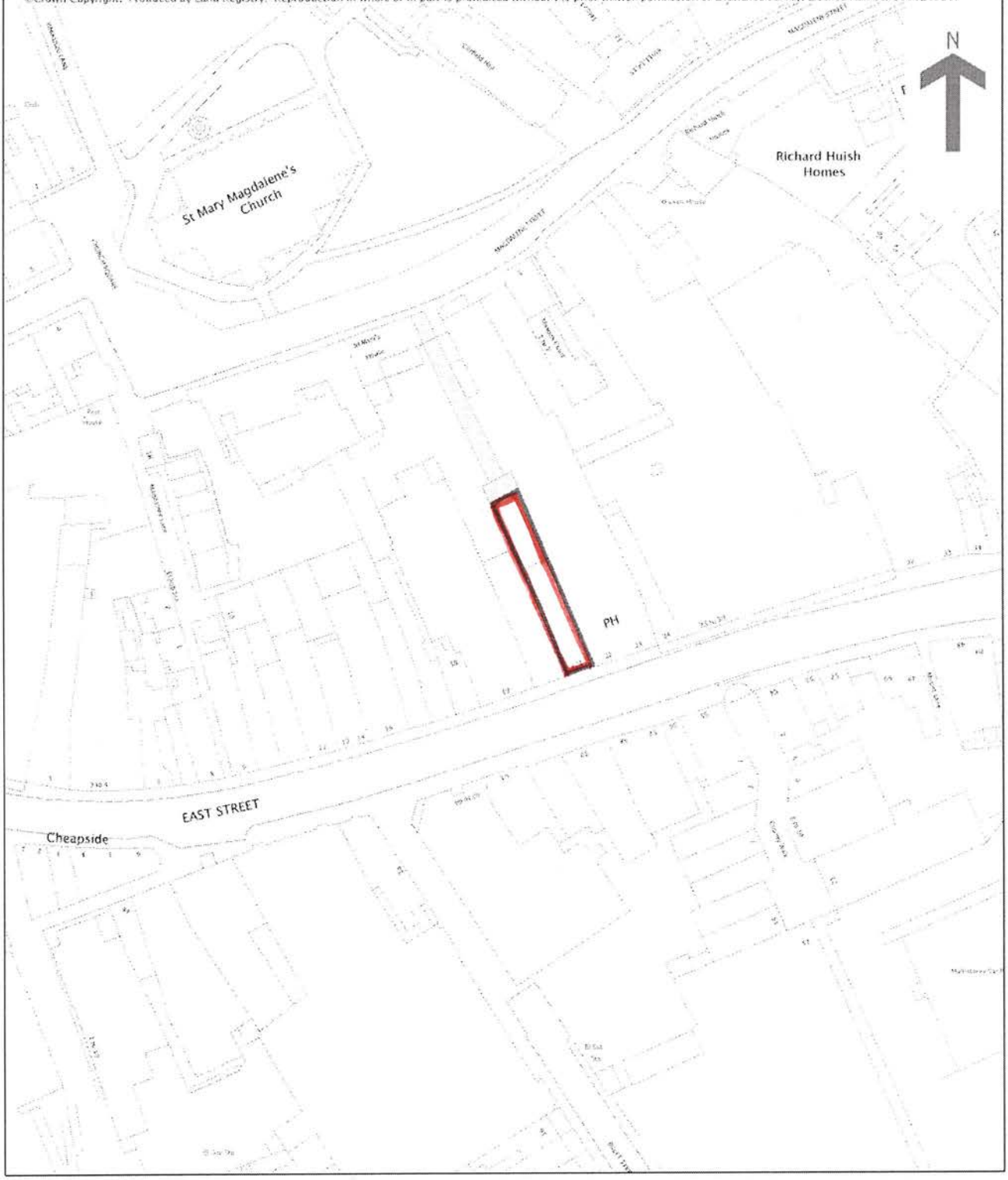
This Notice will take effect on 30 April 2012 unless an appeal is made against it beforehand

Dated: 26 March 2012
Signed: Tracey Tecklesc
on behalf of Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

# Land Registry
# Current title plan

Title number **ST66444**
Ordnance Survey map reference **ST2224NE**
Scale **1:1250**
Administrative area **SOMERSET : TAUNTON DEANE**

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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 19 March 2012 at 15:11:56. 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.

This title is dealt with by Land Registry, Plymouth Office.


ENTERTAINMENT
EXCHANGE
LARKMAN
EDGCUMBE
RST, SECOND & THIRD
LOOR OFFICES TO LET
01823 323523
PETKIN
WARBECK
LLOYDS
Mon-Sat
8am-5pm
Pay at meter
ning
Hours
BUY

2



3


millets
THE OUTDOORS STORE
THE Carphone Warehouse
SHOP TO LET
SHOP TO LET
13/07/2010 11:18

# 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 [name and address of building].**

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 Listed Building 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 building.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Listed Building Enforcement Notice. Unless an appeal is made, as described below, the Listed Building Enforcement Notice will take effect on 30 April 2012 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) 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 30 April 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 Listed Building 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 Listed Building Enforcement Notice has been served:-

