Original

TDBC
PLANNING
-8 MAY 2012
RECEIVED

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

Enforcement Notice: E/0302/27/11
Issued By: Taunton Deane Borough Council ("the Council")

1. This Enforcement 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 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 Enforcement Notice Relates
Land at Whipprells Hill Road Norton Fitzwarren Taunton Somerset TA4 1BG shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, change of use of the Land from agricultural use to residential use and to use to operate a falconry business by the siting of and domestic occupation of a mobile home and the siting of buildings and structures in connection with the operation of a falconry business as shown on the 5 attached photographs.

4. Reasons For Issuing This Enforcement Notice
It appears to the Council that the above breach of planning control has occurred within the last ten years.

It is considered that the unauthorised use of the Land for residential purposes is not acceptable within this countryside location where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need.

It has not been proven that it is essential for the proper functioning of the falconry business for a worker to be living permanently at or near the place of work in the countryside.

It is considered that the unjustified dwelling in the open countryside would foster the need to travel by private car contrary to Policy S7 (Outside Areas) of the Local Plan, Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) and the National Planning Policy Framework.

The location of the site is considered to be unacceptable for new business as Policy EC7 (Rural Employment Proposals) of the Local Plan restricts this to sites near a public road, adjacent to existing settlements and where there would be no harm to amenity, landscape or highway safety.

The mobile home and buildings/structures used for the falconry business are considered to materially harm the visual amenity and landscape character of the area contrary to Policy EN12 (Landscape Character Areas) of the Local Plan.

The proposal therefore represents an unjustified residential development in the open countryside, contrary to Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC7 (Rural Employment Proposals) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan; Policies STR1 (Sustainable Development), STR6 (Development Outside Towns, Rural Centres and Villages) and Policy 49 (Transport Requirements of New Development) of the Somerset & Exmoor National Park Joint Structure Plan Review and advice contained within the National Planning Policy Framework.

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

- Stop using any part of the Land for residential use and remove from the Land the mobile home; and
- Remove from the Land the buildings and structures used in connection with the operation of a falconry business

6. Time For Compliance

9 months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect

This Enforcement Notice takes effect on 7 June 2012 unless an appeal is made against it beforehand.

Dated: 3rd May 2012

Signed:

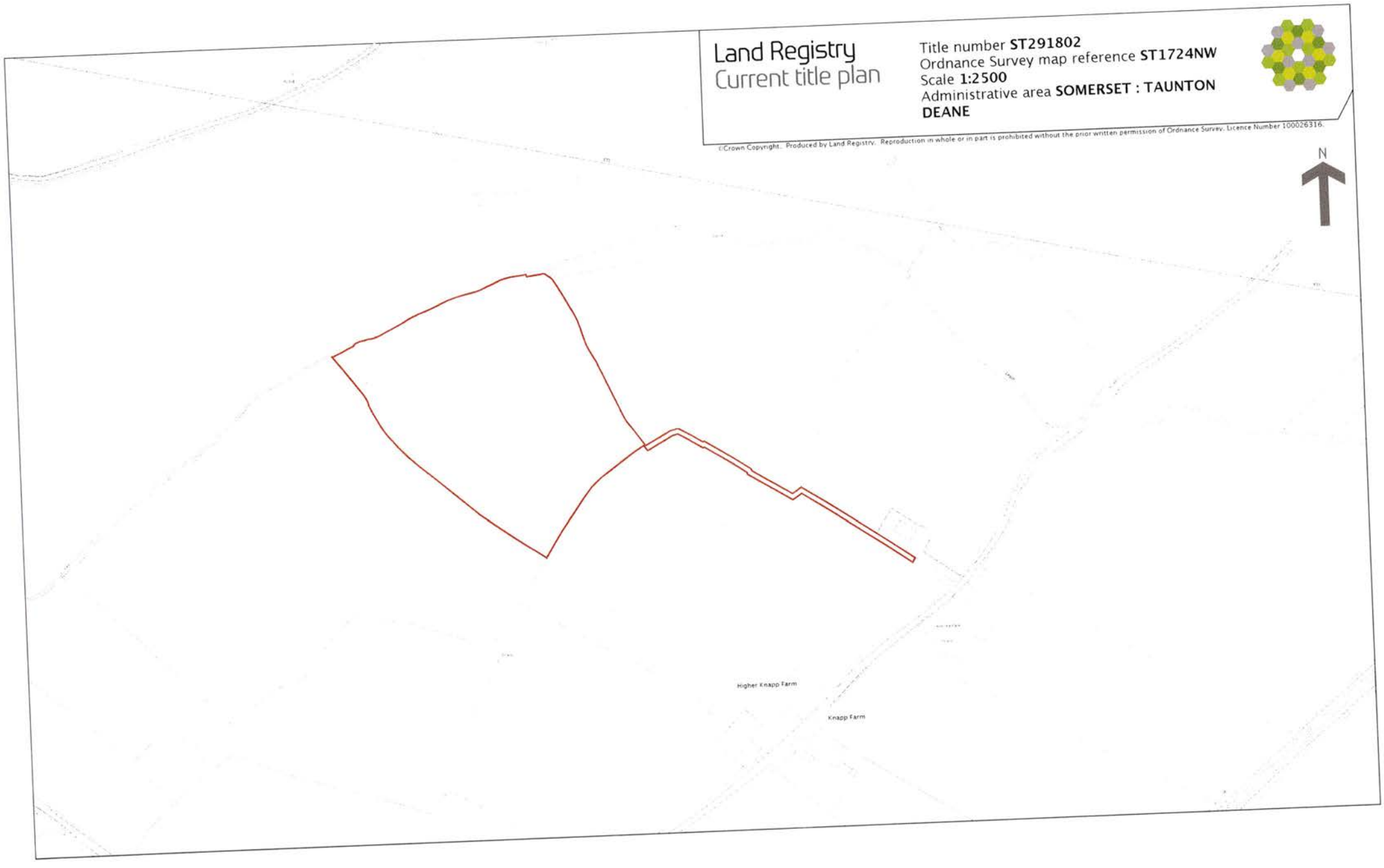
on behalf of Taunton Deane

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

Land Registry
Current title plan

Title number **ST291802**
Ordnance Survey map reference **ST1724NW**
Scale **1:2500**
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 15:25:41. 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.


12/01/2012 13:41


12/01/2012 13:47


12/01/2012 13:47


12/01/2012 13:50


12/01/2012 13:50

Annex

Important - This Communication Affects Your Property
Town And Country Planning Act 1990
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Enforcement Notice relating to land at Whipprells Hill Road Norton Fitzwarren Taunton Somerset TA4 1BG

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 Enforcement Notice as you have an interest in the land. 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 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 7 June 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 7 June 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 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 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 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:-

