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/0077/44/14
Issued By: Taunton Deane Borough Council ("the Council")
Land at Beacon Lane Farm Foxmoor Road Wellington TA21 9NX

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 this Enforcement Notice and the enclosures to which it refers contain important additional information.

2. The Land to Which the Enforcement Notice Relates
Land at Beacon Lane Farm Foxmoor Road Wellington Somerset TA21 9NX as shown edged red on the attached plan ("the Site").

3. The Matters Which Appear To Constitute the Breach of Planning Control
Without planning permission, the unauthorised change of use of agricultural land to a dog breeding business together with the siting of wooden structures to accommodate dogs and associated hardstanding as shown on the three (3) photographs attached to this Enforcement Notice.

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.

The Site is set in a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and is near to Wellington Monument which is a Scheduled Ancient Monument. AONB have the highest status of protection in relation to landscape and scenic beauty.

The unauthorised change of use to the keeping of dogs in this rural location is adversely affecting the rural character and appearance of the area. The scale and mass of buildings being used to accommodate the dogs have a damaging effect on the visual landscape quality of the AONB. The likely benefits of the business are not considered to be sufficient as to outweigh the weight that the NPPF requires should be given to conserving the landscape and scenic beauty of the AONB.

The unauthorised change of use has the potential to impact upon the nearby residential amenity of the area due to the noise from barking dogs. The noise generated by the unauthorised use of the Site, due to its open and uncontrolled nature, results in significant audible disturbance to the peace and tranquility of this area of the AONB.

The unauthorised change of use is contrary to Guidance at Paragraph 115 of the National Planning Policy Framework (NPPF) (Conserving and enhancing the natural environment); Polices DM1 (General Requirements), DM2 (Development in the Countryside), CP2 (Economy) and CP8 (Environment) of the Taunton Deane Core Strategy

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) Cease using the Land for a non agricultural use, namely the keeping of dogs; and
(ii) Remove from the Land all buildings and structures and hardstanding used in connection with the keeping of dogs.

6. Time for Compliance
2 months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 29 August 2014 unless an appeal is made against it beforehand.

Dated: 25 July 2014
Signed:

on behalf of

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


Beacon Lane
71.0m
Beacon Lane
Farm
Pond
Pump
Pond


25.03.2014 11:06


25.03.2014 11:06


25.03.2014 11:27

Annex

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

Enforcement Notice: E/0077/44/14

Enforcement Notice relating to Land at Beacon Lane Farm Foxmoor Road Wellington TA21 9NX

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 29 August 2014 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 29 August 2014.

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 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 the 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.

Parties on whom the Enforcement Notice has been served:
Mr George Coate
Mrs Julie Coate
Mr & Mrs DJ Hill