Replacement + 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/0033/35/14
Issued By: Taunton Deane Borough Council ("the Council")
Land at Appley Stawley Wellington Somerset TA21 0HH

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 Town And Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991), 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 Appley Stawley Wellington Somerset TA21 0HH shown edged red on the attached plan ("the Site").

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission:-

(i) a change of use of the Site from agricultural use to residential use by the stationing of a mobile home for residential occupation in the approximate position coloured blue on the attached plan and as shown circled blue on the attached photograph; and

(ii) the construction of a timber building on the Site in the approximate position coloured green on the attached plan and as show circled green on the attached photograph

4. Reasons For Issuing This Enforcement Notice
It appears to the Council that the breach of planning control in respect of the stationing of the mobile home for residential occupation has occurred within the last ten years and that the breach of planning control in respect of the construction of the timber building on the Site has occurred within the last four years.

An Application for Prior Notification of the erection of an agricultural storage building and track at the Site was granted approval on 9 February 2010 under reference number 35/09/008/AGN ("the Agricultural Notification").

The mobile home was brought on to the Site to accommodate persons overseeing the construction of the agricultural storage building granted in accordance with the Agricultural Notification. In the past, therefore, the mobile home had the benefit of Permitted Development rights in accordance with

Schedule 2, Part 4, Class A, Paragraph A of the Town and Country Planning (General Permitted Development) Order 1995 which provides that planning permission is deemed as granted for Temporary Buildings and Uses as follows:-

"A - The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land".

The construction of the agricultural storage building permitted under the Agricultural Notification has completed and there is no longer any need for the mobile home to be occupied for residential use on the Site. The occupation of the mobile home is unauthorised and the mobile home should be removed from the Site.

The unauthorised timber building is sited adjacent to the mobile home and its purpose appears to be for storage and to accommodate toilet facilities.

The Site is located within open countryside outside of the villages of Appley and Stawley. In accordance with Policies CP4 (Housing) and SP1(Sustainable Development Locations) of the Taunton Deane Core Strategy together with paragraph 55 of the National Planning Policy Framework (promoting sustainable development in rural areas) there is a general presumption against granting planning permission for new residential development unless there is an essential need for accommodation to support a rural/farm worker. At present there is no functional requirement for there to be a dwelling at the Site.

The mobile home and its occupancy and the timber building constitute an undesirable and unsustainable development within the open countryside. This increases the reliance of occupiers of the mobile home upon the private motor vehicle to access services that are not well provided for within the area of the Site.

This is contrary to Policies SP1 (Sustainable Development Locations), DM1 (General Requirements); DM2 (Development in the Countryside); CP4 (Housing) and CP8 (Environment) of the Taunton Deane Core Strategy.

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

(i) Stop using the mobile home for residential use and remove the mobile home from the Site

(ii) Remove the unauthorised timber building from the Site

6. Time For Compliance

(i) With regard to the requirements set out at 5(i) above in respect of the unauthorised mobile home, 6 months from the date that this Enforcement Notice takes effect; and

(ii) With regard to the requirements set out at 5(ii) above in respect of the unauthorised timber building, 3 months from the date that this Enforcement Notice takes effect

7. When This Enforcement Notice Takes Effect

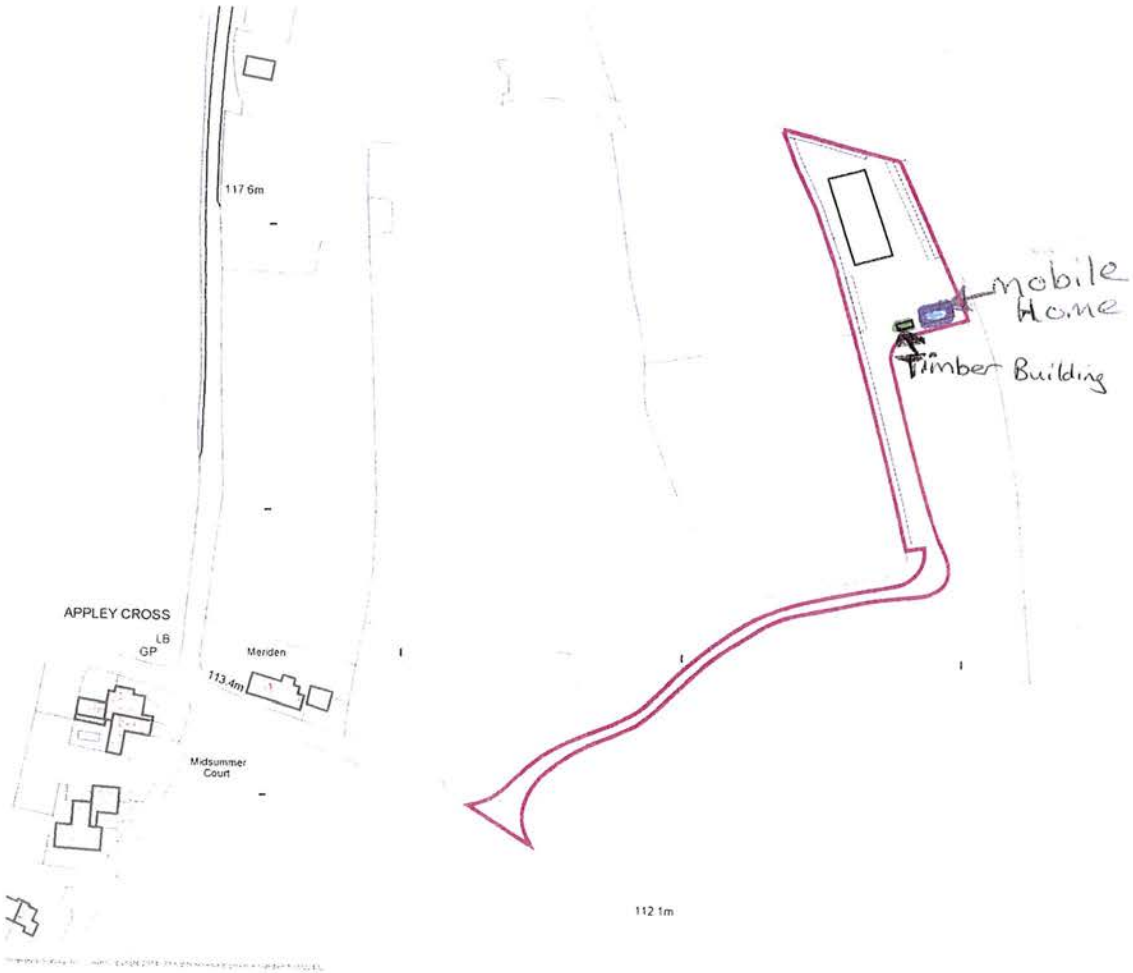
This Enforcement Notice takes effect on 3 December 2014 unless an appeal is made against it beforehand.

Dated: 29/10/2014

Signed:

on behalf of

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



LOCATION PLAN
Scale 1:2500

Ownership Boundary

Site Boundary

1:2500
0 50 m 100 m 200 m 300 m 400 m 500 m

0 10 m 50 m 100 m
1:500


08.04.2014 13:21

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/0033/35/14
Land at Appley Stawley Wellington Somerset TA21 0HH

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 3 December 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 Enforcement 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 3 December 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 in respect of the material change in use of land is £385.00 and so double the fee payable is £770.00 and the fee in respect of the erection of the timber building is £195.00 and so the double the fee payable is £390.00). 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:-

[redacted]