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/0084/43/14
Issued By: Taunton Deane Borough Council ("the Council")
Land at 82 Russet Close Wellington Somerset TA21 9BJ

1. This 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 Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. The Land To Which The Notice Relates
Land at 82 Russet Close Wellington Somerset TA21 9BJ shown edged red on the attached plan ("the Land").

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, erection of a raised platform in the form of decking on the Land in the approximate position marked with black hatching on the attached plan and as shown on the attached photograph.

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

Schedule 2, Article 3, Part 1, Class E (a) of the Town and Country Planning (General Permitted Development) Order 1995 ("the GPDO") gives Permitted Development rights for the provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Schedule 2, Article 3, Part 1, Class E1 (g) of the GPDO provides that Development is not permitted by Class E "if it would include the construction or provision of a veranda, balcony or raised platform".

Interpretation of Part 1 is set out in Schedule 2, Article 3 of the GPDO and provides that "raised" in relation to a platform means a platform with a height greater than 300mm.

The decking has a height greater than 300mm and is therefore a raised platform and is not Permitted Development.

The decking forms a raised platform that is sited in an elevated position that overlooks the neighbouring property. This causes harm to the living conditions and amenity of the neighbouring property. This is contrary to Policy DM1 (General Requirements) of the adopted Taunton Deane Core Strategy and paragraph 207 (Enforcement) of 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
Remove the raised platform from the Land.

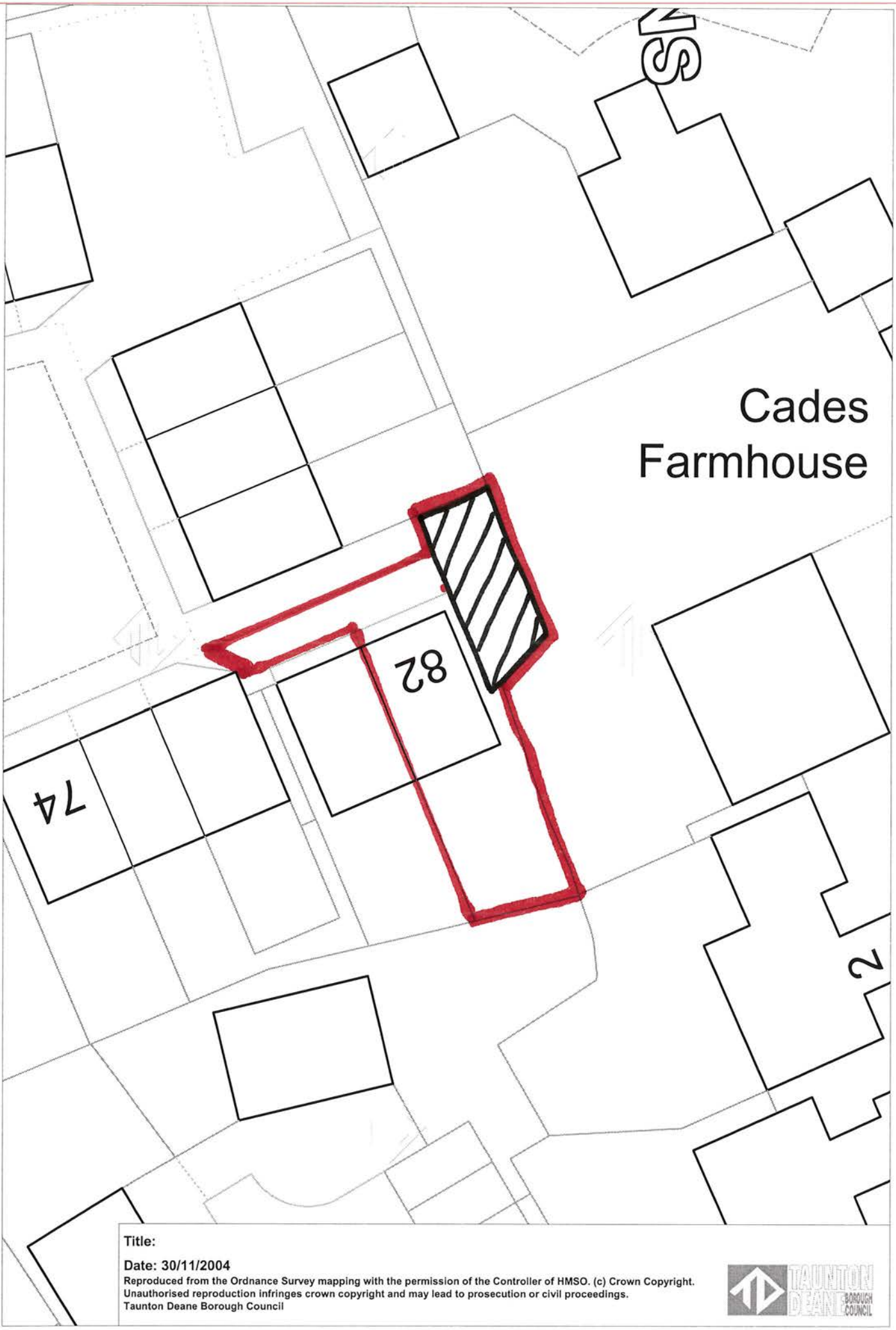
6. Time For Compliance
6 weeks from the date that this notice takes effect.

7. When This Notice Takes Effect
This notice takes effect on 16 January 2015 unless an appeal is made against it beforehand.

Dated: 12 December 2014
Signed: R Bryant.

on behalf of

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



Title:

Date: 30/11/2004

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Taunton Deane Borough Council

TAUNTON DEANE BOROUGH COUNCIL


23.05.2014 11:12

ANNEX

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

Enforcement Notice relating to land at 82 Russet Close Wellington Somerset TA21 9BJ

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 Notice as you have an interest in the Land. 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 Land.

Your Right of Appeal
There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against 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 16 January 2015.

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 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 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 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 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 £344.00. You should pay half of the fee (£172.00) 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.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Parties on whom the Enforcement Notice has been served:-

[redacted]