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/0097/38/14
Issued By: Taunton Deane Borough Council ("the Council")
Land at 77 Lyngford Road Taunton Somerset TA2 7EG

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 77 Lyngford Road Taunton Somerset TA2 7EG shown edged red on the attached plan ("the Land").

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

a) erection of a structure on the Land as shown on the attached photograph marked photograph 1; and
b) the erection of a fence on the Land, exceeding 1 metre in height above ground level, adjacent to a highway, as shown on the attached photograph marked photograph 2.

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.

With regard to the unauthorised structure on the Land referred to at clause 3 a) of this Notice:-
Schedule 2, 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.

Article 1(2) of the GPDO 1995 Order defines "Building" as follows (paraphrased): "includes any structure or erection and includes any part of a building, as defined in this article"; Section 336 of the Town and Country Planning Act 1990 defines "Building" as follows: ""building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building";

The unauthorised structure is a Building for the purposes of the provisions of the GPDO and the Town and Country Planning Act 1990.

Schedule 2, Article 3, Part 1, Class E1 (b) of the GPDO provides that Development is not permitted by Class E if "any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse".

The unauthorised structure is sited forward of the wall forming the principal elevation of the original dwellinghouse on the Land.

With regard to the unauthorised fence on the Land referred to at clause 3 b) of this Notice:-

Schedule 2, Part 2, Class A of the GPDO gives Permitted Development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure.

Schedule 2, Part 2, paragraph A.1 (a) of the GPDO provides that Development is not permitted by Class A if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;

The unauthorised fence is approximately 1.8m high and it is adjacent to a highway.

The unauthorised structure and fence are contrary to development plan policies and harmful to the visual amenities of the area. They impact on the character and appearance of the street scene. The area to the eastern side of Lyngford Road is characterised by open fronted properties. There do not appear to be any other high fences or large prominent structures located within front gardens of properties within the area.

The unauthorised structure and fence are considered to be contrary to Policy DM1 (General Requirements) of the Taunton Deane Core Strategy; and guidance contained within paragraph 207 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

a) Remove the unauthorised structure; and
b) Reduce the height of the unauthorised fence to no more than 1metre.

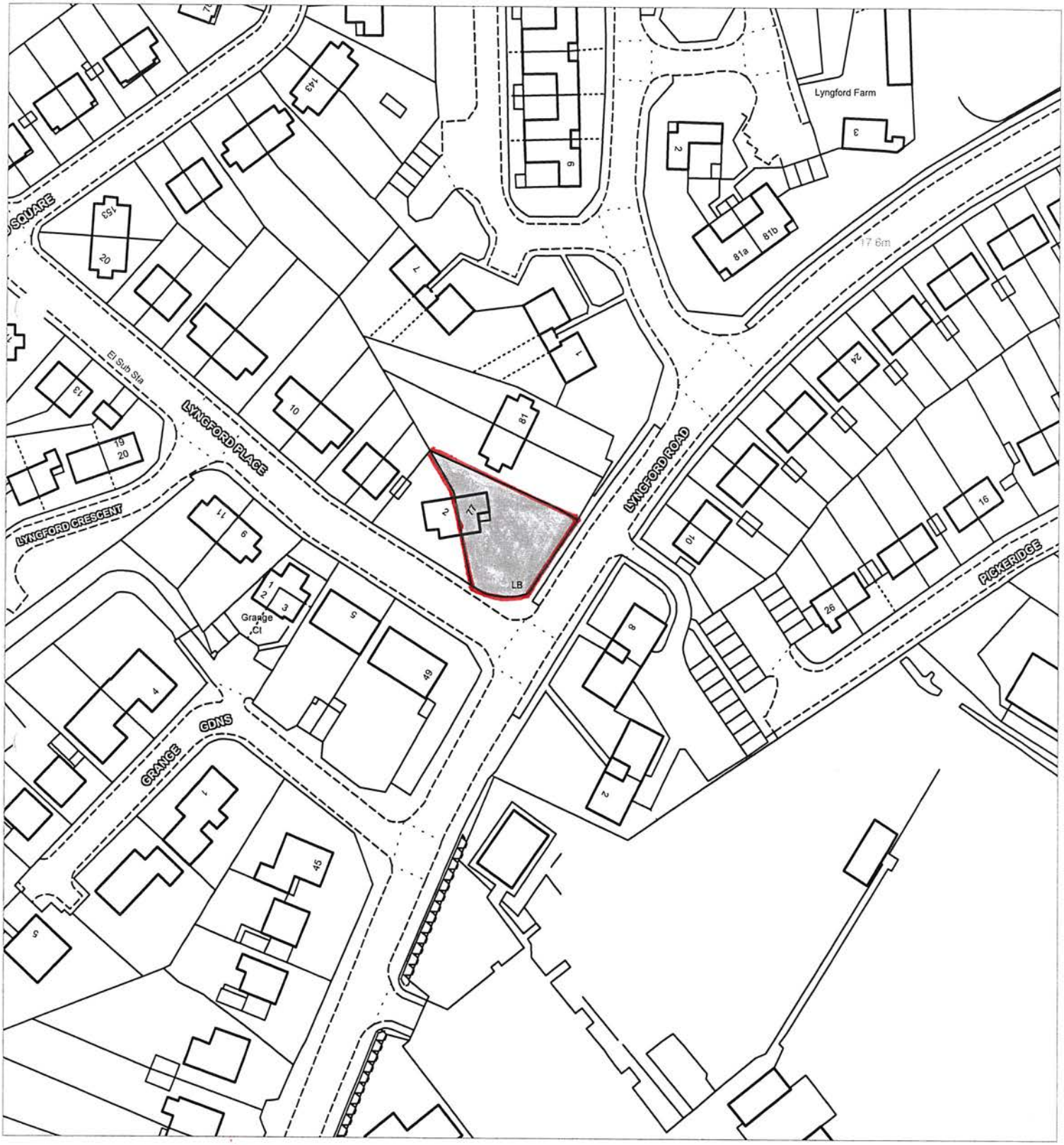
6. Time For Compliance

3 months from the date this Notice takes effect

7. When This Notice Takes Effect

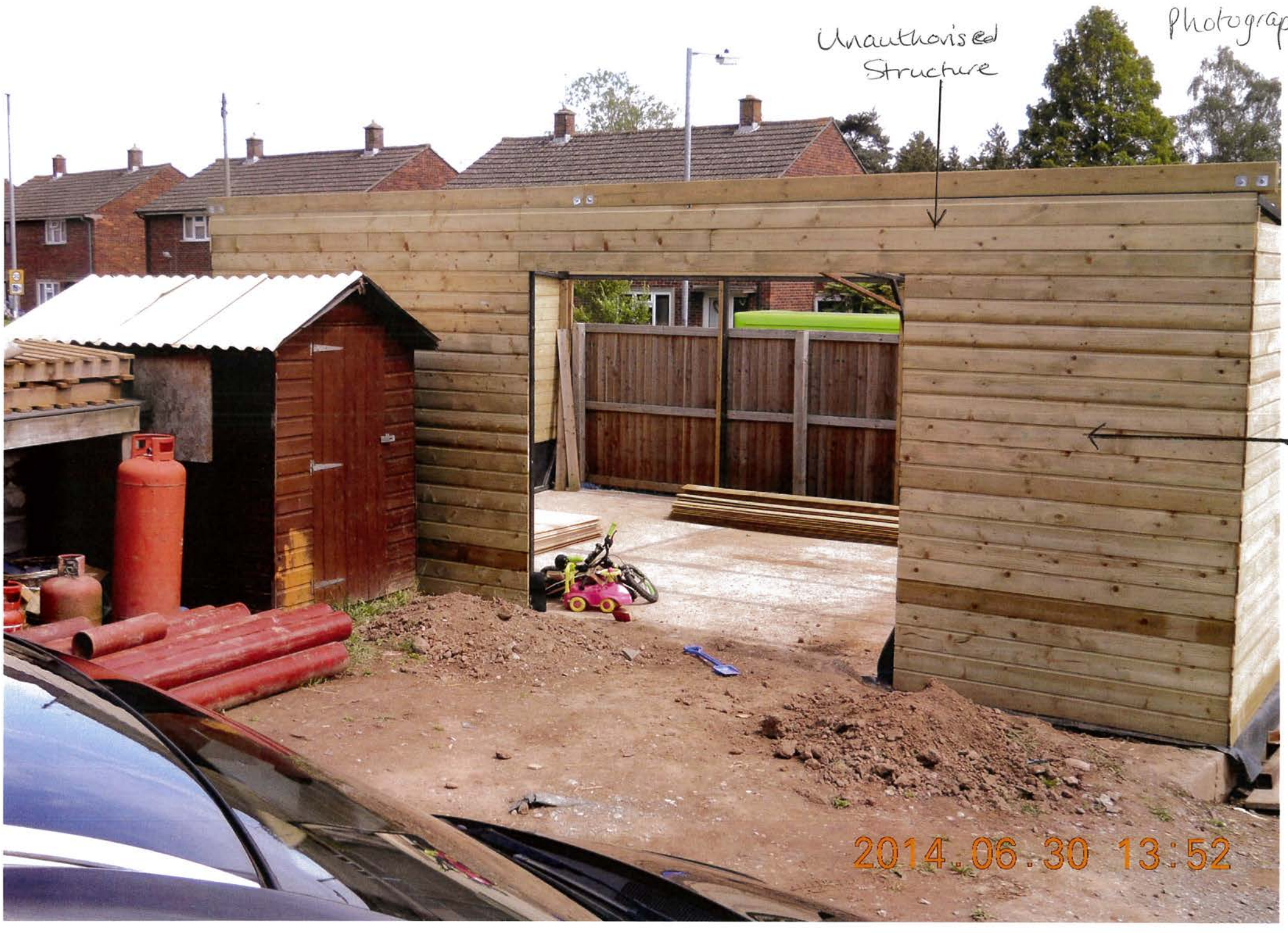
This Notice takes effect on 20 February 2015 unless an appeal is made against it beforehand.

Dated: 16 JANUARY 2015
Signed:
on behalf of
Taunton Deane Borough Council The Deane House Belvedere Road Taunton Somerset TA1 1HE


Lyngford Farm
LYNGFORD PLACE
LYNGFORD CRESCENT
LYNGFORD ROAD
PICKERIDGE
GRANGE GDNS
El Sub Sta
LB
Grange Ct
17.6m

Photograph 1

Unauthorised Structure



Unauthorised Structure

Photograph 1

Photograph 2



Photograph 2

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/0097/38/14
Issued By: Taunton Deane Borough Council ("the Council")
Land at 77 Lyngford Road Taunton Somerset TA2 7EG

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 20 February 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]