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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/0073/46/12
Issued By: Taunton Deane Borough Council ("the Council")
Gerbestone Lodges Gerbestone Lane West Buckland Somerset TA21 9PJ

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 (b) 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
Gerbestone Lodges Gerbestone Lane West Buckland Somerset TA21 9PJ ("the Property") shown edged red on the plan attached to this Notice and marked 'Plan 1'.

3. The Matters Which Appear to Constitute the Breach of Planning Control
Unauthorised occupation of the Property by not complying with a holiday occupancy planning condition.

Planning permission under application number 46/04/0043 for the erection of 4 No holiday lodges for use as holiday accommodation on that part of the Property shown hatched green on Plan 1 was granted on 11 January 2005 ("the First Planning Permission"). Planning permission under application number 46/05/0035 for the erection of 4 No holiday lodges for use as holiday accommodation on that part of the Property shown hatched blue on Plan 1 was granted on 3 February 2006 ("the Second Planning Permission"). Condition number 11 of the First Planning Permission and of the Second Planning Permission provided a Holiday Occupancy condition in the following wording:

11 "The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times".
Reason: The accommodation provided is unsuitable for use as permanent dwellings because of the location of the site within an area of open countryside where there is strict control of new residential development and the Local Planning Authority wish to ensure the accommodation is available for tourism in accordance with Taunton Deane Local Plan Policy EC23.

The First Planning Permission was amended under application number 46/08/0021 and the Second Planning Permission was amended under application number 46/08/0022 (together referred to as 'the Amended Applications'). The purpose of the Amended

Applications was to remove the Holiday Occupancy condition number 11 of the First Planning Permission and of the Second Planning Permission in the interests of clarity. Planning Permission for the Amended Applications was granted on 30 September 2008 ("the Amended Planning Permissions"). The decision notice relating to each of the Amended Planning Permissions contains the following planning conditions (words in italics relate to the applicable application number for the First Planning Permission or the Second Planning Permission):-

"01 Permission is granted in accordance with the planning application *[Ref 46/2004/043 dated 11 January 2005] [Ref 46/2005/035 dated 3 February 2006]* without compliance with condition number 11 previously imposed on planning permission *[Ref 46/2004/043] [Ref 46/2005/035]* but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and the following new condition.

Reason: In the interests of clarity and to define the planning permission in accordance with Taunton Deane Local Plan Policies S1, S2 andS7.

02 The chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of individual chalets on the site and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The proposal accords with Policy S7 (D) and the government guidance contained within the Good Practice Guide on Planning for Tourism.

It appears to the Council that Condition 02 of the Amended Planning Permissions has not been complied with because four holiday lodges, shown as lodges 1, 2, 3 and 8 on the plan attached to this Notice and marked as 'Plan 2' are not being occupied for tourism purposes but are being occupied as a person's sole or main residence.

4. Reasons for Issuing This Enforcement Notice

It appears to the Council that the above breach of planning control has occurred within the last four years.

The Property lies beyond existing and proposed settlement limits as set out in the adopted Local Plan, Taunton Deane Core Strategy and the published draft Taunton Deane Site Allocation and Development Management Plan. In this regard it is clear that the Property is within Open Countryside and subject to policy SP1 (Sustainable Development Locations) and policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

The size of the Property and number of dwellings involved (8 proposed in total) do not make a worthwhile contribution to the 5 year land supply and could set a precedent in the immediate location and across the Borough of Taunton Deane for deviating from the Development Plan. The Property is a significant distance from services and facilities required for residential properties. There is no public transport route in the vicinity of the Property. The Property is in an unsustainable location. The First Planning Permission

and the Second Planning Permission were granted because there was an identified need to help the tourism trade in the area. These factors do not apply to residential use.

For the reasons above this is contrary to paragraph 55 of the National Planning Policy Framework (NPPF) and guidance contained within paragraph 207 of the NPPF; it is contrary to Policies SP1 (Sustainable Development Locations), DM2 (Development in the Countryside), CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy and saved Policy EN12 (Landscape Character Areas) of the Taunton Deane Local Plan 2004

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
Cease permanent residential occupation of the holiday lodges.

6. Time for Compliance
6 (six) months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 3 March 2015 unless an appeal is made against it beforehand.

Dated: 27 January 2015
Signed: R. Bryant

on behalf of

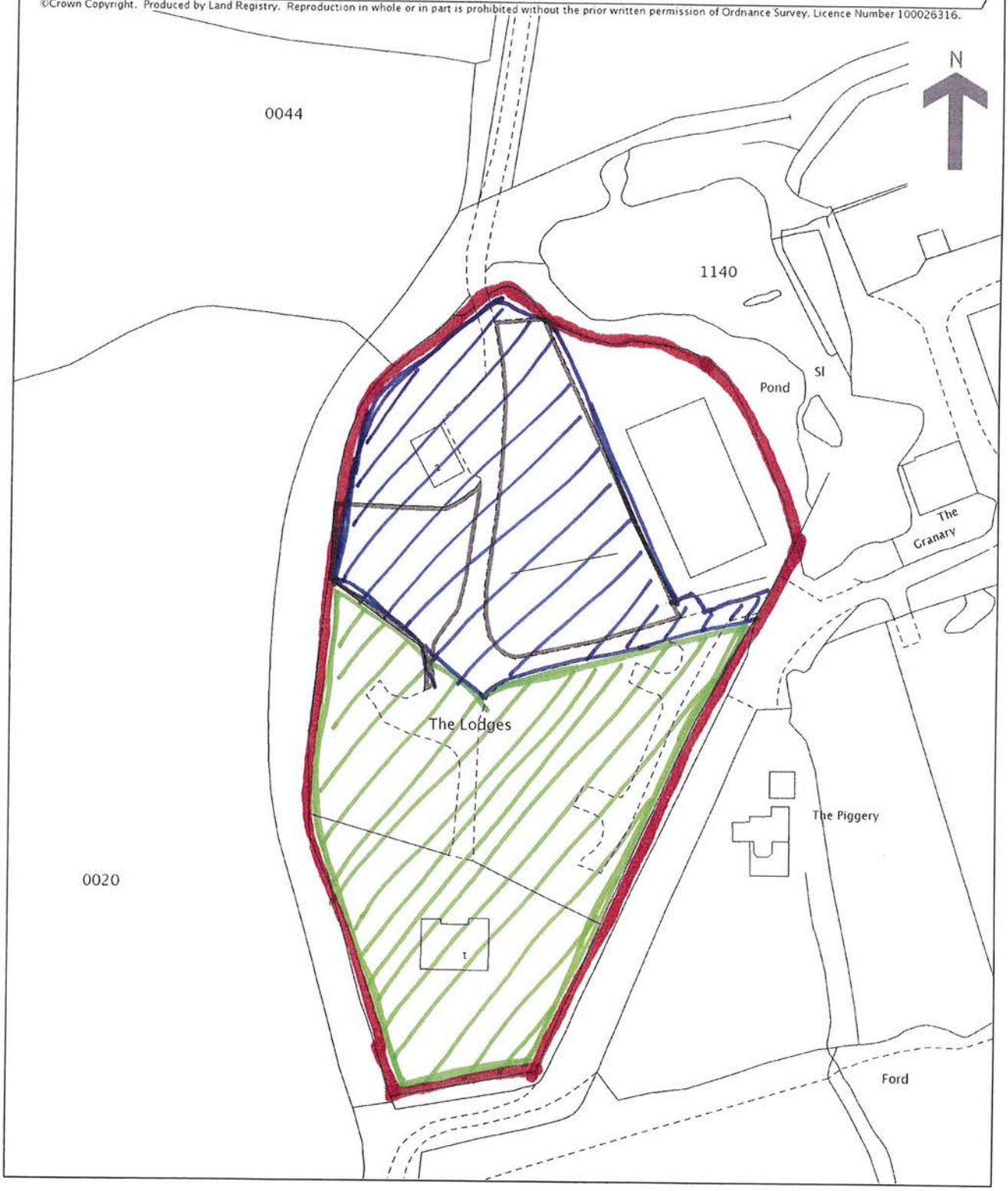
Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

Plan 1

Land Registry
Current title plan

Title number **ST255737**
Ordnance Survey map reference **ST1619SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Somerset : Taunton Deane**

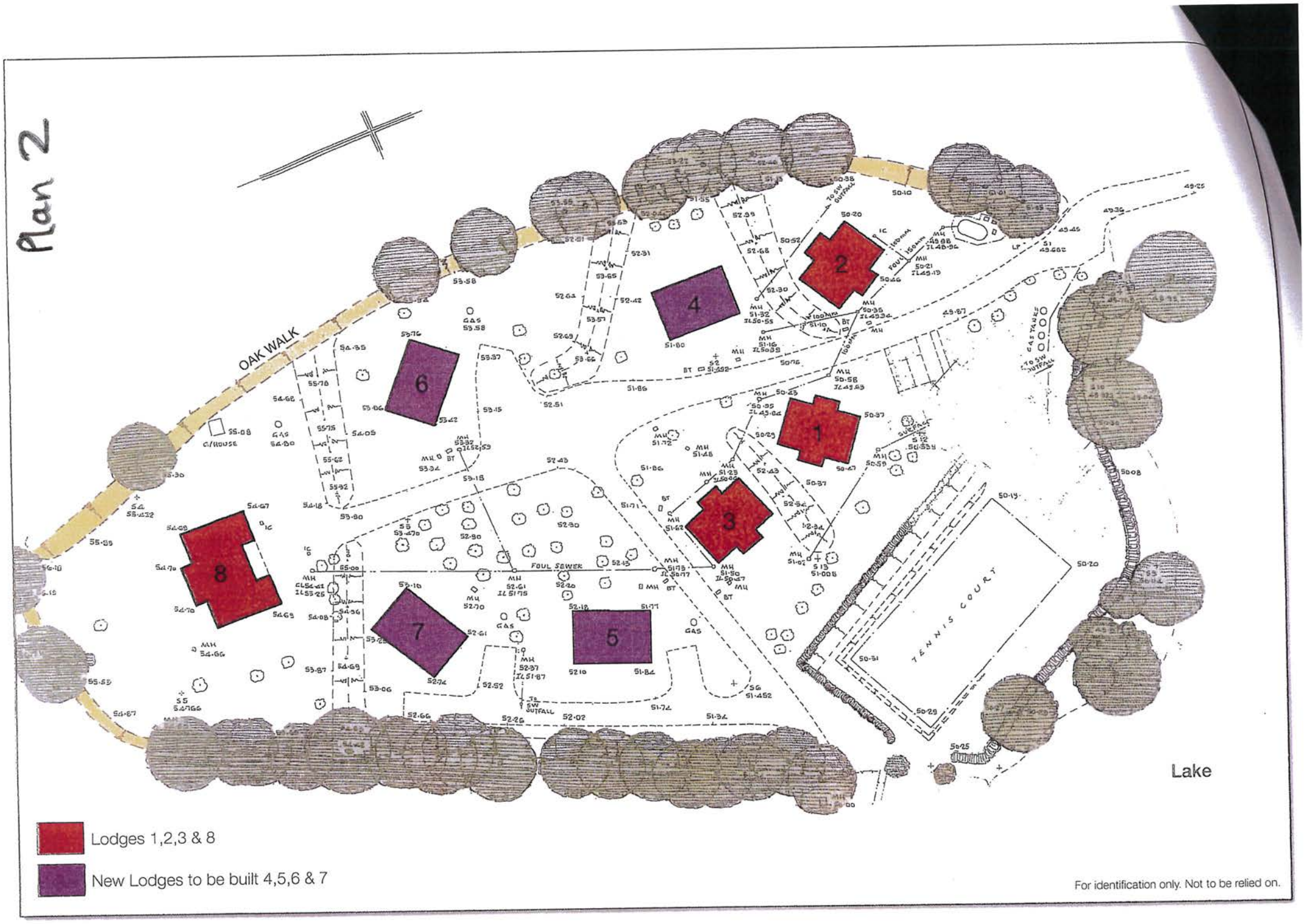
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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 19 January 2015 at 16:19:42. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Plymouth Office.

Plan 2



Lodges 1,2,3 & 8

New Lodges to be built 4,5,6 & 7

For identification only. Not to be relied on.

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/0073/46/12
Issued By: Taunton Deane Borough Council ("the Council")
Gerbestone Lodges Gerbestone Lane West Buckland Somerset TA21 9PJ

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 March 2015 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 March 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 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:-

[redacted]