IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TAUNTON DEANE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
(as amended by the Planning and Compensation Act, 1991)

BREACH OF CONDITION NOTICE

TO: [redacted]

ISSUED BY: Taunton Deane Borough Council ("the Council").

1. **THIS IS A FORMAL NOTICE,** which is issued by the Council as Local Planning Authority under Section 187A of the above Act because it considers that conditions imposed on the grant of planning permission, relating to the land described below, has not been complied with. It considers that you should be required to comply with the conditions specified in this Notice.

2. **THE LAND AFFECTED BY THIS NOTICE**
The land shown edged red on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 21 August 2007 for the Conversion of Barns to Dwelling and Home Office, Whipprells Farm Buildings (Part Pontispool Farm), Norton Fitzwarren (Application Number 27/07/0014).

4. **THE BREACH OF CONDITION**

The following conditions have not been complied with:-

02 The development hereby permitted shall not be commenced until percolation tests to determine the suitability of the soil for drainage have been carried out and details of the proposed drainage similarly submitted to and approved by the Local Planning Authority.

06 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

07 Development shall not commence until details of a scheme for the retention of swallow nest site(s) and its accesses, (or the provision of alternative new sites or accesses) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the swallow nest site(s) being undertaken between April 1st and September 14th inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

08 You are advised that all work to repair walls must be undertaken during the months of March to April or in September, to avoid the main hibernation season for bats. If the repair work is to be undertaken at any other time all works to repair walls must be preceded by a survey, by a qualified bat consultant, to establish if bats are roosting in cracks crevices or holes in the walls. The results of the survey must be submitted to and agreed in writing by the Local Planning Authority prior to commencement of any of these works, and the agreed course of action undertaken.

10 Before any work commences, a schedule of works required to secure the safety and stability of the building during the conversion period, shall be agreed in writing by the Local Planning Authority. Such works shall, where necessary, include measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface, and to provide protection for the building against the weather during the progress of the works. The agreed schedule shall be strictly adhered to during the conversion works.

14 Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. (b) If the report indicates that contamination may be present on or under the site, of if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

18 Prior to commencement of any works on site, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority and will be implemented prior to occupation of the conversions hereby permitted.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this Notice, you are required to comply with the stated conditions and submit all the required details for approval by the Local Planning Authority.

TIME FOR COMPLIANCE – 28 days from the date on which this Notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect 28 days after it is served on you, or you receive it by postal delivery.

Dated: 3 February 2008

Signed: .....
Development Control Manager

on behalf of: TAUNTON DEANE BOROUGH COUNCIL

The Deane House,
Belvedere Road,
TAUNTON.
TA1 1HE

WARNING

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this Notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt what this Notice requires you to do, you should get in touch immediately with Mr. R. Bryant, Member Services Unit, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 1HE (Tel: 01823 356414).

If you need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE