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 the 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 1 April 2008 for the Erection of a dwelling (renewal of permission 02/2005/001) on land adjacent to Brooklands, Ash Priors.

4. **THE BREACH OF CONDITION**

The following conditions have not been complied with:-

04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.

05 (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.

06 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

12 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.

20 Details of the arrangements to be made for the disposal of foul and surface water drainage fro the proposed development, should be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.

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 to the Local Planning Authority for approval.

TIME FOR COMPLIANCE – 28 days

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 December 2009

Signed: .....
Development 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. J.A.W. Hardy, Senior Planning Enforcement Officer, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 1HE (Tel: 01823 356466).

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