IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991) ("the Act")

ENFORCEMENT NOTICE – E/10/16/0008
ISSUED BY: Taunton Deane Borough Council ("the Council)

Land at Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW ("the Property")

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 Act, 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 NOTICE RELATES
Land at Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW ("the Property") shown edged in red on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL
Without planning permission

(i) the change of use of land and buildings on the Property from equine use to commercial business use for the breeding and sale of dogs; and

(ii) the erection of kennel structures and hard standing on the areas shown cross hatched red and marked Area 1 and Area 2 on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE
It appears to the Council that the breach of planning control referred to at clause 3(i) of this Enforcement Notice has occurred within the last ten years and the breach of planning control referred to at clause 3(ii) of this Enforcement Notice has occurred within the last four years.

The dog breeding business, by virtue of its siting within close proximity of residential properties, causes harm to the residential amenity of neighbouring occupiers by way of noise. In particular, it is considered that the identified adverse noise impact gives rise to significant disturbance and nuisance to the occupiers of Fairhouse Farm. This is contrary to Policy DM1 of the Taunton Deane Core Strategy (General Requirements) and Paragraph 123 of the National Planning Policy Framework.

The Property is situated within an area of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The dog breeding business is considered to cause harm to the special recreational and amenity value of this designated asset. This is contrary to Policies CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy, Policy PD5/A of the Blackdown Hills AONB Management Plan

2014 – 2019 ***"Encourage quiet enjoyment of the AONB and avoid or restrict developments, activities and events, including artificial light installations, which detract from the tranquillity of the Blackdown Hills"*** .

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

(i) Cease using the Property for the keeping, breeding and sale of dogs; and

(ii) Remove from the Property the kennel structures and wire mesh enclosures as shown for identification purposes on the 4 photographs attached to this Enforcement Notice; and

(iii) Remove from the Property the area of hard standing on which the kennel structures and wire mesh enclosures are sited; and

(iv) Remove from the Property all wire mesh enclosures and equipment associated with the keeping, breeding and sale of dogs .

6. TIME FOR COMPLIANCE

(i) With regard to 5 (i) above: - 6 (six) months from the date that this Enforcement Notice takes effect; and

(ii) With regard to 5 (ii) above:- 6 (six) months from the date that this Enforcement Notice takes effect; and

(iii) With regard to 5 (iii) above:- 6 (six) months from the date that this Enforcement Notice takes effect; and

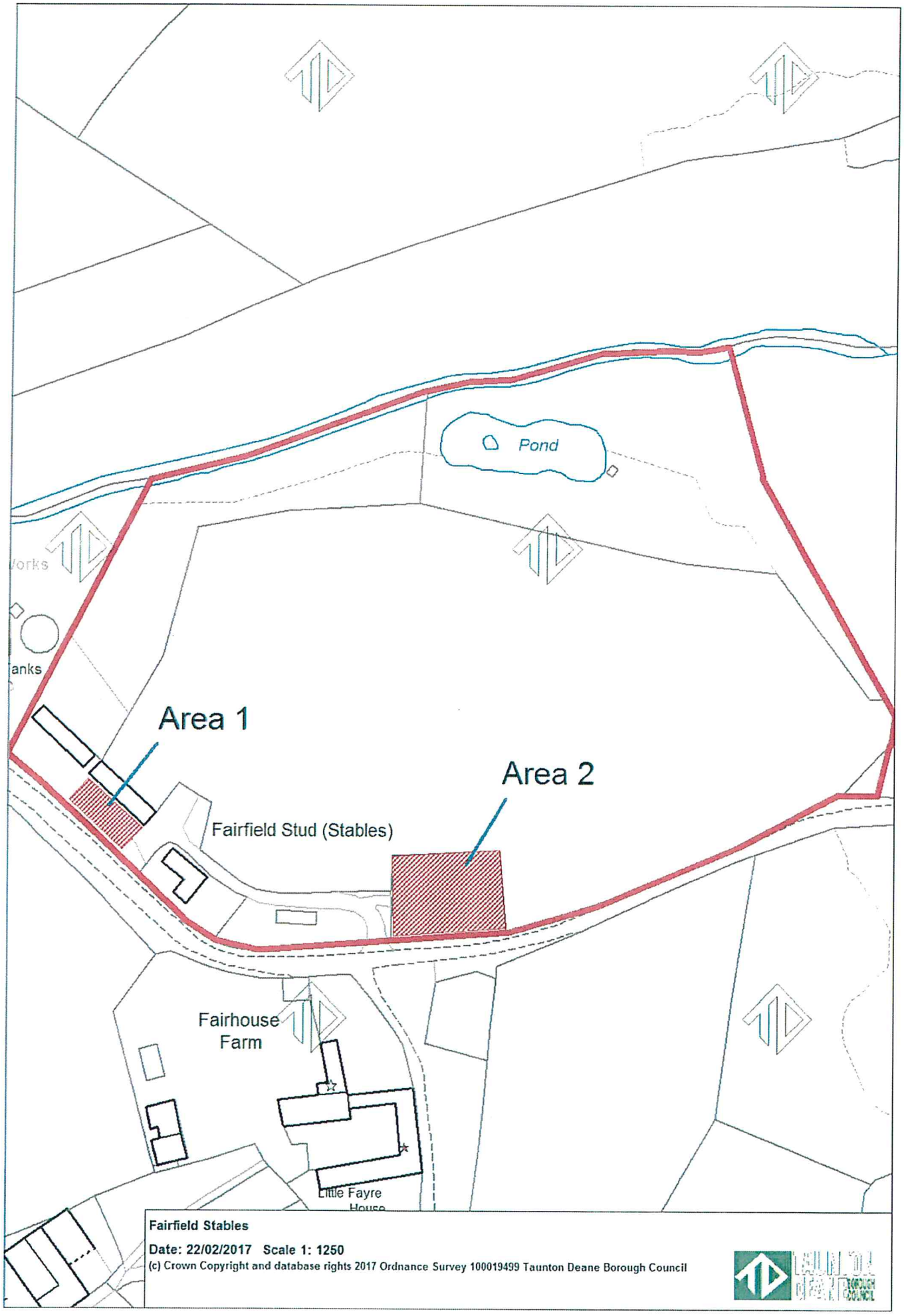
(iv) With regard to 5 (iv) above:- 6 (six) months from the date that this Enforcement Notice takes effect.; and

7. WHEN THIS ENFORCEMENT NOTICE TAKES EFFECT

This Enforcement Notice takes effect on 3 April 2017 unless an appeal is made against it beforehand.

Dated: 3 March 2017
Signed: D Moran (Authorised Officer)
On behalf of: Taunton Deane Borough Council The Deane House Belvedere Road Taunton Somerset TA1 1HE

Nominated Officer: Mrs Jo Williams
Telephone Number: 01823 356466


Pond
Area 1
Area 2
Fairfield Stud (Stables)
Fairhouse
Farm
Little Fayre
House
Fairfield Stables
Date: 22/02/2017 Scale 1: 1250
(c) Crown Copyright and database rights 2017 Ordnance Survey 100019499 Taunton Deane Borough Council

10/05/2016 14:18

10/05/2016 14:18

10/05/2016 13:56

10/05/2016 13:51

ANNEX

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991) ("the Act")

ENFORCEMENT NOTICE – E/10/16/0008
ISSUED BY: Taunton Deane Borough Council ("the Council)

Land at Fairfield Stables Moor Lane Churchinford Taunton Somerset TA3 7RW ("the Property")

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 Property. 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 Property.

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 3 April 2017.

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 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 Taunton Deane Borough Council (cheques should be 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.

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]