From:	Salter, Stacey
To:	[redacted]Dennett, Sarah
Cc:	Staddon, Rebecca; Wilsher, Sarah
Subject:	Fence 2m high adjacent to the highway at Badgers End, Woodcombe Lane, Minehead, Somerset TA24 8SD case EN/16/75 - compliance with Enforcement Notice
Date:	10 January 2020 08:32:31

Dear All,

I am writing to advise that the Enforcement Notice dated 1.11.17 for the unauthorised fence above 1m in height at the above site, has now been complied with. As such, I have now closed my file.

Regards
Stacey

Stacey Salter
Planning Enforcement Officer
Somerset West and Taunton Council

s.salter@somersetwestandtaunton.gov.uk
01823 219502

Normal work days: Monday, Tuesday and Friday

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

Enforcement Notice: ECC/EN/16/00075
Issued By: West Somerset Council ("the Council")

Fence at Badgers End Woodcombe Lane Woodcombe Minehead Somerset TA24 8SD

1. ENFORCEMENT NOTICE

This is a formal notice 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 TCPA 1990, at Badgers End Woodcombe Lane Woodcombe Minehead Somerset TA24 8SD. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 Badgers End Woodcombe Lane Woodcombe Minehead Somerset TA24 8SD as shown edged red on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the erection of a fence exceeding 1 metre in height above ground level, adjacent to a highway, on the western boundary of the Land, as shown on the 2 photographs attached to the notice and in the approximate position shown by a line of black squares on the attached plan.

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.

The fence is approximately 2 metres high, measured from ground level and is adjacent to a highway. Schedule 2, Part 2, Paragraph A.1(a) of the Town and Country Planning (General Permitted Development)

(England) Order 2015 provides that development is not permitted by Class A, i.e., the Erection, Construction, Maintenance, Improvement or Alteration of a Gate, Fence, Wall or Other Means of Enclosure 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 1 metre above ground level.

The Land is located within the designated Conservation Area of Woodcombe. The fence due to its height, length, colour, design and material is out of keeping with the local landscape and does not preserve or enhance the designated Conservation Area of Woodcombe. The fence is considered to be detrimental to the designated Conservation Area of Woodcombe and the street scene.

This is contrary to development plan policies MD1 (Minehead/Alcombe Development), NH1 (Historic Environment) and NH2 (Management of Heritage Assets) of the West Somerset Local Plan to 2032 and retained Policy BD/3 (Conversions, Alterations and, Extensions) of the West Somerset District Local Plan (2006).

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

5. WHAT YOU ARE REQUIRED TO DO

You must remove from the Land the unauthorised fence OR reduce the height of the unauthorised fence to 1 metre above ground level.

6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is 1 (one) month from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 4 December 2017 unless an appeal is made against it beforehand.

Dated: 01.11.17

Signed: Dman (Authorised Officer)

On behalf of: West Somerset Council West Somerset House Killick Way Williton Somerset TA4 4QA

Nominated Officer: Mrs S Salter - **Telephone Number:** 01823 356466

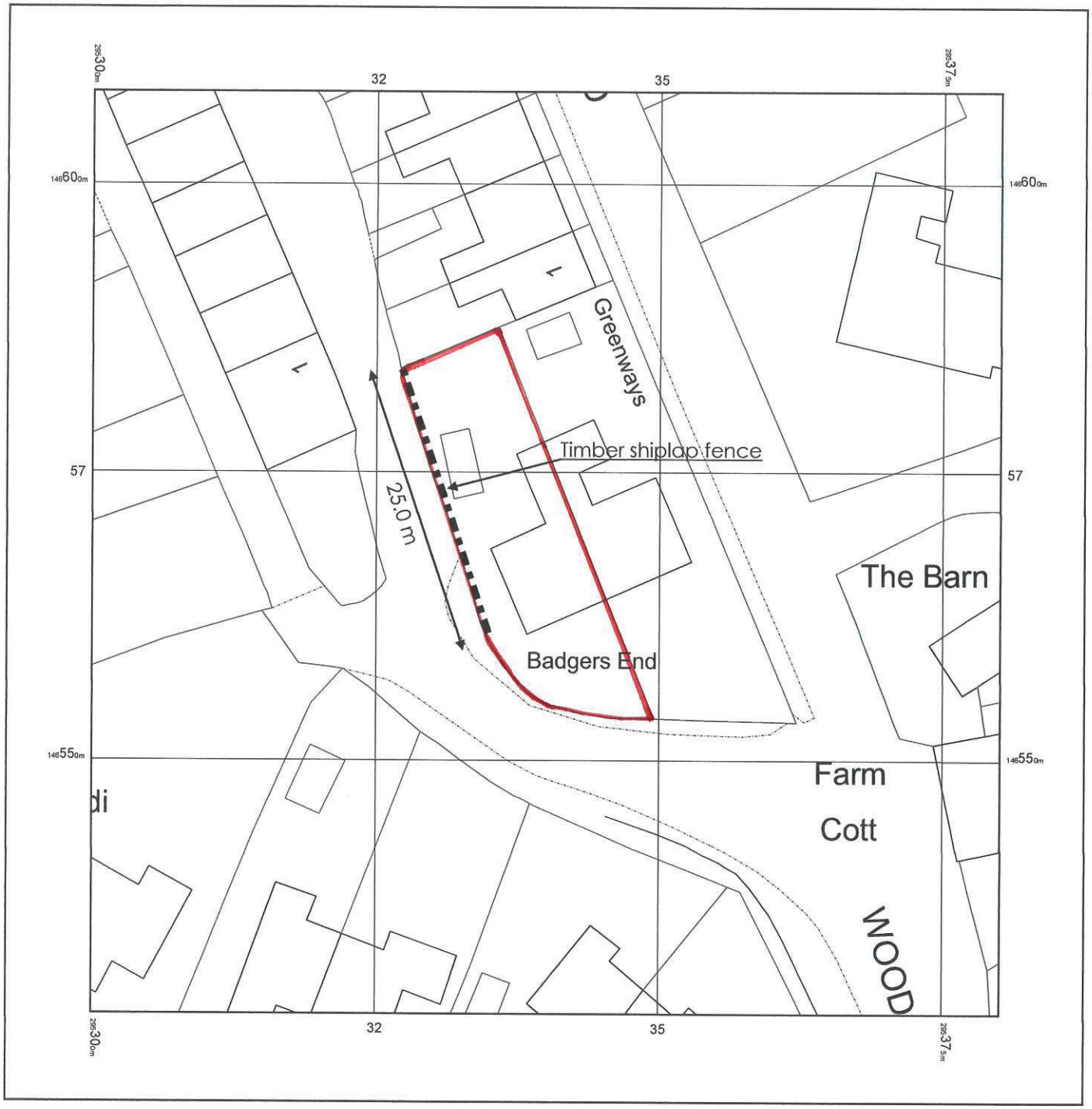
UK MAP CENTRE .com

North

15m

Scale 1:500

Map data



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Badgers End, Woodcombe

SITE PLAN Scale 1:500
REF 161201/SP



VIEW FROM SOUTH



VIEW FROM NORTH

TIMBER FENCE

Site : Badgers End, Woodcombe Lane, Minehead

Photographs.

REF 161201/1PH

Dec 2016

ANNEX

West Somerset Council has issued an enforcement notice relating to land at Badgers End Woodcombe Lane Woodcombe Minehead Somerset TA24 8SD and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice, i.e., before 4 December 2017.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
CST Room 3/13
Temple Quay House
2 The Square
BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds 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.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- 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.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- 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 such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 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 TCPA 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 West Somerset Council (made payable to West Somerset 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, 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.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

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.

Persons served with a copy of this enforcement notice are as follows:

[redacted]