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

relating to land forming a proposed access and track between Butts Way and Court Farm, Milverton

TO: [redacted] of Farthings Cottages, Milverton, Somerset

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 a condition 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 condition(s) specified in this Notice.

2. **THE LAND AFFECTED BY THIS NOTICE**

   The land forming a proposed access and track between Butts Way and Court Farm, Milverton shown edged red on the plan annexed hereto.

3. **THE RELEVANT PLANNING PERMISSION**

   The relevant planning permission to which this Notice relates is the permission granted by the Council on 17 December 2004 for the formation of new access to Butts Way and upgrading an extension of existing vehicular access track into premises from Butts Way, The Organic Herb Trading Company Ltd, Court Farm, High Street, Milverton. (Application No. 23/2004/030).

4. **THE BREACH OF CONDITION**

   The following condition(s) has not been complied with:-

   02 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges 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, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges

that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.

03 No development shall take place until Butts Way has been widened to 6.75m for a length of 50m in the vicinity of the proposed access as shown on drawing number 041041-RO3B.

04 A passing place shall be provided on Butts Way in a position shown on drawing number 041041-RO3B; the passing place to be provided prior to the development taking place.

08 All working cutting back overhanging vegetation, managing adjacent hedges and removing the roadside section of hedge shall only be carried out in the period October to November inclusive to avoid damage and disturbance to badgers (not December to June) and nesting birds (not April to September). Such work could also be carried out during the period December to March inclusive if there are no occupied badger setts within 20m of the proposed work ie work on removing the roadside hedge could be carried out at this time.

5. WHAT YOU ARE REQUIRED TO DO

1. Submit a scheme of planting of trees, shrubs and hedges in accordance with condition 2 of Planning Permission 23/2004/030.
2. Stop development until such time as Butts Way has been widened to 6.75m for a length of 50m in the vicinity of the proposed access as shown on drawing 041041-RO3B.
3. Cease development until a passing place has been provided on Butts Way in a position shown on drawing number 041041-RO3B.
4. Cease all cutting back of overhanging vegetation, management of adjacent hedges and removal of roadside sections of hedges until October/November 2005 except where such works are not carried out within 20m of a occupied badgers sett.

TIME FOR COMPLIANCE – 28 days, beginning with the day on which this Notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 23 March 2005



Signed: .....
Solicitor to the Council

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

TEMPORARY STOP NOTICE

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compulsory purchase Act 2004)

TEMPORARY STOP NOTICE

SERVED BY: TAUNTON DEANE BOROUGH COUNCIL herein after referred to as "the council".

To: [redacted]

1. On 23 March 2005 the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 3 below.

2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 3 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE LAND TO WHICH THIS NOTICE RELATES
   Land forming a proposed access and track between Butts Way and Court Farm, Milverton, shown edged red on the attached plan.

4. ACTIVITY TO WHICH THIS NOTICE RELATES
   The cutting back of overhanging vegetation and the management of hedges other than in the months of October and November where there are occupied badger sets within 20 meters of such cutting back and management.

5. WHAT ARE YOU REQUIRED TO DO
   Cease all the activity specified in this notice.

6. WHEN THIS NOTICE TAKES EFFECT
   This notice takes effect on 23 March 2005 when all the activity specified in this notice shall cease. This notice will cease to have effect on 20 April 2005.

Dated: 23 March 2005

Signed: 

On behalf of Taunton Deane Borough Council
Nominated Officer Judith Jackson
Telephone Number 01823 356409

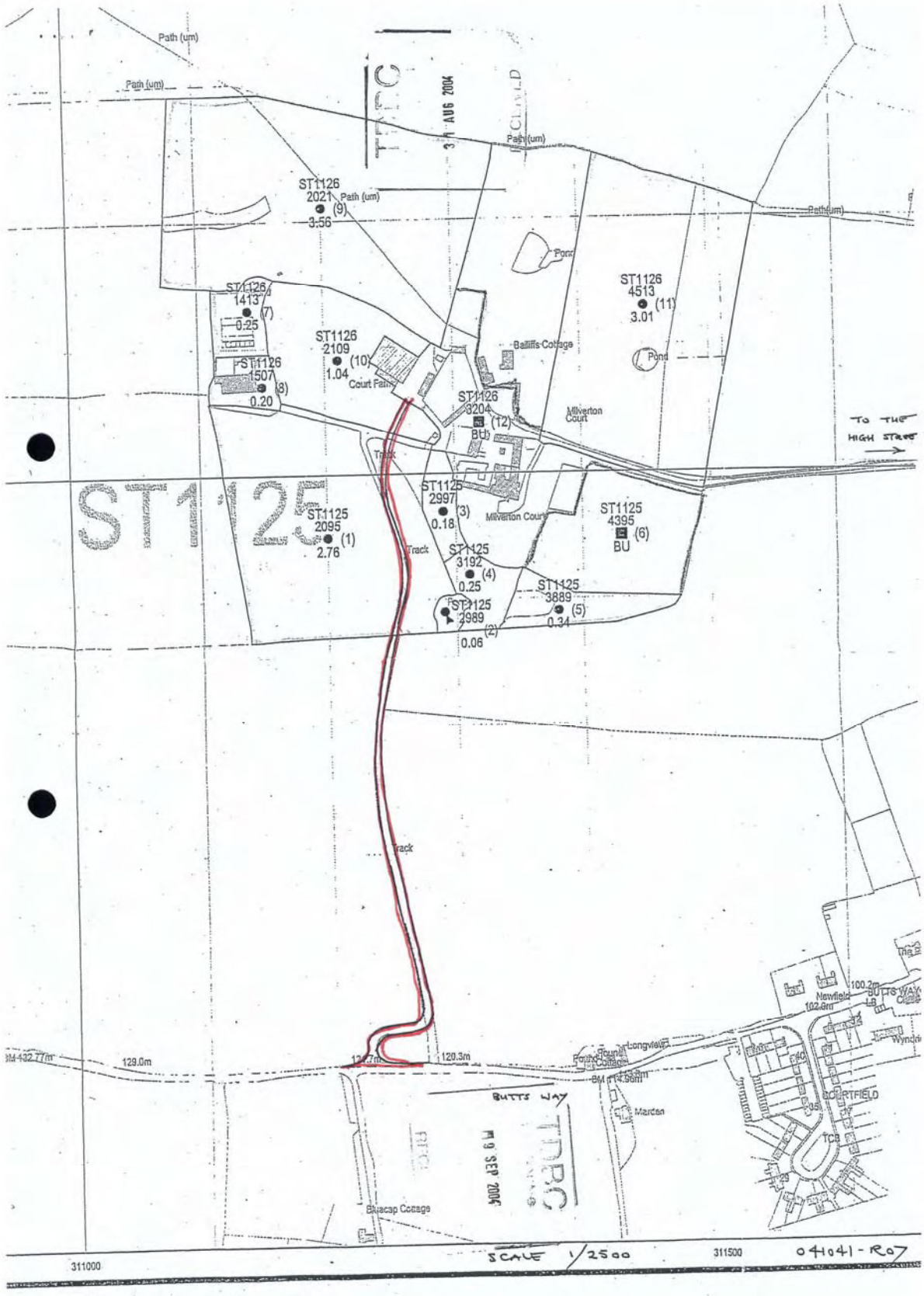
ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 6.

THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171E(4) of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offences. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Judith Jackson, The Deane House, Belvedere Road, Taunton TA1 1HE. 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 application to the High Court for judicial review.


Path (um)
Path (um)
Path (um)
Path (um)
Path (um)
ST1126
2021
(9)
3.56
Pond
ST1126
4513
(11)
3.01
ST1126
1413
(7)
0.25
ST1126
2109
(10)
1.04
Bailiffs Cottage
Pond
ST1126
1507
(8)
0.20
Court Farm
ST1126
3204
(12)
BU
Milverton Court
TO THE HIGH STREET
Track
ST1125
2997
(3)
0.18
Milverton Court
ST1125
4395
(6)
BU
ST1125
2095
(1)
2.76
Track
ST1125
3192
(4)
0.25
ST1125
3889
(5)
0.34
ST1125
2989
(2)
0.06
Track
129.0m
120.3m
Longview
Round Cottage
Marden
Briacap Cottage
BUTTS WAY
Newfield
102.6m
100.2m
BUTTS WAY
Wyndr
BOURTFIELD
TCB
311000
311500
SCALE 1/2500
041041-R07