SCANNED
08 OCT 2012

Original

Important - This Communication Affects Your Property
Town And Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

Enforcement Notice: E/0046/30/11/2
Issued By: Taunton Deane Borough Council ("the Council")
Land Known as Leigh Hill Pitminster Taunton Somerset

1. This Enforcement 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 above 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 Enforcement Notice Relates
Field in land known as Leigh Hill Pitminster Taunton Somerset shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, the use of agricultural land for the stationing of 2 caravans together with residential occupation of the 2 caravans as shown on the 2 attached photographs.

4. Reasons For Issuing This Enforcement Notice
It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Land is in a remote location within the Blackdown Hills Area of Outstanding Natural Beauty. Policy S7 of the Taunton Deane Local Plan restricts development to that which: (a) is for the purposes of agriculture or forestry; (b) accords with a specific development plan policy or proposal; (c) is necessary to meet environmental or other legislation; or (d) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits to settlements. No evidence has been provided to demonstrate that the development is in accordance with any element of this policy.

Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. No evidence has been submitted to demonstrate that there is a need for a rural worker to reside on this site.

The Land lies outside of any development limit and is remote from any urban area and is therefore distanced from adequate services and facilities. As a consequence there would be a need to travel to and from the Land for most of the resident's daily needs. Due to the remote location, where there is very limited public transport available, it is highly likely that the occupiers would depend on the use of the private car for most journeys to access facilities and services, fostering growth in the need to travel, contrary to the objectives of Government sustainable transport policy, as expressed in Part 4 of

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the NPPF and reflected in the Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.

The 2 caravans are positioned alongside a field hedge in close proximity to a country lane linking the main road to Churchstanton. The caravans are stark in appearance and do not blend in with the natural features of the surrounding countryside. The caravans therefore appear as incongruous features, alien to the rustic appearance of the countryside, to the detriment of the rural character of the Blackdown Hills Area of Outstanding Natural Beauty.

The unauthorised use of the Land for the siting of 2 caravans and residential use is contrary to Policies S1(General Requirements), S7(Outside Settlements), EN10 (Areas of Outstanding Natural Beauty) and EN12(Landscape Character Areas) of the Taunton Deane Local Plan; Polices DM1(General Requirements) and DM2(Development in the Countryside) of the Taunton Deane Core Strategy; Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review; and guidance at paragraph 207 (Enforcement) and Section 11 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework

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

5. What You Are Required To Do
Remove the caravans from the Land and cease residential occupation of the Land

6. Time For Compliance
6 months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 15 November 2012unless an appeal is made against it beforehand.

Dated: 4th October 2012
Signed: Tracy Tackso

on behalf of

Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

Land Registry
Current title plan

Title number **ST291295**
Ordnance Survey map reference **ST1916NW**
Scale **1:2500**
Administrative area **Somerset : Taunton Deane**

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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 03 October 2012 at 11:29:07. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title plans and boundaries.

This title is dealt with by Land Registry, Plymouth Office.




16.07.2012 14:42

Annex

Important - This Communication Affects Your Property
Town And Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

Enforcement Notice relating to Land Known as Leigh Hill Pitminster Taunton Somerset

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 land. 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 land.

Your Right of Appeal

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the Enforcement Notice will take effect on 15 November 2012 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in 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 15 November 2012.

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 Enforcement 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 Enforcement 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 Enforcement 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 Enforcement 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 of £670.00. You should pay half of the fee (£335.00) to the Taunton Deane Borough Council (made payable to Taunton Deane Borough 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, 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.

Parties on whom the Enforcement Notice has been served

[redacted]