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 adjoining Lodeshill, Lodes Lane, Kingston St. Mary

[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 conditions imposed on the grant of planning permission, relating to the land described below, have 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 adjoining Lodeshill, Lodes Lane, Kingston St. Mary 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 3rd Day of September 1993 for the erection of a chalet bungalow, garage and formation of a new drive, site adjoining Lodeshill, Lodes Lane, Kingston St. Mary. (Application No. 20/93/017).

4. **THE BREACH OF CONDITION**

   The following conditions have not been complied with:-

   "03 (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 or, in default, by the Secretary of State for the Environment.

   (ii) The scheme shall be completely carried out within nine months 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 or, in default, by the Secretary of State for the Environment.

04 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority or, in default, by the Secretary of State for the Environment and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority or, in default, by the Secretary of State for the Environment.

05 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered."

5. **WHAT YOU ARE REQUIRED TO DO**

Submit for the approval of the Local Planning Authority details of the proposed landscaping scheme and of the trees to be retained on site in accordance with Conditions 03 and 04. In addition, the trees to be retained must be protected by the provision of chestnut paling fences in accordance with Condition 05.

TIME FOR COMPLIANCE - One calendar month, 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: 8th December 1993

[redacted]

on behalf of: TAUNTON DEANE BOROUGH COUNCIL

The Deane House,
Belvedere Road,
TAUNTON.
TA1 1HE

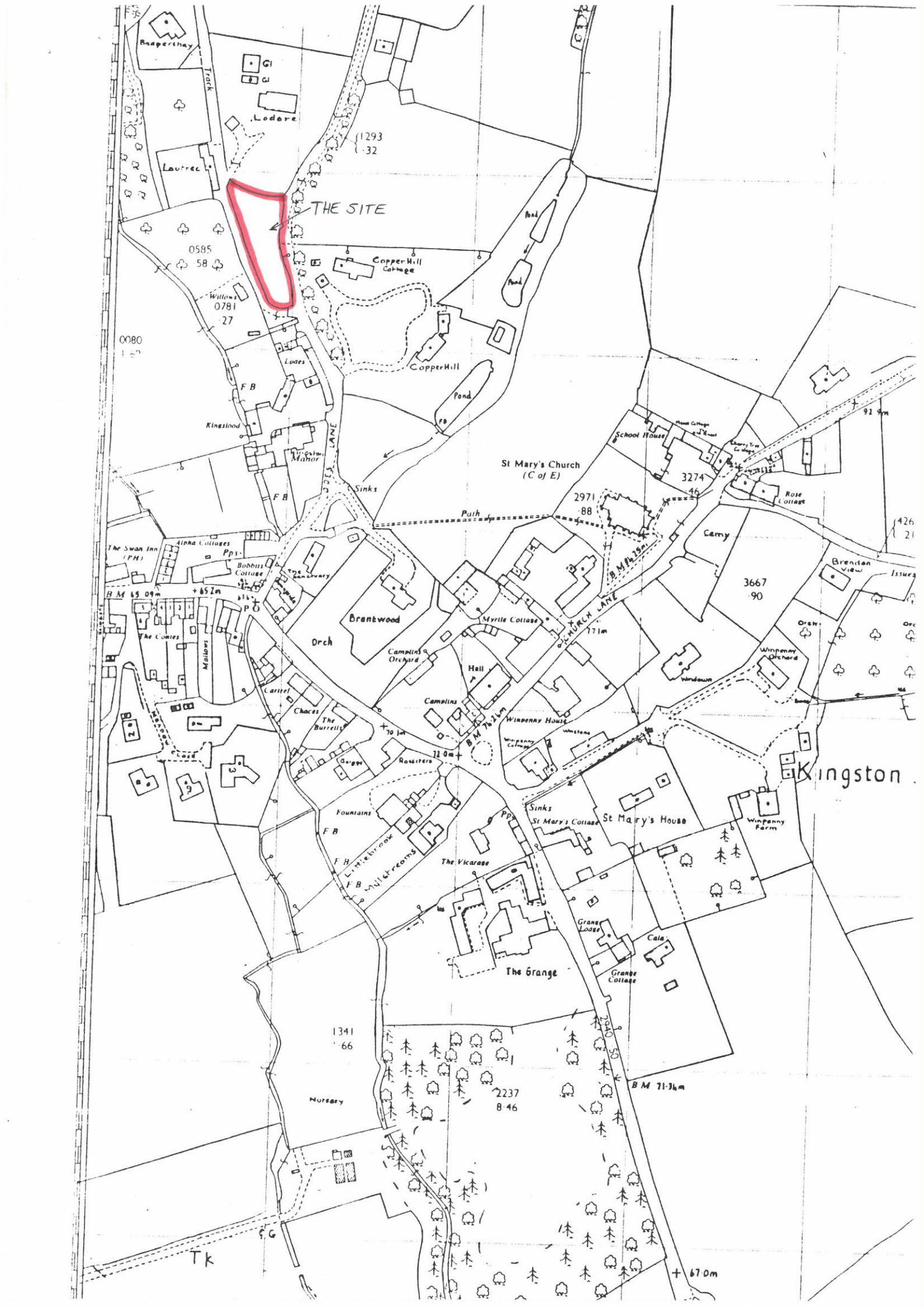
WARNING

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, Secretarial and Legal Division, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, Somerset. Telephone (0823) 335166 Ext. 2307.

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


THE SITE
Badgersthay
Track
Lodore
Lautrec
1293
32
0585
58
Willows
0781
27
0080
Copper Hill Cottage
Pond
Copper Hill
Pond
Lucas
F B
Kingslood
Tinkerton Manor
Sinks
Path
St Mary's Church
(C of E)
School House
3274
46
2971
88
Rose Cottage
Camy
3667
90
Brendon View
Issues
The Swan Inn
(PH)
Alpha Cottages
Bobbins Cottage
B M 65.09m
+65.2m
The Combes
Malvern
Brantwood
Orch
Myrtle Cottage
Church Lane
Campions Orchard
Hall
Windown
Wimpenny Orchard
Carlton
Chaces
The Burrells
Campions
Wimpenny House
B M 73.3m
Garage
Roosters
Kingston
Fountains
Sinks
St Mary's Cottage
St Mary's House
Wimpenny Farm
F B
Littlebrook
Mulbrooms
The Vicarage
Grange Lodge
Cala
Grange Cottage
The Grange
1341
66
Nursery
2237
8.46
B M 71.3m
Tk
+67.0m