Internal Memorandum

From: Maria Casey

Ref: T2016/871/MC

To: [redacted]

Ref: E/0004/21/16

Date: 18 January 2018

Dear [redacted]

Planning Enforcement Notice: E/0004/21/16
Property: Land Off Milverton Road Langford Budville Wellington

A Planning Enforcement Notice has been issued on 17 January 2018 for the above property.

I enclose the original Enforcement Notice for inclusion on the Enforcement Register together with the Complaint File.

Kind Regards

[redacted]

Maria Casey
Property and Planning Solicitor

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

ENFORCEMENT NOTICE – E/0004/21/16
ISSUED BY: Taunton Deane Borough Council ("the Council")

Land off Milverton Road Langford Budville Wellington

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 above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES
Land off Milverton Road Langford Budville Wellington shown edged in red on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL
Without planning permission, the change of use of the Land from agricultural use to residential use by way of the stationing of mobile homes and associated domestic paraphernalia including vehicles on the Land for residential occupation as shown on the 4 photographs attached to this Notice.

4. REASONS FOR ISSUING THIS NOTICE
It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Land is in open countryside and is distinctly visible from the adjacent public footpath and surrounding agricultural land.

The residential use and stationing of the mobile homes on the Land result in sporadic development in the open countryside in detriment to the character and appearance of the rural landscape and have an adverse impact on the amenity of the area. This is contrary to Taunton Deane Core Strategy Policies CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside).

The residential use of the Land results in an unsustainable form of development that would mean that occupiers of the Land are heavily reliant on the private motor car for most day to day travel needs. This is contrary to Taunton Deane Core Strategy Policy SP1 (Sustainable Development Locations).

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

(i) cease the residential use of the Land; and

(ii) Remove the mobile homes and all associated domestic paraphernalia including vehicles from the Land

6. TIME FOR COMPLIANCE

With regard to 5 (i) above:- three (3) months from the date this Notice takes effect;

With regard to 5 (ii) above:- three (3) months from the date this Notice takes effect;

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 22 February 2018 unless an appeal is made against it beforehand.

Dated: 17/01/18

Signed: [redacted] (Authorised Officer)

On behalf of: Taunton Deane Borough Council The Deane House Belvedere Road Taunton Somerset TA1 1HE

Nominated Officer: Mrs Ann Dunford

Telephone Number: 01823 356466



Land at Milverton Road

Date: 04/01/2018 Scale 1: 2500

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TAUNTON DEANE BOROUGH COUNCIL


W707 NAA
03.01.2018 13:09


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03.01.2018 13:09


03.01.2018 13:12

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 off Milverton Road Langford Budville Wellington
("the Land")

This local planning authority, Taunton Deane Borough Council, has issued an Enforcement Notice relating to the Land and I now serve on you a copy of that Notice as you have an interest in the Land. Copies of the 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

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before 22 February 2018. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal - link to http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf

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 of £770.00. You should pay half of the fee (£385.00) 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.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 22 February 2018 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within 3 months starting from 22 February 2018. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

[redacted]