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/0322/24/10
Land adjacent to Broad Lane North Curry Taunton Somerset

Issued By: Taunton Deane Borough Council ("the Council")

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
Land adjacent to Broad Lane North Curry 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 erection of a fence and gates exceeding 1 metre in height above ground level, adjacent to a highway, on the Land, 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 four years.

The fence and gates are approximately 1.8m high measured from ground level where they are sited and are adjacent to a highway. Schedule 2, Part 2, paragraph A.1 (a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provides that Development is not permitted by Class A *("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 one metre above ground level;

The fence and gates are contrary to development plan policies and harmful to the visual amenities of the area. The fence and gates, due to their height and design, represent an incongruous intrusion in to the rural area which is within the North Curry Landscape Character Area.

The fence and gates are typical of what may be found on an industrial area within a town. They are not characteristic of the rural area and there is no justification for their design.

The fence and gates are considered to be contrary to Local Plan Policies S1(D) (General Requirements), S2(A) (Design) and EN12 (Landscape Character Areas);

Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy; and guidance contained within 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
Reduce the height of the fence and gates to 1 metre above ground level measured from the ground level where they are sited.

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

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 24 August 2012 unless an appeal is made against it beforehand.

Dated: 20 July 2012
Signed: R Bryant

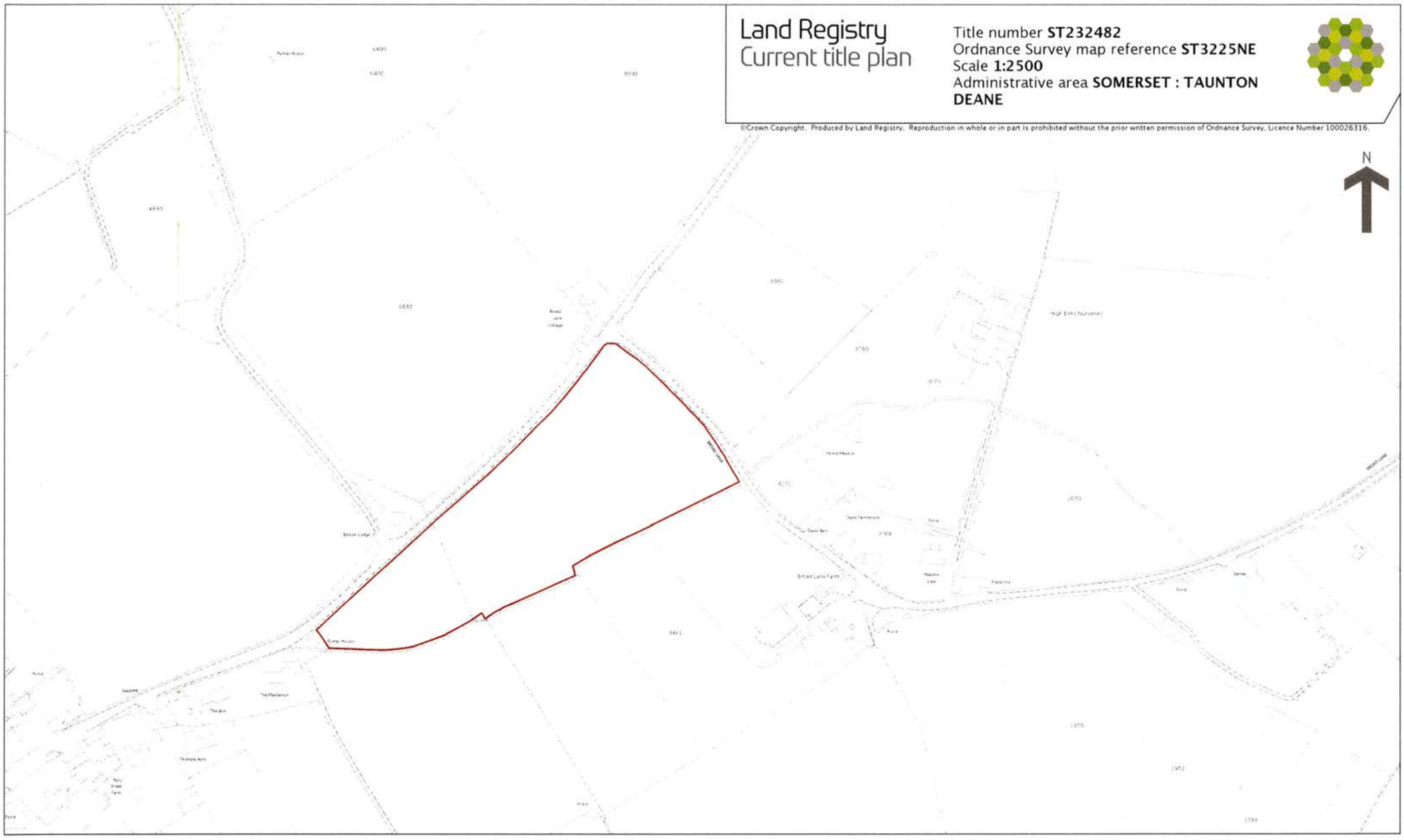
on behalf of

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

Land Registry
Current title plan

Title number **ST232482**
Ordnance Survey map reference **ST3225NE**
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 11 July 2012 at 16:27:25. 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 7 - Title Plans.

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





Annex

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Enforcement Notice relating to Land adjacent to Broad Lane North Curry 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.

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 24 August 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 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 24 August 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]