Taunton Deane Borough Council

Internal Memorandum

From: Maria Casey

Ref: T2016/870

Ext: 2313

To: Plan Admin

Ref: Becky Staddon

Date: 9 August 2016

Dear Bex

Planning Enforcement Notice: E/0044/36/16
Property: Land at Curryload Farm Curload Road Curload Stoke St Gregory

Further to my email sent to you on 5 August 2016 I the original Enforcement Notice for inclusion on the Enforcement Register.

Kind regards

Maria

Maria Casey
Planning and Litigation Solicitor

13 Aug 2018

Compiled

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

Enforcement Notice: E/0044/36/16
Issued By: Taunton Deane Borough Council ("the Council")
Land at Curryload Farm Curload Road Curload Stoke St Gregory Taunton TA3 6JA ("the Site")

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 at Curryload Farm Curload Road Curload Stoke St Gregory Taunton TA3 6JA shown edged red on the attached plan ("the Site").

3. The Matters Which Appear To Constitute the Breach of Planning Control
Without planning permission, the stationing of a mobile home on the Site for residential occupation in the approximate position coloured blue on the attached plan and 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 Site lies in a countryside location where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the development proposal serves a genuine appropriate rural need.

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. It has not been proven that that there is an essential need for a rural worker to reside on the Site.

The mobile home represents an unjustified dwelling outside of the settlement limits. The mobile home is in a prominent location and is visible from the road. This is in detriment to the character and appearance of the rural landscape and has an adverse impact on the amenity of the area.

The unauthorised use of the Site for the siting of the mobile home and residential use is contrary to the following policies:-

CP1 (Climate Change), CP8 (Environment), and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

It is also contrary to guidance at paragraphs 55 of the National Planning Policy.

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 use of the Site for the stationing of a mobile home for residential use; and
(ii) Remove the mobile home from the Site; and
(iii) Remove from the Site all residential and domestic equipment and materials associated with the unauthorised residential use

6. Time for Compliance

(i) With regard to 5 (i) above - 6 months from the date that this Enforcement Notice takes effect; and
(ii) With regard to 5 (ii) above - 6 months from the date that this Enforcement Notice takes effect; and
(iii) With regard to 5 (iii) above - 6 months from the date that this Enforcement Notice takes effect

7. When This Enforcement Notice Takes Effect

This Enforcement Notice takes effect on 5 September 2016 unless an appeal is made against it beforehand.

Dated: 4 August 2016

Signed: [redacted]

(Authorised Person)

On behalf of:

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

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 at Curryload Farm Curload Road Curload Stoke St Gregory Taunton TA3 6JA ("the Site")

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

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 5 Septmeber 2016 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 5 September 2016.

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;

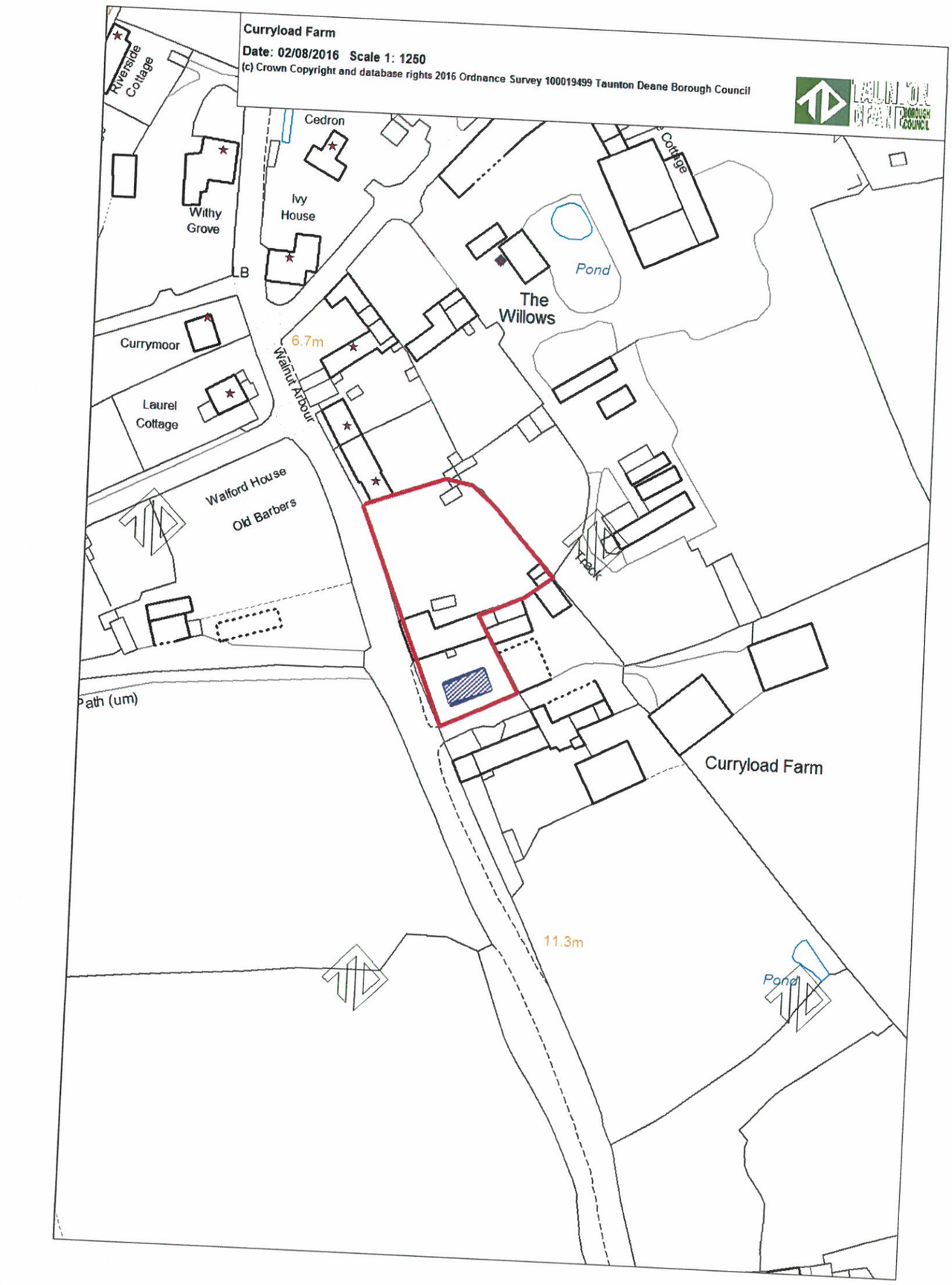
(g) that any period specified in the Enforcement Notice in accordance with section 173(9) falls short of what should reasonably be allowed.

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 equivalent to double the amount payable for a normal planning application. (The fee is £385.00 and so double the fee payable is £770.00). You should pay the fee to the Taunton Deane Borough Council (made payable to Taunton Deane Borough Council). 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

[redacted]


Curryload Farm
Date: 02/08/2016 Scale 1: 1250
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Riverside Cottage
Withy Grove
Cedron
Ivy House
B
Currymoor
Laurel Cottage
Walford House
Old Barbers
6.7m
Walnut Arbour
The Willows
Pond
Cottage
Track
ath (um)
Curryload Farm
11.3m
Pond