Taunton Deane Borough Council

Internal Memorandum

From: [redacted]

To: [redacted] Planning Enforcement

CC: [redacted]s – Planning Administration

Ref: PD/11/A

Ref: E0314/38/09 (1)

Ext: 2303

Date: 26th November 2009

TDBC PLANNING 27 NOV 2009 RECEIVED

Enforcement Notice
Land at Eastwick Road, Taunton

I have today issued an enforcement notice for the above property. Please find enclosed the original for insertion on the enforcement register and a copy for your records. Please also find returned your planning enforcement file together with the planning file.

Regards

[redacted]

Assistant Solicitor

[redacted]

original

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

Enforcement Notice: E0314/38/09 (1)
Issued by: Taunton Deane Borough Council

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 the notice and the enclosures to which it refers contain important additional information.

2. The Land to which the notice relates

Land at Eastwick Road, Taunton, Somerset shown edged and hatched red on the attached plan.

3. The matters which appear to constitute the breach of planning control

Without planning permission, erected on amenity land a 1.8 metre high fence, light bollards/posts, a gate pier and created a paved storage area and gravelled area, incorporating the amenity land within the adjoining residential development

4. Reasons for issuing this notice

It appears to the Council that the above breach of planning control has occurred within the last four years.

It is considered that this has an incongruous impact on the street scene and is

contrary to Taunton Deane Local Plan saved Policies S1 and S2

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

5. What you are required to do

1. Remove in their entirety the fence, light bollards/posts, gate pier paved storage area and gravelled area
2. Reinstate the land to amenity area comprising a turf grassed area

6. Time for compliance

2 weeks from the date that this notice takes effect

7. When this notice takes effect

This notice takes effect on 4th January 2010, unless an appeal is made against it beforehand.

Dated: 26th November 2009

Signed: [redacted]

on behalf of Taunton Deane Borough Council

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



t33/6 missing

Site Location Plan - Eastwick Farm

Date: 25/11/2009

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Taunton Deane Borough Council 100019499 (2009)

Scale 1:500

Annex

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 as amended.
Enforcement Notice relating to land at Eastwick Road, 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 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.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 4th January 2010 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) 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 4th January 2010.

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 £670. You should pay half of the fee (£335) 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]

[redacted]