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/0122/42/12
Land at Farthings Farm Lipe Hill Lane Comeytrowe 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 at Farthings Farm Lipe Hill Lane Comeytrowe Taunton Somerset ("the Site") as shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, change of use of the Site from use for agriculture to use as a wood processing business as shown on the 6 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 is used for the storage of raw material, being timber, and the processing of the raw material to produce wood chippings which are stored on the Site and distributed from the Site. This is not an agricultural use of the Site and requires planning permission.

The unauthorised use as a wood processing business is not an appropriate use of the Site. However, the use of the Site for storage and distribution of the raw and finished materials is acceptable. The unauthorised business use of processing the raw material is an industrial process falling within Class B2 Use (as defined in Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987) ("the B2 Use").

The noise from plant/machinery used to process the timber (including drying the wood chippings) on the Site results in significant noise and disturbance to the

occupiers of neighbouring residential properties and is detrimental to their residential amenities.

The unauthorised use is contrary to policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of the Taunton Deane Core Strategy; and guidance at paragraph 7 (Enforcement) of 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

(i) Cease the industrial processing B2 Use of the wood processing business; and

(ii) Cease the use of plant and/or machinery, including plant and/or machinery used for drying, in respect of the B2 Use of the wood processing business.

6. Time For Compliance

2 months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect

This Enforcement Notice takes effect on 20 June 2013, unless an appeal is made against it beforehand.

Dated: 16th May 2013

Signed: Jane Jackson

on behalf of

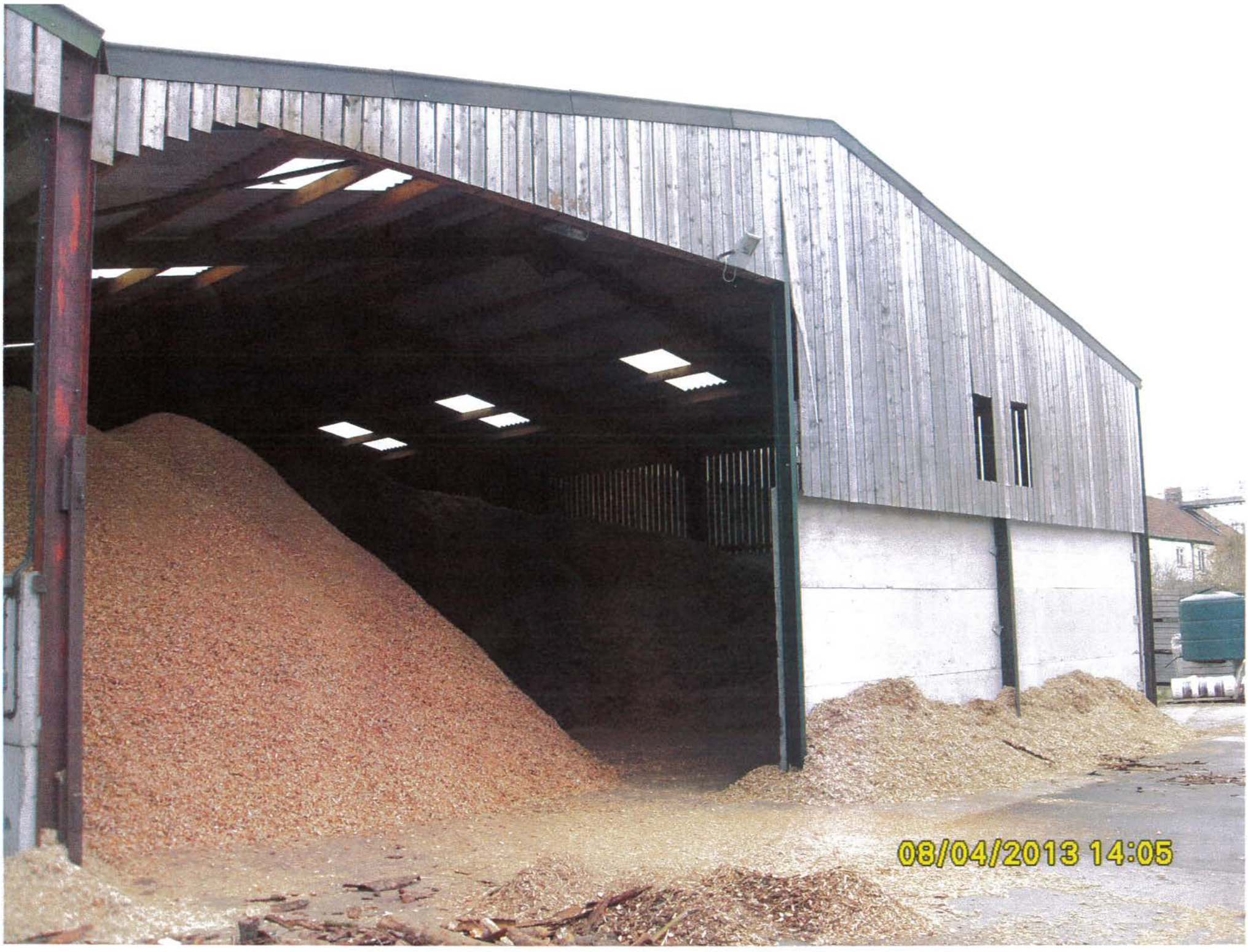
Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE


Farthings
Farthings
Farm
Sinks
Track
FB


08/04/2013 14:04


08/04/2013 14:04


08/04/2013 14:05


08/04/2013 14:05


MERLO
MX10
EDG
08/04/2013 14:05


08/04/2013 14:04

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 Farthings Farm Lipe Hill Lane Comeytrowe 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. 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 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 20 June 2013 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 20 June 2013.

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 Enforcement 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.

Parties on whom the Enforcement Notice has been served

[redacted]