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

Enforcement Notice: ECC/EN/19/00011
Issued By: Somerset West and Taunton Council ("the 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, on the Land which land is within the area for which they are the local planning authority under the above Act (as defined 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 Enforcement Notice Relates
Land at Holloway House, The Holloway, Minehead TA24 5PB shown edged red on the attached plan A ("the Land").

3. The Matters Which Appear To Constitute the Breach of Planning Control
Without planning permission, the installation of two uPVC (plastic) windows on the dwellinghouse on the Land ("the Dwellinghouse") as shown outlined in red on the attached plan B.

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 windows, due to their design and the non-traditional materials used in their manufacture, have a modern, inappropriate and unrefined appearance which gives rise to contextual incongruity, detracts from the architectural integrity of the Dwellinghouse, and causes significant harm to the character of the Higher Town Conservation Area

The development fails to preserve or enhance the character or appearance of the Higher Town Conservation Area contrary to Policies NH1, NH2 and NH13 of the West Somerset Local Plan to 2032 and saved Policy BD/3 of the West Somerset Local Plan 2006.

The Council does not consider that planning permission should be granted for the retention of the windows, because planning conditions could not overcome the adverse effects arising from the presence of the windows.

5. What You Are Required To Do
1. Remove the windows identified above.

2. Install two white timber framed casement windows which match the profile and detailed design of the other existing timber windows in the Dwellinghouse.

6. Time For Compliance

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

7. When This Enforcement Notice Takes Effect

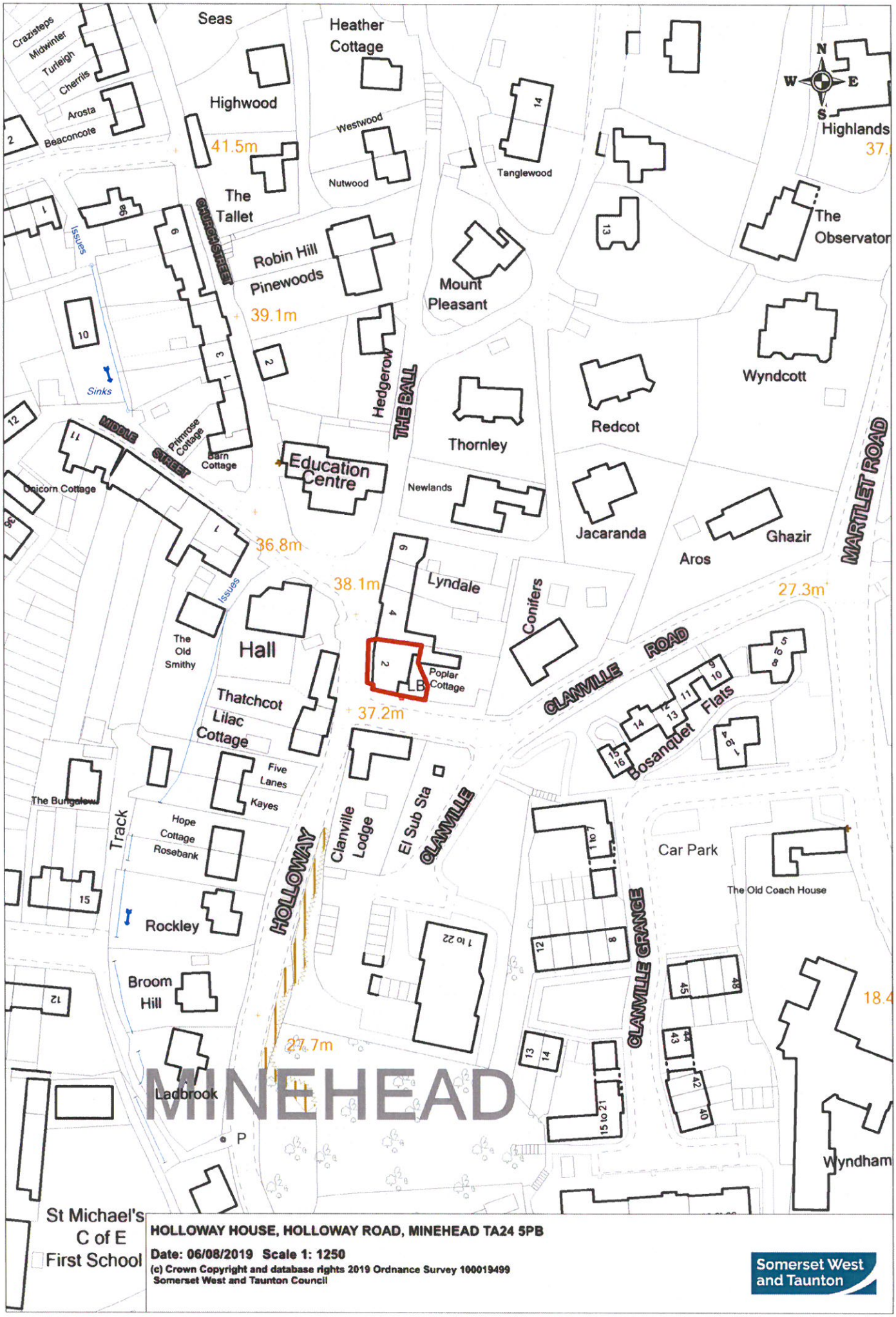
This Enforcement Notice takes effect on 19 November 2019, unless an appeal is made against it beforehand.

Dated: 15 October 2019

Signed: [redacted].....

On behalf of: Somerset West and Taunton Council

PLAN A



HOLLOWAY HOUSE, HOLLOWAY ROAD, MINEHEAD TA24 5PB

Date: 06/08/2019 Scale 1: 1250

(c) Crown Copyright and database rights 2019 Ordnance Survey 100019499
Somerset West and Taunton Council

Somerset West and Taunton

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 Holloway House, The Holloway Minehead TA24 5PB ("the Land")

This local planning authority, Somerset West and Taunton 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 19 November 2019. 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 £468.00. You should pay half of the fee (£234) to Somerset West and Taunton 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 the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Parties on whom the Enforcement Notice has been served:-

