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/0310/05/11
Issued By: Taunton Deane Borough Council ("the Council")
The Gables Wellington Road Bradford on Tone Taunton

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 The Gables Wellington Road Bradford on Tone Taunton Somerset TA4 1EN shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, unauthorised change of use of part of the Land from residential use to use for sales of motor vehicles as shown on the 3 attached photographs and use for motor vehicle repairs/maintenance

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 selling of motor vehicles is a sui generis use and the repairs and maintenance of motor vehicles is a commercial B2 (General Industrial) Use. Both uses require planning permission. The Land is located within open countryside and is distant from any nearby settlement. Local Plan policy EC7 requires rural employment proposals to be sited near to a public road, adjacent to the limits of a village and where there would be no harm to the residential amenity of neighbouring properties, landscape or highway safety.

The Land is in a remote site and not within easy access of public transport connections and the business use is likely to foster the need to travel by private motor vehicle.

The Land is accessed off the A38 along a stretch of highway that is subject to 60 mph national speed limit. If a motor vehicle were to suddenly exit from the Land then there is a high probability of there being an accident. The Highway Authority consider visibility at the access of the Land to be substandard. The Highway Authority advises that visibility splays of 2.4m x 215m are required in order to meet national standards however the Land has a visibility splay of 10m. The unacceptable visibility splays and increased vehicle trips to and from the Land are considered to be detrimental to highway safety.

In addition to highway safety issues, the sale of motor vehicles parked within the access of the Land is considered to result in harm to the visual amenity of the rural area.

For these reasons the unauthorized uses are contrary to Policies EC7 (Rural Employment Proposals) and S1 (General Requirements) of the Taunton Deane Local Plan; Policy 49 (Transport Requirements for New Development) of the Somerset & Exmoor National Park Joint Structure Plan Review; Policies SP4 (Rural Policy), DM1 (General Requirements) and DM2 (Development in the Countryside) of the Draft Taunton Deane Core Strategy; and Guidance set out in 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
Cease using the Land for the operation of motor vehicle maintenance and repairs and sale of motor vehicles.

6. Time For Compliance
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 2012 unless an appeal is made against it beforehand.

Dated: 1 August 2012
Signed:

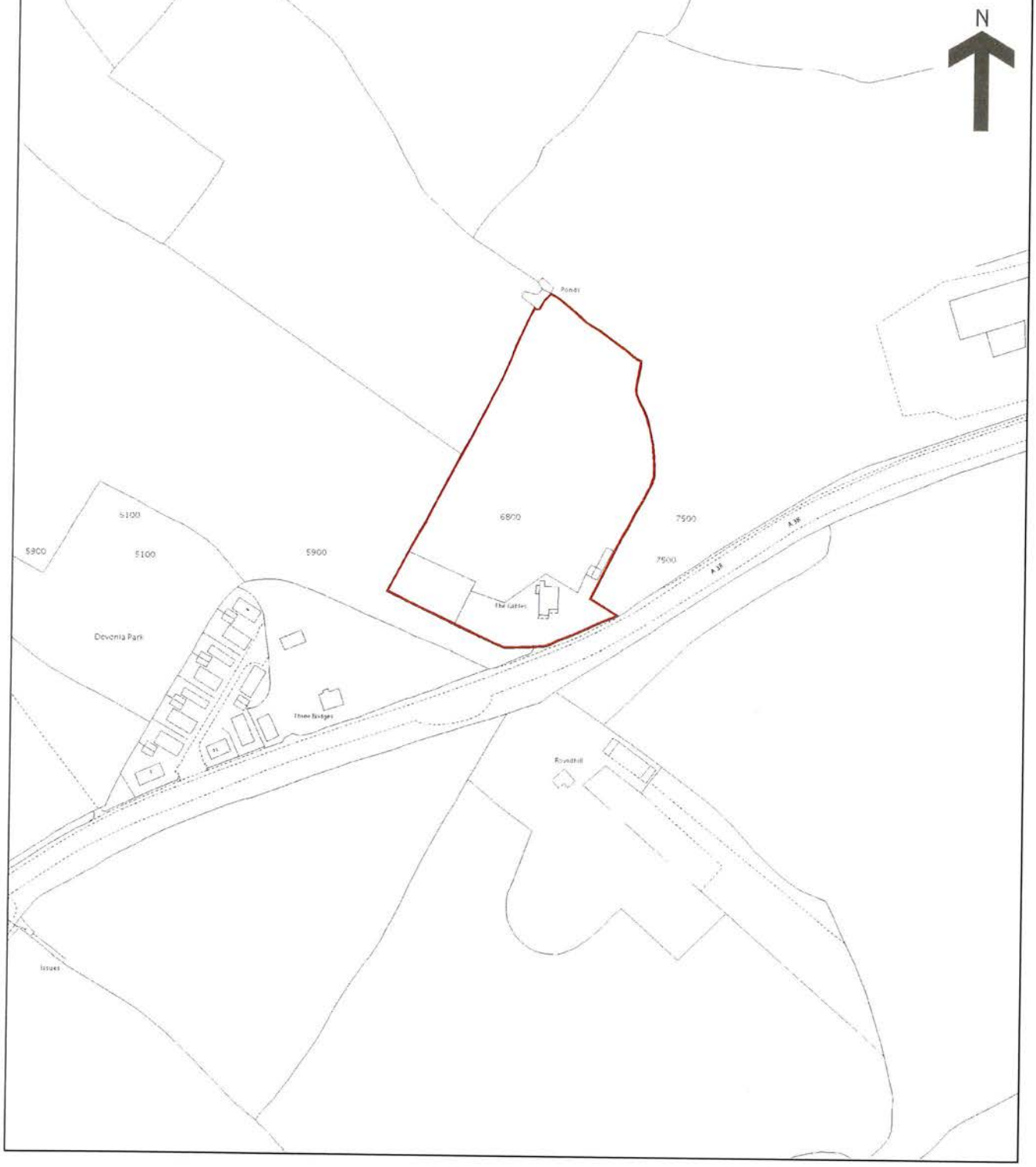
on behalf of James Teclesa

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

Land Registry
Current title plan

Title number **ST226853**
Ordnance Survey map reference **ST1823SE**
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 01 August 2012 at 14:57:28. 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 19 - Title plans and boundaries.

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


30.05.2012 09:45


FOR
SALE
30.05.2012 09:45


FOR SALE
£1295
V376 DTN
FOR SALE
30.05.2012 09:46

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 The Gables Wellington Road Bradford on Tone Taunton Somerset TA4 1EN

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 5 September 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 5 September 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]