Original

SCANNED
29 APR 2013

TDBC
PLANNING
26 APR 2013
RECEIVED

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

Enforcement Notice
E/0044/43/13
Land at Torres Verdas Drive and Cades Mead off Taunton Road Wellington 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 Torres Verdas Drive and Cades Mead off Taunton Road Wellington Somerset 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 erection of a structure on the Site for use as a sales office in the approximate position edged blue on the attached plan and the construction of a hard surface on the Site in the approximate position edged green on the attached plan for use for parking of vehicles and as shown on the 4 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 four years.

The Site forms part of an area to provide public open space to the surrounding and new residential development. The sales office and hard surface are intrusions in this open space.

This unauthorised development is contrary to Policy DM1 (General Requirements) of the Taunton Deane Core Strategy; retained Policy C4 of the Taunton Deane Local Plan (Standards of Provision for Open Space) and guidance contained at Paragraph 207 (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) Remove the structure; and
(ii) Remove the hard surfaced area; and
(iii) Remove the fences and signage that are on the Site; and
(iv) Reinstate the Site to its former condition and use as a public open space

6. Time For Compliance
In respect of all four requirements set out at section 5 above, 2 months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 30 May 2013 unless an appeal is made against it beforehand.

Dated: 25th April 2013
Signed: Joanne Teclesa

on behalf of

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

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TORRES VEDRAS DRIVE
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Pond
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Annex

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Enforcement Notice relating to Land at Torres Verdas Drive and Cades Mead off Taunton Road Wellington 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 30 May 2013 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 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 30 May 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 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]