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

Enforcement Notice: E/0035/14/15
Land at Walford Cross Units Walford Cross Taunton Somerset TA2 8QP
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 Walford Cross Units Walford Cross Taunton Somerset TA2 8QP ("the Site") as shown edged red and shaded pink 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 B1 Office and B8 Storage and Distribution Business Use to B2 General Industrial Use as a wood processing business.

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 consists of several connected buildings with a partially covered yard. The Site is used for the processing and packaging of wood chippings. The wood chippings are dried on the Site using equipment in the form of two hopper machines and then stored. This is an unauthorised 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) ("B2" Use").

The noise, dust and air pollution associated with the operation of plant/machinery used to process the wood chippings on the Site results in an unacceptable adverse impact to the amenities of the occupiers of neighbouring residential properties.

The unauthorised B2 Use is contrary to policy DM1 (e) (General Requirements) of the Taunton Deane Core Strategy –"*Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment*"; and guidance 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) Cease the unauthorised use of the Site for wood processing and associated storage; and

(ii) Remove from the Site all equipment and materials associated with the unauthorised use.

6. Time For Compliance

With regard to 5 (i) above: - 1 (one) month from the date that this Enforcement takes effect; and

With regard to 5 (ii) above – 2 (two) months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect

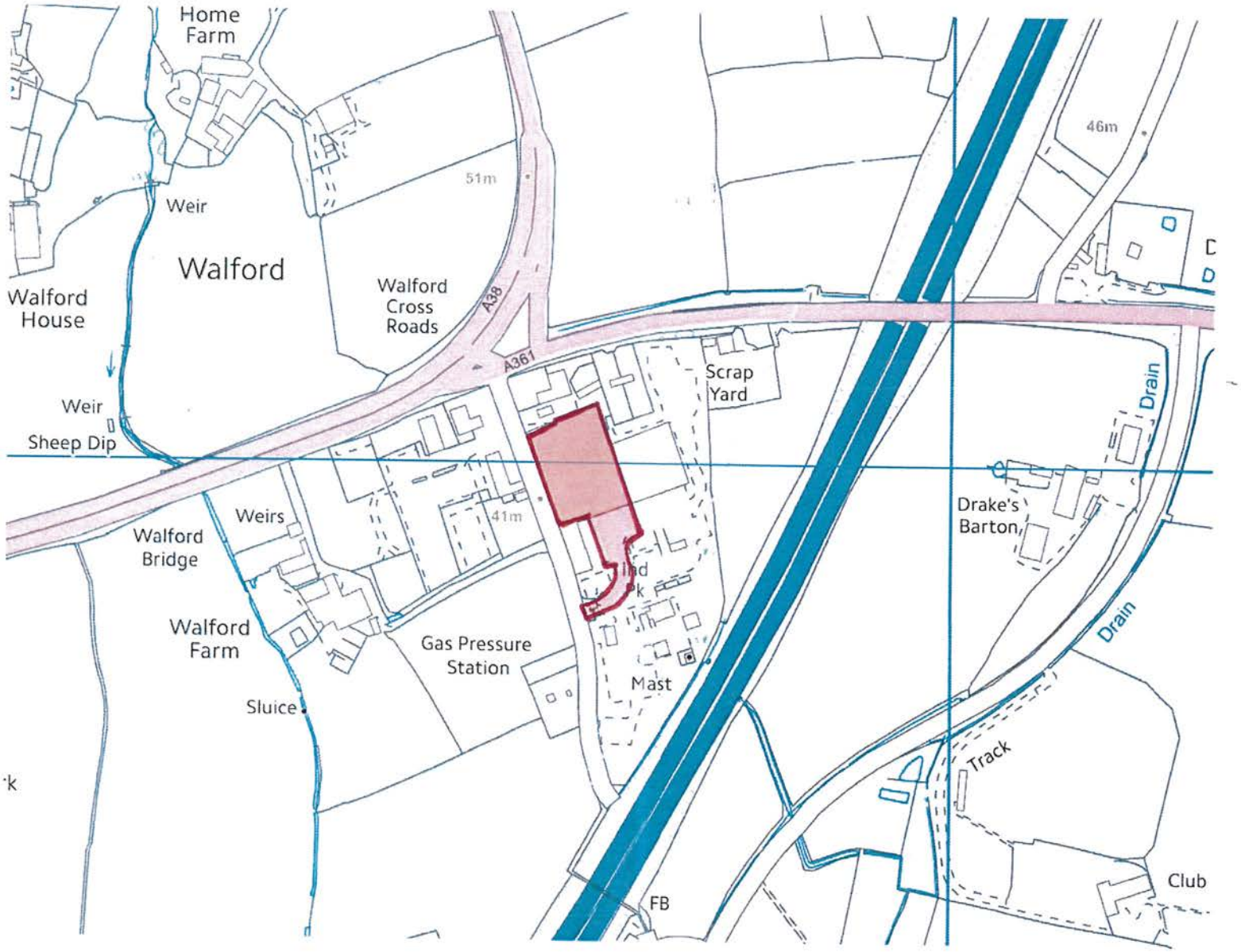
This Enforcement Notice takes effect on 12 January 2016 unless an appeal is made against it beforehand.

Dated: 8 DECEMBER 2015

Signed:

on behalf of

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


Home Farm
Weir
Walford
Walford House
Walford Cross Roads
A38
A361
51m
46m
Scrap Yard
Drain
Weir
Sheep Dip
Weirs
41m
Walford Bridge
Walford Farm
Gas Pressure Station
Mast
Sluice
Drake's Barton
Drain
Track
Club
FB

Annex

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

Enforcement Notice: E/0035/14/15
relating to land at Walford Cross Units Walford Cross Taunton Somerset TA2 8QP ("the Site")

This local planning authority, Taunton Deane Borough Council, has issued an Enforcement Notice relating to the Site and I now serve on you a copy of that Enforcement Notice as you have an interest in the Site. – 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 Site.

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 12 January 2016 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 12 January 2016.

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 Enforcement 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]