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/0127/49/13
Issued By: Taunton Deane Borough Council ("the Council")
Land at West View Farm Culverhay Lane Wiveliscombe Taunton Somerset TA4 2AA

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 (b) of section 171A(1) of the Town And Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991), 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 West View Farm Culverhay Lane Wiveliscombe Taunton Somerset TA4 2AA shown edged red on the attached plan ("the Site").

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Unauthorised siting of a mobile home at the Site after the expiry of temporary planning permission.

On 10 August 2010 Planning Permission for the Site was granted under application number 49/10/0024 for the change of use of the land for the siting of a temporary occupational dwelling for agricultural worker on land at the Site subject to conditions ("the Planning Permission"). The reason for granting the Planning Permission was to enable the establishment of a pheasant rearing business on land adjacent to the Site. One of the conditions on the Planning Permission (Condition No 1) provided:

"The use hereby permitted shall be discontinued and the land restored to its former condition on or before 10 August 2013 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out".

It appears to the Council that Condition 1 of Planning Permission 49/10/0024 has not been complied with because the mobile home remains on the Site and continues to be used for residential purposes. The mobile home is shown in the approximate position hatched black on the attached plan and as shown on the attached photograph.

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 located outside the settlement limit for Wiveliscombe. There is a general presumption against granting planning permission for new residential development in accordance with Policy CP8 (Environment) and Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy which seeks to control development outside of settlement limits.

It is considered that there is no longer a clearly established existing functional need for a worker to be readily available at most times at the Site. There is therefore no essential need for a rural worker to live permanently at the Site in accordance with paragraph 55 of the National Planning Policy Framework (promoting sustainable development in rural areas).

The mobile home represents an unjustified dwelling outside the defined settlement limits the cumulative impact of which would lead to unplanned sporadic extension of settlements. This is detrimental to the character and appearance of the countryside and collectively increases the need to travel by private motor vehicle in order to access day to day services. This is contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment), DM1 (General Requirements) and DM2 of the Taunton Deane Core Strategy.

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

- Stop using the mobile home for residential use; and
- Remove the mobile home from the Site.

6. Time For Compliance

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

7. When This Enforcement Notice Takes Effect

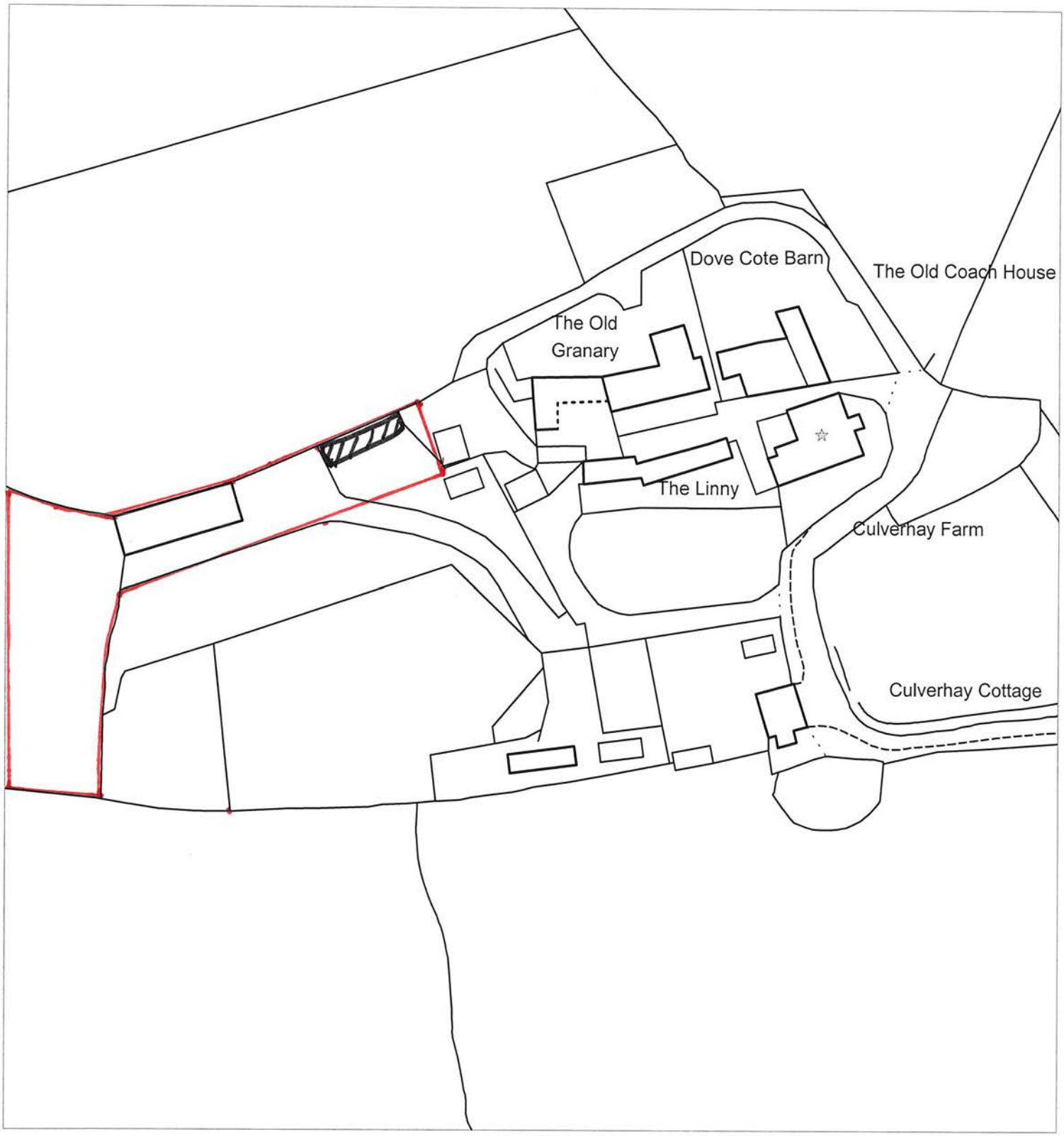
This Enforcement Notice takes effect on 14 February 2014 unless an appeal is made against it beforehand.

Dated: 10 January 2014

Signed:

on behalf of

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


Dove Cote Barn
The Old Coach House
The Old
Granary
The Linny
Culverhay Farm
Culverhay Cottage


20.11.2013 14:55

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/0127/49/13
Land at West View Farm Culverhay Lane Wiveliscombe Taunton Somerset TA4 2AA

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 14 February 2014 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 14 February 2014.

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]