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/0100/49/13
Issued By: Taunton Deane Borough Council ("the Council")
Land known as Wivey View Higher Whitefield Wiveliscombe Taunton Somerset TA4 2UP

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 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 known as Wivey View Higher Whitefield Wiveliscombe Taunton Somerset TA4 2UP shown edged red on the attached plan ("the Site").

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, change of use of the building on the Site as shown edged and hatched blue on the attached plan and as shown on the 3 attached photographs ("the Building") by subdivision of the Building from one single dwelling to two dwellings.

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 is in the open countryside and it is considered that the unauthorised subdivision of the Building to two dwellings is not acceptable within this open countryside location where it is the policy of the Local Planning Authority that new housing development should be strictly controlled.

New dwellings in such locations are considered to be unsustainable in transport terms due to the reliance on the private motor car to access day to day services.

This is contrary to Policies CP8 (Environment) and DM2 (Development in the Countryside) 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

- Cease the use of the Building on the Site as two separate dwellings

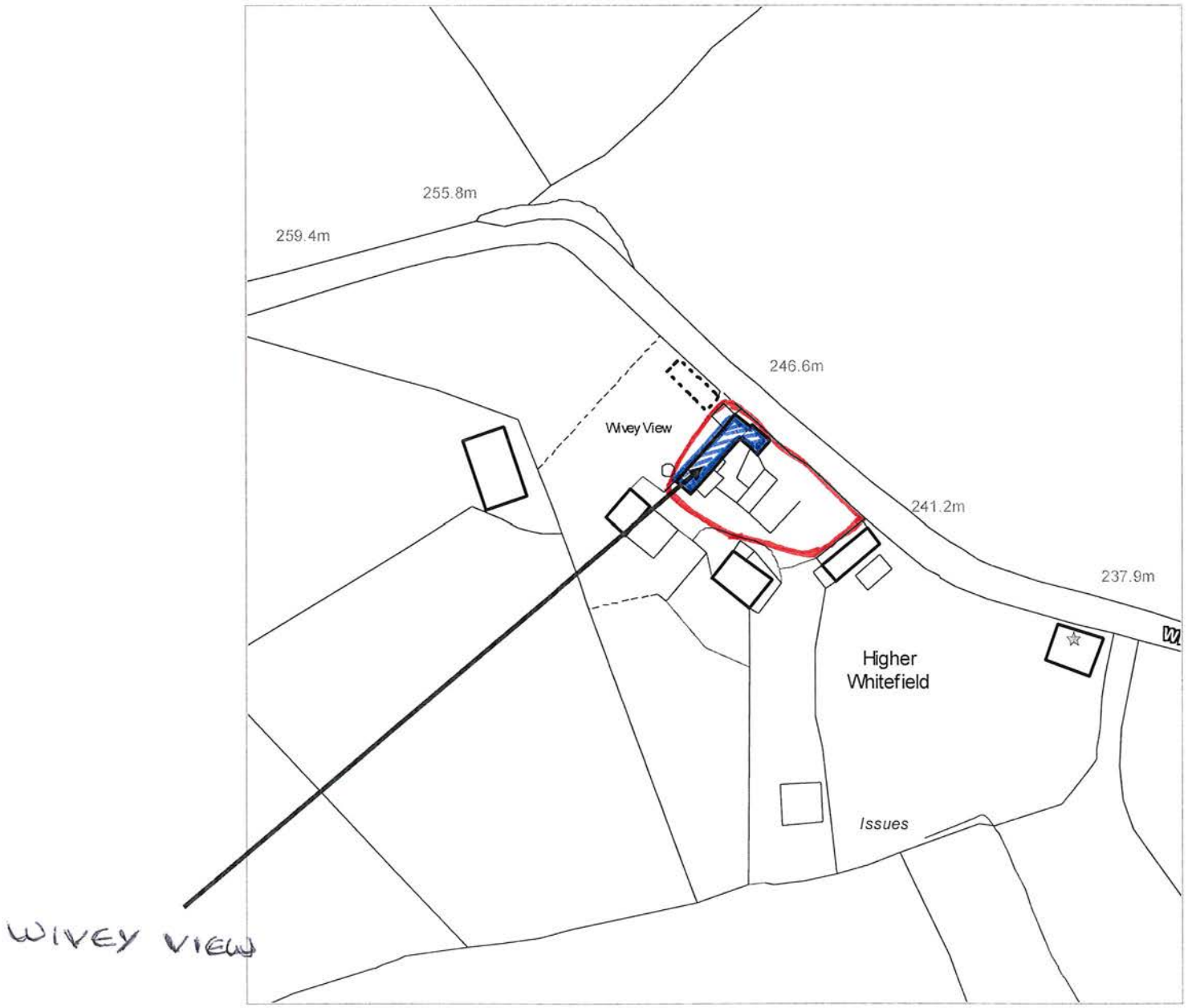
6. Time For Compliance
1 month from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 4 April 2014 unless an appeal is made against it beforehand.

Dated: 25 FEBRUARY 2014
Signed: ROY PINNEY LEGAL SERVICE MANAGER

on behalf of

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


255.8m
259.4m
246.6m
Wivey View
241.2m
237.9m
Higher
Whitefield
Issues

WIVEY VIEW


22.01.2014 14:59


22.01.2014 14:59


22 01 2014 14 59

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 known as Wivey View Higher Whitefield Wiveliscombe Taunton Somerset TA4 2UP

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 being served on the parties listed at the end of this letter who, it is understood, 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 4 April 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 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 4 April 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]