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/0040/48/12
Issued By: Taunton Deane Borough Council ("the Council")
Land on the South Side of Hyde Lane Bathpool 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 on the South Side of Hyde Lane Bathpool Taunton shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission, change of use of agricultural land to commercial use for storage of building materials, building equipment and other associated building materials as shown on the 3 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 ten years.

The Land lies in a semi rural location within the countryside and consists of a field within the green wedge.

The use of the Land is not considered to be appropriate for the storage of building materials. Such use should be located on a site designated for such purposes, for example, an established industrial estate. The Land is visible from the railway line and the building materials appear as incongruous features which are alien within the green wedge and detrimental to the landscape character of the area.

The commercial use of the Land for the storage of the building materials results in mud being deposited on the highway which creates a highways safety hazard. The unauthorised use of the Land creates a need to travel to and from the Land to collect/deposit building materials which fosters an increase in travel.

The Land is within a flood zone and the storage of building materials on the Land constitutes a flood risk to adjacent residential properties.

The unauthorised use of the Land is contrary to Policies S1(General Requirements), S7 (Outside Settlement Limits), EN28 (Development and Flood Risk), and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan; and Policies CP8 (Environment) and DM1(General Requirements) of the Taunton Deane Core Strategy;

and Guidance at paragraph 207 (Enforcement) and Section 11 (Conserving and Enhancing the Natural Environment) 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 use of the Land for the storage of building materials; and
(ii) Secure the removal of building materials, building equipment and other associated building materials from the Land; and
(iii) Reinstate the Land to its former agricultural use

6. Time For Compliance

For all 3 requirements set out in section 5 above, compliance is within 3 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: 1/8/2012
Signed: R. Bryant

on behalf of

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

Land Registry
Current title plan

Title number **ST229273**
Ordnance Survey map reference **ST2525NE**
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 27 July 2012 at 14:15:27. 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 7 - Title Plans.

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


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Annex

Important - This Communication Affects Your Property
Town and Country Planning Act 1990
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Enforcement Notice relating to Land on the South Side of Hyde Lane Bathpool Taunton

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:-

