# Taunton Deane Borough Council

**Internal Memorandum**

From: [redacted]

To: [redacted] – Planning Enforcement

CC: [redacted] – Planning Administration

Ref: PD/11/A/867

Ref: E365/27/2006

Ext: 2303

Date: 7th December 2009

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**Town and Country Planning Act 1990**
**Enforcement Notice**
**Land to the south west of Allerford Farm known as 'Gaia', Hillfarrance**

I have today issued an enforcement notice for the above property. I have enclosed a copy for your records together with your file. Please also find enclosed the original notice for inclusion on the enforcement register.

Regards

[redacted]

Assistant Solicitor

ORIGINAL

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

**Enforcement Notice: E365/27/2006**
**Issued by: Taunton Deane Borough Council**

**1. This 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 notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

**2. The Land to which the notice relates**

Land to the south west of Allerford Farm known as 'Gaia', Hillfarrance shown edged red on the attached plan.

**3. The matters which appear to constitute the breach of planning control**

Without planning permission, occupied the land for residential purposes

**4. Reasons for issuing this notice**

It appears to the Council that the above breach of planning control has occurred within the last four years.

In the absence of an agricultural need the occupation of the land for residential purposes is contrary to guidance in Planning Policy Statement 7, Annex A. No evidence has been provided to justify that there is a proven

agricultural need to reside on the land and due to the size of the holding it is unlikely that the enterprise would satisfy the criteria.

Consequently it represents unjustified development in the open countryside, increasing the likely need to travel by private transport, contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

**5. What you are required to do**

Cease using the land for residential occupation

**6. Time for compliance**

6 months from the date this notice takes effect

**7. When this notice takes effect**

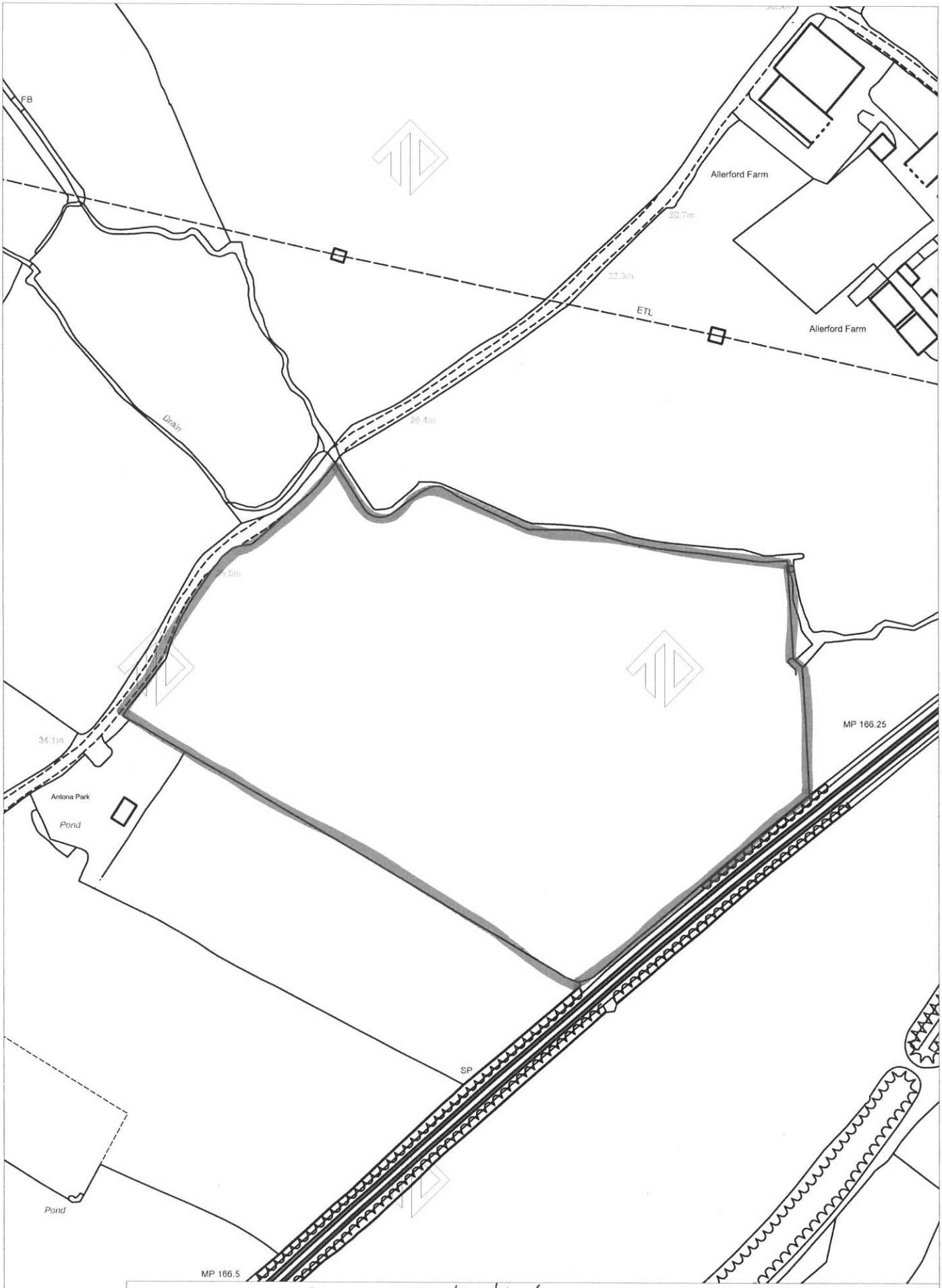
This notice takes effect on 12th January 2010, unless an appeal is made against it beforehand.

Dated: 7 December 2009

Signed: [redacted]

on behalf of Taunton Deane Borough Council

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




**Title:** Enforcement Notice E365/127/2006

**Date: 30/11/2004**

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Taunton Deane Borough Council

TAUNTON DEANE BOROUGH COUNCIL

**Annex**

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**Town and Country Planning Act 1990 as amended.**

**Enforcement Notice relating to land to the south west of Allerford Farm known as 'Gaia', Hillfarrance**

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 notice as you have an interest in the land. Copies of the 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.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 12th January 2010 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 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 12th January 2010.

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 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 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 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 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. You should pay half of the fee (£335) 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

[redacted]

[redacted]