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

Enforcement Notice: E/119/43/15
Issued By: Taunton Deane Borough Council ("the 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 (b) 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 this Notice and the enclosures to which it refers contain important additional information.

2. The Land To Which The Enforcement Notice Relates
Land at 9 Swains Lane, Wellington, Somerset, TA21 9AZ shown edged red on the attached plan.

3. The Matters Which Appear To Constitute The Breach Of Planning Control
In breach of condition 5 of planning permission 43/74/046 and condition 5 of planning permission 43/76/091, the erection of a fence in the approximate position marked with a green line on the attached plan.

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 fence is an incongruous feature in the street scene. The fence detracts from and harms the visual amenity of the area.
This is contrary to Policy DM1 (General Requirements) 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
Remove the fence.

6. Time For Compliance
Two months from the date that this Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on 22nd December 2017, unless an appeal is made against it beforehand.

Dated: 14th November 2017
Signed: Lesley Dolan – Authorised Signatory

On behalf of: Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 1HE
Nominated Officer: Stacey Slater
Telephone Number: 01823 356466

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 at 9 Swains Lane, Wellington, Somerset, TA21 9AZ ("the Land")

This local planning authority, Taunton Deane Borough Council, has issued an Enforcement Notice relating to the 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.

YOUR RIGHT OF APPEAL
You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before 22nd December 2017 The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal - link to http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf

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 £172. You should pay thee to the 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.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Parties on whom the Enforcement Notice has been served:-

[redacted]



9 Swains Lane, Wellington, TA21 9AZ

Date: 18/10/2017 Scale 1: 1250

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TAUNTON DEANE BOROUGH COUNCIL