ENFORCEMENT NOTICE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991) ("the Act")

Enforcement Notice: E/0171/19/17/A

Issued By: Somerset West and Taunton Council ("the Council")

Land at Deep Springs Hatch Beauchamp Taunton TA3 6TH

1. ENFORCEMENT NOTICE

This is a formal notice issued by the Council because it appears there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 at **Deep Springs, Hatch Beauchamp, Taunton, TA3 6TH** shown edged red on the attached plan (the Land).

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING

3.1 Without planning permission, the siting of two shipping containers covered with a roof structure as shown on the photographs numbered 1 and 2 attached to this Notice and as shown in the approximate position shown edged blue on the attached plan ('the Structure'); and

3.2 Without planning permission, the material change of use of the Land from use for agricultural/equestrian use to B8 Business storage use by way of storage of building materials, vehicles and items not associated with an agricultural/equestrian use Examples of such unauthorised items as shown on the photographs numbered 3 – 6 attached to this Notice.

4. REASONS FOR ISSUING THIS NOTICE

4.1 It appears to the Council that the breach of planning control referred to at paragraph 3.1 above has occurred within the last four years and the breach of planning control referred to at paragraph 3.2 above has occurred within the last ten years.

The Structure and its design are considered to have a detrimental impact on the character of

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the landscape and countryside. It represents creeping development into an open field which impacts on the rural character of the area with no justification or overriding public benefit.

The open storage of building related items and vehicles on the Land is detrimental to the visual amenities and landscape character of the rural area within which the Land is located. In addition, the storage of the building related items and vehicles on the Land is not reasonable or necessary for the purposes of an agricultural and/or equestrian use.

The unauthorised use of the Land is contrary to Policies DM1 (General Requirements); DM2 (Development in the Countryside); DM4 (Design); and CP8 (Environment) of the Taunton Deane Borough Council Adopted Core Strategy 2011 - 2028 and guidance within the National Planning Policy Framework;

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

5. WHAT YOU ARE REQUIRED TO DO

You must:-

(i) Remove from the Land the Structure.
(II) Remove from the Land all building materials and rubble arising from compliance with requirement 5 (i) above.
(III) Stop using the Land for the purpose of B8 Business storage use and/or the purpose of storage of non-agricultural and/or non-equestrian items.
(Iv) Remove from the Land all vehicles and items brought on to the Land for the purpose of B8 Business storage use referred to at paragraph 3.2 above.

6. TIME FOR COMPLIANCE

The period for compliance with steps (i) – (iv) inclusive set out at paragraph 5 is 4 (four) months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20 September 2019 unless an appeal is made against it beforehand.

Dated: 16th August 2019
Signed: DUTTRIDGE (Governance Manager & Monitoring Officer)
Authorised Officer on behalf of Somerset West and Taunton Council

(Nominated officer: Stacey Salter - Telephone number: 01823 219502)

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ANNEX

Somerset West and Taunton Council has issued an enforcement notice relating to land at Deep Springs, Hatch Beauchamp, Taunton, TA3 6TH and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be **received** by the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUNDS OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds 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 (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- 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 (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- 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 such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

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PLANNING APPLICATION FEE

If you wish to appeal on ground a of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice. You will have to pay a fee which is double the amount of a normal planning application fee of £462.00 and so the total fee is £924.00. You should pay the fee to Somerset West and Taunton Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, 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.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

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.

RECIPIENTS OF THE ENFORCEMENT NOTICE:

The names and addresses of all persons who were served with the notice:

[redacted]

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DEEP SPRINGS, VILLAGE ROAD, HATCH BEAUCHAMP, TAUNTON, TA3 6TH

Date: 16/08/2019 Scale 1: 2500

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Somerset West and Taunton Council

Somerset West and Taunton

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