Enforcement Notice
Operational Development and Material Change of Use

Important - This communication affects your property

Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

Enforcement notice

Issued by: Taunton Deane Borough Council

1. **This is a formal notice** which is issued by the Council because it appears to them that there have been breaches of planning control, under Section 171A(1)(a) 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.

2. **The land affected**

Premises and ancillary land known as Blackdown Garden Centre, Piccadilly, Wellington shown edged red on the attached plan annotated as "Plan No.1".

3. **The breaches of planning control alleged**

Without planning permission:-

(i) the erection of a structure to extend the approved sales area of the Blackdown Garden Centre within the part of the site shown edged red on the attached plan annotated as "Plan No.2";

(ii) the change of use of land at the garden centre, shown edged blue on the attached plan annotated as "Plan No.2", for the purposes of car parking and storage;

(iii) the change of use of land at the garden centre, shown edged yellow on the attached plan annotated as "Plan No.2", for the purposes of displaying conservatories;

(iv) the change of use of land at the garden centre, shown edged green on the attached plan annotated as "Plan No.2", for the purposes of displaying garden sheds; and

(v) the change of use of land at the garden centre, shown edged purple on the attached plan annotated as "Plan No.2", for outside storage purposes.

4. **Reasons for issuing this notice**

It appears to the Council that the above breaches of planning control have occurred within the last four years and ten years respectively.

No Flood Risk Assessment has been submitted for this site and consequently, without evidence to the contrary, the development fails to meet the provisions of Taunton Deane Local Plan Policy EN28 and guidance contained within Planning Policy Statement 25 (Development and Flood Risk) as the site lies within an area which has been identified as at risk of flooding. Insufficient information has been submitted to date to enable the Local Planning Authority to fully determine the planning merits of the developments which have been undertaken on the site without the benefit of planning consent;

Insufficient information has been submitted in order to assess the impact of the intensification of the garden centre on the highway network and the existing access to the site. As such, the developments which have been undertaken without the benefit of planning consent fail to provide a safe access to the site to accommodate the intensification of the use. Furthermore, a full Transport Assessment and Travel Plan is required in order to fully assess the impact of the use. As such, the unauthorised works are contrary to the provisions of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49;

The information submitted to date fails to clearly identify and define the developments which have been undertaken on the site without the benefit of planning consent. As such, the Local Planning Authority is unable to fully assess the merits and intensification of the proposed development against the relevant Local Plan Policy.

The Council does 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**

(i) Stop using the structure erected to extend the sales area of the Blackdown Garden Centre.

Time for compliance: 4 weeks after this notice takes effect.

(ii) Demolish the structure erected to extend the sales area of the garden centre, remove all materials resulting from its demolition from the site and restore the land to the condition it was in before the breach of planning control.

Time for compliance: 3 months after this notice takes effect.

(iii) Stop using the land at the Blackdown Garden Centre edged blue, yellow, green and purple on the plan annotated as "Plan No.2", for the purposes of car parking, displaying conservatories and sheds and for outside storage purposes.

Time for compliance: 8 weeks after this notice takes effect.

(iv) Take up any hardstandings at the garden centre within the areas edged blue, yellow, green and purple on the plan annotated as "Plan No.2", and restore the land concerned to the condition it was in before the unauthorised changes of use began

Time for compliance: 8 weeks after this notice takes effect.

6. **When this notice takes effect**

This notice takes effect on 19 June 2008 unless an appeal is made against it beforehand.

Dated: 16 May 2008

Signed:

On behalf of: Taunton Deane Borough Council

The Deane House,
Belvedere Road,
TAUNTON.

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 before 19 June 2008. The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to The Planning Inspectorate if you decide to appeal. The other should be sent to the Chief Executive at Taunton Deane Borough Council. You should also send The Planning Inspectorate the spare copy of this enforcement notice which is enclosed.

What happens if you do not appeal

If you do not appeal against this enforcement notice, it will take effect on 19 June 2008 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[s] specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Plan No. 1



ENFORCEMENT NOTICE

Reference No. 46/2006/032

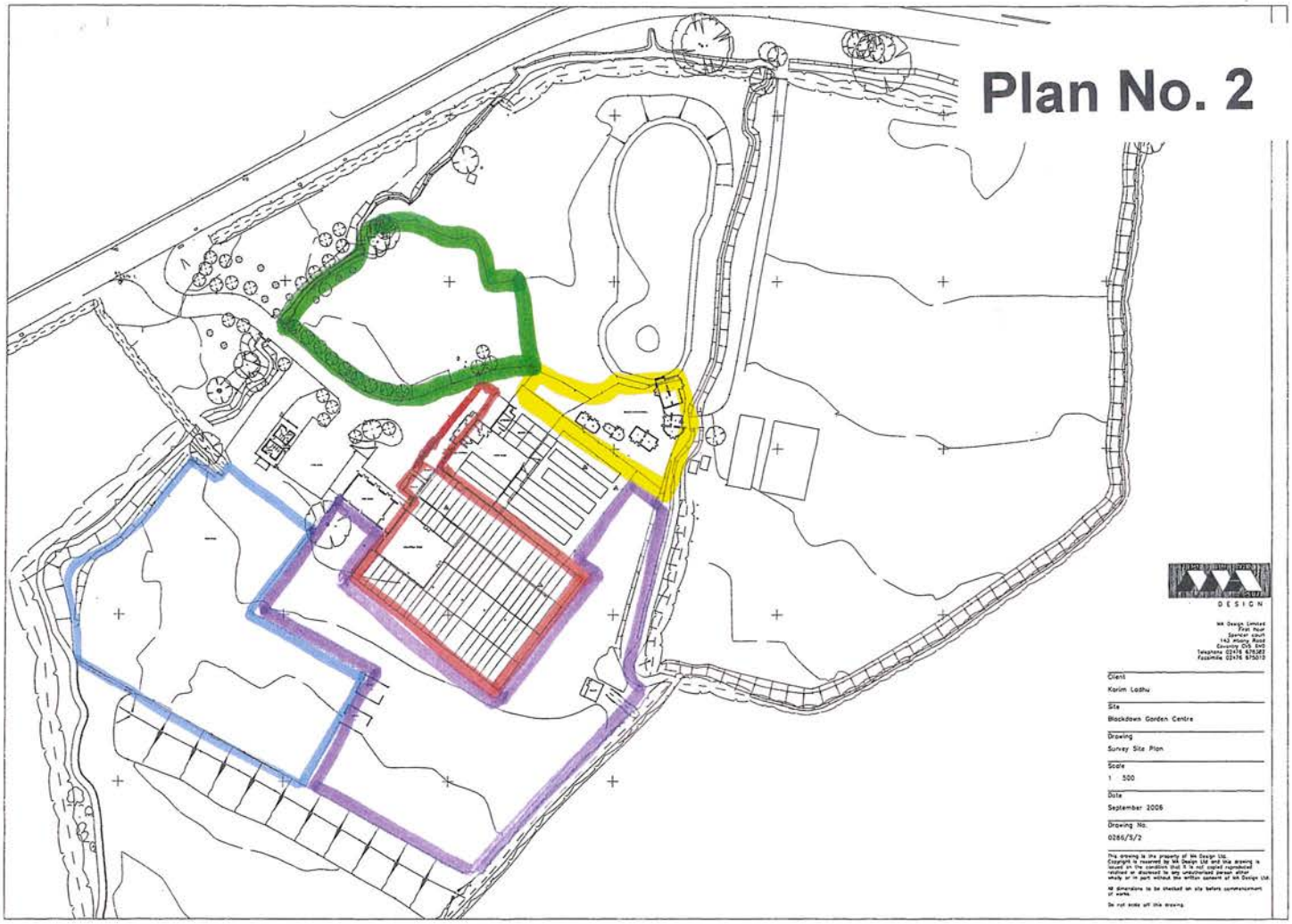
Scale NTS.

Title:

Date: 30/11/2004

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Taunton Deane Borough Council

TAUNTON DEANE BOROUGH COUNCIL



AREAS WITHOUT THE BENEFIT OF PLANNING PERMISSION

SALES AREAS ERECTED WITHOUT PLANNING PERM.

HARD STANDING AREA USED FOR CARPARKING AND STORAGE

AREA FOR DISPLAY OF CONSERVATORIES.

AREA FOR DISPLAY OF GARDEN SHEDS.

ADDITIONAL OUTSIDE STORAGE AREA.