Varied by appeal decision dated 1st May, 1990

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT, 1971

ENFORCEMENT NOTICE

To:

Of: [redacted]

WHEREAS:-

1. You are the owner/occupier of land situate at the rear of 7 to 27 Middleway in the Borough of Taunton Deane in the County of Somerset which is more particularly delineated on the attached plan and thereon edged red ("the Land")

2. The TAUNTON DEANE BOROUGH COUNCIL ("the Council") is the District Planning Authority and exercises the functions of the Local Planning Authority for the purpose of the provisions of Section 87 of the Town and Country Planning Act, 1971 ("the Act")

3. On the 23rd day of January 1976 the Council as the Local Planning Authority upon an application in that behalf made under Part III of the Act granted permission (reference number 4/38/75/321) for the residential development of land off Middleway, Taunton as amended by letter dated 10th January, 1976 and drawing No. 2121/26A dated 13th January, 1976 ("the Permission").

4. The permission was granted subject to eight conditions the third of which provides as follows:-

   "3. Sufficient space for one garage and one parking space, together with a vehicular access thereto shall be provided for each dwelling before it is occupied in positions approved by the Local Planning Authority. The said space and access shall not be used other than for the parking of vehicles or for the purpose of access."

5. This condition was subsequently varied by virtue of the Planning Authority's letter dated 10th February, 1976 requiring the provision of 13 garages and 5 parking spaces.

6. It appears to the Council that within a period of four years before the date of this Notice there has been a breach of planning control in that the permission has been implemented and Condition 3, as amended, has not been complied with insofar as it relates to the land.

3. It ~~also~~ appears to the Council that after the 31st day of December 1963 there has been a breach of planning control in that the Land has been developed by the making of a material change in the use thereof from garaging and car parking spaces in connection with the use of the associated houses at Middleway, Taunton to use for the parking and storage of cars in connection with a car trading business.

4. The Council considers it expedient having regard to the provisions of the Structure Plan and to all other material considerations to issue this Enforcement Notice in exercise of its powers contained in Section 87 of the Act for the reasons set out in the Annex to this Notice.

NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in Section 87 of the Act the Council HEREBY REQUIRES YOU within a period of one calendar month beginning with the date on which this Notice takes effect to:-

Discontinue the use of the Land for the purpose of parking and storage of cars in connection with a car trading business.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act,

ON THE 28TH DAY OF AUGUST 1989
DATED THIS 26TH DAY OF JULY 1989

Signed .....
Secretary and Solicitor

The Deane House,
Belvedere Road,
Taunton.

REF. GPD/AP/PD.11/A/293

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL AGAINST AN ENFORCEMENT NOTICE contained in Section 88 of the Act, which are set out in the explanatory booklet "Enforcement Notice Appeals - A Guide to Procedure" enclosed herewith.

THE ANNEX hereinbefore referred to:-

Reasons why the Council considers it expedient to issue an Enforcement Notice to alleviate the injury to amenity caused by the failure to comply with Condition 3 imposed on the planning permission dated 23rd January, 1976, as amended (4/38/75/321) and the unauthorsied material change of use of the land

1. To ensure that adequate off street car parking is provided within the curtilage of the development to ensure that the free flow of traffic or the conditions of general safety along the neighbouring highway are not prejudiced.

2. To alleviate the unacceptably detrimental effect which the current use is having on the residential amenities of the occupiers of the neighbouring dwellings.

Dated this 26TH day of JULY 1989

Signed .....(2).....
Secretary and Solicitor

REF. GPD/AP/PD.11/A/293



PLAN REFERRED TO IN ENFORCEMENT NOTICE

SCALE 1:1250

REF NO 4/38/89/ROBU

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT, 1971

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5. This condition was subsequently varied by virtue of the Planning Authority's letter dated 10th February, 1976 requiring the provision of 13 garages and 5 parking spaces.

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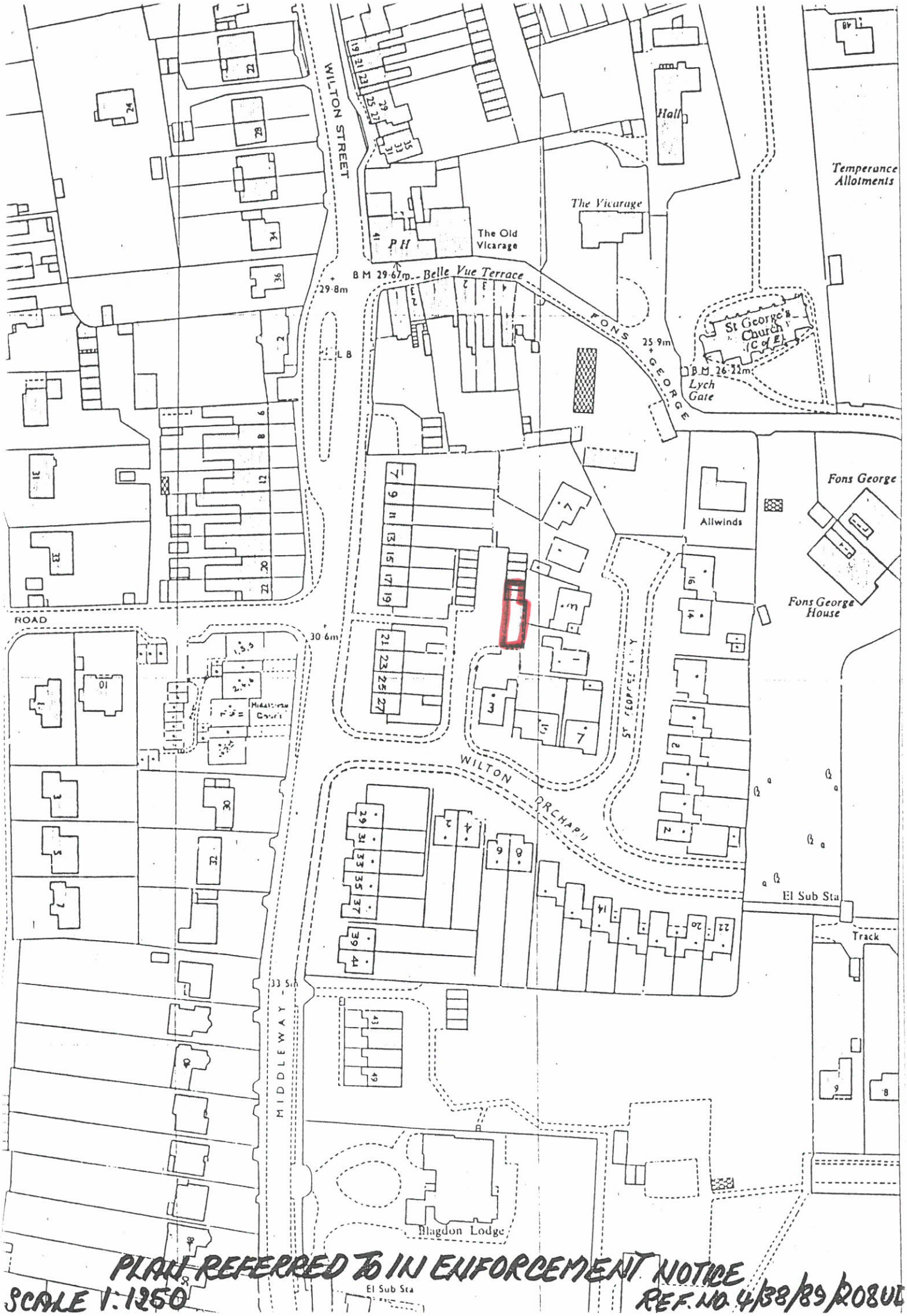
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2. To alleviate the unacceptably detrimental effect which the current use is having on the residential amenities of the occupiers of the neighbouring dwellings.

Dated this 26TH day of JULY 1989

Signed .....(2).....
Secretary and Solicitor

REF. GPD/AP/PD.11/A/293



PLAN REFERRED TO IN ENFORCEMENT NOTICE

SCALE 1:1250

REF. NO. 4/38/89/2080