ENFORCEMENT NOTICE
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 has been a breach 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

The land at Sharps Farm, Bathealton, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the change of use of the land at Sharps Farm, Bathealton, for the purpose of constructing and operating a training course for 4 x 4 (off road) vehicles.

4. REASONS FOR ISSUING THIS NOTICE

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

The proposed development is located in an elevated position in the open countryside where development is strictly controlled and restricted to development which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. In the opinion of the Local Planning Authority; the development constitutes an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities and quietude of the locality enjoyed by local residents, visitors and tourists and will consequently not maintain or enhance the character and environment of the area. (Somerset and Exmoor National Park Joint Structure Plan Review Policies STR6 and 38 and West Deane Local Plan Policies WD/SP/2, WD/RT/1 and WD/RT/12).

The site is accessed by narrow, poorly aligned approach roads which do not benefit from adequate forward visibility. In the opinion of the Local Planning Authority, these roads are not of a condition nor maintained to the standard necessary to accommodate the volume and type of traffic likely to be generated by the development proposed. (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy M3).

The proposed development is located adjacent to Sharps Copse, a County Wildlife Site, where there are records of a main badger sett. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not result in harm to the badgers, which are a protected species, or their habitat. (Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, West Deane Local Plan

Policies WD/EC/1 and WD/EC/5 and Taunton Deane Local Plan Revised Deposit Policies S1 and EN4a).

The site lies within an Area of High Landscape Quality where it is the policy of the Local Planning Authority to carefully control all development that might damage those features which give the area its special character. In the opinion of the Local Planning Authority, the proposal constitutes a visual intrusion which is detrimental to the amenities of the area and is therefore contrary to Policy S5 of the adopted Structure Plan. Furthermore, the development does not respect the distinct character and appearance of the Landscape Character Area. (West Deane Local Plan Policy WD/EC/16 and Taunton Deane Local Plan Revised Deposit Policy EN13).

The development, if permitted, is likely to encourage further development proposals in respect of the land, which might then be difficult to resist, the cumulative affect of which would further detract from the character and amenities of the area.

The Council does not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

(i) Stop using the land at Sharps Farm, Bathealton, for the purpose of operating a training course for 4 x 4 (off road) vehicles.

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

(ii) Remove from the land any equipment or items specifically used in connection with the training course for 4 x 4 (off road) vehicles and reinstate the land to the condition it was in prior to the breach of planning control.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 3 July 2003 unless an appeal is made against it beforehand.

Dated: 30 May 2003

Signed: 

on behalf of: TAUNTON DEANE BOROUGH COUNCIL

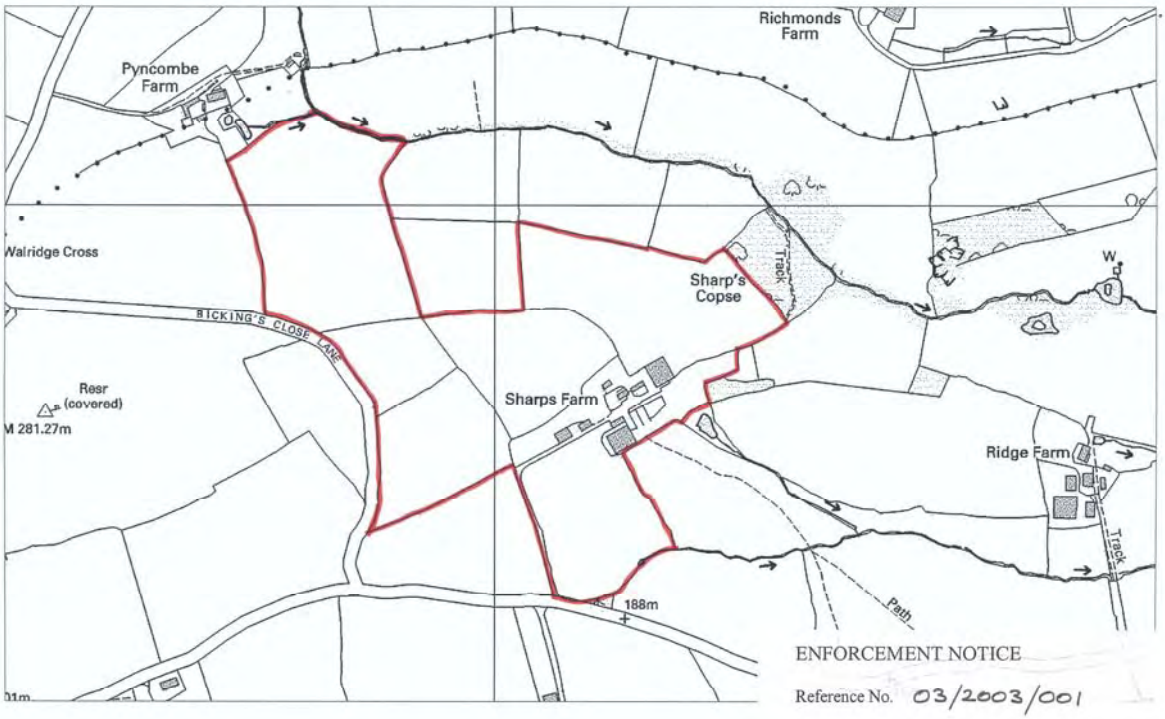
The Deane House
Belvedere Road
TAUNTON

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 Secretary of State before 3 July 2003. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other should be sent to the Chief Executive at Taunton Deane Borough Council. You should also send the Secretary of State 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 3 July 2003 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.



ENFORCEMENT NOTICE

Reference No. 03/2003/001

Scale