Somerset West and Taunton

BY HAND

[redacted]

Our Ref: ECC/EN/18/00012
Your Ref:
Date: 4 February 2020

Dear Sir or Madam

Town and Country Planning Act 1990
Planning Enforcement Notice relating to extension of outbuilding and reroofing of extended outbuilding
The Lodge Combeland Road Alcombe Somerset

On 10 December 2019 the Somerset West and Taunton Council as local planning authority decided (using delegated powers) that an Enforcement Notice be issued and served in respect of the above breach of planning control.

The Council has issued an Enforcement Notice accordingly, and is required to serve the owner and occupier of the land and anyone with an interest in the land with a copy of the Notice. Accordingly I therefore enclose by way of service by way of service the following:

- A copy of the Enforcement Notice in duplicate.
- A copy of relevant provisions of the Town and Country Planning Act 1990 (S171A, S171B, S172-S177)

While the breach as a whole consists of the extension of the outbuilding, the Council's principal concern is with the roofing material which has been used to reroof the entire building, and which in the view of the Council exert an adverse effect on the special historic and architectural interest of The Lodge as a Grade II listed building.

In addition, the Council considers that the roofing material as used neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area.

Accordingly, the retention of the roofing material is not in accordance with various relevant planning policies, including Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

In order to remedy the breach, the Enforcement Notice requires the carrying out of the following steps in order to remedy the breach which has occurred;

Important - This Communication Affects Your Property

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

Enforcement Notice: ECC/EN/18/00012
Issued by: Somerset West and Taunton 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 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. 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**
The Lodge Combeland Road Alcombe Somerset ("the Land") as shown edged red on the plan annexed hereto ("the Plan")

3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The construction on the Land of an extension to an outbuilding (which outbuilding is in the approximate position shown edged blue on the Plan) and the alteration of the roof of the outbuilding

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.

In the opinion of the Council as local planning authority, the modern and unsympathetic roofing material used on the outbuilding as extended is considered to adversely affect the special historic and architectural interest of the Grade II Listed Building The Lodge and neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area. The retention of the roofing material is therefore not in accordance with Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

5. **What You Are Required To Do**

1. Remove the roofing material from the outbuilding as extended

2. Reroof the outbuilding with natural slate roof tiles

6. **Time For Compliance**

Six months from the date on which this Enforcement Notice takes effect.

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 The Lodge Alcombe Somerset ("the Land")

This local planning authority, Somerset West and Taunton 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.

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 20 March 2020. An information sheet published by the Planning Inspectorate gives details of how to make an appeal and is available at;

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;

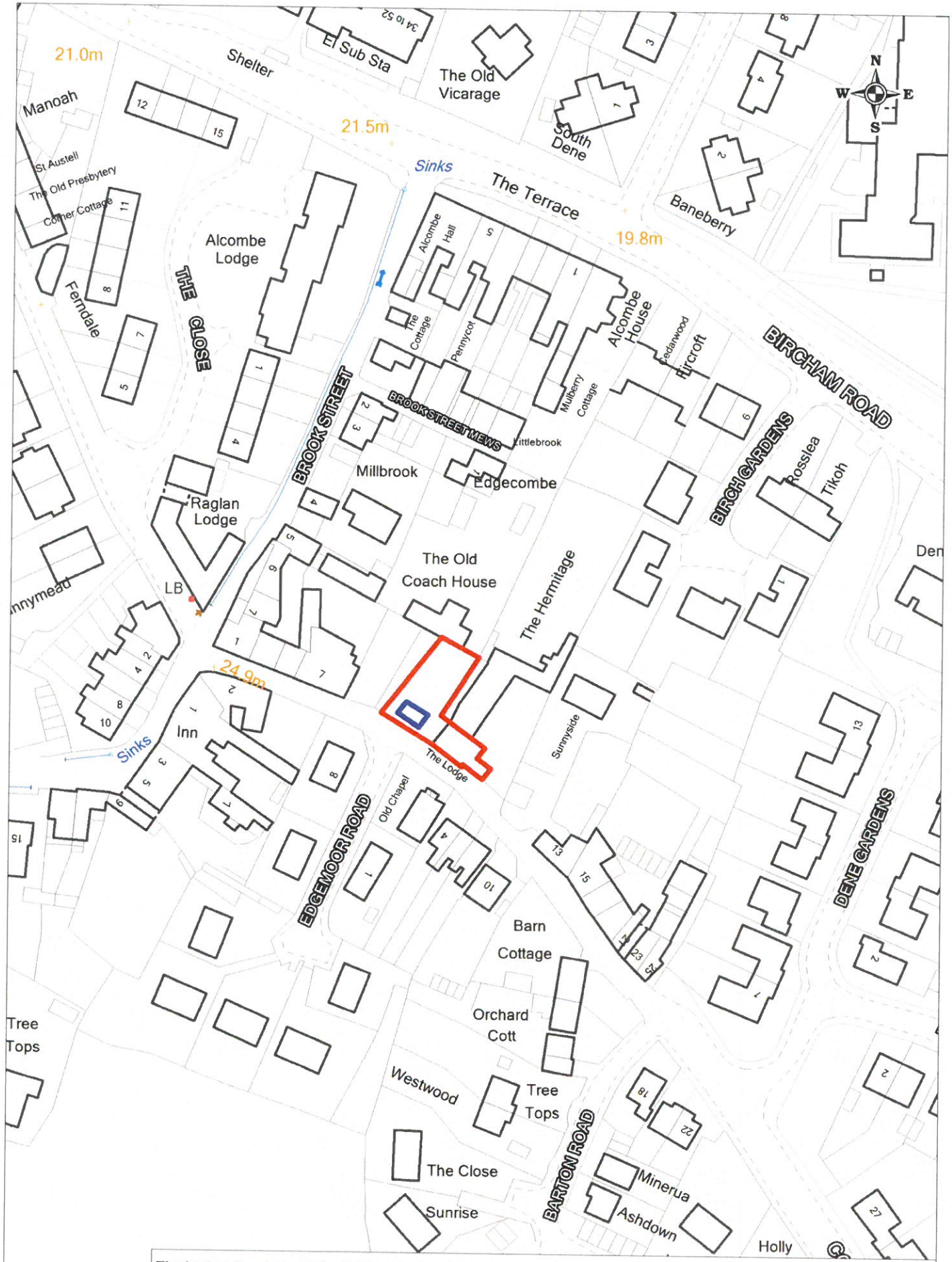
(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

(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.



The Lodge, Combeland Road, Alcombe TA24 6BS

Date: 08/11/2019 Scale 1: 1250

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Somerset West and Taunton Council

Somerset West and Taunton

TOWN AND COUNTRY PLANNING ACT 1990

Part VII

Enforcement – (Amended by the Planning and Compensation Act 1991, s 4)

171A Expressions used in connection with enforcement

(1) For the purposes of this Act--

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act--

(a) the issue of an enforcement notice (defined in section 172);

(aa) the issue of an enforcement warning notice (defined in section 173ZA); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent--

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(3) The service of the notice shall take place--

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state--

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are--

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require--

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building--

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any 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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if--

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time--

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that--

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals

(1) On an appeal under section 174 the Secretary of State may--

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(3) The Secretary of State--

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(a) the land to which the enforcement notice relates is in Wales, or

(b) that land is in England and [Where--

(a) an appeal against an enforcement notice is brought under section 174, and

(b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant] shall be deemed to have made an application for planning permission [in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where--

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Somerset West and Taunton

BY HAND

[redacted]

Our Ref: ECC/EN/18/00012
Your Ref:
Date: 4 February 2020

Dear [redacted]

Town and Country Planning Act 1990
Planning Enforcement Notice relating to extension of outbuilding and reroofing of extended outbuilding
The Lodge Combeland Road Alcombe Somerset

On 10 December 2019 the Somerset West and Taunton Council as local planning authority decided (using delegated powers) that an Enforcement Notice be issued and served in respect of the above breach of planning control.

The Council has issued an Enforcement Notice accordingly, and is required to serve the owner and occupier of the land and anyone with an interest in the land with a copy of the Notice. You are identified at H.M. Land Registry as one of the freehold owners of the land, and so I therefore enclose by way of service upon you the following:

- A copy of the Enforcement Notice in duplicate.
- A copy of relevant provisions of the Town and Country Planning Act 1990 (S171A, S171B, S172-S177)

While the breach as a whole consists of the extension of the outbuilding, the Council's principal concern is with the roofing material which has been used to reroof the entire building, and which in the view of the Council exerts an adverse effect on the special historic and architectural interest of The Lodge as a Grade II listed building.

In addition, the Council considers that the roofing material as used neither preserves not enhances the character, appearance and setting of the Alcombe Conservation Area.

Accordingly, the retention of the roofing material is not in accordance with various relevant planning policies, including Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

Important - This Communication Affects Your Property

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

Enforcement Notice: ECC/EN/18/00012
Issued by: Somerset West and Taunton 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 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. 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**
The Lodge Combeland Road Alcombe Somerset ("the Land") as shown edged red on the plan annexed hereto ("the Plan")

3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The construction on the Land of an extension to an outbuilding (which outbuilding is in the approximate position shown edged blue on the Plan) and the alteration of the roof of the outbuilding

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.

In the opinion of the Council as local planning authority, the modern and unsympathetic roofing material used on the outbuilding as extended is considered to adversely affect the special historic and architectural interest of the Grade II Listed Building The Lodge and neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area. The retention of the roofing material is therefore not in accordance with Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

5. **What You Are Required To Do**

1. Remove the roofing material from the outbuilding as extended

2. Reroof the outbuilding with natural slate roof tiles

6. **Time For Compliance**

Six months from the date on which this Enforcement Notice takes effect.

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 The Lodge Alcombe Somerset ("the Land")

This local planning authority, Somerset West and Taunton 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.

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 20 March 2020. An information sheet published by the Planning Inspectorate gives details of how to make an appeal and is available at;
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;

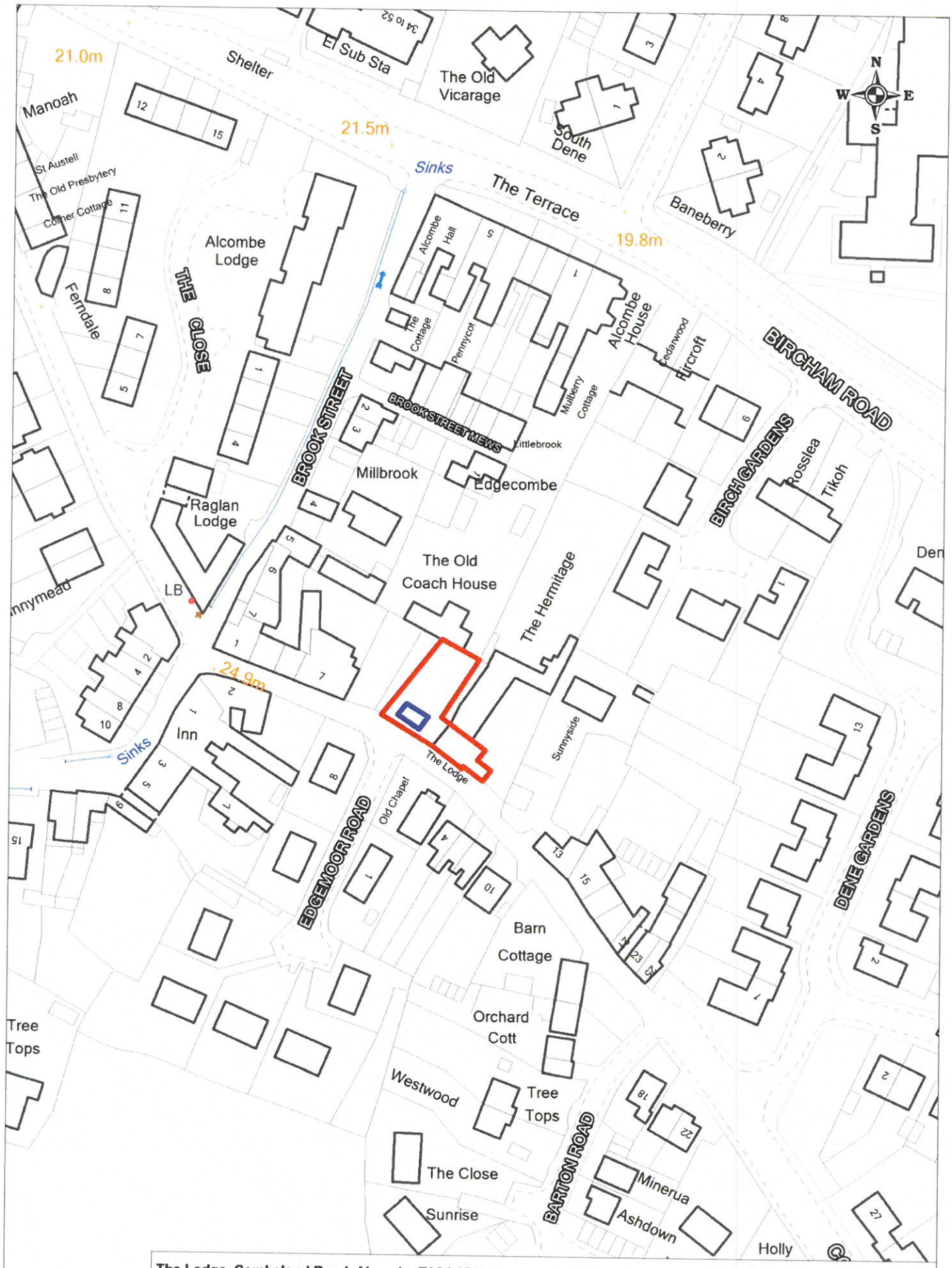
(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

(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.



The Lodge, Combeland Road, Alcombe TA24 6BS

Date: 08/11/2019 Scale 1: 1250

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Somerset West and Taunton Council

Somerset West and Taunton

TOWN AND COUNTRY PLANNING ACT 1990

Part VII

Enforcement – (Amended by the Planning and Compensation Act 1991, s 4)

171A Expressions used in connection with enforcement

(1) For the purposes of this Act--

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act--

(a) the issue of an enforcement notice (defined in section 172);

(aa) the issue of an enforcement warning notice (defined in section 173ZA); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent--

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(3) The service of the notice shall take place--

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state--

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are--

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require--

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building--

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any 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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if--

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time--

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that--

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals

(1) On an appeal under section 174 the Secretary of State may--

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(3) The Secretary of State--

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(a) the land to which the enforcement notice relates is in Wales, or

(b) that land is in England and [Where--

(a) an appeal against an enforcement notice is brought under section 174, and

(b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant] shall be deemed to have made an application for planning permission [in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where--

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Somerset West and Taunton

BY HAND

[redacted]

Our Ref: ECC/EN/18/00012
Your Ref:
Date: 4 February 2020

Dear [redacted]

Town and Country Planning Act 1990
Planning Enforcement Notice relating to extension of outbuilding and reroofing of extended outbuilding
The Lodge Combeland Road Alcombe Somerset

On 10 December 2019 the Somerset West and Taunton Council as local planning authority decided (using delegated powers) that an Enforcement Notice be issued and served in respect of the above breach of planning control.

The Council has issued an Enforcement Notice accordingly, and is required to serve the owner and occupier of the land and anyone with an interest in the land with a copy of the Notice. You are identified at H.M. Land Registry as one of the freehold owners of the land, and so I therefore enclose by way of service upon you the following:

- A copy of the Enforcement Notice in duplicate.
- A copy of relevant provisions of the Town and Country Planning Act 1990 (S171A, S171B, S172-S177)

While the breach as a whole consists of the extension of the outbuilding, the Council's principal concern is with the roofing material which has been used to reroof the entire building, and which in the view of the Council exerts an adverse effect on the special historic and architectural interest of The Lodge as a Grade II listed building.

In addition, the Council considers that the roofing material as used neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area.

Accordingly, the retention of the roofing material is not in accordance with various relevant planning policies, including Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

Important - This Communication Affects Your Property

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

Enforcement Notice: ECC/EN/18/00012
Issued by: Somerset West and Taunton 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 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. 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**
The Lodge Combeland Road Alcombe Somerset ("the Land") as shown edged red on the plan annexed hereto ("the Plan")

3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The construction on the Land of an extension to an outbuilding (which outbuilding is in the approximate position shown edged blue on the Plan) and the alteration of the roof of the outbuilding

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.

In the opinion of the Council as local planning authority, the modern and unsympathetic roofing material used on the outbuilding as extended is considered to adversely affect the special historic and architectural interest of the Grade II Listed Building The Lodge and neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area. The retention of the roofing material is therefore not in accordance with Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

5. **What You Are Required To Do**

1. Remove the roofing material from the outbuilding as extended

2. Reroof the outbuilding with natural slate roof tiles

6. **Time For Compliance**

Six months from the date on which this Enforcement Notice takes effect.

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 The Lodge Alcombe Somerset ("the Land")

This local planning authority, Somerset West and Taunton 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.

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 20 March 2020. An information sheet published by the Planning Inspectorate gives details of how to make an appeal and is available at;

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;

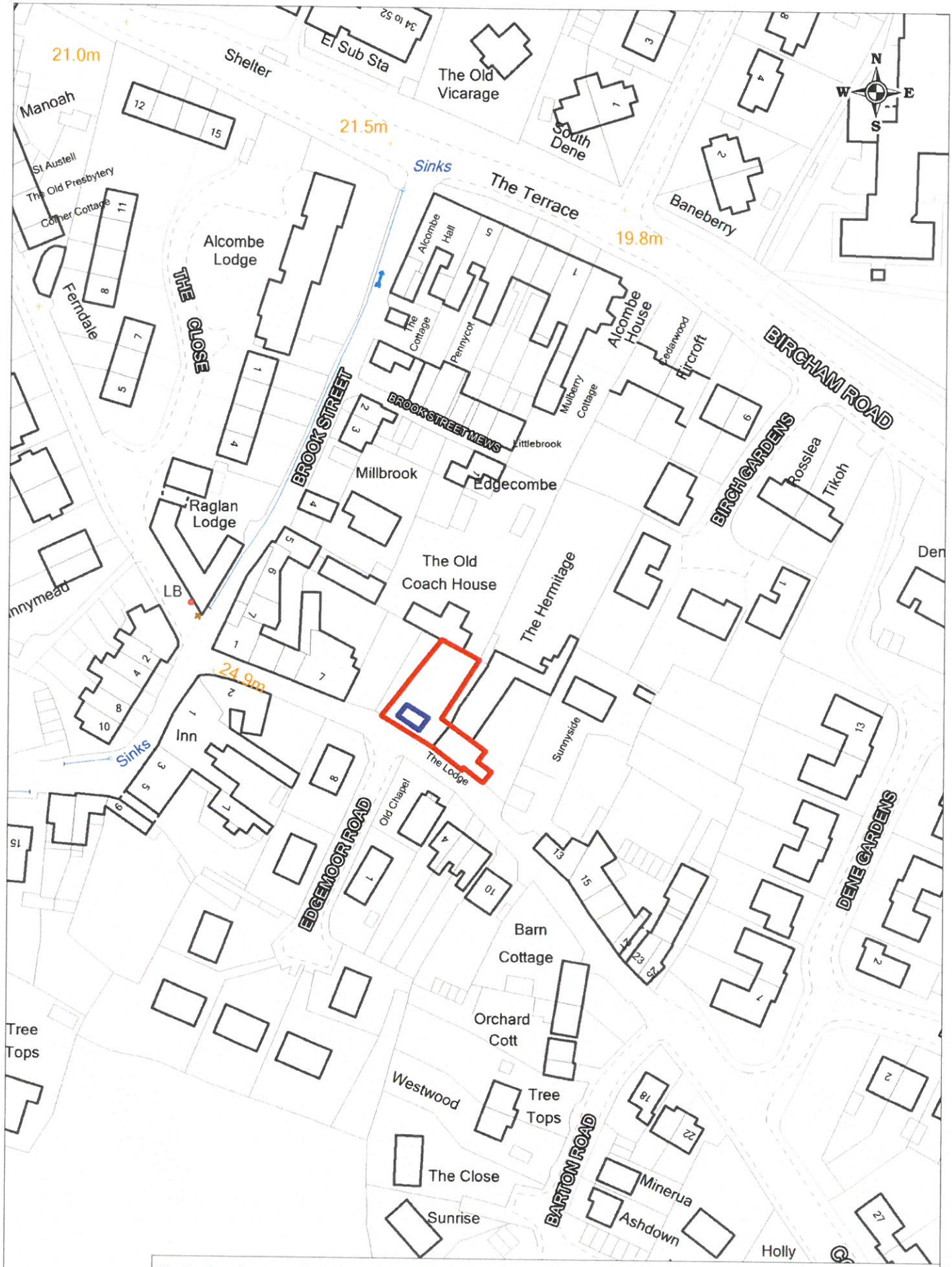
(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

(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.



The Lodge, Combeland Road, Alcombe TA24 6BS

Date: 08/11/2019 Scale 1: 1250

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Somerset West and Taunton Council

Somerset West and Taunton

TOWN AND COUNTRY PLANNING ACT 1990

Part VII

Enforcement – (Amended by the Planning and Compensation Act 1991, s 4)

171A Expressions used in connection with enforcement

(1) For the purposes of this Act--

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act--

(a) the issue of an enforcement notice (defined in section 172);

(aa) the issue of an enforcement warning notice (defined in section 173ZA); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent--

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(3) The service of the notice shall take place--

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state--

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are--

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require--

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building--

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any 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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if--

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time--

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that--

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals

(1) On an appeal under section 174 the Secretary of State may--

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(3) The Secretary of State--

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(a) *the land to which the enforcement notice relates is in Wales, or*

(b) *that land is in England and* [Where--

(a) an appeal against an enforcement notice is brought under section 174, and

(b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant] shall be deemed to have made an application for planning permission [in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where--

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Somerset West and Taunton

BY RECORDED DELIVERY

[redacted]

Our Ref: ECC/EN/18/00012
Your Ref:
Date: 4 February 2020

Dear [redacted]

Town and Country Planning Act 1990
Planning Enforcement Notice relating to extension of outbuilding and reroofing of extended outbuilding
The Lodge Combeland Road Alcombe Somerset

On 10 December 2019 the Somerset West and Taunton Council as local planning authority decided (using delegated powers) that an Enforcement Notice be issued and served in respect of the above breach of planning control.

The Council has issued an Enforcement Notice accordingly, and is required to serve the owner and occupier of the land and anyone with an interest in the land with a copy of the Notice. You are identified at H.M. Land Registry as one of the freehold owners of the land, and so I therefore enclose by way of service upon you the following:

- A copy of the Enforcement Notice in duplicate.
- A copy of relevant provisions of the Town and Country Planning Act 1990 (S171A, S171B, S172-S177)

While the breach as a whole consists of the extension of the outbuilding, the Council's principal concern is with the roofing material which has been used to reroof the entire building, and which in the view of the Council exerts an adverse effect on the special historic and architectural interest of The Lodge as a Grade II listed building.

In addition, the Council considers that the roofing material as used neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area.

Accordingly, the retention of the roofing material is not in accordance with various relevant planning policies, including Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

Important - This Communication Affects Your Property

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

Enforcement Notice: ECC/EN/18/00012
Issued by: Somerset West and Taunton 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 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. 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**
The Lodge Combeland Road Alcombe Somerset ("the Land") as shown edged red on the plan annexed hereto ("the Plan")

3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The construction on the Land of an extension to an outbuilding (which outbuilding is in the approximate position shown edged blue on the Plan) and the alteration of the roof of the outbuilding

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.

   In the opinion of the Council as local planning authority, the modern and unsympathetic roofing material used on the outbuilding as extended is considered to adversely affect the special historic and architectural interest of the Grade II Listed Building The Lodge and neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area. The retention of the roofing material is therefore not in accordance with Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

5. **What You Are Required To Do**

   1. Remove the roofing material from the outbuilding as extended

   2. Reroof the outbuilding with natural slate roof tiles

6. **Time For Compliance**

   Six months from the date on which this Enforcement Notice takes effect.

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 The Lodge Alcombe Somerset ("the Land")

This local planning authority, Somerset West and Taunton 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.

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 20 March 2020. An information sheet published by the Planning Inspectorate gives details of how to make an appeal and is available at;

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;

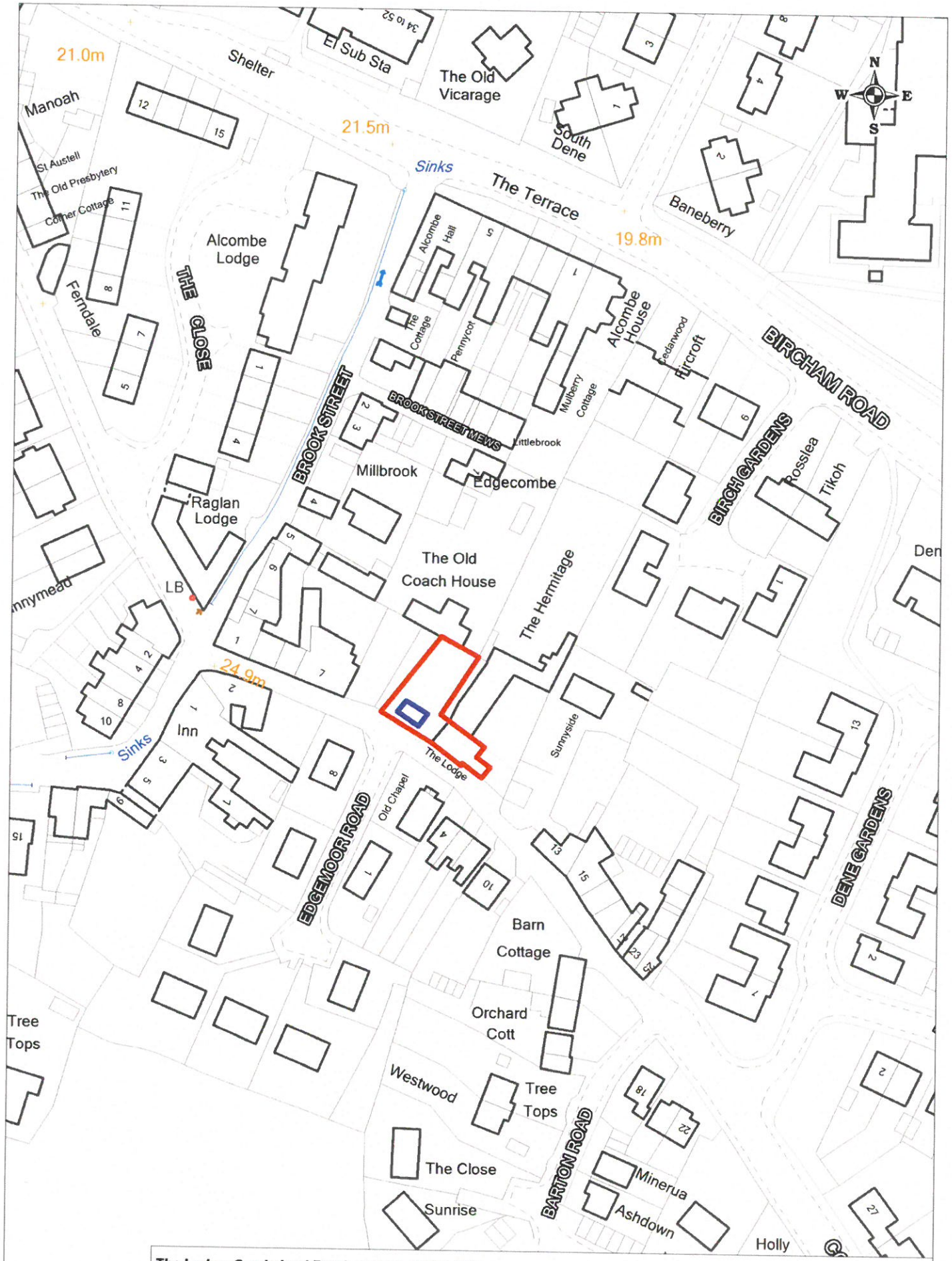
(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

(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.



The Lodge, Combeland Road, Alcombe TA24 6BS

Date: 08/11/2019 Scale 1: 1250

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Somerset West and Taunton Council

Somerset West and Taunton

TOWN AND COUNTRY PLANNING ACT 1990

Part VII

Enforcement – (Amended by the Planning and Compensation Act 1991, s 4)

171A Expressions used in connection with enforcement

(1) For the purposes of this Act--

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act--

(a) the issue of an enforcement notice (defined in section 172);

(aa) the issue of an enforcement warning notice (defined in section 173ZA); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent--

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(3) The service of the notice shall take place--

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state--

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are--

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require--

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building--

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any 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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if--

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time--

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that--

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals

(1) On an appeal under section 174 the Secretary of State may--

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(3) The Secretary of State--

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(a) *the land to which the enforcement notice relates is in Wales, or*

(b) *that land is in England and* [Where--

(a) an appeal against an enforcement notice is brought under section 174, and

(b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant] shall be deemed to have made an application for planning permission [in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where--

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Somerset West and Taunton

BY RECORDED DELIVERY

[redacted]

Our Ref: ECC/EN/18/00012
Your Ref:
Date: 4 February 2020

Dear [redacted]

Town and Country Planning Act 1990
Planning Enforcement Notice relating to extension of outbuilding and reroofing of extended outbuilding
The Lodge Combeland Road Alcombe Somerset

On 10 December 2019 the Somerset West and Taunton Council as local planning authority decided (using delegated powers) that an Enforcement Notice be issued and served in respect of the above breach of planning control.

The Council has issued an Enforcement Notice accordingly, and is required to serve the owner and occupier of the land and anyone with an interest in the land with a copy of the Notice. You are identified at H.M. Land Registry as one of the freehold owners of the land, and so I therefore enclose by way of service upon you the following:

- A copy of the Enforcement Notice in duplicate.
- A copy of relevant provisions of the Town and Country Planning Act 1990 (S171A, S171B, S172-S177)

While the breach as a whole consists of the extension of the outbuilding, the Council's principal concern is with the roofing material which has been used to reroof the entire building, and which in the view of the Council exerts an adverse effect on the special historic and architectural interest of The Lodge as a Grade II listed building.

In addition, the Council considers that the roofing material as used neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area.

Accordingly, the retention of the roofing material is not in accordance with various relevant planning policies, including Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

Important - This Communication Affects Your Property

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

Enforcement Notice: ECC/EN/18/00012
Issued by: Somerset West and Taunton 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 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. 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**
The Lodge Combeland Road Alcombe Somerset ("the Land") as shown edged red on the plan annexed hereto ("the Plan")

3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The construction on the Land of an extension to an outbuilding (which outbuilding is in the approximate position shown edged blue on the Plan) and the alteration of the roof of the outbuilding

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.

   In the opinion of the Council as local planning authority, the modern and unsympathetic roofing material used on the outbuilding as extended is considered to adversely affect the special historic and architectural interest of the Grade II Listed Building The Lodge and neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area. The retention of the roofing material is therefore not in accordance with Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

5. **What You Are Required To Do**

   1. Remove the roofing material from the outbuilding as extended

   2. Reroof the outbuilding with natural slate roof tiles

6. **Time For Compliance**

   Six months from the date on which this Enforcement Notice takes effect.

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 The Lodge Alcombe Somerset ("the Land")

This local planning authority, Somerset West and Taunton 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.

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 20 March 2020. An information sheet published by the Planning Inspectorate gives details of how to make an appeal and is available at;

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;

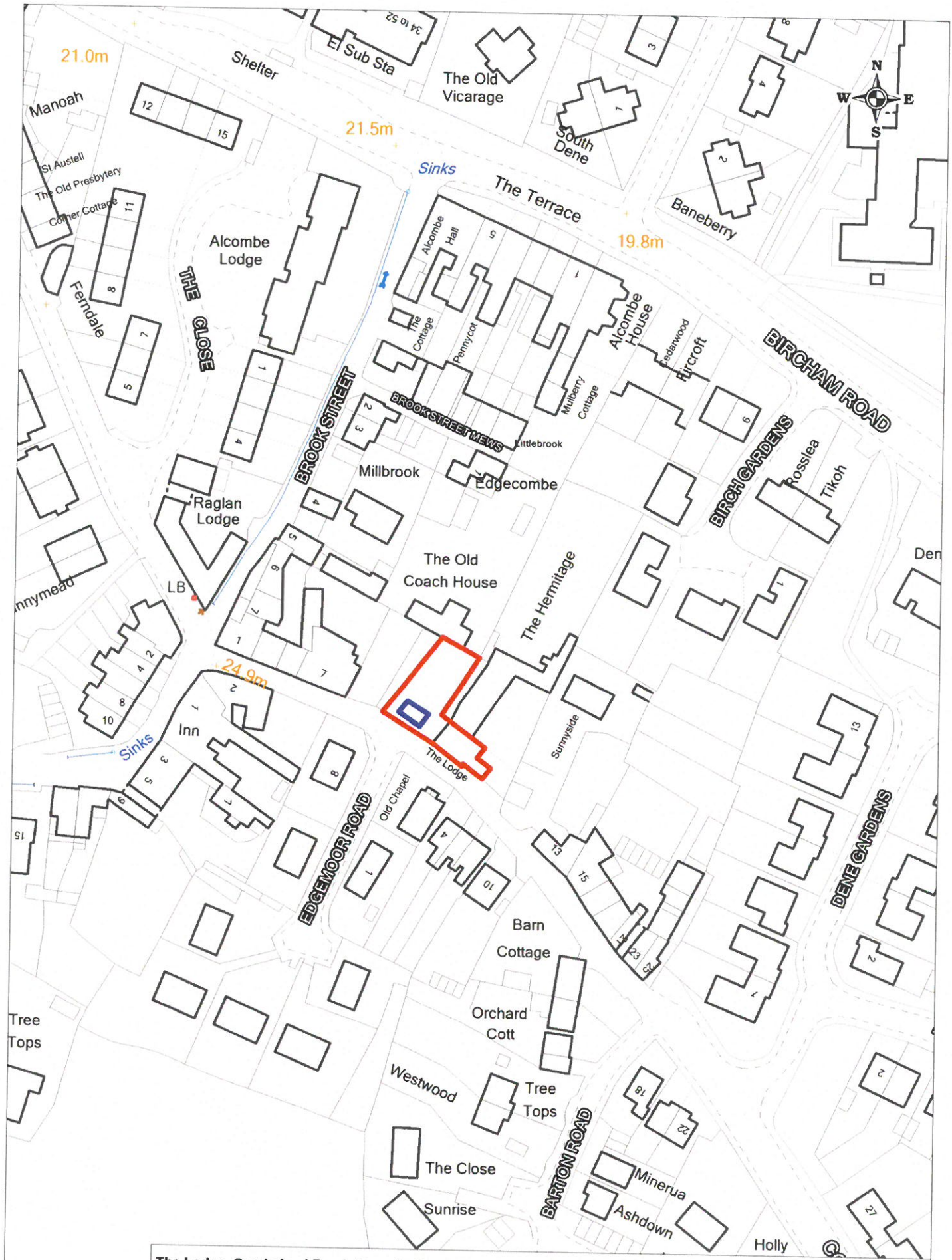
(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

(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.



The Lodge, Combeland Road, Alcombe TA24 6BS

Date: 08/11/2019 Scale 1: 1250

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Somerset West and Taunton Council

Somerset West and Taunton

TOWN AND COUNTRY PLANNING ACT 1990

Part VII

Enforcement – (Amended by the Planning and Compensation Act 1991, s 4)

171A Expressions used in connection with enforcement

(1) For the purposes of this Act--

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act--

(a) the issue of an enforcement notice (defined in section 172);

(aa) the issue of an enforcement warning notice (defined in section 173ZA); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent--

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(3) The service of the notice shall take place--

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state--

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are--

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require--

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building--

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any 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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if--

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time--

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that--

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals

(1) On an appeal under section 174 the Secretary of State may--

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(3) The Secretary of State--

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(a) the land to which the enforcement notice relates is in Wales, or

(b) that land is in England and [Where--

(a) an appeal against an enforcement notice is brought under section 174, and

(b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant] shall be deemed to have made an application for planning permission [in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where--

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Somerset West and Taunton

BY RECORDED DELIVERY

[redacted]

Our Ref: ECC/EN/18/00012
Your Ref:
Date: 4 February 2020

Dear Sirs

Town and Country Planning Act 1990
Planning Enforcement Notice relating to extension of outbuilding and reroofing of extended outbuilding
The Lodge Combeland Road Alcombe Somerset

On 10 December 2019 the Somerset West and Taunton Council as local planning authority decided (using delegated powers) that an Enforcement Notice be issued and served in respect of the above breach of planning control at The Lodge, Combeland Road, Alcombe, Somerset, a property owned by Mr G C and Mrs T A Taylor

The Council has issued an Enforcement Notice accordingly, and is required to serve the owner and occupier of the land and anyone with an interest in the land with a copy of the Notice. You are identified at H.M. Land Registry as a holder of a registered charge on the land dated 2 June 2006, and so I therefore enclose by way of service upon you the following:

- A copy of the Enforcement Notice in duplicate.
- A copy of relevant provisions of the Town and Country Planning Act 1990 (S171A, S171B, S172-S177)

While the breach as a whole consists of the extension of the outbuilding, the Council's principal concern is with the roofing material which has been used to reroof the entire building, and which in the view of the Council exerts an adverse effect on the special historic and architectural interest of The Lodge as a Grade II listed building.

In addition, the Council considers that the roofing material as used neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area.

Accordingly, the retention of the roofing material is not in accordance with various relevant planning policies, including Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

Important - This Communication Affects Your Property

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

Enforcement Notice: ECC/EN/18/00012
Issued by: Somerset West and Taunton 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 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. 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**
The Lodge Combeland Road Alcombe Somerset ("the Land") as shown edged red on the plan annexed hereto ("the Plan")

3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The construction on the Land of an extension to an outbuilding (which outbuilding is in the approximate position shown edged blue on the Plan) and the alteration of the roof of the outbuilding

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.

   In the opinion of the Council as local planning authority, the modern and unsympathetic roofing material used on the outbuilding as extended is considered to adversely affect the special historic and architectural interest of the Grade II Listed Building The Lodge and neither preserves nor enhances the character, appearance and setting of the Alcombe Conservation Area. The retention of the roofing material is therefore not in accordance with Policies BD/3, NH1, NH2, LB/1 and Policy 9 of the West Somerset Local Plan to 2032.

5. **What You Are Required To Do**

   1. Remove the roofing material from the outbuilding as extended

   2. Reroof the outbuilding with natural slate roof tiles

6. **Time For Compliance**

   Six months from the date on which this Enforcement Notice takes effect.

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 The Lodge Alcombe Somerset ("the Land")

This local planning authority, Somerset West and Taunton 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.

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 20 March 2020. An information sheet published by the Planning Inspectorate gives details of how to make an appeal and is available at;

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;

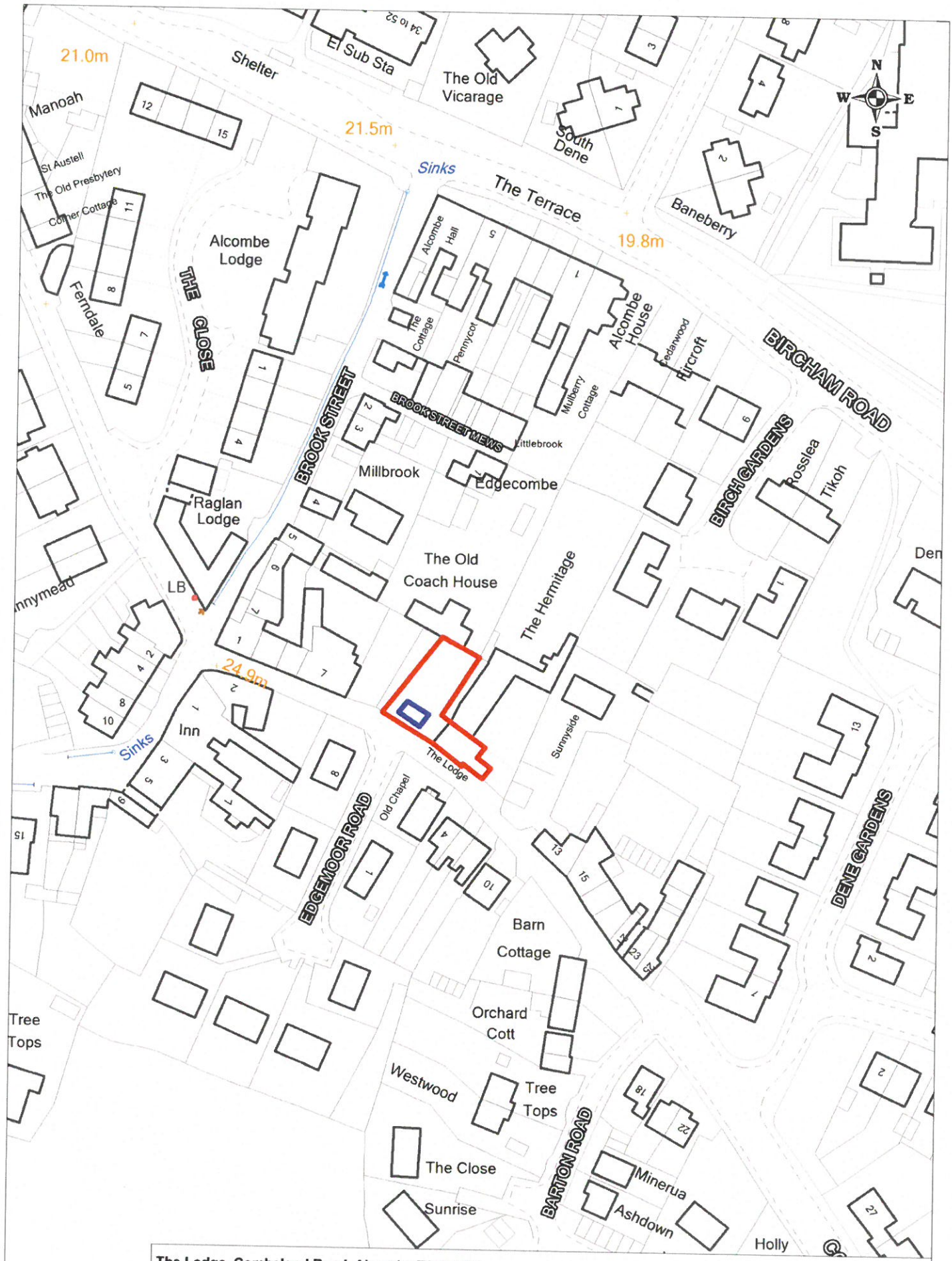
(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

(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.



The Lodge, Combeland Road, Alcombe TA24 6BS

Date: 08/11/2019 Scale 1: 1250

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Somerset West and Taunton Council

Somerset West and Taunton

TOWN AND COUNTRY PLANNING ACT 1990

Part VII

Enforcement – (Amended by the Planning and Compensation Act 1991, s 4)

171A Expressions used in connection with enforcement

(1) For the purposes of this Act--

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act--

(a) the issue of an enforcement notice (defined in section 172);

(aa) the issue of an enforcement warning notice (defined in section 173ZA); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent--

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(3) The service of the notice shall take place--

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice

(1) An enforcement notice shall state--

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are--

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require--

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building--

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any 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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if--

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time--

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that--

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals

(1) On an appeal under section 174 the Secretary of State may--

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(3) The Secretary of State--

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(a) *the land to which the enforcement notice relates is in Wales, or*

(b) *that land is in England and* [Where--

(a) an appeal against an enforcement notice is brought under section 174, and

(b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant] shall be deemed to have made an application for planning permission [in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where--

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.