Important - This Communication Affects Your Property
Town And Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

Enforcement Notice: EN/18/003
Issued By: West Somerset District Council ("the Council")
Land at Elgin Towers, St. Michaels Road, Minehead, Somerset TA24 5QJ ("the Site")

1. This Enforcement Notice is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Enforcement Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Enforcement Notice and the enclosures to which it refers contain important additional information.

2. The Land To Which The Enforcement Notice Relates
Land at Elgin Towers, St. Michaels Road, Minehead, Somerset TA24 5QJ shown edged red on the plan annexed to this Enforcement Notice ("the Site")

3. The Matters Which Appear To Constitute The Breach Of Planning Control
Without planning permission the installation of a 10.5m long and 1.8m high close boarded fence in the south west corner of the Site erection in the approximate position shown in green on the plan annexed to this Notice ('the Fence).

4. Reasons For Issuing This Enforcement Notice
It appears to the Council that the breach of planning control described at Paragraph 3 above has occurred within the last four years.

The Fence is an alien feature in a landscape characterised mainly by hedging and its presence urbanises the rural nature of the area. It does not preserve the setting of the Conservation Area and the appearance and bulk of the fencing within the traditional setting of the dwellinghouse known as Elgin Towers adversely affects the setting of this Grade II listed building. The Fence is therefore contrary to the provisions of Policies MD1, NH1 and NH2 of the West Somerset Local Plan to 2032.

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

5. What You Are Required To Do
Dismantle and remove the Fence and remove all materials formerly comprising of the Fence and supporting structure from the Site.

6. Time For Compliance
3 calendar months from the date on which the Enforcement Notice takes effect.

7. When This Enforcement Notice Takes Effect
This Enforcement Notice takes effect on **27th August 2018** unless an appeal is made against it beforehand.

Dated: 13/07/2018

Signed:

on behalf of
West Somerset District Council
West Somerset House
Williton
Taunton
Somerset
TA4 4QA

Annex

Important - This Communication Affects Your Property
Town and Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

Land and building at Elgin Towers, St. Michaels Road, Minehead, Somerset TA24 5QJ

This local planning authority, West Somerset District Council, has issued an Enforcement Notice relating to the above Site and I now serve on you a copy of that Enforcement Notice as you have an interest in the Site. Copies of the Enforcement Notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the Site.

Your Right of Appeal
There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the Enforcement Notice will take effect on **27th August 2018** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the Enforcement Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **27th August 2018.**

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 Enforcement 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 Enforcement 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 Enforcement 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;

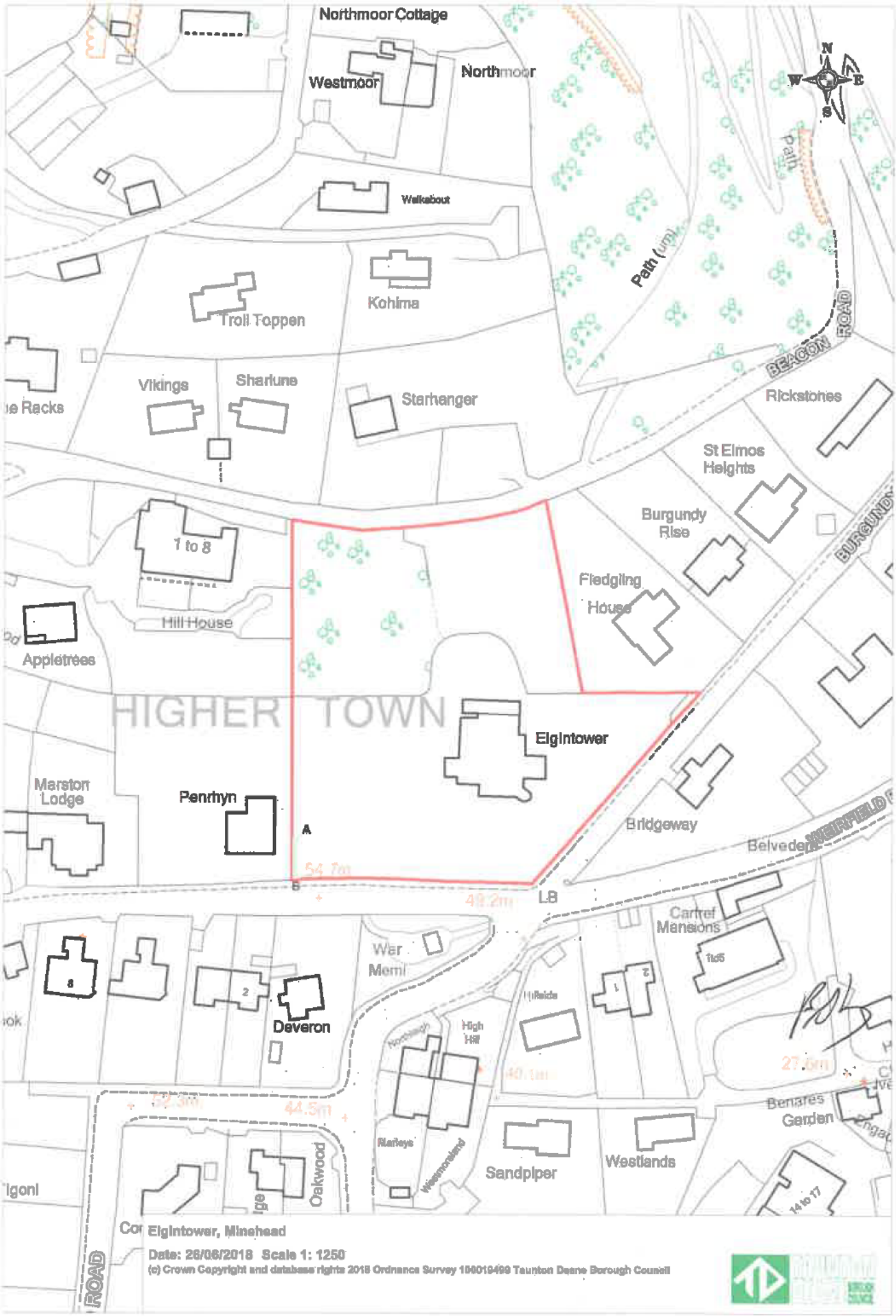
(g) that any period specified in the Enforcement Notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee equivalent to double the amount payable for a normal planning application. (The fee is **£206.00** and so double the fee payable is **£512.00**). You should pay the fee to the West Somerset District Council (made payable to West Somerset District Council). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days

[redacted]


Northmoor Cottage
Westmoor
Northmoor
Walkabout
Kohima
Troll Toppen
Vikings
Sharlune
Starhanger
Rickstones
St Elmos Heights
Burgundy Rise
Fledgling House
1 to 8
Hill House
Appletrees
HIGHER TOWN
Elgintower
Marston Lodge
Penrhyn
A
Bridgeway
Belvedere
LB
Cartref Mansions
War Memi
Deveron
Sandpiper
Westlands
Benares Garden
Oakwood
Path (unp)
BEACON ROAD
Elgintower, Minehead
Date: 26/06/2018 Scale 1: 1250
(c) Crown Copyright and database rights 2018 Ordnance Survey 100019499 Taunton Deane Borough Council