South West Microfilm

Notice of Enforcement Notice

D. P. O. 7

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1971

ENFORCEMENT NOTICE

To: ... [redacted] ....

Of: ... [redacted] .....

..... [redacted] .....

HAND OR POST TO	ACTION TAKEN
DPO	Please record on Matters Already

WHEREAS:

1. You are **the occupier of** the land situate at WHITE HART LANE, WELLINGTON in the DISTRICT OF TAUNTON DEANE, SOMERSET which is more particularly delineated on the attached plan and thereon edged red ("the land")

2. The TAUNTON DEANE DISTRICT COUNCIL ("the Council") are the District Planning Authority and exercise the functions of the Local Planning Authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act")

3. It appears to the Council that within the period of four years before the date of service of this notice there has been a breach of planning control in that the land has been developed by the carrying out thereon of building operations, namely the erection of A BUILDING OF WOODEN CONSTRUCTION (coloured green on the attached plan) ("the building") without the grant of permission required in that behalf under Part III of the Act.

4. The Council consider it expedient having regard to the provisions of the development plan and to all other material considerations to serve this notice.

5. NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in section 87 of the Act the Council HEREBY REQUIRE YOU within the period of ONE calendar month beginning with the date on which this notice takes effect to take the following steps, in order to remedy the breach of planning control, namely:-

(1) Demolish the building

(2) Remove from the land all materials arising from such demolition

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88(3) of the Act,

ON THE 10TH DAY OF DECEMBER 197 4

DATED THIS 8th DAY OF November 197 4

Signed .....

Secretary and Solicitor.

Municipal Buildings,
Taunton,
Somerset.

Ref: JJT /PD/11A/1

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL AGAINST AN ENFORCEMENT NOTICE contained in section 88 of the Act. Copies of this section and of other relevant sections of the Act are attached hereto.

IT IS IMPORTANT THAT YOU SHOULD READ THEM

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THIS IS TO CERTIFY & DECLARE THAT THE DOCUMENT THAT APPEARS IN THIS FRAME IS A TRUE & ACCURATE RECORD OF THE ORIGINAL. THIS DOCUMENT HAS BEEN FILMED IN THE ORDINARY COURSE OF BUSINESS & IS PRESERVED IN THIS FRAME EXACTLY AS IN THE ORIGINAL WITH THE PURPOSE OF DESTROYING THE ORIGINAL AFTER THOROUGH CHECKING TO ENSURE ACCURACY & COMPLETENESS
signed

contd.

The Enforcement Notices concerned were served on Mr. A.J. Garratt and on Messrs. G. & P. Milton as owners and occupiers. The first Notice which required Compliance by 10th July 1974 required the following steps to be taken -

(1) All motor vehicles, scrap motor vehicles, motor cycles, bicycles, and other vehicles, parts of motor vehicles, parts of scrap motor vehicles, motor vehicle parts, scrap motor vehicles, builder's materials, scrap materials including scrap metal, wheels, tyres, and window frames shall be removed from the land.

(2) The block work walls shall be demolished and the strip foundations excavated (this relates to the building coloured red) on the attached plan.

(3) All builder's materials, builder's waste materials and other items resulting from the operations referred to in item (2) above shall be removed from the land.

(4) All ground exposed by those operations referred to in (2) and (3) shall be backfilled with natural soil to the original ground levels.

The Second Enforcement Notice related to a building of wooden construction (coloured green) on the attached plan and required the following steps to be taken by 10th January, 1975, -

(1) Demolish the building .
(2) Remove from the land all materials arising from such demolition.

These therefore are the precise limitations on what the Council may do and may not do on the land.

Applying the Statutory framework to these steps, the procedure which I would envisage would be as follows -

(1) Warning letter to be sent to owner and occupier of land of impending default action (this I have already done without specifying any date when entry will take place).

(2) Removal from the land of all the various matters referred to in the Notices.

So far as the motor vehicles and parts of motor vehicles are concerned I do not think that legally there is any difficulty. However, with the buildings on the land, I think we are under a duty to take reasonable care to salvage the materials in a usable form if it all possible - i.e. we do not just drive a digger through the buildings, but try to recover (for instance) with the wooden building the prefrabricated units of construction. The block work building may well pose difficulties but perhaps I can discuss this with [redacted] when we meet.

(3) We are required to remove all the matters referred to in the Notices from the land and it is here that the question of "expenses reasonably incurred" arises. I assume that there is no land in the Wellington area which could be used for the temporary

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IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH AREA PLAN
30 JAN 1974

COUNTY OF SOMERSET
TOWN AND COUNTRY PLANNING ACT, 1971
ENFORCEMENT NOTICE

To:

a piece of land situate off White Hart Lane in the Urban District of Wellington in the County of Somerset and forming part of Ordnance Survey plot 956 (Somerset Sheet LXXVIII.8 - 1930 Edition) which said land (hereinafter referred to as "the land") is more particularly delineated on the plans annexed hereto and shown thereon outlined in red.

WHEREAS it appears to the Somerset County Council (hereinafter referred to as "the Council") being the Local Planning Authority for the area that there has been a breach of planning control and the Council hereby allege that there has been a material change in the use of the land to use:-

(1) for the parking and storage of motor vehicles, scrap motor vehicles, motor cycles, bicycles and other vehicles;

(2) for the storage of scrap materials including scrap metal, parts of scrap vehicles, scrap vehicle spare parts, wheels, tyres, window frames, breeze blocks, oil drums and various builders materials and other materials;

(3) for the repair of motor vehicles;

(4) for the breaking of motor vehicles and parts of motor vehicles;

(5) for the sale of motor vehicles, motor vehicle spare parts, scrap motor vehicle spare parts, parts of motor vehicles and scrap materials.

without the benefit of planning permission required in that behalf in accordance with part III of the Town and Country Planning Act, 1971.

AND WHEREAS the Council also allege that there has been a breach of planning control in that building, engineering or other operations have been carried out on that part of the land shown coloured blue in that a building has been partly constructed by the formation of strip foundations and the erection of block work walls to an approximate height of 4 feet above ground level without the grant of planning permission required in that behalf in accordance with part III of the said Act of 1971.

AND WHEREAS the Council consider it expedient having regard to the provisions of the Development plan and to any other material considerations that this notice should be served.

NOW THEREFORE this notice shall take effect on the 15th day of March 1974, and pursuant to Section 87 of the Town and Country planning Act, 1971, it is HEREBY ORDERED that within four months from the date on which this notice takes effect:- 15 Jul 74

(1) The foregoing said unauthorised uses of the land shall be discontinued;

(2) All motor vehicles, scrap motor vehicles, motor cycles, bicycles

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and other vehicles, parts of motor vehicles, parts of scrap motor vehicles, motor vehicle parts, scrap motor vehicle parts, builders materials, scrap materials including scrap metal, wheels, tyres, and window frames shall be removed from the land;

(3) The blockwork walls shall be demolished and the strip foundations excavated;

(4) All builders materials, builders waste materials and other items resulting from the operations referred to in item (3) above shall be removed from the land;

(5) All ground exposed by those operations referred to in (3) and (4) above shall be back filled with natural soil to the original ground levels.

(6) The land shall be restored to its condition prior to the commencement of the said unauthorised development.

Dated this 22nd day of January 1974

BY ORDER

Clerk of the C il

County Hall,
Taunton.