

# GILLIAN McCARTHY EVICTION NOTICE



## South Somerset District Council

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Ian Clarke LL.B Solicitor  
Head of Legal & Democratic Services



2007-2008  
Neighbourhood and  
Community Champions:  
The Role of Elected Members  
2006-2007  
Improving Rural Services  
Empowering Communities  
2005-2006  
Getting Closer to Communities

Miss Gillian McCarthy  
'The Stop Gap'  
Barker's Field  
Shepton Montague  
Somerset  
BA9 8JA

Date: 16 June 2009  
Your Ref:  
Our Ref: AW/The Stop Gap  
Ask For: Mrs Angela Watson  
Direct Line: (01935) 462183  
e-mail: [angela.watson@southsomerset.gov.uk](mailto:angela.watson@southsomerset.gov.uk)

BY RECORDED AND FIRST CLASS POST

Dear Miss McCarthy,

**SECTION 178 TOWN AND COUNTRY PLANNING ACT 1990**

**NOTICE OF INTENTION TO ENTER LAND**  
**THE STOP GAP, SHEPTON MONTAGUE, SOMERSET**

You are of course aware that the High Court decided in May 2009 to refuse you permission to proceed with your claim for judicial review.

The District Council therefore intends to implement the resolution of its Area East Committee that direct action be taken against the unlawful residential use of land at 'The Stop Gap'.

**You are hereby given notice of the District Council's intention to enter the above land at 10:00am on Monday 10<sup>th</sup> August 2009 in order to take the steps set out in the Enforcement Notice issued on 13<sup>th</sup> July 2007. This will include the removal of all structures, erections, containers, and domestic appliances and equipment currently used by you as your home.**

The Council undertook to give you 28 days' notice of this action, but in order to allow you time to plan your departure and make arrangements for your belongings, the Council is prepared to give you 56 days' notice.

Contractors, representatives from Somerset Social Services, representatives of NHS Somerset and medical personnel will accompany officers from the District Council on the day of entry. The police and private bailiffs will also be asked to attend to ensure that there is no obstruction of the contractors in carrying out the necessary work.

You will appreciate that there are a number of elements involved in implementing the requirements of the Enforcement Notice, and we will of course aim to complete as many of these as possible on the day of entry itself. The Council anticipates that on the day, the wooden structures will be dismantled and all material removed from the site. All associated structures and containers will also be removed. However, it may be necessary to return to the site at a later date in order to remove more complicated items such as the sewerage treatment system and the large metal storage container. The Council does not intend to remove any of the underground services, as it is understood that future use of the site will



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INVESTOR IN PEOPLE

not be inhibited should these remain in place. Discussions will also need to be had with the landowner as to whether, and to what extent, the garden trees and plants are to be removed.

The Council fully understands that this action is likely to cause you distress. It will take all reasonable steps to minimise this: medical support will be available (in line with your stated wishes as to treatment), and suitable transport will be available to take you and your belongings to either Keinton Mandeville or elsewhere within the county of Somerset.

I can confirm that the mobile home at Keinton Mandeville remains ready for occupation by you. The District Council has entered into a lease of the Keinton Mandeville site for a period of 10 years from July 2007, and is prepared to pay the rent on it for the full period. At the end of that time, unless the lease is renewed, the land will revert back to the landowner. Having paid for the purchase and adaptation of the mobile home, the Council is also prepared to gift the mobile home to you. You would, however, remain liable for all the usual expenses such as utility bills, council tax etc, and the costs of maintenance and improvement of the mobile home would rest with you as the owner.

However, I note from your letter to Councillor Ian Martin dated 8<sup>th</sup> June 2009 that you do not intend to remain on the site until the day of entry: the Council welcomes your assurance that you intend to vacate the site, but in the event that you are still present, the offer to transport you and your belongings remains. If you do intend to re-locate elsewhere in Somerset, the Council would be prepared to pay the costs of transportation even on a date in advance of the day of entry.

To this end, it would be helpful to have a firm idea as to whether:

- You require assistance to transport yourself, your belongings and your household items?
- Alternatively, will you be making your own arrangements as regards transportation from 'The Stop Gap'?
- If you intend to leave in advance of 10<sup>th</sup> August 2009, what date you intend to vacate the site and whether you require assistance with that move?
- You require assistance to purchase items of furniture for the mobile home through a Social Grant Fund?

Clearly, this direct action will entail certain difficulties for all involved, and I need to make you aware that it is a criminal offence under s178(6) of the 1990 Act to wilfully obstruct a person acting in the exercise of the power of direct action. However, it is to be hoped that all parties will play their part in seeing it through to a satisfactory and civilised conclusion for all concerned.

I will also today be sending a Letter of Notice to the landowner(s).

Yours sincerely,



For Ian D. Clarke  
**Solicitor to the Council**  
**Head of Legal & Democratic Services**

Cc *Mr S Gale, Mr A Bell, Mr R Pallister*  
*Mrs M Monnington, Mrs S Alderman,*  
*Mrs S Wallace, Mr D Stainer-Hutchins*