

ISSUED BY: North Devon District Council ("the Council")

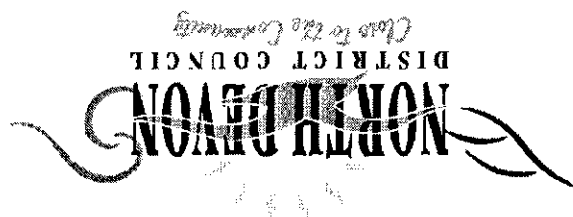
TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)
("the Act")

OPERATIONAL DEVELOPMENT

ENFORCEMENT NOTICE

THIS COMMUNICATION AFFECTS YOUR PROPERTY

IMPORTANT



4518

1 THIS IS A FORMAL NOTICE which is issued by the Council because it appears to it that there has been a breach of planning control, under Section 171A(1)(a) of the Act, at the land described below. The Council consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. THE LAND AFFECTED (shown edged red on the plan attached)

Taw Hollow, Nr Buntington.

("the land")

3. THE BREACH OF PLANNING CONTROL ALLEGED

The unauthorised development of the land is as follows:

A) The widening of an access onto a Classified Road (A377) as shown in approximate position in blue marked on attached plan ("the unauthorised development")

B) The engineering works relating to the creation of a pond in a flood plain as shown in approximate position in green marked on attached plan ("the unauthorised development")

4. REASONS FOR ISSUING THIS NOTICE

The Council consider it expedient to issue this notice for the following reasons:

1. The Council considers that the unauthorised development has occurred within the last 4 years.

2. The widening of the access onto classified road A377 (a county primary route and part of the High Quality Road Network (HQRN) in Devon) is considered contrary to Policy TRA6 in the Revised Deposit of the North Devon Local Plan (Adopted October 2003) and Policy TR10 in the Devon Structure Plan (Adopted October 2004).

3. It is considered contrary to Policy TRA6 in that provision has not been made for safe access onto and egress from the highway for all forms of travel servicing the site and it will harm the functioning of the road network &/or the safety of highway users. It is considered contrary to Policy TR10 because it fails to maintain and enhance the road network in Devon in such a way as to minimise the impact of traffic, reduce congestion, improve safety, promote environmental/economic enhancement and maximise operational efficiency.

4. The engineering works relating to the creation of a pond in a flood plain is contrary to Policies DST1 and DL3 of the North Devon Local Plan (Adopted December 2000) and Policies EVN6 and DV56 of the Revised Deposit of the North Devon Local Plan (Adopted October 2003). It is also contrary to Policies CO4 and CO13 of the Devon Structure Plan (Adopted October 2004).

5. It is considered contrary to Policy DST1 in that it does not conserve the character, landscape, wildlife, agricultural, recreational and natural resources of the area and the social and/or economic benefits do not outweigh that harm. It is considered contrary to Policy DL3 in that it is a development that adversely affects areas of semi-natural vegetation such as wetland, woodland, coastal health and culm grassland and the social and/or economic benefits do not outweigh that harm. It is considered contrary to Policy EVN6 in that it is a development within an area of great landscape value as shown on the proposals map, which will detract from the particular landscape qualities and characteristics. It is considered contrary to Policy DV56 in that there is an unacceptable risk of flooding to the use proposed based on the search sequence. It is considered contrary to Policy CO4 in that new development should not detract from the active conservation and enhancement of the landscape quality and individual impact and it is finally considered contrary to Policy CO13, as there is a direct risk of flooding.

6. In the opinion of the Council the use of planning conditions would not overcome the above reasons for issuing this Notice.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraphs 6.1 and 6.2 be undertaken within the period of 2 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Return the access to the position shown in the attached photographs dated 6th October 2003 and numbered 1 - 4.
2. Fill in the ponds using the soil on site which was originally excavated to produce the ponds and reinstate the land to culm grass.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 10 October ("the effective date")* unless an appeal is made against it beforehand.

Dated: 9 September 2005
Signed: *Bob G... ..*
Solicitor, Legal Services Manager

on behalf of: North Devon District Council,
Civic Centre,
Barnstaple,
North Devon.
EX31 1EA.

* specific date, not less than 28 clear days after date of service

GUIDANCE NOTES FOR YOUR INFORMATION

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

