

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

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

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

- 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 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)

Land adjoining 2 West View, Blackmoor Gate, Kentisbury, Barnstaple, North Devon

("the land")

3.     **THE BREACH OF PLANNING CONTROL ALLEGED**

The unauthorised change of use from agricultural land to a mixed use of residential curtilage and breeding and keeping of dogs ("the unauthorised development").

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. It appears to the Council that the unauthorised development has taken place during the past 10 years.
2. The use of the land for the unauthorised use has an unacceptable adverse effect on the amenity of neighbouring properties and the character of the surrounding area and is therefore considered to be contrary to policy DST2 of the North Devon Local Plan and DVS3 of the emerging North Devon Local Plan Second Deposit.
3. 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 paragraph 6 be undertaken within the period of 42 days from the date when this notices takes effect.

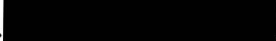
**6. WHAT YOU ARE REQUIRED TO DO**

1. Cease the use of the land for residential curtilage,
2. Cease the use of the land for the keeping and breeding of dogs,
3. Reinstate the land to agricultural use.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 15<sup>th</sup> April 2004 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] ..... *15<sup>th</sup> March 2004* .....

Signed : .....  .....

Solicitor

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

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\* 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.

