



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

**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)(b) 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)

Land known as Tree Beech Enterprise Park at Tree Beech, Gunn, Goodleigh, Barnstaple, North Devon
(“the land”)

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

Conditional Planning Permission reference 19081 dated 6th May 1997 authorised the change of use of existing redundant agricultural buildings on the Land to Class B1, B2 and B8 uses(Cottage/Light Industrial) together with demolition of existing building, alterations to access and construction of new access road. Condition 21 attached to Permission 19081 stated:-

The water storage lagoon shall be provided within two months of the date of this decision notice. Notwithstanding the details indicated on drawing KHD:1:1196:2 this facility shall be constructed to provide a minimum capacity of 450,000 litres and maintained thereafter to ensure that this quantity of water is permanently available to serve the needs of the site.

Planning Permission reference 26128 dated 9th December 1999 varied *inter alia* condition 21 of Permission 19081 as follows:-

2.21 The water storage lagoon and underground storage tank specified on drawing plan 98:105:H2 shall be provided prior to the first occupation of any units and maintained thereafter to serve the site.

Many of the units are occupied and to date the water storage lagoon and underground storage tank specified on drawing plan 98:105:H2 have not been provided which the Council considers to be a breach of condition 2.21 of permission 19081.

4. **REASONS FOR ISSUING THIS NOTICE**

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

To ensure that the requirements of condition 2.21 of permission 19081 are complied with to provide water storage facilities to ensure that an adequate supply of water is available on site for fire fighting purposes in the eventuality of a fire breaking out.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 be undertaken within the time period indicated in each individual step in paragraph 6 below.

6. WHAT YOU ARE REQUIRED TO DO

1. Within two months from the date on which this Notice takes effect construct and fill the water storage lagoon and underground water storage tank as indicated on drawing 98:105:H2 (copy appended to this Notice) to provide a combined capacity of 200,000 litres of water.
2. From the date on which the works required under step 1 above are completed to ensure that a combined minimum quantity of 200,000 litres of water is permanently stored in the lagoon and underground storage tank and is available for fire fighting purposes on the site.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17 November 2001 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 5th October 2001

Signed :
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



TREE BEECH ENTERPRISE PARK

SCALE: 1:2600

DRAWN BY: User Name

DATE 28th September 2001

Originating Group:

ENFORCEMENT

Drawing No.

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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.