

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 2 of Permission 19081 required that the development be carried out in accordance with specified plans which amongst other matters detailed areas of landscaping.

Condition 3 of Permission 19081 required submission of a landscaping scheme for agreement in writing by the Local Planning Authority and the completion of the agreed scheme during the planting season next following the date of the Permission.

By Planning Permission 26128 dated 9th December 1999, Condition 2 of Permission 19081 was varied as follows:-

2.2 The development hereby approved shall be carried out in accordance with the revised drawings H1 and H2 received by the Local Planning Authority on 17 September 1999.

(Copies of drawings H1 and H2 are appended to this Notice)

Furthermore, Condition 4 attached to Permission 26128 required:-

The landscaping scheme detailed on Drawings H1 and H2 above shall be implemented on site before 15 March 2000.

To date the landscaping scheme detailed on Drawings H1 and H2 has not been implemented which the Council considers to be a breach of Condition 4 of Permission 26128.

4. REASONS FOR ISSUING THIS NOTICE

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

To ensure that the agreed landscaping scheme as detailed on Drawings H1 and H2 is complied with to assimilate the development into the landscape and to safeguard the appearance and character of the area.

The breach of condition has occurred within the last ten years.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 be undertaken within the period specified in respect of each step in paragraph 6.

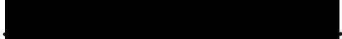
6. WHAT YOU ARE REQUIRED TO DO

1. Implement the landscaping scheme detailed on Drawings H1 and H2 by 15 March 2002.
2. Replace any tree or shrub damaged or becoming seriously diseased within five years from the date on which the scheme is completed with the same or a similar species of tree or shrub.

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.

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.