

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 marked 1 attached)

Land Pt OS 7600, Broadmoor, Warkleigh, Umberleigh, North Devon

("the land")

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

Non-compliance with Condition 1 of planning permission 30172 dated 24 April 2001 (copy appended to this Notice) which required the use of the land for clay pigeon shooting to be discontinued and the siting of all buildings, structures and hard surfaces shown on the site plans and labelled A-F inclusive to be removed and the land be restored to its former agricultural condition on or before 31 December 2001.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The alleged breach of planning control has occurred within the past ten years.

The Council considers that:-

- (1) The use of the land for clay pigeon shooting for more than 28 days temporary use afforded under Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 1995 is contrary to Policies C30 of the Devon Structure Plan (First Review) and DST2 of the North Devon Local Plan in that it results in demonstrable harm to the amenity of occupiers of adjoining residential properties.
- (2) The retention of the buildings, structures and hardsurfaces identified at section 6 of this Notice will result in a detrimental visual intrusion into the character and appearance of the countryside contrary to Policies DST1 and DL3 of the North Devon Local Plan and S4 of the Devon Structure Plan (First Review).

Planning Permission 30172 imposed conditions which limited the scale and duration of the use of the land for clay pigeon shooting to protect the amenity of the occupants of adjoining residential properties. Having monitored the effects of the use authorised by that temporary permission, the Council does not consider that the use of planning conditions would overcome the above reasons for issuing this Notice.

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

- (i) Cease to use the land as an area for clay pigeon shooting from the date on which this Notice takes effect.
- (ii) Remove from the land all buildings, structures and hard surfaces shown on the plan marked 2 attached to this Notice and marked A-F inclusive as follows:-

- A- Caravan used as Clubhouse
- B- Storage Shed
- C- Concrete block shed used as toilet
- D- 2 x concrete hard-standings
- E- 2 x sheds used as scoring houses
- F- 2 x concrete block bases and clay trap bins


within 1 month from the date on which this Notice takes effect.

- (iii) Clear and remove from the land all debris and rubbish resulting from the taking of the above steps within one month from the date on which this Notice takes effect.
- (iv) Restore the land to its former agricultural condition within 6 months from the date on which this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 23 August 2002 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 18 July 2002

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

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.



Cartology
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BROADMOOR, CHITTLEHAMPTON

SCALE: 1:5000

DRAWN BY: Peter Hume

DATE: 20th February 2002

Original Group:

ENFORCEMENT 2343

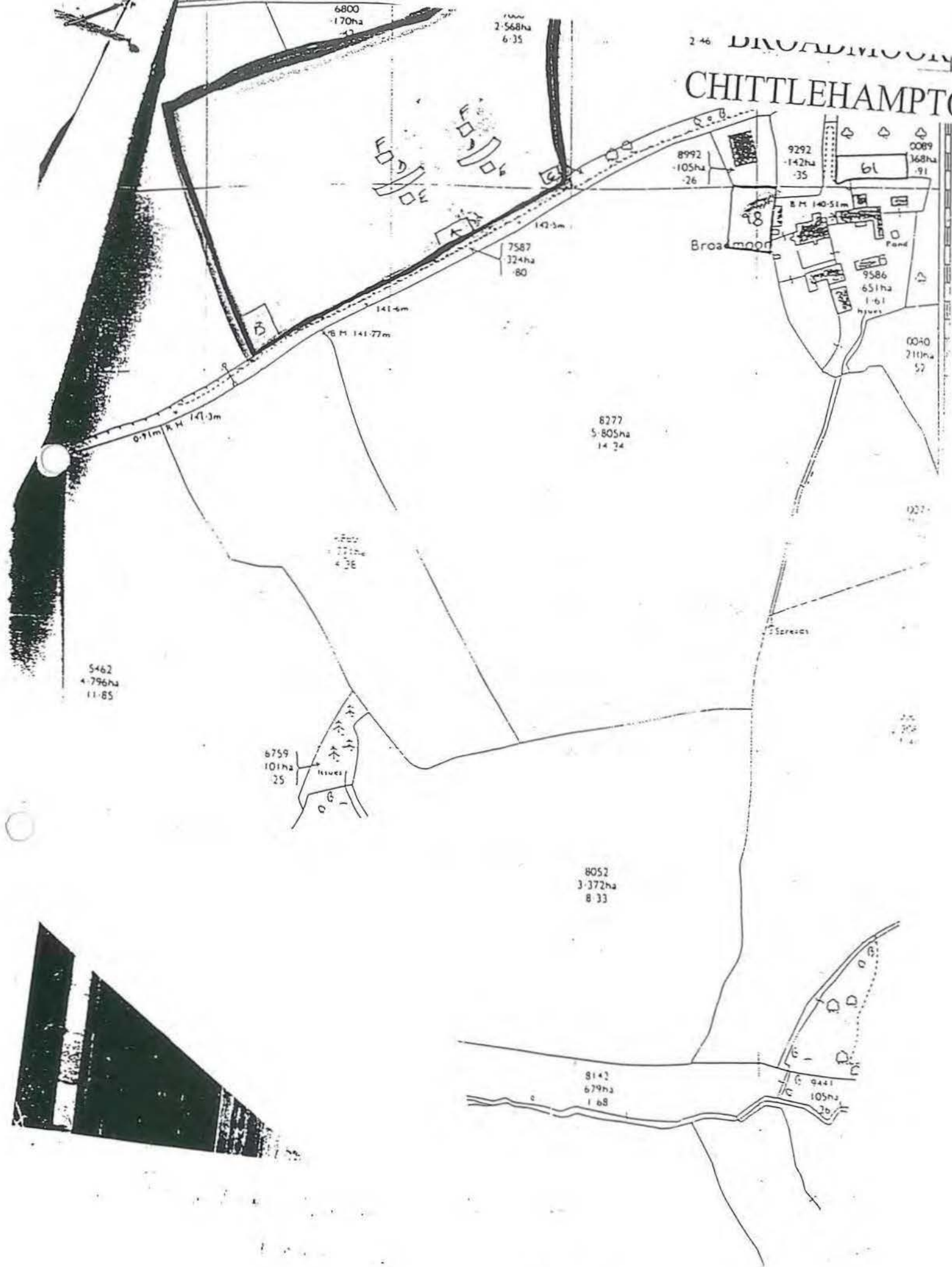
Drawing No.

GRID 6323

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PLAN 1

CHITTLEHAMPTON



PLAN 2