



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**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 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 adjoining property situate and known as Metompkin, Landkey Road, Barnstaple, North Devon, more particularly identified on the plan attached ("the land")

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

The unauthorised:

- (1) excavation of part of the land measuring approximately forty metres in length by twenty metres in width by three metres in depth to form a leveled surface area, shown for identification purposes only on the plan attached and thereon edged blue, and
 - (2) creation of two earthbanks, measuring approximately forty metres in length by two metres in width by three metres in height, and twenty metres by two metres by one metre respectively, both shown for identification purposes only on the plan attached marked green,
- all collectively hereinafter referred to as "the Unauthorised Development".

4. **REASONS FOR ISSUING THIS NOTICE**

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

In the opinion of the Council, the Unauthorised Development took place within the last four years.

The excavation of the land and the formation of the earth banks constitute development in the open countryside which in the opinion of the Council is detrimental to the visual amenities of the locality and is therefore considered contrary to Devon Structure Plan First Review and the emerging North Devon Local Plan.

It is not considered that the Unauthorised Development could be adequately overcome by the use of conditions.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of twenty-one (21) days from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Remove the earth banks from the land;
2. Fill in the excavated area of land;
3. Re-contour both the areas of land excavated and the land on which the earth banks were situated so that so far as practicable, they follow the contours of the remainder of the land sloping South to North; and
4. Clear up and remove from the site any rubbish or debris resulting from the undertaking of steps 1 to 3 above.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 12th November 2000("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 28th September 2000

Signed :
Solicitor, Legal Services Manager

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

r.dell.metompkin.7th August 2000

* 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.



METOMPKIN

SCALE: 1:1250
Originating Group:

DRAWN BY: User Name

ENFORCEMENT 2616

DATE 21st August 2000

Drawing No.

EX329DH