



2845

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)

6 Kingsway, South Molton, North Devon

("the land")

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

On the 12th November 1993 the Council issued planning consent, under reference number 17785, for the formation of a vehicle access and hardstanding at the Land. The consent was granted in view of special circumstances with the particular applicant and was subject to conditions stating that the access would be removed on or before the 2nd September 1998 and that it would enure for the benefit of the applicant only. These were numbered 2 and 3 respectively. A further condition, numbered 4, stated that on cessation of the applicant's interest in the Land or on or before the 2nd September 1998, whichever is the sooner, the hardstanding would be removed and the garden reinstated and a front retaining wall or fence and pedestrian access shall be provided across the site frontage, details of which were to be submitted to and approved in writing by the Council.

No details have been submitted to the Council and the applicant has disposed of his interest in the Land. There is therefore a breach of conditions 2, 3 and 4 ("the breach of planning control")

4. **REASONS FOR ISSUING THIS NOTICE**

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

1. The Council considers that the breach of planning control has taken place within the past 10 years.

2. The Council does not seek to require the removal of the hardstanding nor the reinstatement of the garden as it is recognised that these would be allowed under Permitted Development rights.

3. The continued use of the vehicular access would result in cars emerging onto the public highway in between vehicles parked in the lay by and would result in danger to pedestrians using the footpath and other road users by reason of the substandard visibility from the access. This is deemed to be contrary to Policy T19 in the Devon Structure Plan (First Review) and Policy DT10 in the emerging North Devon Local Plan.

4. The access and hardstanding, if used as a vehicular hardstanding, do not make adequate provision for the manoeuvring of vehicles within the site and would be likely to encourage manoeuvring on the highway in particular the reversing of vehicles out onto the road, resulting in danger to pedestrians using the footpath and other road users.

5. The access would be likely to result in the loss of vehicle parking facilities in the lay by resulting in a net reduction in car parking spaces to serve the existing residential properties.

6. It is considered that the use of 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 21 days from the date when this notices takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Construct a single skin, one metre high brick wall, 4.5 metres long from the boundary with 5 Kingsway to the edge of the gate pillar described below along the length of the frontage to the Land, and
2. Erect a gate pillar to the same height as that on the Land's boundary with 7 Kingsway at the end of the wall described above to form a pedestrian access.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16th November 2000 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 9th October 2000

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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6 KINGSWAY

SCALE: 1:1250

DRAWN BY: User Name

Originating Group:

Organisation

DATE 27th March 2000

Drawing No:

ENF 2845

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