

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 PT OS2958, Tree Beech, Gunn, Goodleigh, Barnstaple, North Devon

("the land")

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

The formation, laying out and construction of a means of access to a classified highway, which for the purposes of identification is shown marked blue on the plan attached, without the required planning permission.

4. **REASONS FOR ISSUING THIS NOTICE**

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

A retrospective planning application, reference 28189, in respect of the re-opening of a field access on the land was refused by the Council on 13 April, 2000. The reasons for refusal were:-

- (i) The proposed development would be likely to result in a material increase in the volume of traffic turning right into the site at a point where inadequate forward visibility from and of such vehicles is available, with consequent risk of additional danger to all users of the road and interference with the free flow of traffic
- (ii) It is the Devon County Council's policy as set out in Structure Plan Policy T19 (First Review 1995-2011) to have regard to the following when determining proposals for development:
"In considering specific development proposals:
 - 1. The access to the highway network must be provided by the developer to the appropriate standard and only where it does not detract from or conflict with the function of the route;
 - 2. The effects of the development on the highway network in terms of traffic and road safety must be acceptable; and
 - 3. The environmental impact arising as a consequence of accessing and servicing the development must be minimised."The proposed development is considered to be contrary to criteria 1 and 2 above.

It appears to the Council that this breach of planning control has occurred within the last four years.

Planning conditions would not overcome the 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 one month from the date when this notice takes effect.

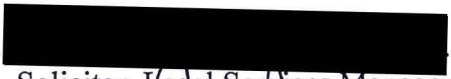
6. WHAT YOU ARE REQUIRED TO DO

1. Ensure that the use of the unauthorised access to the land ceases.
2. Remove the gateposts and gate.
3. Permanently and effectively close the access by the construction of a matching hedgebank between the existing hedgebanks adjoining the unauthorised access.
4. Reinstate the area of grass verge removed in the creation of the unauthorised access.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 31 October 2001 ("the effective date")* unless an appeal is made against it beforehand.

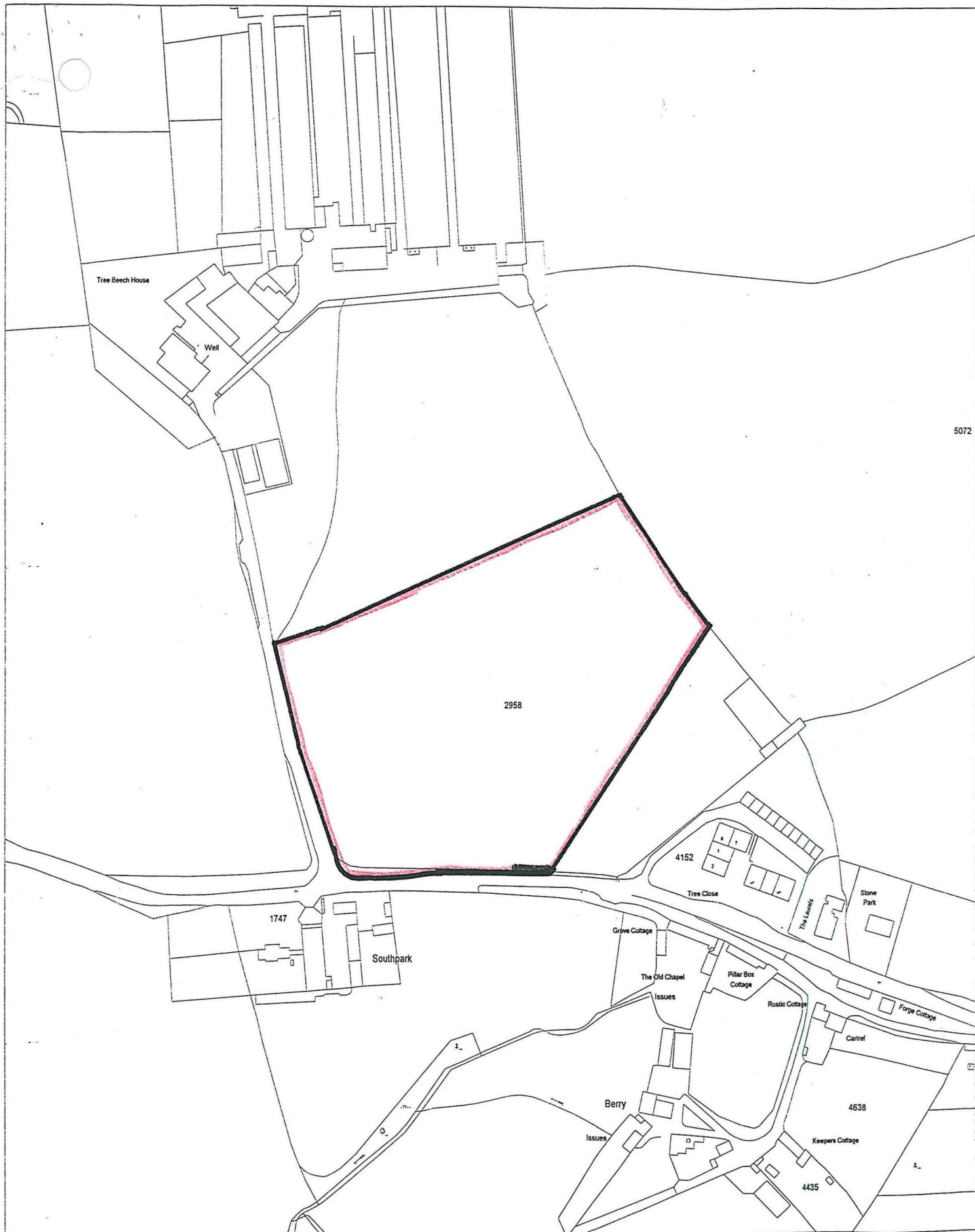
Dated : [date of issue] 25 September 2001

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
TreeBENFacc



5072

TREE BEECH, GUNN

SCALE: 1:2500

DRAWN BY: User Name

DATE 5th December 2000

Originating Group:

ENFORCEMENT 2785

Drawing No.