

3356



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 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)

Part Colford Farm Rackenford Tiverton Devon EX16 8EU

(“the land”)

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

The siting on the land of both mobile homes as shown in approximate position by blue outline on attached plan and the residential occupation of the same.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The siting of the mobile homes is contrary to North Devon Local Policy as adopted, the site is in the open countryside where the overall aim is to protect the countryside for its own sake and where new residential development should be directed to local services on the grounds of sustainability special justification is required for isolated new residential development such as the siting of a mobile home.

The Local Planning Authority has no evidence that there is an essential full time functional need for the residential occupation of this holding which only comprises 15.5 Ha (38.63³ acres).

The condition of the land and the buildings do not demonstrate a firm intention to develop an agricultural enterprise and there is no evidence that there is a viable agricultural business on the holding.

One of the mobiles homes is visible from public vantage points, hence there are siting objections to this structure on the landscape.

Both mobile homes have been sited and used for residential purposes without Planning Permission. It is considered that the retention of either mobile home on this site would be directly contrary to established Planning Principles and development plan policies.

The siting of the mobile homes is contrary to the North Devon Local Plan DST1, DL3, DH6, DH8, DRE4, North Devon Local Plan Revised Deposit ENV1, ENV6, HSG9, ECN6, Devon Structure Plan Policy ST1 ST5 ST16 CO1 PPS7 Justifiable Development in the Rural Areas SPG Agricultural Workers Dwellings.

Imposing conditions would not overcome the above reasons

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 be undertaken within the period of 3 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- 1) Cease the use of the mobile homes
- 2) Remove the mobile homes from the land
- 3) Clear up any debris resulting from the above action.
- 4) Cease the use of the land for the stationing of mobile homes.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 25th March 2005 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 25th February 2004.....

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

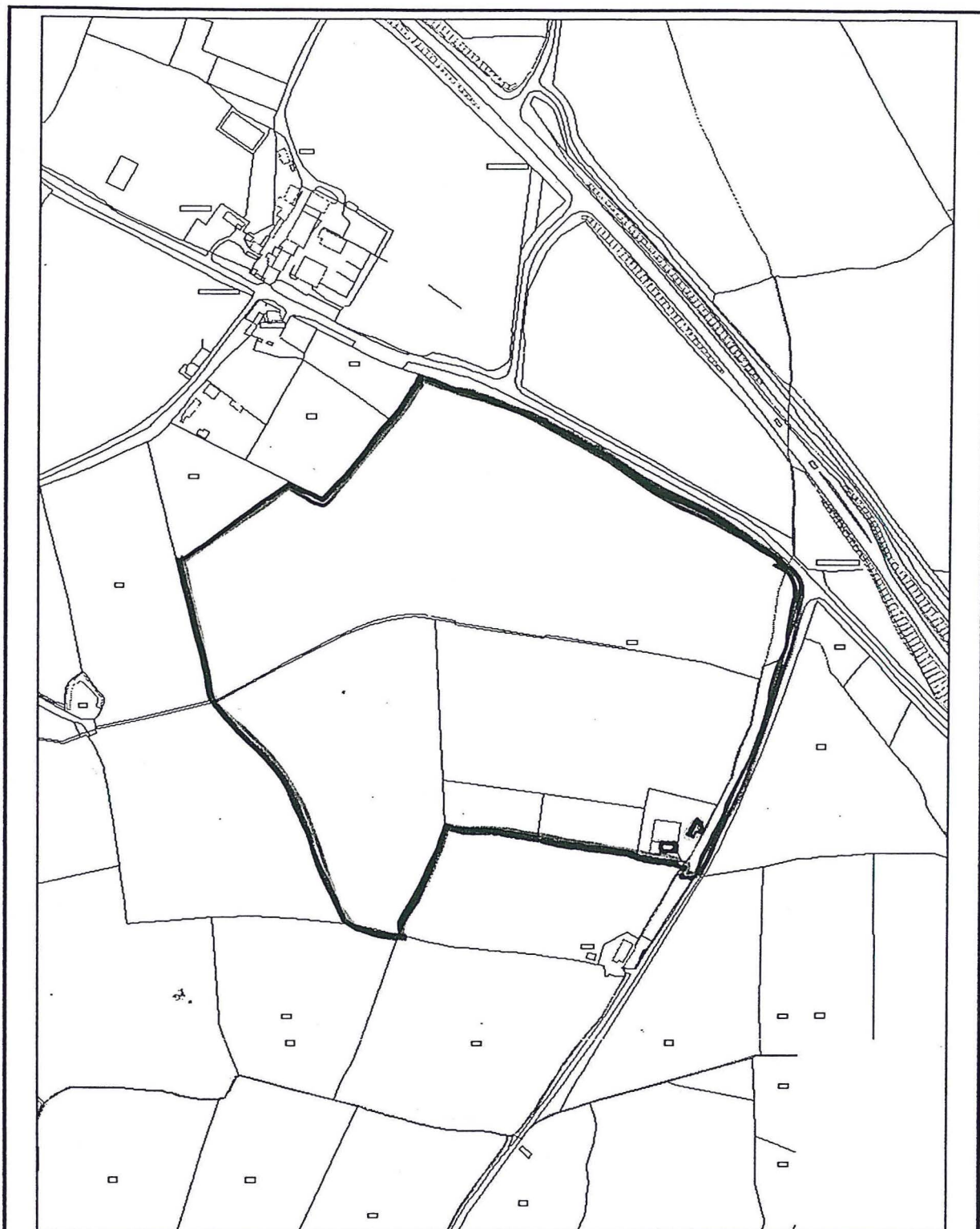
GUIDANCE NOTES FOR YOUR INFORMATION

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.



PART COLFORD FARM - Scale:



Print template - TEMPLATE1

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