



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**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 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)

Venn Nursery, Venn Road, Barnstaple, North Devon

(“the land”)

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

The material change of use of the land to use for the siting of mobile homes, touring caravans, trailers, storage units and general storage together with the residential use of two of the mobile homes

4. **REASONS FOR ISSUING THIS NOTICE**

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

1. It is considered by the Council that the unauthorised change of use has occurred within the past 10 years.
2. The unauthorised change of use is considered to have an unacceptable impact on the visual amenities of the locality and on the amenity and living conditions of the local residents by virtue of the quality and inappropriate nature of the equipment, buildings and materials on the Land.
3. The unauthorised change of use is considered to be contrary to policy S4 of the Devon Structure Plan First Review as it constitutes development in the open countryside which is not consistent with that plan.
4. It is considered that the unauthorised change of use is also contrary to policies DST1 of the North Devon Local Plan in that it does not conserve the character or landscape of the area and the social and/or economic benefits of the unauthorised change of use do not outweigh that harm
5. It is also considered that the unauthorised change of use is contrary to policy ENV1 of the North Devon Local Plan revised deposit in that it does not provide social or economic benefits to the local community and does not protect or enhance the beauty, landscape or character of the countryside
6. It is also considered that the unauthorised change of use represents unacceptable development in the open countryside, outside any development boundary.
7. It is considered that the use of planning conditions will 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 three (3) months from the date when this notices takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential occupation of the two mobile homes,
2. Remove all mobile homes from the land,
3. Remove all touring caravans from the land,
4. Remove all equipment, storage units and other articles from the land,
5. Notwithstanding the above steps, cease the use of the land for the unauthorised change of use.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 26th April 2004 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 22nd March 2004

Signed : ... 

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

* specific date, not less than 28 clear days after date of service

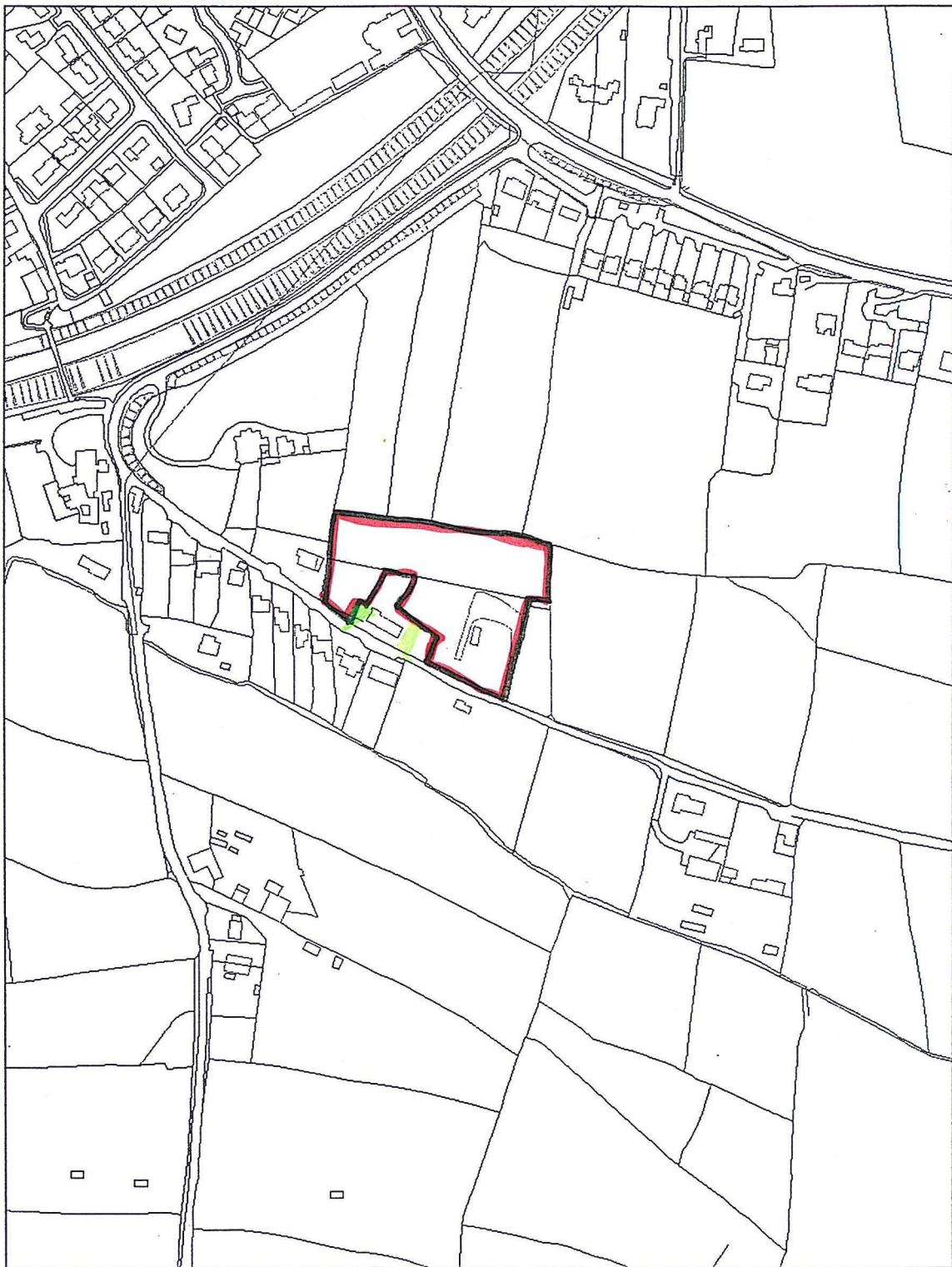
GUIDANCE NOTES FOR YOUR INFORMATION

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.



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