

4097



**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)

Fourways, St Johns Lane, Barnstaple, North Devon

("the land")

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

The unauthorised change of use from residential to a mixed use of residential and storage, repair and preparation of vehicles in connection with a car sales business ("the unauthorised development")

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. It is considered that the unauthorised development has taken place within the past 10 years.
2. The unauthorised use has a detrimental effect on the amenity of adjoining property as a result of excessive noise, smell, traffic movements and general disturbance and as such, is considered to be contrary to policies DST2 of the adopted North Devon Local Plan and DVS3 of the North Devon Local Plan Revised Deposit.
3. It is considered that the above reasons for issuing this notice can not be overcome by the use of planning conditions.

**5. WHEN YOU ARE REQUIRED TO ACT**

The Council require that the steps specified in paragraph 6 be undertaken within the period of 28 days from the date when this notices takes effect.


**6. WHAT YOU ARE REQUIRED TO DO**

1. Cease the use of the Land for the storage of vehicles in connection with a car sales business.
2. Cease the use of the Land for the preparation and repair of vehicles in connection with a car sales business.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 6<sup>th</sup> December 2004 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 25<sup>th</sup> October 2004

Signed : 

Solicitor

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

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\* 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.**



**FOURWAYS - Scale:**



**Print template -  
TEMPLATE1**

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