

17.6.2008

LAND OPP. OXEN PARK  
BRATTON FLEMING

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**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 at point 2 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 plan 1 attached)

Land opposite Oxen Park, Bratton Fleming, North Devon

("the land")

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

Unauthorised material change of use of the land within the last ten years from agricultural use to the storage of a touring caravan in excess of the 28 days permitted under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.

Material change of use within the last ten years by the siting of a small storage shed not reasonably required for agricultural purposes.

Unauthorised operational development by the creation of a hard standing within the last four years.

**4. REASONS FOR ISSUING THIS NOTICE**

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

The unauthorised creation of the hard standing and the storage of the caravan and shed on the site are not essential for agricultural uses or activities. The unauthorised development has occurred in a prominent site in the open countryside within the designated Area of Great Landscape Value and results in the intrusion of development in a location which should be protected for its own sake in order to preserve the character and appearance of this landscape setting. This results in a material increase in the volume of traffic entering and leaving the Class III County road through an access which does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of the road. As such the uses and activities are contrary to policies ENV1, ENV6, DVS2 and TRA6 of the North Devon Local Plan and policies C04 and TR10 of the Devon Structure Plan.

The Local Authority is of the opinion that the above reasons for issuing the notice cannot 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 1 month from the date when this notices takes effect at paragraph 7 below.

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

1. Cease the use of the land outlined in red on Plan 1 annexed hereto for more than the 28 days permitted under the Town and Country Planning (General Permitted Development) Order 1995 for the storage of any caravan which is not reasonably required for the undertaking of agriculture
2. Remove from the land outlined in red on Plan 1 annexed hereto, the caravan where so ever stored, fixed or placed.
3. Remove from the land outlined in red on Plan 1 annexed hereto the small storage shed where so ever stored, fixed or placed.
4. Remove from the land outlined in red on Plan 1 annexed hereto all of the stone which has been imported to create the track and hard surface where the caravan is currently sited.
5. Reinstate the land at point 4 above to its former contours utilising the soil that was moved by the excavation to create the level area.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 18<sup>th</sup> July 2008 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : 17<sup>th</sup> June 2008

Signed : .......  
Solicitor

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



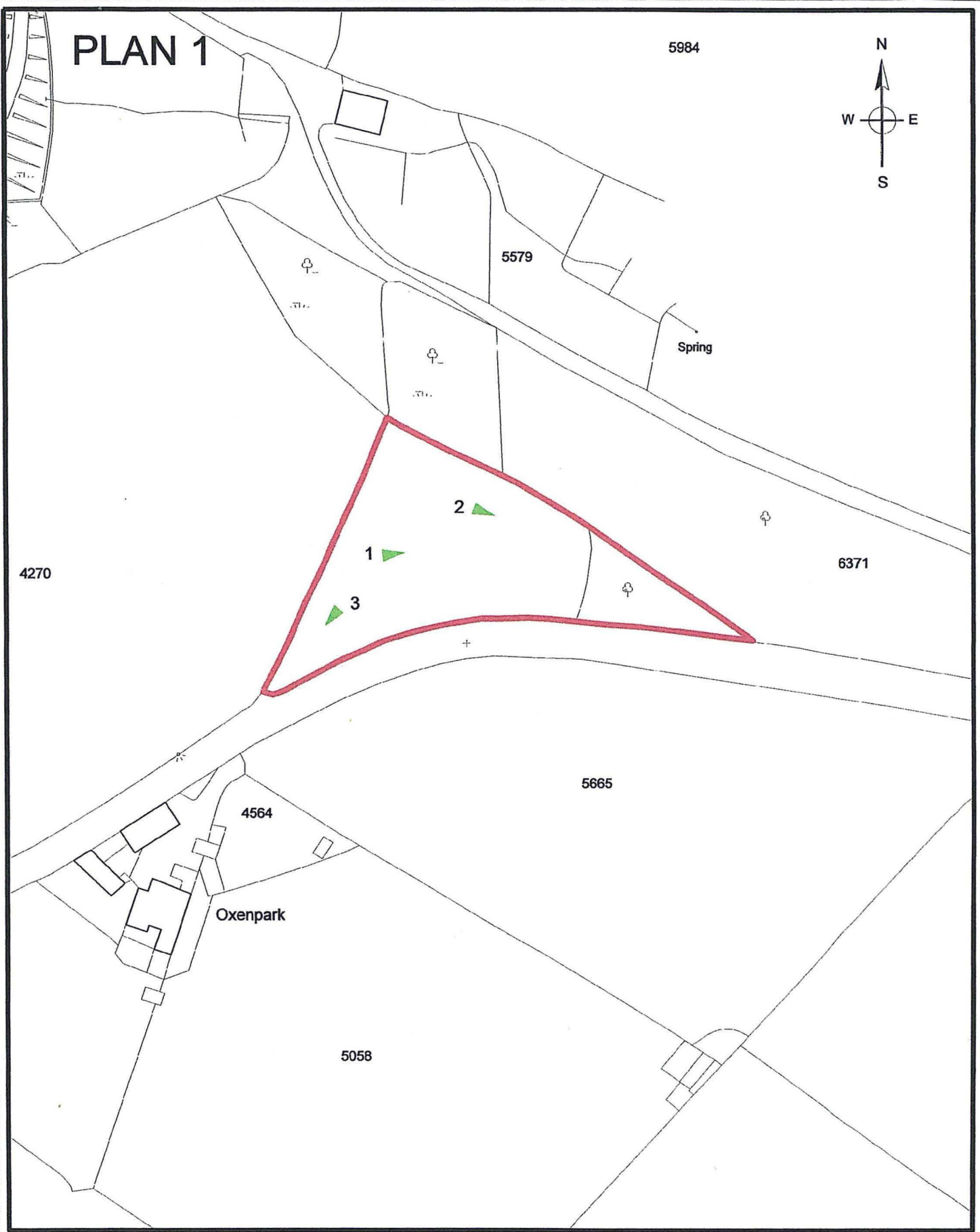
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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 at paragraph 7 above. 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 at paragraph 7 above 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.**



Civic Centre, Barnstaple.  
EX31 1EA

**Plan 1 to Accompany Enforcement Notice - Photographs 8.02.2005**

**Land Opposite Oxen Park, Bratton Fleming**

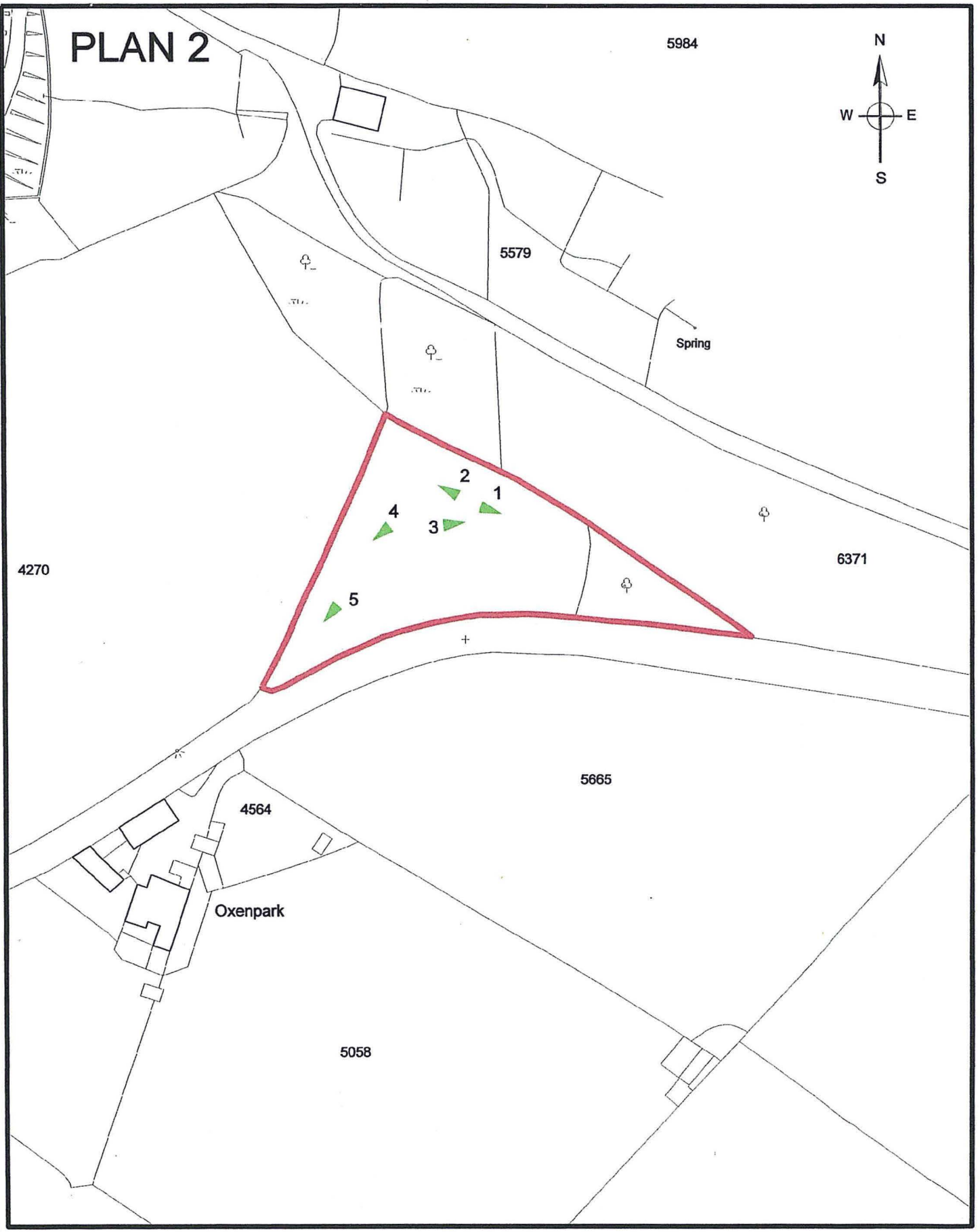
SCALE: 1:1250

COPY SUPPLIED TO:

Planning Unit

DATE 10th March 2008

Reproduced from Ordnance Survey mapping by North Devon District Council under Copyright Licence No.100021929 © Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Civic Centre, Barnstaple.  
EX31 1EA

**Plan 2 to Accompany Enforcement Notice - Photographs 8.06.2007**

**Land Opposite Oxen Park, Bratton Fleming**

SCALE: 1:1250      COPY SUPPLIED TO: Planning Unit      DATE 10th March 2008

Reproduced from Ordnance Survey mapping by North Devon District Council under Copyright Licence No.100021929 © Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.