

9.11.2007

VARLEY FARM
PRIXFORD

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

**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)(b) 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 plan 1 attached)

The Abandoned Cottage, Varley Farm, Prieford, Barnstaple, Devon, EX31 4DX

(“the land”)

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

Non-compliance with condition (4) of the Planning Permission 34330 (copy of planning permission attached) – “The development hereby approved shall be occupied for the purposes of holiday accommodation only.” The property is being occupied as a permanent residential dwelling.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The breach of the condition is contrary to Planning Policy HSG 9 and HSG9a of the North Devon Local Plan (adopted 2006), as it is a permanent residential use in a countryside location without any agricultural, forestry or other commercial function being demonstrated. It is also contrary to policy HSG 13 of the North Devon Local Plan as the criteria for modifying the holiday condition to full residential use has not been met.

The Local Planning Authority considers 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 6 months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

Comply with the holiday occupancy restriction contained in condition 4 of planning permission 34330 by ceasing permanent residential occupation of the property edged in blue on Plan 2 attached hereto.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 10th December 2007 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 9th November 2007

Signed :


Solicitor, Legal Services Manager

on behalf of: North Devon District Council

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



Civic Centre, Barnstaple.
EX31 1EA

Location Plan 1

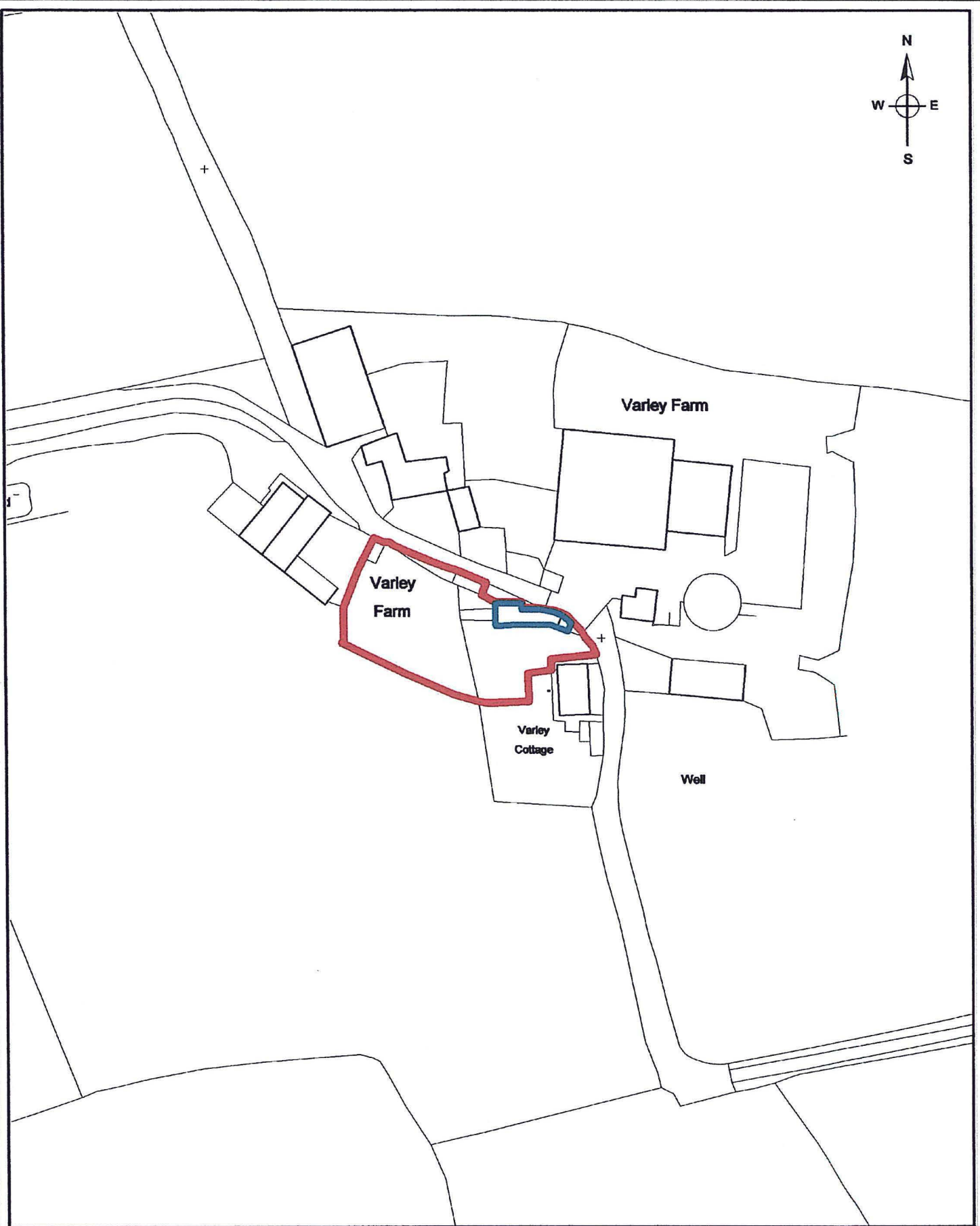
The Abandoned Cottage, Varley Farm, PRIXFORD

SCALE: 1:2500

COPY SUPPLIED TO: Planning Unit

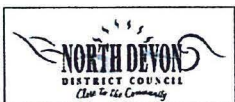
DATE 22nd October 2007

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Location Plan 2

The Abandoned Cottage, Varley Farm, Prixford



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO: Planning Unit

DATE 22nd October 2007

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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.