



**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)

Westleigh Farm, Combe Martin, Devon EX34 0NG

(“The land”)

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

The unauthorised development of the land is the unauthorised opening up of a new access on to the A 399 county road as shown in approximate position in blue marked on attached plan (“ 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 by the Council that the unauthorised development has occurred within the last 4 years.
2. The opening up of a new access on to the highway network adversely affects the road network in terms of traffic and road safety, is unacceptable and contrary to Policy TR10 in the Devon Structure Plan (Adopted October 2004). The unauthorised development also detracts from or conflicts with the function of the route.
3. The access had been opened onto the road A399 which is a county primary route and part of the High Quality Road Network (HQRN) in Devon. This is contrary to policy TRA6 in the North Devon Local Plan (Adopted Oct 2003) which states that development will only be permitted where provision is made for safe access onto and egress from the highway for all forms of travel servicing the site. In addition, it is contrary to this policy as a new private access has been constructed onto the HQRN which will harm the functioning of the road network or the safety of highway users.
4. In the opinion of the Council the use of planning conditions would not overcome the above reasons for issuing this Notice.

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

The Council requires that the steps specified in paragraph 6 (1) be undertaken within the period of 2 weeks from the date when this notice takes effect and paragraphs 6 (2) be undertaken on or before 30 September 2005.

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

- (1) To permanently and effectively close the access by reinstating the earth hedgebank to a height and depth to match the hedgebank on either side of the unauthorised development.
- (2) To restock the hedgebank with plants of indigenous species.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 31 May 2005 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : 26 April 2005.....

Signed : .....  
Solicitor, Legal Services Manager

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

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



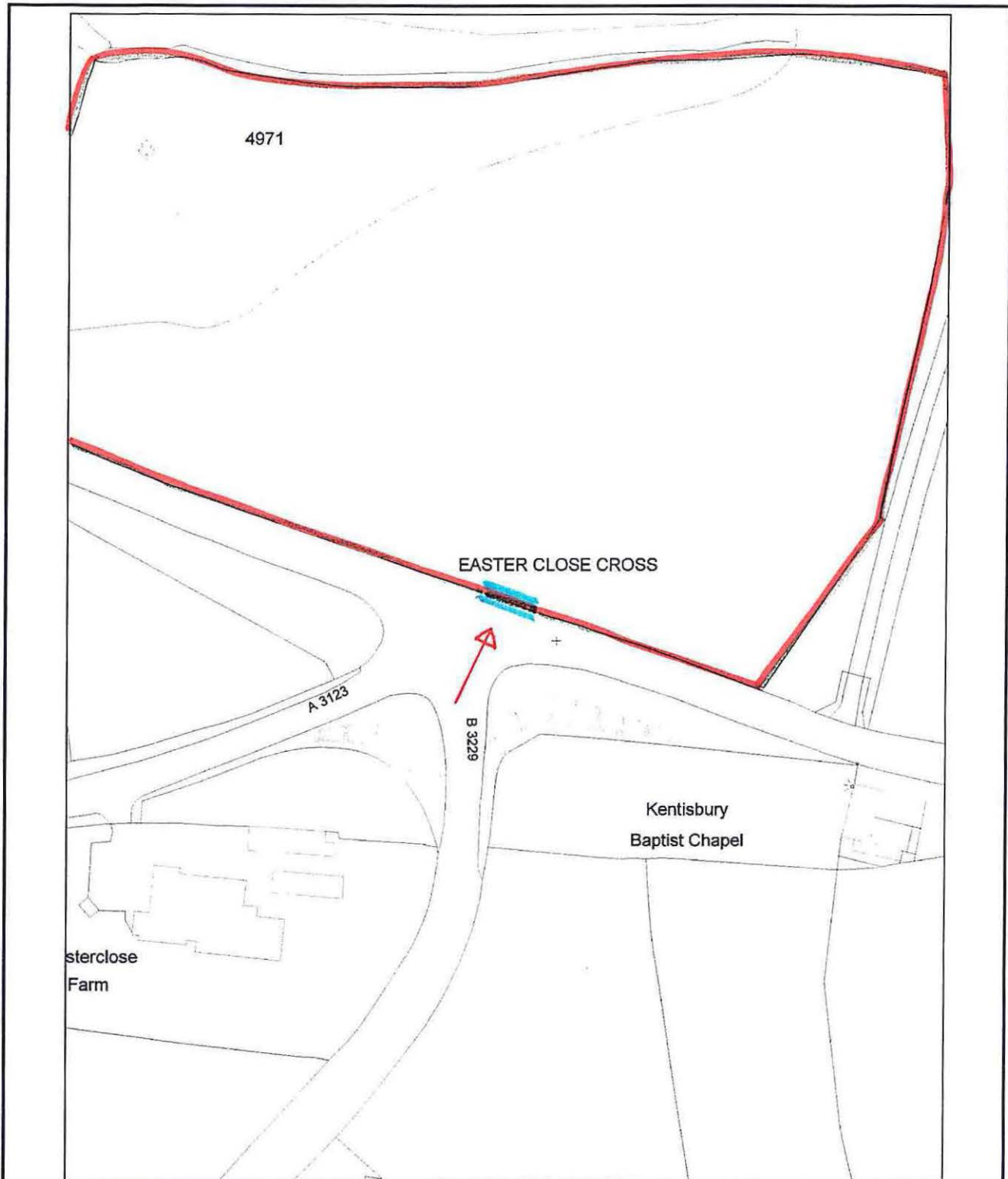
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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.**



- Scale:



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