

CF/10271

3. 4. 2006



SOUTH INDICOTT
EAST DOWN

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)

South Indicott, East Down, Muddiford, Devon, EX31 4HP

(“the land”)

3. THE BREACH OF PLANNING CONTROL ALLEGED

Change of use of land and buildings from agricultural to business use.

4. REASONS FOR ISSUING THIS NOTICE

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

The change of use of the land and buildings to business use is contrary to policies DST1 of the North Devon Local Plan, ST1, ST5 and ST16 of the Devon Structure Plan and ENV1 and DVS1A of the North Devon Local Plan Revised Deposit which are designed to protect the countryside and promote more sustainable principles.

Also contrary to policies DE4, DRE1 and DRE2 of the North Devon Local Plan and ECN5 of the North Devon Local Plan Revised Deposit, as it makes no significant contribution to the economy of the district, alternative sites are available and the site is poorly related in transport terms.

In addition it is contrary to policies DST2 of the North Devon Local Plan and DVS3 of the North Devon Local Plan Revised Deposit.

The site is served by inadequate access roads, a poor choice of transport modes and sub-standard access and is contrary to policies DT10 of the North Devon Local Plan and TRA1A and TRA6 of the North Devon Local Plan Revised Deposit.

In addition to the above mentioned policies it contravenes government advice in PPG1, PPG4, PPS7 and PPG13.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within 3 months from the date when this notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land and buildings, edged in red on Plan 1 annexed hereto for storage of cars and motorcycles.
2. Cease the use of the land and buildings, edged in red on Plan 1 annexed hereto for storage and repair of scaffolding equipment.
3. Cease the use of the land and buildings, edged in red on Plan 1 annexed hereto, for storage of UPVC windows.
4. Cease the use of the land and buildings, edged in red on Plan 1 annexed hereto, for storage of detritus from the window business (i.e. wood, frames and glass etc.).
5. Cease the use of the land and buildings, edged in red on Plan 1 annexed hereto, for storage of building materials
6. Remove from the land, edged in red on Plan 1 annexed hereto, all materials which have been used to construct the track, marked in green in Plan 1 annexed hereto, and reinstate the land as it was before the track was made.
7. Remove from the land, edged in red on Plan 1 annexed hereto, the structure identified as Building F on Plan 2 annexed hereto.
8. Remove from the land, edged in red on Plan 1 annexed hereto, the structure identified as Building D on Plan 2 and photograph 1 annexed hereto.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 11th May 2006 unless an appeal is made against it beforehand.

Dated : 3 April 2006

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. 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.



Please Note that the current O.S. mapping bases are being reviewed for positional accuracy. Consequently it is not advisable to rely on any boundary information for purposes other than for identification.

Plan to Accompany Enforcement Notice - Plan 1 - Location Plan

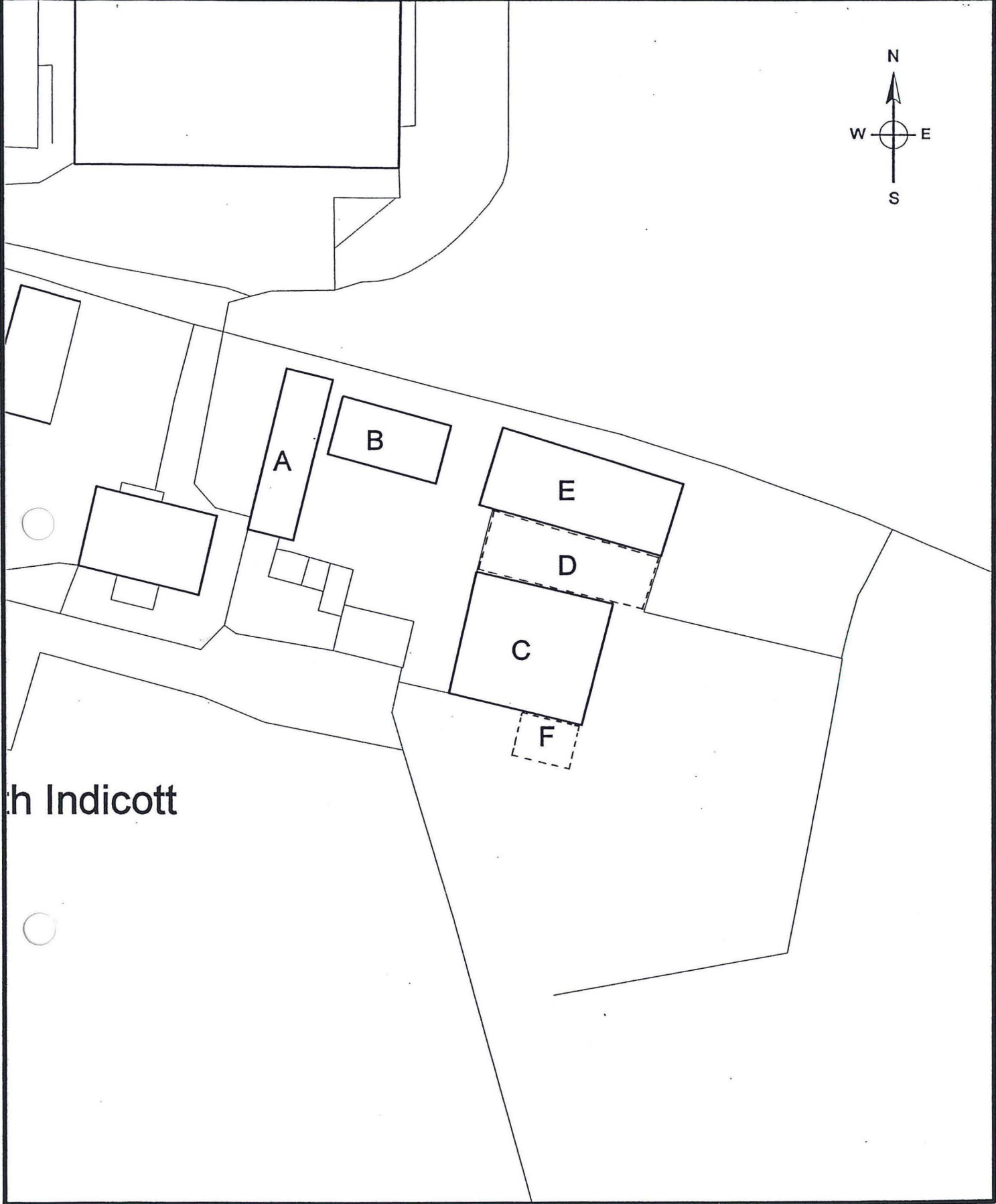
South Indicott Farm, East Down



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:2500 COPY SUPPLIED TO: Planning Unit DATE 17th January 2006

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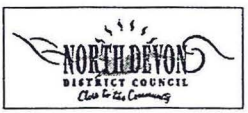


South Indicott

Please Note that the current O.S. mapping bases are being reviewed for positional accuracy. Consequently it is not advisable to rely on any boundary information for purposes other than for identification.

Plan to Accompany Enforcement Notice - Plan 2

South Indicott Farm, East Down



Civic Centre, Barnstaple.
EX31 1EA

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