

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: 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 the plan attached)

Porte Farm, Kentisbury, Barnstaple, EX31 4NL

("the land")

3. THE BREACH OF PLANNING CONTROL ALLEGED

The Retail Sale of Goods to Members of the General Public in breach of Conditions 6 and 9 of Planning Permission 33544 issued by the local Planning Authority on 26th November 2003

4. REASONS FOR ISSUING THIS NOTICE

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

The Local Planning Authority's view is that the need for a retail facility in this location has not been demonstrated and the rural location is not readily and conveniently accessible by public transport, cyclists and pedestrians and so encourages the need to travel by car. Accordingly, the breach of planning control is contrary to Policies SH1 and SH4 of the Devon Structure Plan 2001 to 2016 (Adopted October 2004), Policy COM1 of the North Devon Local Plan 1995 to 2011 (Adopted July 2006) and PPS6.

Additionally, the development is served by an inadequate site access and so is contrary to highway policy TR10 of the Devon Structure Plan 2001 to 2016 (Adopted October 2004) and Policy TRA6 of the North Devon Local Plan 1995 to 2011 (Adopted July 2006).

Finally, it is in a non-sustainable location, in terms of the advice in PPG13.

The Local Planning Authority considers that the breach of planning control has occurred within the last 10 years and 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 28 days from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

Cease the Retail Sale of Goods to Members of the General Public.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16 March 2007 ("the effective date") unless an appeal is made against it beforehand.

Dated : 14 February 2007

Signed :

Solicitor, Legal Services Manager

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

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.

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Issues
PORT CROSS

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Cobb Cottage

Porte Farm

1151

2151



