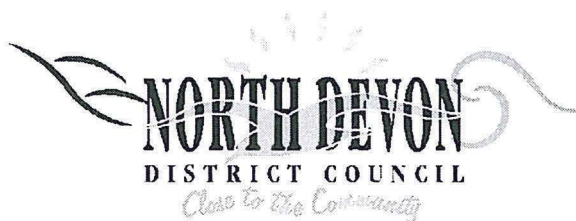


DH/10642

1.2.2007



FIELD PT OS 086
GREEN LANE
SWIMBRIDGE

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 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 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 plans attached and accompanying photographs)

Field PT OS 0985 SS 5928 NE Green Lane, Swimbridge, Barnstaple, North Devon,
EX32 0QH
("the land")

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

1. The construction of a stone track and hardstanding.
 2. The erection of a gate adjacent to the highway over one metre in height.
 3. The widening of the access from the field onto the highway.
 4. The construction of a barn and stables and shed containing a generator.
 5. Engineering works and creation of an earth mound.
- ("the unauthorised developments")

4. **REASONS FOR ISSUING THIS NOTICE**

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

- A. The Local Planning Authority's view is that the unauthorised development are contrary to Policies ST1 and CO6 of the Devon Structure Plan 2001 to 2016 (Adopted October 2004) and Policy ECN7 of the North Devon Local Plan 1995 to 2011 (Adopted July 2006).
- B. They are contrary to Policy ST1 in that they fail to conserve and protect the natural resources of the area by seeking to utilise a green field site, rather than a previously developed site, situated in a rural location. They are contrary to Policy CO6 because they fail to respect the character and appearance of the wider area, which is open countryside. They are contrary to Policy ECN7 because they cause detriment to the visual amenity of the surrounding countryside.
- C. The Local Planning Authority also considers that the unauthorised developments are contrary to Key Principles 1(iv) and (vi) of PPS7. They are not strictly controlled to protect the intrinsic character and beauty of the countryside and are not in keeping with the location and sensitive to the character of the countryside.
- D. In addition, the Local Planning Authority's view is that the widening of the access onto the highway is contrary to 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). It is contrary to Policy TR10 because it fails to maintain and enhance the road network in Devon in such a way as to minimise the impact of traffic, reduce congestion, improve safety, promote environmental/economic enhancement and maximise operational efficiency. It is contrary to Policy TRA6 because provision has not been made for safe access onto and egress from the highway for all forms of travel servicing the site and it will harm the functioning of the road network and/or the safety of highway users.
- E. The Local Planning Authority considers that the unauthorised developments have occurred within the last 4 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 requires those steps A, B, C, D and E (except planting) specified in paragraph 6 to be undertaken within the period of 3 months from the date when this notice takes effect. The Council also requires that the planting be undertaken within the next available planting season – October to December.

6. WHAT YOU ARE REQUIRED TO DO

- A. Remove track and hardstanding and reinstate to agricultural pasture/arable land.
- B. Remove, replace or alter existing gate so that it is no higher than 1 metre from the natural ground level and no more than 6 metres in total length.
- C. Return the access from the field on to the Highway back to its original width. This is to be no greater than 2 standard 5 bar gate size of 3 metres each. Reinstate hedge banks and provide appropriate planting in consultation with the Local Planning Authority. Plant material shall be provided in accordance with BS3936 Part 1: 1992 'Nursery Stock Specification for Trees and Shrubs'. Planting shall be carried out in accordance with BS4428: 1989 'General Landscape Operations'. Hedging to be planted as a double staggered row. Rows to be 25cm apart and plants within each row to be planted at 50cm centres equaling 5 plants per linear metre of hedging. Weed Control shall be carried out in accordance with BS4428: 1989 'General Landscape Operations' by the application of bark mulch 50mm in depth and 100cm wide.
- D. Remove the barns and stables and shed and generator from the land where so ever stored, fixed or placed.
- E. Remove earth mound and re-distribute the soil onto the land outlined in blue following the removal of the stone track and hardstanding and re-instate to agricultural pasture/arable land. Topsoil shall be provided in accordance with BS3882: 1994 to a minimum depth of 400mm.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 5 March 2007 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 1 February 2007.

Signed :

Solicitor, Legal Services Manager

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

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

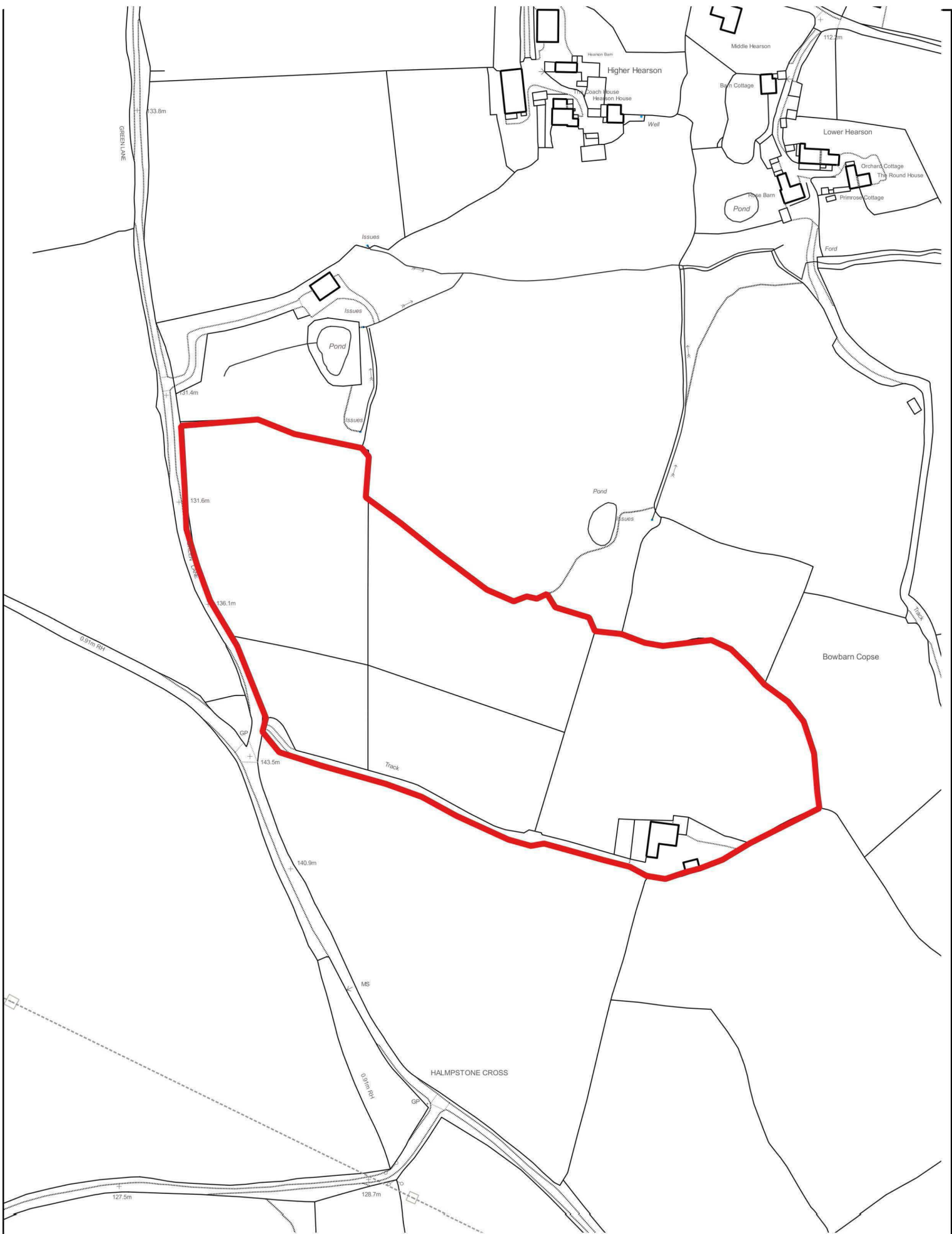
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Enforcement Notice 5547
Field PT OS 0985, Green Lane, Swimbridge, EX32 0QH

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