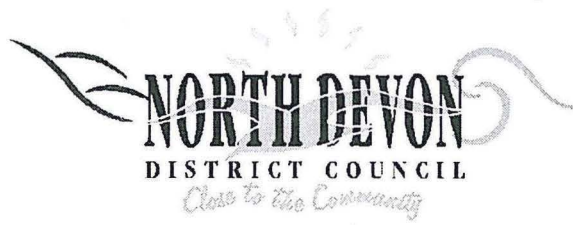


DH/10642

1.2.2007



Field Pt OS 0985
GREEN LANE
SWIMBRIDGE

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 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**

The unauthorised material change of use of the land caused by the siting of the mobile home.

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 material change of use is contrary to Policies ST1 and CO6 of the Devon Structure Plan 2001 to 2016 (Adopted October 2004) and Policies ENV1 and ECN7 of the North Devon Local Plan 1995 to 2011 (Adopted July 2006).
- B) It is contrary to Policy ST1 because it fails to conserve and protect the natural resources of the area. It is contrary to Policy CO6 because it fails to respect the character and appearance of the wider area, which is open countryside.
- C) It is contrary to Policy ENV1 because it does not appear to be reasonably necessary for the purposes of agriculture nor designed for that purpose. Thus the social and economic benefits are not such as to outweigh the primary objective of protecting and enhancing the beauty of the countryside and its historic character as a traditional rural area. It is contrary to Policy ECN7 because it causes detriment to the visual amenity of the surrounding countryside.
- D) The Local Planning Authority also considers that the unauthorised material change of use is contrary to Key Principles 1(iv) and (vi) of PPS7. It is not strictly controlled to protect the intrinsic character and beauty of the countryside and it is not in keeping with the location and sensitive to the character of the countryside.
- E) The Local Planning Authority considers that the unauthorised material change of use 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 requires that the steps specified in paragraph 6 be undertaken within the period of 3 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- A. Cease the use of the land for the siting of mobile homes.
- B. Remove all mobile homes from the land edged red where so ever stored, fixed or placed.

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 :

Director

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

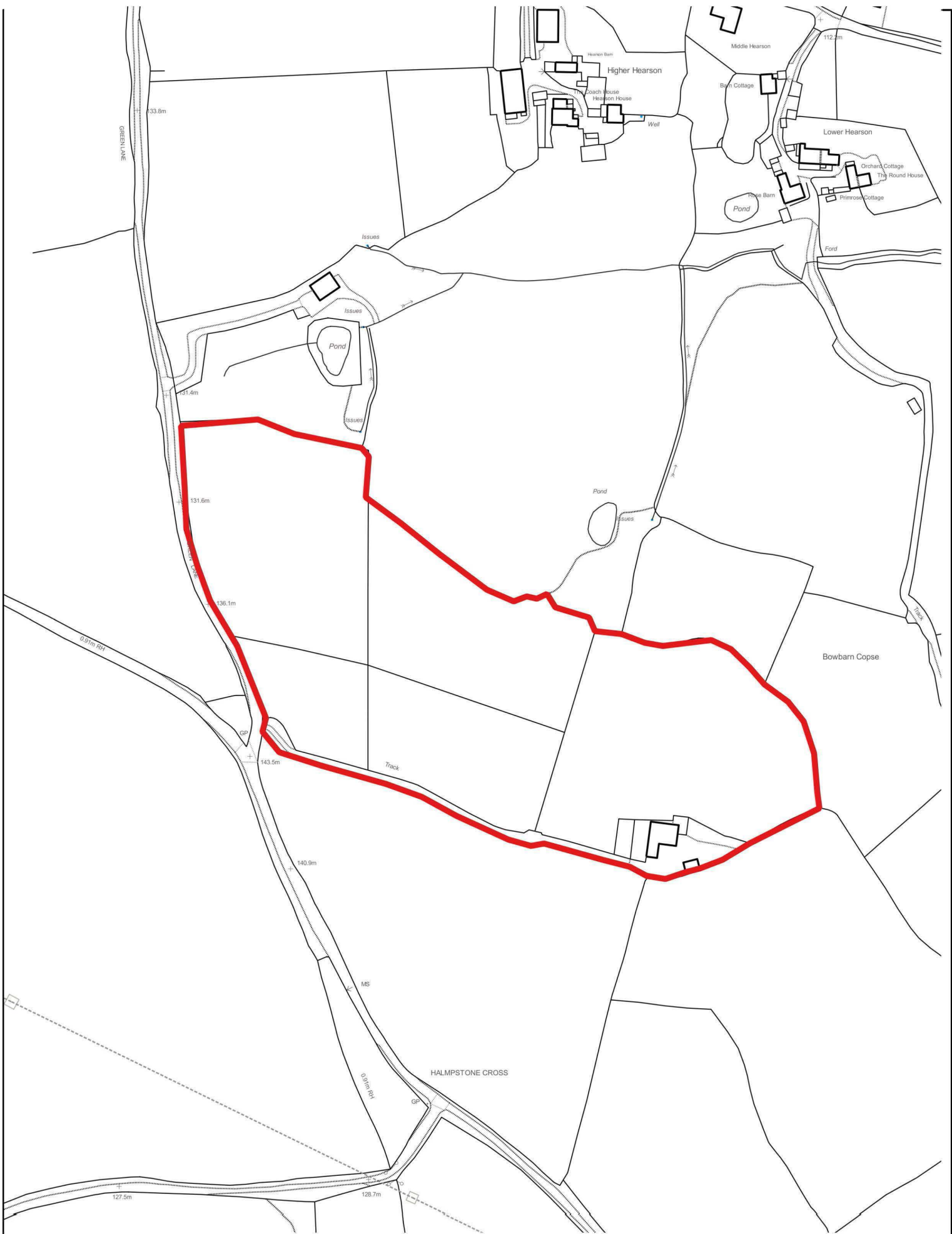
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

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

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