



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 considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at Field PT OS SS5928 Green Lane Swimbridge Barnstaple EX32 0QH as shown edged red on the attached Plan.

("the Land")

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

Unauthorised creation of an stone oval track not reasonably necessary for agriculture.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Local Planning Authority is of the view that the unauthorised development is not reasonably necessary for an agricultural purpose on the land.

The development is contrary to the following Planning Policies
Policies ST1 and CO6 of the Devon Structure Plan 2001 to 2016 (adopted October 2004).
Policies ECN7 and ENV1 of the North Devon Local Plan 1995 to 2011 (adopted July 2006)

The oval track is contrary to ST1 in that it fails 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 within a rural area. It is contrary to policy CO6 because it fails to respect the character and appearance of the wider area, which is open countryside. The oval track is also contrary to Policy ECN7 as it causes detriment to the visual amenity of the area being sited in a prominent position. The building is contrary to Policy ENV1 as it does not provide economic or social benefit to the local community and causes detriment to the visual amenity of the area being situated in a prominent position.

The Local Planning Authority also considers that the unauthorised development is contrary to (Annex A) (key principle 1(vi) of PPS7, Paragraph 17 of PPS1 and Policy EC6 of PPS4, which seek to protect the intrinsic character and beauty of the countryside for its own sake and in the interests

of sustainability.

The development has taken place within the last four years.

The Local Planning Authority considers that the above reasons for issuing the enforcement Notice can not be over come by the use of planning conditions and it is therefore expedient to seek the removal of the oval track.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 below be undertaken within **three months** from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Remove all the stone material, which has been used to form the oval track as indicated by the area outlined in blue from the land edged red on the plan attached to this notice.
2. Reinstate that area of land formerly covered by the oval track so that it matches the surrounding contours of the land.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20th August 2011 ("the effective date") unless an appeal is made against it beforehand.

Dated: 18th July 2011

Signed:
Legal Services Manager

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 attached Planning Inspectorate Guidance Sheet provides details of where you obtain further information on the appeal process. Read it carefully.

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.

