



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**

Land adjacent to Braggamarsh Wood and the A377 (SS 63 19 SE), Burrington, Umlerleigh, EX37 9ND as shown edged red on the enclosed Plans 1 and 2

("the land")

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

Unauthorised operational development consisting of the partial construction of a building, together with the formation and laying of a track and the siting of a shed without planning permission

4. **REASONS FOR ISSUING THIS NOTICE**

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

The site is located within open countryside within an Area of Great Landscape Value, where development should be strictly controlled in the interest of protecting the character and appearance of the landscape and on the grounds of sustainability.

Having regard to advice contained in Annex A of PPS7: Sustainable Development in Rural Areas, and saved policies HSG9 and HSG10 of the adopted North Devon Local Plan relating to rural dwellings there is no established need for the dwelling under construction. As such the dwelling represents unsupported development in the open countryside providing no economic or social benefits to the local community, contrary to saved policies ENV1 and ENV6 of the adopted North Devon Local Plan and saved policies ST1 and ST16 of the Devon Structure Plan.

The shed structure is located in a visually prominent site in the open countryside within the area of great landscape value, insufficiently screened by landscaping or hedgerow features and as such detracts from the character and appearance of this protected landscape setting, contrary to saved policies ENV1, ENV6 and DVS2 of the adopted North Devon Local Plan and saved policies CO1 and CO4 of the Devon Structure Plan.

In the opinion of the Local Planning Authority the engineering operations undertaken in respect of the private way within the site and siting of the dwelling and shed detract from the natural character and contours of the site and are not consistent with saved policies ENV1 and ENV6 of the Adopted North Devon Local Plan and the Government's Key Principle expressed in PPS7: Sustainable Development in Rural Areas that the countryside should be protected for the sake of its intrinsic character.

The unauthorised development would result in an increased use of the access on to the public highway, which without significant improvement (which in itself would compromise established hedgerow features) has limited visibility from and of vehicles using the access and as such results in additional danger to all users of the road and interference with the free flow of traffic, contrary to saved policy TRA6 of the Adopted North Devon Local Plan. The proposed dwelling is sited in the open countryside remote from services, employment, education and public transport, and would increase the need for journeys to be made by private vehicles which is not sustainable and in conflict with the advice in PPG13.

Other material considerations

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

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 notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Dismantle and removed the scaffolding from the land edged red on the attached Plans 1 and 2
2. Dismantle and remove the timber framed partially constructed building from the land edged red on the attached Plans 1 and 2
3. Remove the blockwork and waste pipes currently under the partially constructed building from the land edged red on the attached Plans 1 and 2
4. Dismantle and remove the shed from the land edged red on the attached Plans 1 and 2
5. Remove the stone dressing from the tracks, construction area and shed site from the land edged red on the attached Plans 1 and 2 and return the ground to its natural contours.
6. Collect and remove all rubbish and debris which may resulted in taking the above steps from the land edged red on the attached Plans 1 and 2.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28 April 2011 ("the effective date") unless an appeal is made against it beforehand.

Dated: 28 March 2011

Signed:
Joint Acting Legal Services Manager

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

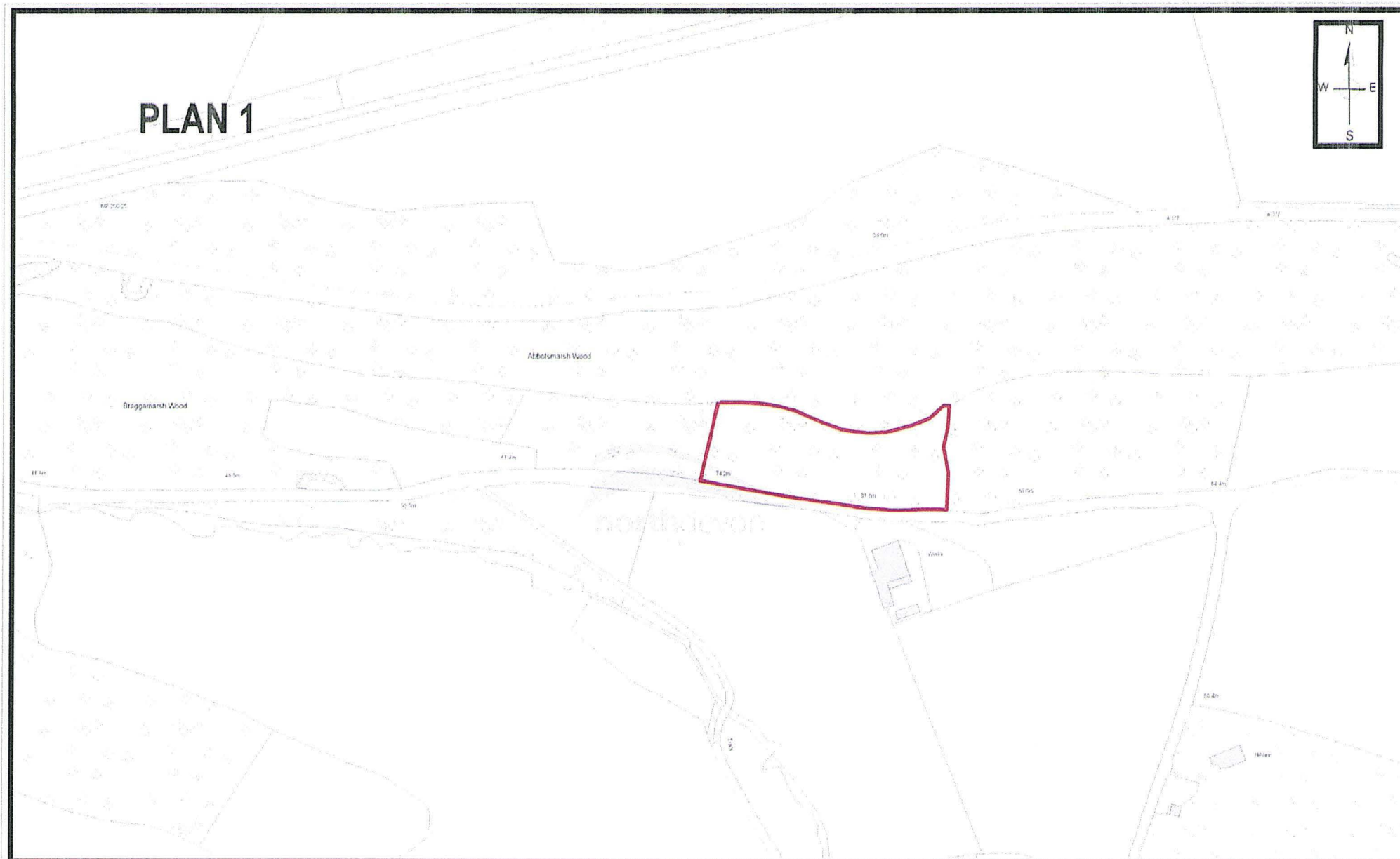
GUIDANCE NOTES FOR YOUR INFORMATION

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

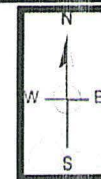
If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



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Planning Unit
Scale: 1:2500
Date: 14th January 2010

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PLAN 2



Plan 2 to Accompany Enforcement Notice - Direction of Photographs
ENF 7116 - Braggamarsh Wood EX37 9ND

COPY SUPPLIED TO:
 Planning Unit
Scale: 1:500
Date: 14th January 2010

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