



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**LAND OR PREMISES KNOWN AS: DEER PARK
NURSERIES, DEER PARK ROAD, BARNSTAPLE,
EX32 0HU (HM LAND REGISTRY TITLE NUMBER
DN459157)**

**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 Deer Park Nurseries, Deer Park Road, Barnstaple, EX32 0HU (HM Land Registry Title Number DN459157) as shown edged red on the enclosed Location Plan.

(“the Land”)

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

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of the following works: -

- Erection of a concrete block built building identified marked **A** on the enclosed Location Plan.
- Erection of a wooden shed identified marked **B** on the enclosed Location Plan
- Erection of a wooden shed identified marked **C** on the enclosed Location Plan
- Erection of a polytunnel identified marked **D** on the enclosed Location Plan

4. **REASONS FOR ISSUING THIS NOTICE**

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

This Enforcement Notice has been issued to remedy the alleged breach of Planning Control.

No evidence has been provided to the Local Planning Authority to demonstrate the agricultural need for the concrete block built building, wooden sheds and poly-tunnel so as to seek to off-set the harm caused to the intrinsic character and beauty of the countryside

The development is therefore considered to be contrary to the fifth core planning principle set out in paragraph 17 of the National Planning Policy Framework and saved Policy ECN7 of the North Devon Plan

The Local Planning Authority considers that this unauthorised operational development has occurred within the last four years and that the above reasons for issuing this 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 below be undertaken within three months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Demolish or dismantle and remove the concrete block building identified marked **A** from the land edged red on the enclosed Location Plan.
2. Demolish or dismantle and remove the wooden shed identified marked **B** from the land edged red on the enclosed Location Plan.
3. Demolish or dismantle and remove the wooden shed identified marked **C** from the land edged red on the enclosed Location Plan.
4. Demolish or dismantle and remove the poly-tunnel identified marked **D** from the land edged red on the enclosed Location Plan.
5. Remove all rubbish resulting from taking steps 1 to 4 from the land edged red on the enclosed Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 1 July 2012 ("the effective date") unless an appeal is made against it beforehand.

Dated: 31 May 2012

Signed:
Head of Legal Services

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 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.

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