

1/4/05



**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 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 plan attached)

Trevannon, (Fair Oak Farm) Braunton Road, Barnstaple EX31 4AW

("The land")

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

The alterations carried out to increase to the height of the existing workshop building marked "A" on the photographs annexed hereto.

**4. REASONS FOR ISSUING THIS NOTICE**

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

The development by virtue of its height, size and overall massing results in a detrimental visual impact in this countryside location contrary to policies DST1, DB7, and DE7 North Devon Local Plan as adopted, and policies ENV1 and DVS1 of the North Devon Local Plan, Revised Deposit.

The extended workshop is likely to generate increased levels of vehicle repairs and maintenance with a consequent increase in commercial vehicle traffic attracted to the site, resulting in detriment to the residential amenities of adjoining occupiers contrary to the provisions of policy DST1 of the North Devon Local Plan as adopted and Policy DVS3 of the North Devon Local Plan Revised Deposit.

Imposing conditions would not overcome the above reasons.

The increased use of the access on to the public highway resulting from the development would, by reason of the limited visibility from and of vehicles using the access is likely to result in additional danger to all users of the A361 road and to cause interference with the free flow of traffic, contrary to the provisions of the Policy TR10 of the Devon Structure Plan 2001-2016, Policy DT10 of the North Devon Local Plan and Policy TRA6 of the North Devon Local Plan Revised Deposit.

**5. WHEN YOU ARE REQUIRED TO ACT**

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

**6. WHAT YOU ARE REQUIRED TO DO**

- 1) Re-instate the building back to its original dimensions as shown in the annexed photographs
- 2) Clear up any debris resulting from the above action.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 1<sup>st</sup> April 2005 ("the effective date")\* unless an appeal is made against it beforehand.

Dated: 1st March 2005

Signed : .....

Solicitor, Legal Services Manager

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

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\* 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.**

