

IMPORTANT:— THIS COMMUNICATION AFFECTS YOUR PROPERTY

(a)

NORTH DEVON DISTRICT COUNCIL

Council

**TOWN AND COUNTRY PLANNING ACT 1971
(as amended)**

**Enforcement Notice
Material Change of Use**

(b) 8 BOUTPORT STREET, BARNSTAPLE

WHEREAS:

(1) It appears to the^(a) North Devon District Council Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963^(c)

on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(d)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(e)

within [the period of 6 weeks [days] [months] from the date on which this notice takes effect] [the period specified in respect of each step in that schedule].^(f)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88 (10) of the Act, on 1st March 1987.^(g)

Issued 28th January 1987 19

Council's address —

(Signed)...

(Designation)...

Solicitor

(The officer appointed for this purpose)

Civic Centre,
BARNSTAPLE,

EX31 154 **CONTINUED OVERLEAF — P.T.O.**

NOTES TO THE LOCAL PLANNING AUTHORITY

- (a) Insert the name of the Council issuing the notice.
- (b) Insert the address or a description of the land to which the notice relates.
- (c) Where section 87(4)(c) of the Act applies insert "and within the period of 4 years before the date of issue of this notice."
- (d) See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
- (e) Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
- (f) If a single period is to be specified, by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
- (g) The date selected must be not less than 28 clear days after all the copies of the notice will have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(Address or description)

8 Boutport Street, Barnstaple

shown edged [red] [] on the attached plan.^(h)

SCHEDULE 2

Alleged breach of planning control

(description of the material change of use alleged to have been made) (j)

Change of use from garage workshop and showroom to carpet warehouse and showroom

SCHEDULE 3

Steps required to be taken.^(k)

(i) To cease the unauthorised use.

NOTES TO THE LOCAL PLANNING AUTHORITY

(h) See paragraph 31 of DOE Circular 38/81 (Welsh Office Circular 57/81).

(j) If the new use is a mixed use, include all the uses comprising that mixed use.

(k) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear and precise. See also notes (e) and (f) overleaf.

NORTH DEVON DISTRICT COUNCIL


ANNEX TO ENFORCEMENT NOTICE

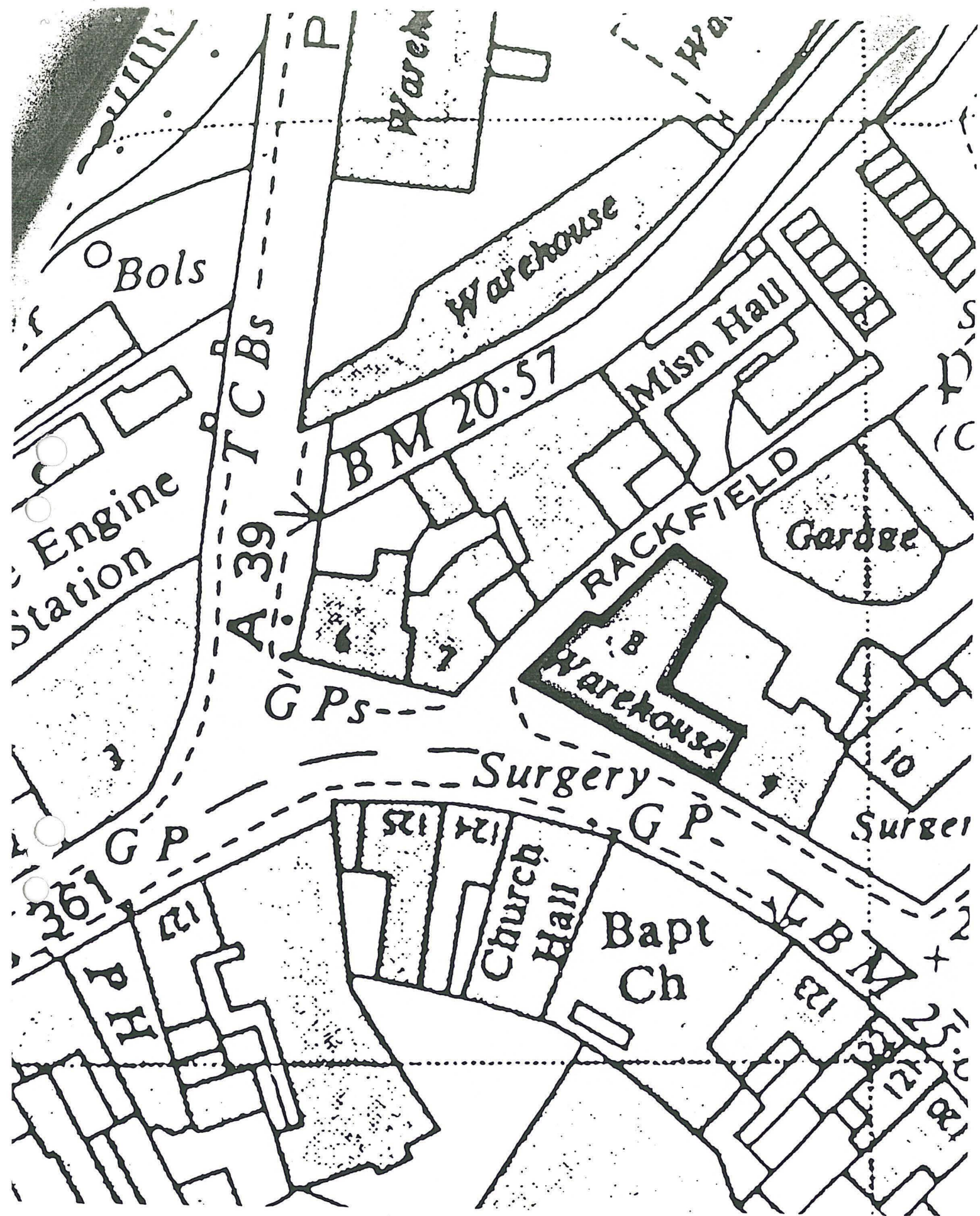
issued 28th January 1987

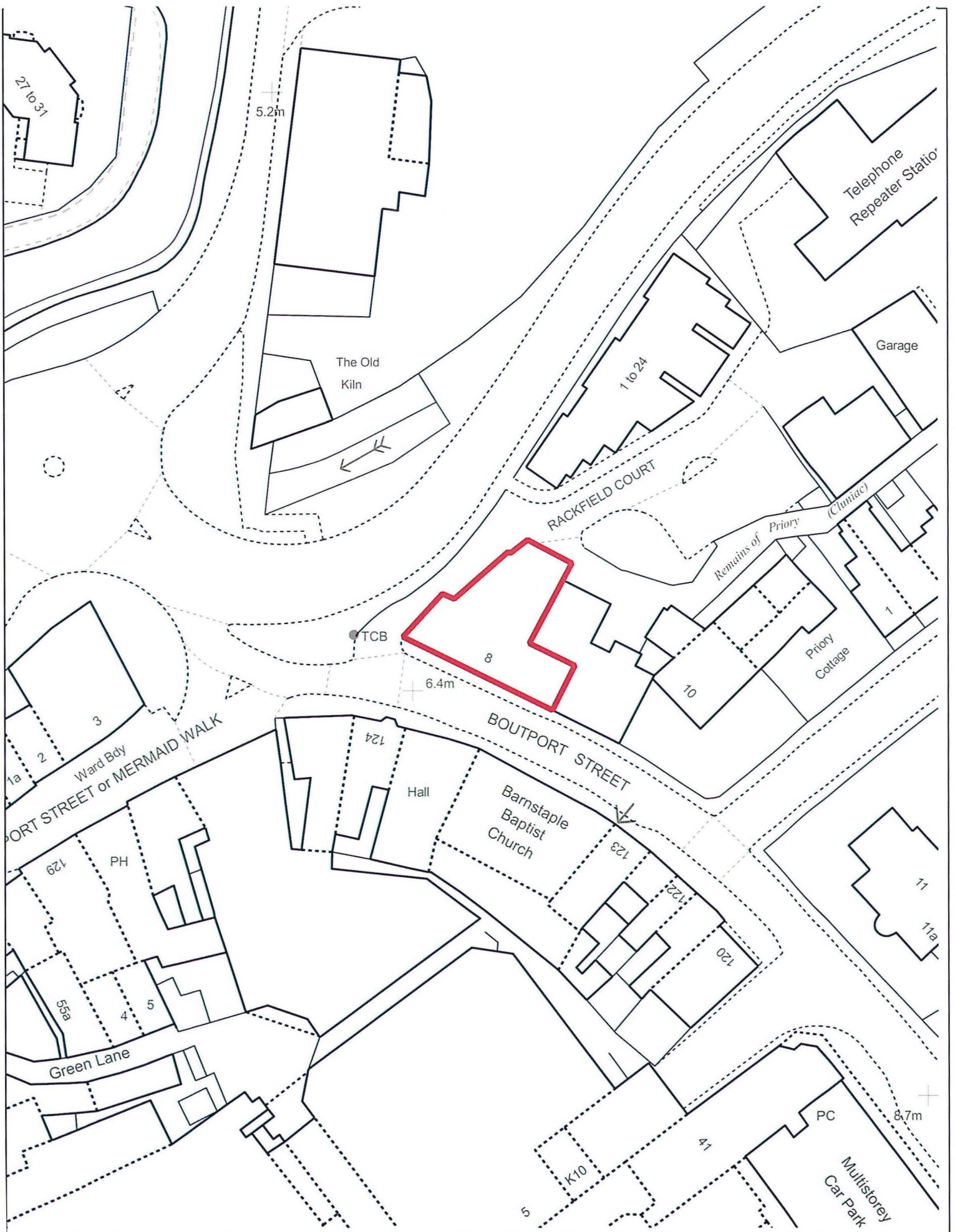
1. On the 14th October a retrospective application was submitted for the change of use of 8 Boutport Street, Barnstaple from garage workshop and showroom to carpet warehouse and showroom.
2. On the 24th March a Decision Notice was issued which refused planning permission for the following reason :

'The proposed change of use would be likely to result in a change of character of servicing vehicles to the site for the loading and unloading of goods and, therefore, would be likely to encourage additional parking on the highway with consequent risk of additional danger to all road users and interference with the free flow of traffic'.
3. An appeal was made against the refusal of planning permission which appeal was dismissed on the 25th September 1986. The Inspector's decision, inter alia, stated 'My concern is over existing traffic conditions in Boutport Street which will have to continue to carry town centre circulatory traffic for some time to come. I can see no practical alternative to loading and unloading from Boutport Street with the inevitable obstruction of the carriageway and footway that this entails. I have concluded that it would be wrong to permit a use that has the effect of impeding a flow of traffic in Boutport Street and of increasing pedestrian and vehicular traffic hazards.'
4. On the 24th November 1986 a further application for change of use from garage workshop and showroom to carpet warehouse and showroom in respect of 8 Boutport Street was received. The application was again refused. The reason given was :

'The proposed change of use would be likely to result in a change of character of servicing vehicles to the site, for both loading and unloading of goods and therefore would be likely to encourage additional parking on the highway with consequent risk of additional danger to all road users and interference with the free flow of traffic.'
5. For the above reasons it is considered expedient to issue this enforcement notice.


SOLICITOR.





Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Enforcement Notice 0918 8 Boutport Street, Barnstaple, EX31 1RJ

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