



IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

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")

I hereby certify that this is a true
copy of the original.

Signed

R. D. MORGAN
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 29.6.93

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)(b) 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 planning considerations.

2. **THE LAND AFFECTED** (shown edged red on the plan attached)

"Royston", Bickington Road, Barnstaple, N. Devon

("the land")

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

Material change of use of the land from residential to mixed use of residential and use of the land for the display and sale of fruit and vegetables.

4. **REASONS FOR ISSUING THIS NOTICE**

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

See attached

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within [the period of **THREE** ~~months~~/months from the date when this notice takes effect] [the period specified in respect of each step in paragraph 6].

6. WHAT YOU ARE REQUIRED TO DO

(i) Cease the use of the land for the display and sale of fruit and vegetable.

(ii) Remove from the land all items and produce including signs, associated with the display and sale of fruit and vegetables.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **15th FEBRUARY 1993** ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] **15th January 1993**

Signed: 

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 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.



North Devon District Council
Civic Centre, Barnstaple, Devon EX31 1EA

J. H. Martin Dip. T.P. M.R.T.P.I., Director of Planning.

ENFORCEMENT NOTICE (PLANNING).



Unauthorised Change of Use,
Retail Sales from Residential Property,

“Royston”, Bickington Road, Sticklepath.

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O.S. Plan No: SS. 5432 SE.

Drawn: S.M.T.

Scale: 1/1250

Date: September 1992

REASONS FOR ISSUING THIS NOTICE

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

It appears to the Council that the above breach of planning control has occurred within the last 10 years. An application in respect of the unauthorised use has already been refused (application number 16212).

The land is in a predominantly residential area. Existing retail use is separate and distinct from residential in the locality of the street scene. The unauthorised use represents an undesirable inter mingling which detracts from this distinction to the detriment of the appearance and character of the locality, whilst setting an undesirable precedent.

The land is adjacent to a Class 2 highway and due to the inadequate provision on the land for the parking of vehicles traffic attracted to the unauthorised use, is encouraged to park on the highway with consequent risk of additional danger to all users of the road and interference with the free flow of traffic. There is also inadequate visibility for vehicles entering and leaving the land and for the loading and unloading of goods vehicles. This encourages reversing onto or manoeuvring on the highway with added risk to users of the adjoining road and interference with the free flow of traffic.

The Council consider that the continued use of the land for the sale of fruit and vegetable will set a precedent along the road which, by reason of its design and function in the highway network, is unsuitable to accommodate the increase in traffic associated with this type of unauthorised and would result in further danger to all users of the road.