

1465



ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

**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 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)

35, Gorwell Road, Barnstaple, North Devon

("the land")

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

Without planning permission the change of use of the land from residential to mixed use of residential and office for taxi service ("the unauthorised use")

4. **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 in the last ten years.

A retrospective planning application to regularise the unauthorised use has already been refused. The Council consider that the land does not provide adequate provision for the parking and manoeuvring of vehicles associated with the unauthorised use, which will encourage vehicles to park on the highway with consequent danger to all road users and interference with the free flow of traffic in close proximity to a road junction.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of **ONE (1) MONTH** from the date when this notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land as an office for the taxi service.
2. Remove from the land all fixtures and fittings associated with the running of the taxi service therefrom.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **30th APRIL 1998** ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue]**26th March 1998**.....

Signed :.....

Legal Services Manager, Solicitor

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

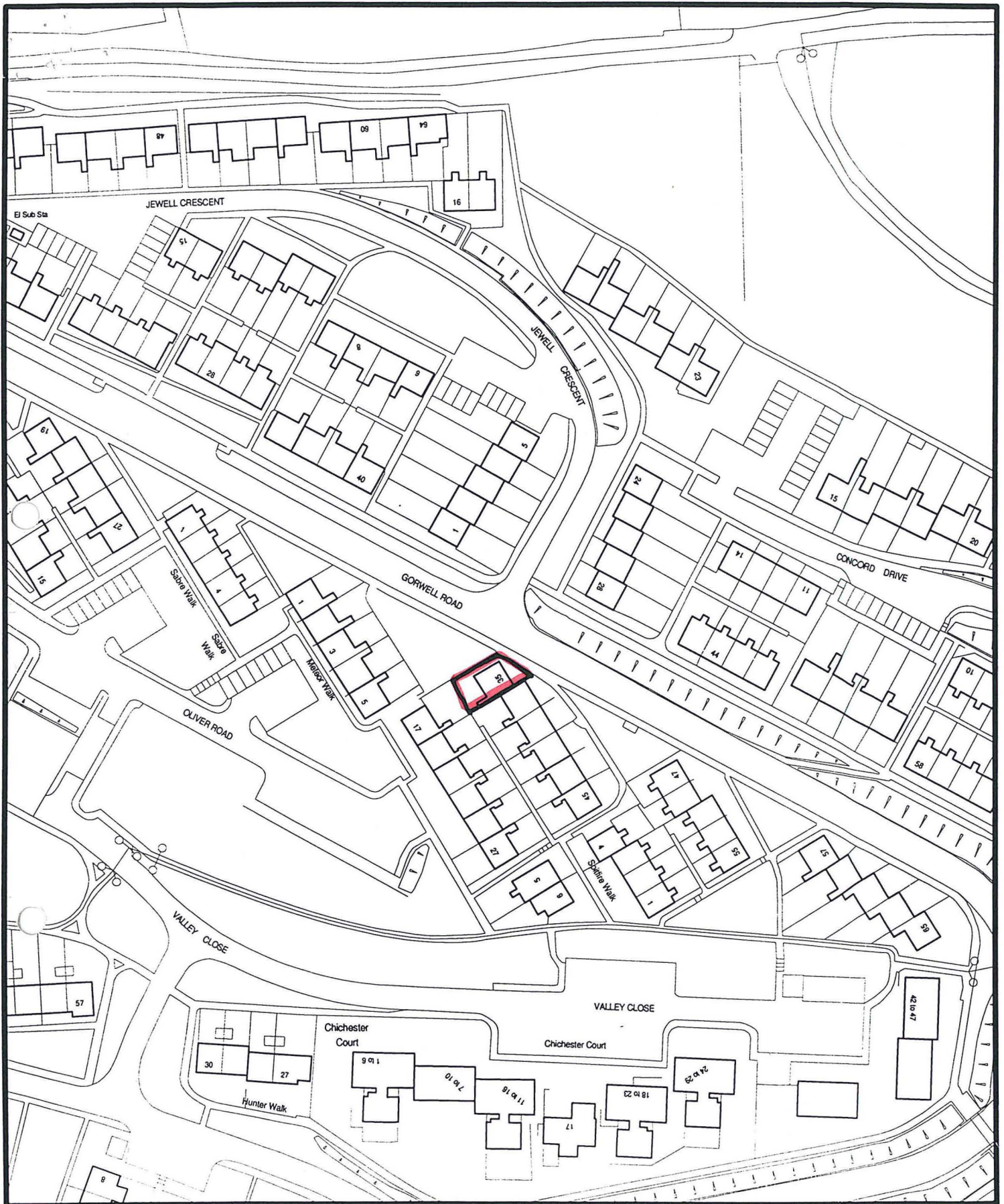
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Planning Enforcement

The Breach of Planning Control Which Has Occured
Unauthorised use of part of dwelling as taxi office

Site Location:

35 Gorwell Road, Barnstaple.



M.J. Easton Dip.T.P.I. M.R.T.P.I.
Principal Planning Officer

SCALE: 1:1250

DATE 15th January 1998

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