

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTYI hereby certify that this is a true
copy of the original

Signed

R. D. MORGAN
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 29.6.93

ENFORCEMENT NOTICE**BREACH OF CONDITION**

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 them that there has been a breach of planning control, under Section 171A(1)(b) of the Act, at the land described below. They consider that it is 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)

New House and access (adjoining 4 Beacon Heights), Abbotsfield West, East Hill, Braunton, Devon ("the Land").

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

On the 8th March 1988 reserved matters approval was granted in respect of the proposed erection of house, garage and access (3407) ("the permission") for which outline permission had been given on 9th June 1987 (734). A garage was incorporated in the permission by a decision of 9th May 1989 (8152) ("the amended permission"). The permission and the amended permission were both granted subject to a number of conditions, four of which are set out in Appendix A hereto. It appears to the Council that these conditions have not been complied with because:-

(i) No details of the retaining wall have been submitted to the Council.

(ii) No details of the access have been submitted to the Council.

(iii) The access drive is not of bricks and pavers.

(iv) The access drive has been extended and can now be used to serve the land and/or buildings to the south of the proposed house.

(v) No detailed landscaping and tree planting scheme has been submitted in writing that has been approved by the Council.

4. **REASONS FOR ISSUING THIS NOTICE**

See Appendix B attached.

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

The Council require that the steps specified in paragraph 6 below be undertaken within the period specified in respect of each step in paragraph 6.

6. WHAT YOU ARE REQUIRED TO DO (including compliance times)

- (i) Cease the use of the unauthorised part of the access forthwith from the date of this Enforcement Notice ("the Notice") taking effect.
- (ii) Submit to the Council satisfactory details of the retaining wall within 28 days of the Notice taking effect.
- (iii) Submit to the Council satisfactory details of the access drive within 28 days of the Notice taking effect.
- (iv) Submit to the Council a satisfactory detailed landscaping and tree-planting scheme within 28 days of the Notice taking effect.
- (v) Remove the unauthorised part of the access from the land within 9 weeks of the Notice taking effect.
- (vi) Rebuild the access in the form approved by the Council as per (iii) above within 9 weeks of the Notice taking effect.
- (vii) Clear up any debris from the land resulting from the implementation of (i) to (vi.) above within 6 calendar months of the Notice taking effect.

-7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17th April 1992 ("the effective date") unless an appeal is made against it beforehand.

Dated: 6th March 1992

Signed:

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

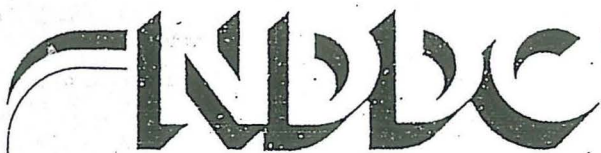
GUIDANCE NOTES FOR YOUR INFORMATION

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 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

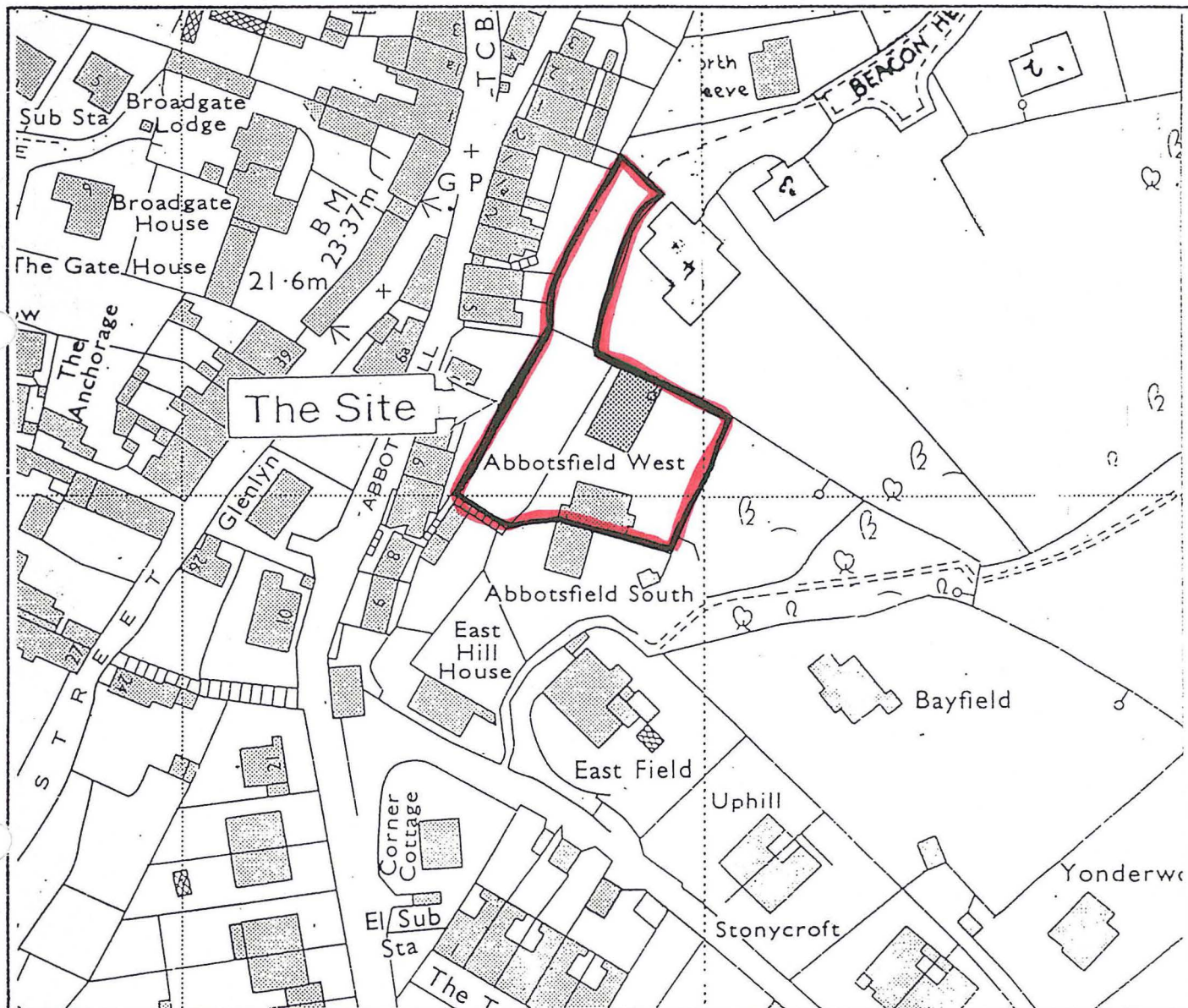
If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement 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 Access,

Land adjoining 4, Beacon Heights, Braunton.

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O.S. Plan No: SS. 4836 NE. & 4936 NW.

Drawn: S.M.T.

Scale: 1/1250

Date: July 1990

APPENDIX 'A'

ANNEX TO AN ENFORCEMENT NOTICE DATED 5th March 1992

1. Before the development hereby approved commences, details of the retaining wall indicated for the access drive shall be submitted to the Local Planning Authority.
2. The access drive shall be of bricks or pavers, precise details of which shall be submitted to the Local Planning Authority prior to work commencing.
3. The access drive hereby approved shall serve only the dwelling approved and shall not be extended or otherwise used to serve the land and buildings to the south.
4. Before the development hereby approved commences, a detailed landscaping and tree-planting scheme shall be submitted to and approved in writing by the Local Planning Authority, this landscaping and tree-planting scheme shall indicate the species and size of all trees and/or shrubs and the positions in which they will be planted. The scheme shall be carried out and completed during the planting season next following the substantial completion of the development hereby approved or during such later planting season as may be agreed in writing with the Local Planning Authority. Any tree or shrub damaged or becoming seriously diseased within five years from the date on which the scheme shall have been completed shall be replaced with the same or a similar species of tree or shrub. For the purpose of this condition the expression "planting season" shall mean the period between the 15th September and 15th March.

RF/ENF/R56

APPENDIX B

ANNEX TO AN ENFORCEMENT NOTICE DATED 6TH MARCH 1992

In granting permission on this prominent site subject to the aforesaid conditions, the Council was seeking to ensure that the final development would assimilate into the landscape and that the appearance and character of the area would be safeguarded. Thus plans were required to be submitted prior to development commencing in order that the Council could assess and minimise any detrimental effects. Furthermore, the Council felt that the access drive would only be suitable to serve the single dwelling approved, and thus any additional use of it was restricted. The provision of bricks and pavers would reduce its visual impact. The Council for these reasons do not consider that there should be any relaxation of the conditions in question.

RF/ANN/M4J