



698

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")

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 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)

Land forming part of Marstage Farm, Velator, Braunton, North Devon.

("the Land")

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

A material change of use of the land from agriculture to mixed use of agriculture and storage of Contractor's plant and equipment ("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 10 years.

The land is within an area defined by the Coastal Preservation Policy, within which only essential development is permitted. The Council do not consider that the unauthorised use constitutes development essential to the rural location. The unauthorised use is therefore contrary to Policy CPE5 of the Adopted Devon County Structure Plan and BWC4 of the Braunton and West Coast Local Plan.

Having regard to the increase in traffic the unauthorised use can generate the road giving access to the land is, by reason of its inadequate width and horizontal alignment, unsuitable to cater for such increase. In addition the access from the land onto the adjacent County Highway does not provide adequate visibility from or of vehicles using the access increasing the risk of additional danger to all road users and interference with the free flow of traffic.

A planning application for the unauthorised use has already been refused.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within [the period of 12 MONTHS
[redacted] /months from the date when this notice takes effect] [redacted]

6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the Land for the storage of Contractor's plant and equipment.
- (ii) Remove from the Land all machinery and equipment associated with the unauthorised use.
- (iii) Clear up and remove from the Land all rubbish and debris resulting from taking the above mentioned steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2nd AUGUST 1994 ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] 28th June 1994

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

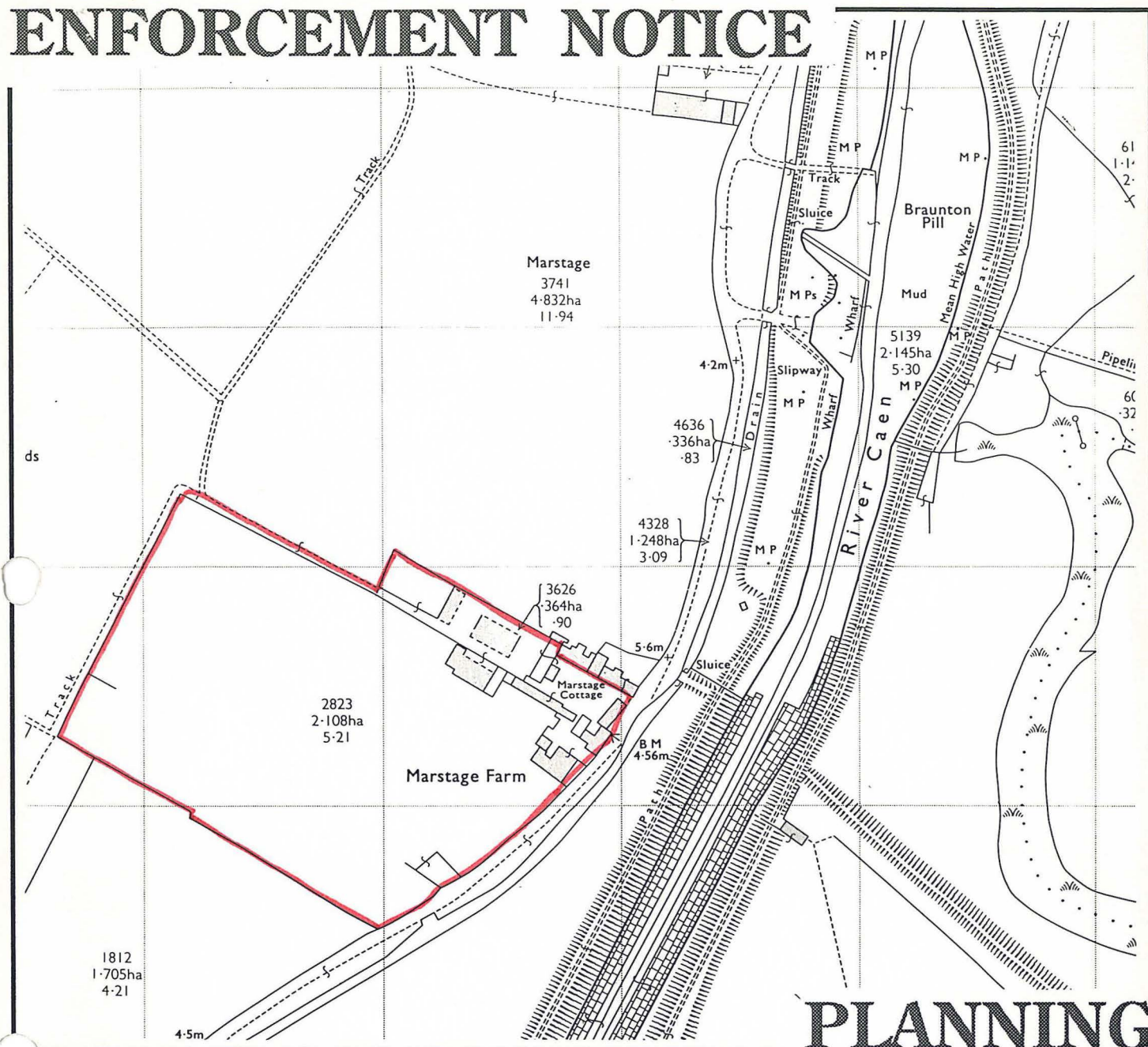
YOUR RIGHT OF APPEAL

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.

ENFORCEMENT NOTICE



**The Breach of Planning Control Which has Occured:-
Unauthorised Change of Use of Agricultural Land
to Plant Contractor's Storage Yard,**

**Site:- Marstage Farm, Velator,
Braunton.**

O.S. Plan No SS 4835

Drawn

Scale 1:2500

Date November 1993

NOTATION



The Site



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

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Civic Centre, Barnstaple, Devon
Ex31 1EA