

5/2/96



I hereby certify that this is a true  
copy of the

Signed .....

K.

SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 4<sup>th</sup> January 1996

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**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 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 considerations.

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

Oak Tree Holdings, Oak Tree House, Brayford, Barnstaple  
North Devon.

("the land")

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

On 15th October 1991 planning permission reference 14480 ("the permission") was granted for the continued siting of an agricultural caravan. The caravan provided as part of the permission was implemented by the provision of a timber cabin ("the unauthorised structure") shown for identification purposes only by a blue cross on the attached plan. The permission was made subject to several conditions, one of which required the unauthorised structure to be removed from the land on or before the 31st October 1992 or as soon as the farmhouse approved under planning permission reference 12582 is capable of occupation ("the condition"). It appears to the Council that the condition has not been complied with because the farmhouse is occupied and the unauthorised structure has not been removed from the land.

**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.

The land is in an area where having regard to National Policy and the policies and provisions of the Devon County Structure Plan, Third Alteration, the Council would only normally permit development which is necessary in the interests of agriculture. The unauthorised structure was granted the permission on the basis that it provided accommodation on the land whilst the farmhouse was constructed. The Council do not consider that the retention of the unauthorised structure, following occupation of the farmhouse, accords with the policies and provisions with regard to development in the countryside as being necessary in the interests of agriculture.

The land is also within an Area of Great Landscape Value within which development should have regard to the effect on the character and appearance on the area. Within the rural location and in the absence of any other overriding need, the retention of the unauthorised structure is considered detrimental to the amenity thereof by reason of its intrusion into the landscape.

In addition, having regard to the increase in traffic the unauthorised structure and its continued occupation can generate, the roads giving access to the land are by reason of their inadequate width, horizontal alignment and gradient unsuitable to accommodate such increase.

Subsequent applications for the retention of the unauthorised structure and its change of use for holiday lettings, and for the erection of further similar structures have been refused with one being dismissed on appeal. The Council do not consider that there should be any relaxation of the condition.



The map shows a planning area in Brayford, Lincoln. A red outline highlights a proposed development area. The map includes various land parcels with their areas and planning numbers, as well as existing buildings, roads, and green spaces. Key locations labeled include Brayfordhill, Riverside, and Brayford. The red outline follows a path through the area, possibly indicating a new road or development boundary. The map is overlaid with a grid and includes a scale bar at the bottom.

**PLANNING**

Non Compliance with Condition No.3 of Planning Consent 14480 Dated 15th October 1991,

**Site:- Oak Tree House,  
Hillside Meadow,  
Brayford.**

<b>O.S. Plan No.</b>	SS 6834
<b>Scale</b>	Reduced from 1:2500
<b>Drawn</b>	Sue Thomas
<b>Date</b>	December 1995

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## The Site



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

Civic Centre, Barnstaple, Devon, EX31 1EA

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

The Council require that the steps specified in paragraph 6 be undertaken within the period of **SIX (6) MONTHS** from the date when this notices takes effect.

**6. WHAT YOU ARE REQUIRED TO DO**

1. In accordance with the advice given by English Nature in their letters dated 12th May 1993 and 27th October 1995 respectively, copies of which are attached hereto, carefully dismantle and permanently remove the unauthorised structure from the land.

2. Without prejudice to the requirements of English Nature clear up and remove all rubbish and debris from the land resulting from taking the above mentioned step.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **5th FEBRUARY 1996** ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] **2nd January 1996** .....

Signed : .....  
[Redacted Signature]

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

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\* 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.**