

30/6/96

# NDDC

## 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")**

It is hereby certified that this is a true copy of the original.  
28/6/96  
[Redacted]  
(SIGNED)

**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 blue on plan A attached)

Oak Tree Holdings, Oak Tree House, Brayford, Barnstaple  
(“the land”)

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

The unauthorised subdivision of the premises known as Oak Tree House (“the premises”) shown edged red on plan B attached into two separate units of accommodation

(“the unauthorised use”)

**4.     REASONS FOR ISSUING THIS NOTICE**

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

In the opinion of the Council, the unauthorised use would constitute the provision of additional accommodation in an area where this would only be permitted in the interests of agriculture. Whilst the owner has a need for some agricultural occupancy on site, it is not considered this would justify an additional unit above and beyond that which is already provided. Indeed it is understood that this accommodation is let out for holiday purposes.

Additionally the roads giving access to the site are by reason of their inadequate width, lack of footway provision, horizontal alignment, gradient and junctions considered unacceptable to accommodate the additional traffic that would be generated. It is considered that these inadequacies result in the unauthorised use being contrary to national and Structure Plan policies.

It is not considered that these problems could be adequately overcome by the use of conditions.

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

The Council require that the steps specified in paragraph 6 be undertaken within the period of two (2) months from the date when this notice takes effect.

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

1. Cease the use of the premises as two separate units of accommodation.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **30th June 1996** ("the effective date")\* unless an appeal is made against it beforehand.

Dated : 24th May 1996

Signed : .....  
Solid

on behalf of: North Devon District Council,  
Civic Centre,  
Barnstaple, 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**

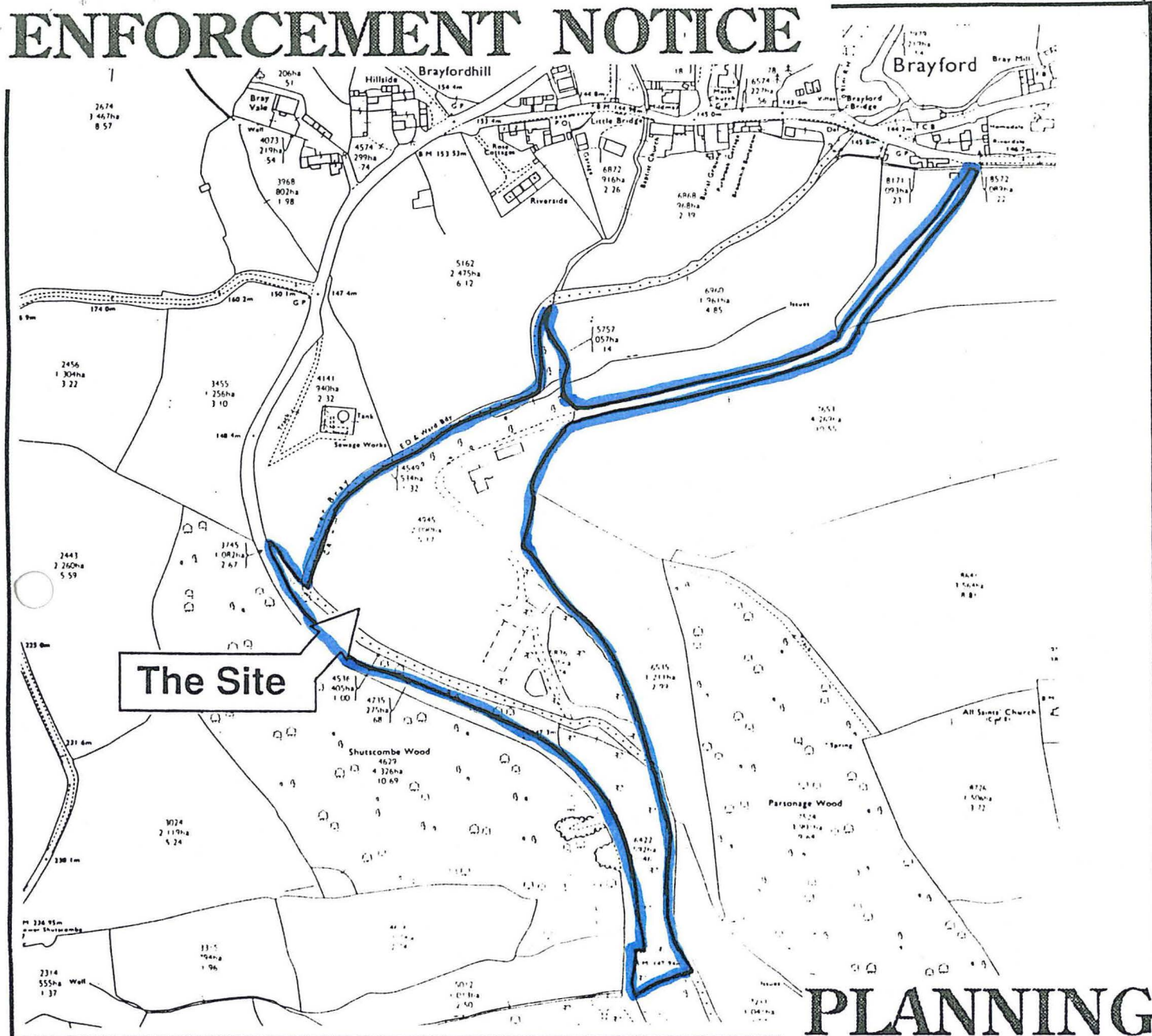
**You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. 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.**

# ENFORCEMENT NOTICE

PLAN A



## PLANNING

The Breach of Planning Control Which has Occured:-  
Change of Use of existing agricultural building to form holiday accomodation.

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

O.S. Plan No SS 6834

Drawn

Scale 1:2500 (reduced)

Date February 1993

### NOTATION



The Site



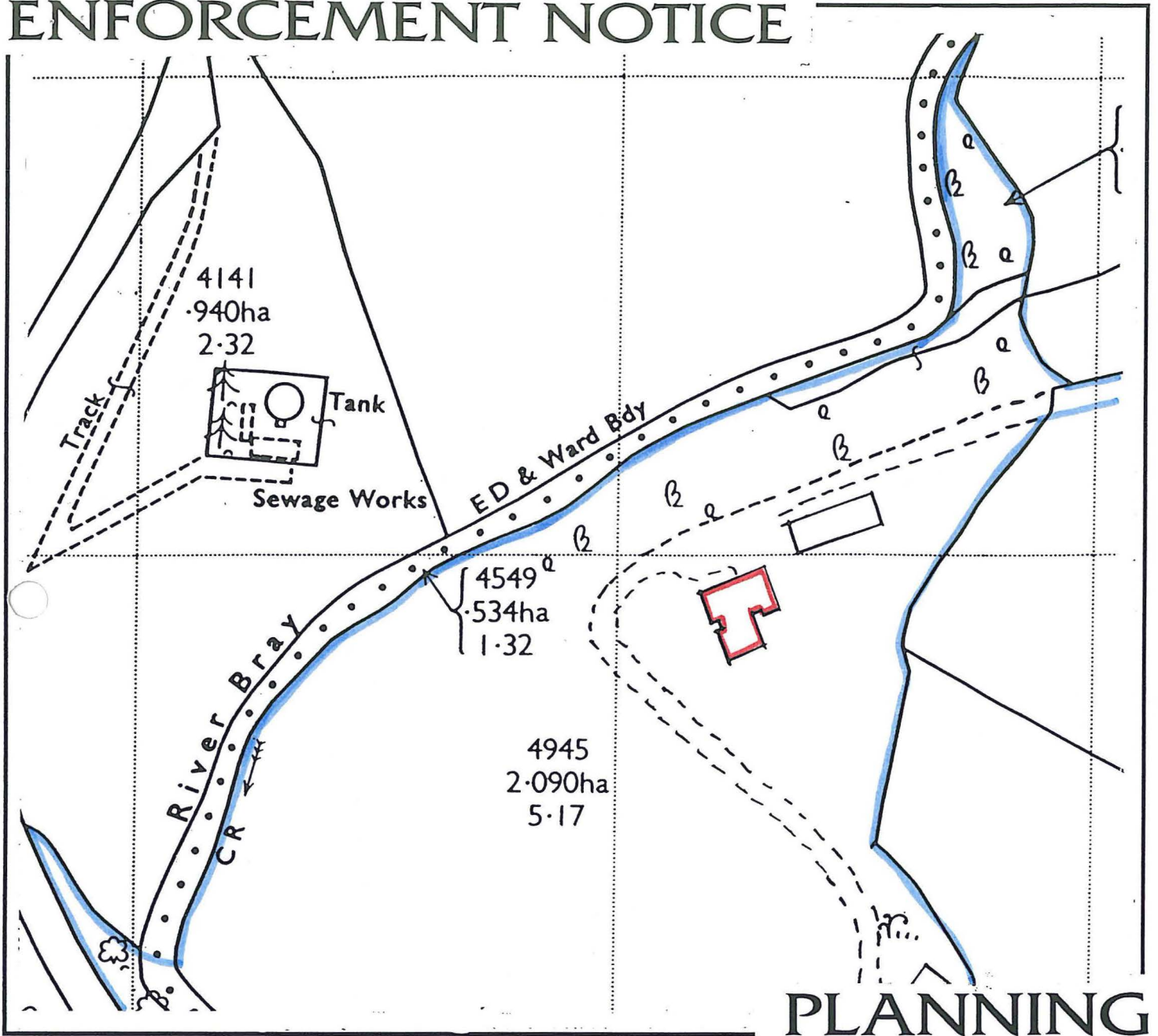
Civic Centre, Barnstaple,  
Devon. EX31 1EA

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# ENFORCEMENT NOTICE

PLAN B



PLANNING

**The Breach of Planning Control Which has Occurred:-**  
 Unauthorised subdivision of the premises into two separate units of accomodation.

**Site:- Oak Tree Holdings, Oak Tree House,  
 Brayford, Barnstaple.**

<b>O.S. Plan No.</b>	SS 6834
<b>Scale</b>	Not to Scale
<b>Drawn</b>	P.E.Trodd
<b>Date</b>	May 1996

## NOTATION



The Site



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

Civic Centre, Barnstaple, Devon, EX31 1EA

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