

1961

**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)

The Exeter Inn, Chittlehamholt, Umberleigh, North Devon

("the land")

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

On the 30<sup>th</sup> August 1990, the District Council granted planning permission, under consent number 12387, for the conversion of a garage to form a bedroom at the Land. The consent was granted subject to conditions. Condition 2 stated:- *"the proposed development shall be carried out in strict accordance with the plans received by the Local Planning Authority on 6<sup>th</sup> July 1990 (Drawing No. 9023/1) submitted with the application"*.

Condition 4 stated:- *"Pedestrian access to the units of accommodation located to the rear of the Exeter Inn shall be via the existing car park serving the public house with the former access onto the county road effectively and permanently closed off and thereafter maintained in accordance with condition 4 imposed on the grant of planning permission reference no.9199 dated 4<sup>th</sup> October 1989"*.

Conditions 2 and 4 have not been complied with as the existing access has not been effectively and permanently closed off in accordance therewith. ("the unauthorised breach")

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. It appears to the Council that the breach has taken place within the past 10 years.
2. The use of the pedestrian access would encourage visitors entering or leaving the site to use a substandard access with inadequate forward visibility and pavement/pedestrian refuge which be likely to endanger all users of the public highway. In the view of the Council, this is contrary to Policy T19 of the Devon County Structure Plan (First Review) and Policy DT10 of the emerging North Devon Local Plan.
3. It is considered by the Council that the use of further planning conditions will not overcome the above reasons for issuing this Notice.

**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) weeks from the date when this notices takes effect.

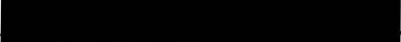
**6. WHAT YOU ARE REQUIRED TO DO**

1. Permanently and effectively close up the pedestrian access formed in the rear boundary of the Land in accordance with the conditions attached to consent 12387.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 9th April 2001 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 9th October 2000

Signed : 

Solicitor, Legal Services Manager

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.**



Cartology  
The Science of Maps

## ENFORCEMENT 1861

SCALE: 1:1250

DRAWN BY: User Name

DATE 19th November 1999

Originating Group:

Organisation

Drawing No.

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