

I hereby certify that this is a true copy of the original.

Signed ...

K. D. MOYLAN

SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 12.7.95

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 Pt. OS 3087, off Wood Lane, Combe Martin, 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 the stationing and residential occupation of a mobile home ("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 where the Council would only normally permit development which, pursuant to its recognised Rural Settlement Policy and provisions of the Devon County Structure Plan, is necessary in the interest of agriculture. The Council do not believe there is an agricultural need or other justification for the unauthorised use such as would overcome the Policy objection. In addition the land is in a protected area as defined by the Coastal Preservation Policy and adopted County Structure Plan, within which only essential development will be permitted and in the opinion of the Council the unauthorised use is not essential and is at variance with the policy provisions of the Devon County Structure plan. The siting of the mobile home on the land, which is in an Area of Outstanding Natural Beauty, is detrimental to the visual amenity of the rural location.

Having regard to the increase in traffic the unauthorised use can generate the road giving access to the site is by reason of its inadequate width, horizontal alignment and general condition unsuitable to accommodate such increase. In addition the junction between the land and the adjacent highway does not provide adequate visibility from or of emerging vehicles with consequent risk of additional danger to all road users and interference with the free flow of traffic. The Council also believe that the increase in traffic generated by the unauthorised use results in vehicular traffic using a designated public footpath with consequent loss of amenity and risk of additional danger and inconvenience to all users of the designated right of way.

A planning application for the siting of a mobile home on the land 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 **THREE** (3) ~~months~~/months from the date when this notice takes effect] ~~the period of THREE (3) months~~.

6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the mobile home for residential occupation.
- (ii) Dismantle and remove from the land the porch/utility room erected on the side of the mobile home.
- (iii) Remove the satellite dish and mountings thereto adjacent to the mobile home from the land.
- (iv) Remove the mobile home from the land.
- (v) Clear up and remove all rubbish and debris resulting from taking the above mentioned steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **21st MARCH 1994** ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] 14th FEBRUARY 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

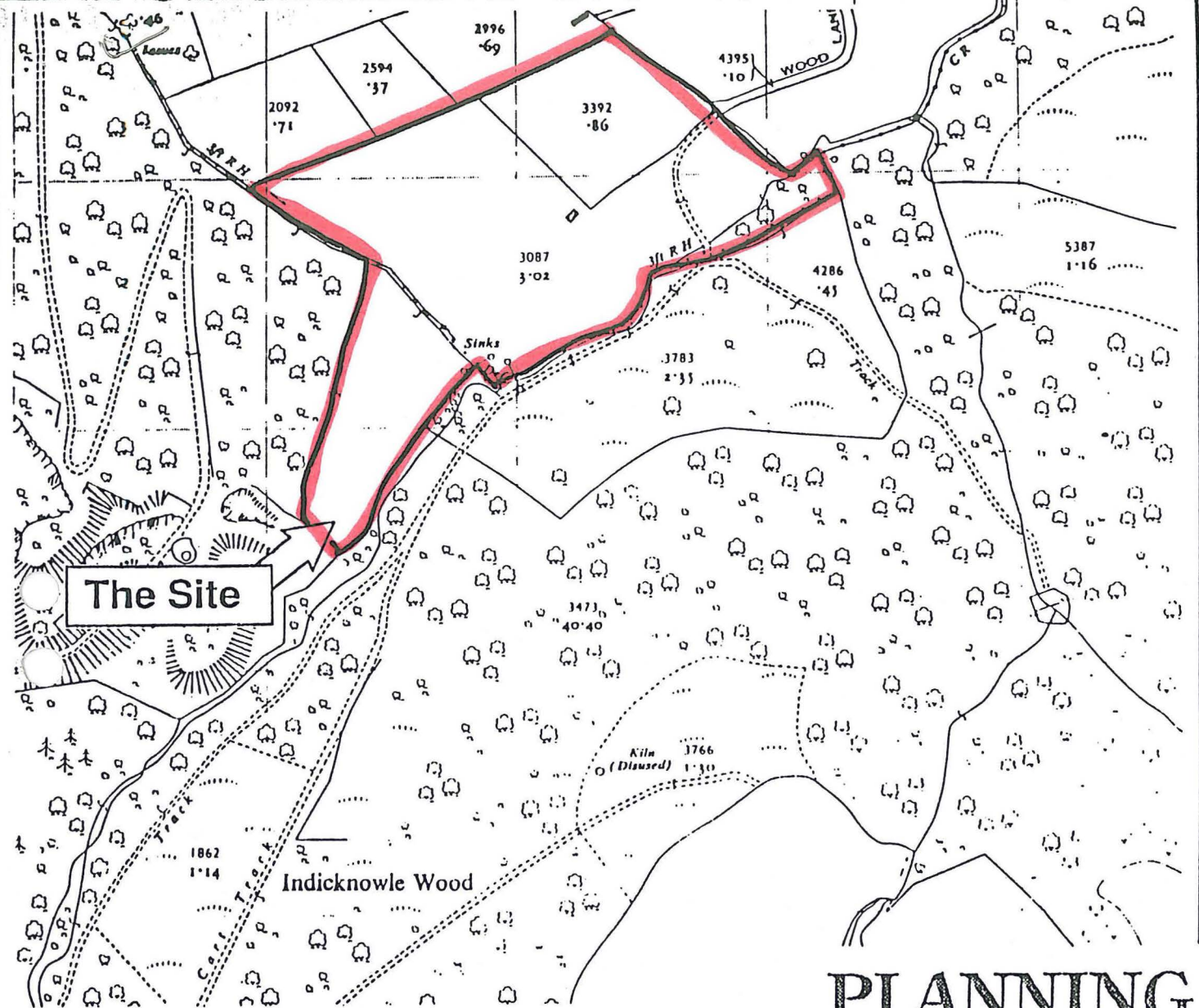
YOUR RIGHT OF APPEAL

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



PLANNING

The Breach of Planning Control Which has Occured:-

Unauthorised Mobile Home, Kennels, Generator House & Satellite Dish

Site:- Land Pt. O.S. 3087 & 3392,
Wood Lane, Combe Martin.

O.S. Plan No	SS 5944
Drawn	
Scale	1:2500
Date	August 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