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**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")**

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

Signed

K. B. MORGAN  
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 29.6.93

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 planning considerations.

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

Part OS Field No. 3959 Land adjoining Eastacombe Lane,  
Heanton Punchardon, Devon

("the land")

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

The carrying out of an engineering operation by the creation of an access from the land onto an adjoining highway by:

1. The removal of a section of Devon hedgebank.
2. The excavation of the land to road level.
3. The provision of hardcore thereon, and
4. Insertion of a wooden fence and gate therein.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Council consider that the breach of planning control took place within the last four years.

It is the opinion of the Council that creation of the access onto the public highway results in danger to all users of the road by reason of :

(i) the limited visibility from vehicles using the access and,

(ii) the gradient of the access.

Furthermore, the absence of provision within the site for the disposal of surface water means that it is likely to discharge onto the public highway with the resultant danger to public safety.

The Council do not consider that all these issues could be satisfactorily 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 ~~days/weeks/months from the date when this notice takes effect~~] [the period specified in respect of each step in paragraph 6].


## 6. WHAT YOU ARE REQUIRED TO DO

- (i) Within seven days of the effective date cease the use of the access.
- (ii) Within two months of the effective date reinstate the land to its original levels prior to the creation of the access.
- (iii) Within two months of the effective date reinstate the section of the Devon hedgebank to its original levels and condition prior to the creation of the access.
- (iv) Within three months of the effective date clear up and remove all rubbish and debris resulting from the taking of steps (i) to (iii) above.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 26th April 1993 ("the effective date")\* unless an appeal is made against it beforehand.

Dated: [date of issue] ..... 18th March 1993

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



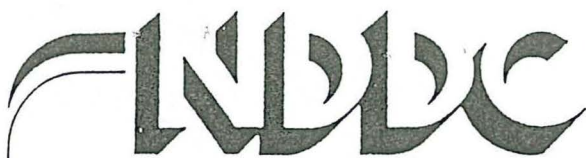
# **GUIDANCE NOTES FOR YOUR INFORMATION**

## **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**

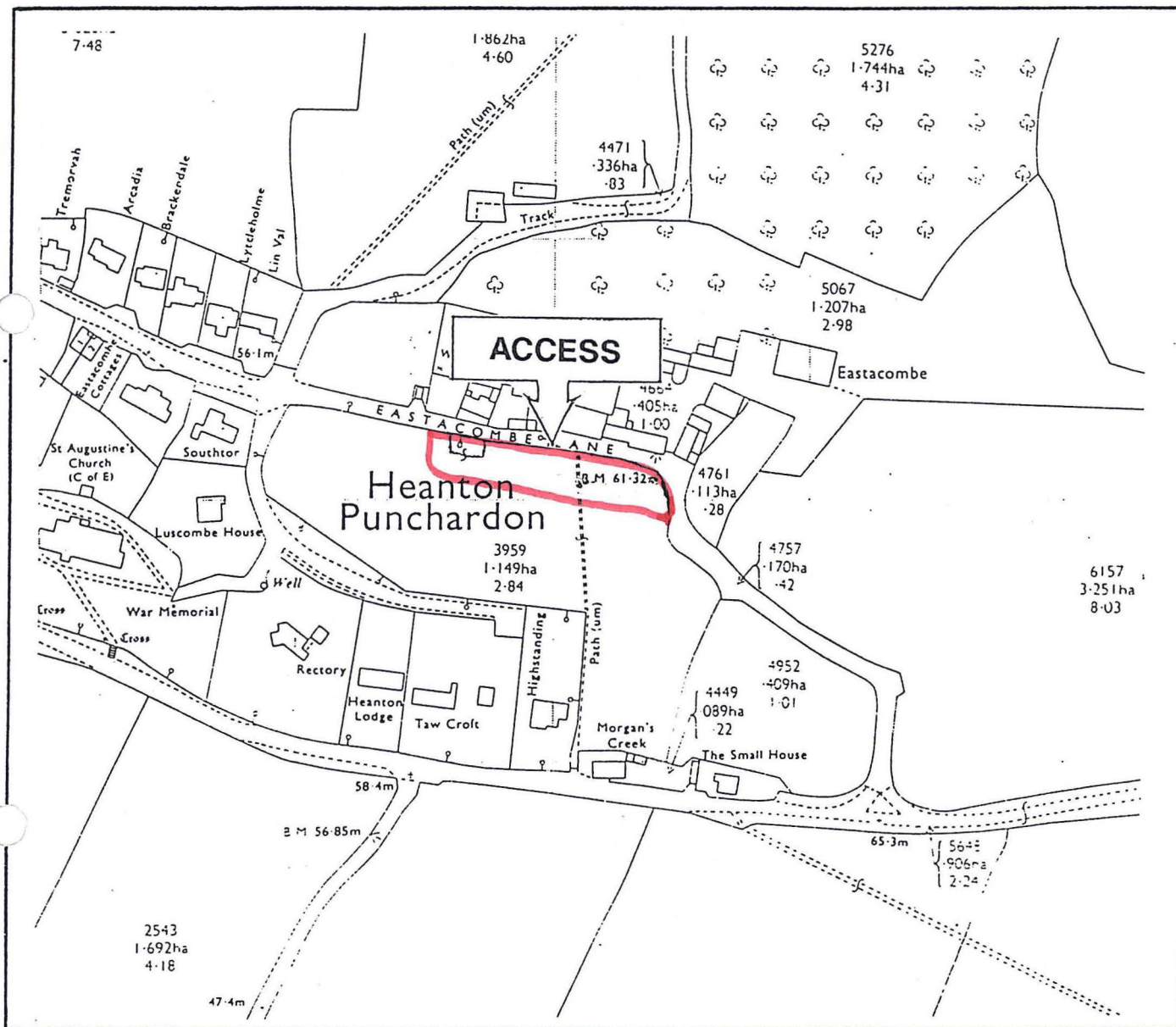
**If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.**



North Devon District Council  
Civic Centre, Barnstaple, Devon EX31 1EA

J. H. Martin Dip.T.P. M.R.T.P.I., Director of Planning.

## ENFORCEMENT NOTICE (PLANNING).



Unauthorised Access,

**Pt O.S. Field No. 3959, Eastacombe Lane,  
Heanton Punchardon.**

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O.S. Plan No: SS. 5035

Drawn: S.M.T.

Scale: 1/2500

Date: April 1991