

A 344

IMPORTANT:— THIS COMMUNICATION AFFECTS YOUR PROPERTY

(a)

NORTH DEVON DISTRICT

Council

**TOWN AND COUNTRY PLANNING ACT 1971
(as amended)**

Enforcement Notice

Breach of Planning Condition to which the 4 year Rule does not apply

(b) Land at Francis Quarry, New Barnstaple Road, Ilfracombe, Devon.

WHEREAS:

(1) It appears to the^(a) North Devon District Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the failure to comply with the following condition(s) subject to which planning permission was granted on 8th day of March 19 57 for^(c) proposed scrap iron dump
O.S.1016 Francis Quarry, New Barnstaple Road, Ilfracombe
Ilfracombe/Barnstaple Road B.3230.

[that] [those] condition(s) appearing not to have been complied with in the respect(s) set out in Schedule 2 below:

(d)

That no dumping shall take place within 100 feet of the adjoining road.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(e)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(f)

within [the period of [days] ~~[months]~~ from the date on which this notice takes effect] ~~[the period specified in respect of each step in that schedule]~~ ^(g)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88 (10) of the Act, on 7th February 19 86 ^(h)

Issued 3rd January 19 86

Council's address —

(Signed)

(Designation) Solicitor
(The officer appointed for this purpose)

CONTINUED OVERLEAF — P.T.O.

NOTES TO THE LOCAL PLANNING AUTHORITY

- (a) Insert the name of the Council issuing the notice.
(b) Insert the address or a description of the land to which the notice relates.
(c) Insert a description of the development for which planning permission was granted, using the words of the grant of permission.
(d) Set out (in full) only the condition(s) which it is alleged has/have not been complied with.
(e) See paragraph 29 of DOL Circular 38/81 (Welsh Office Circular 57/81).
(f) Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
(g) If a single period is to be specified by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
(h) The date selected must be not less than 28 days after all the copies of the notice have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(Address or description)

Land at Francis Quarry, New Barnstaple Road, Ilfracombe, Devon.

shown edged [red] [] on the attached plan.^(j)

SCHEDULE 2

Alleged breach of planning control

Failure to comply with the condition(s) recited overleaf in that^(k)

The land is being used for the storage of vehicles and scrap for breaking or sale.

SCHEDULE 3

Steps required to be taken.^(l)

(i)

To cease the use of the land for storage of vehicles and scrap for breaking or sale.

(ii) To remove all vehicles and scrap from the land.

NOTES TO THE LOCAL PLANNING AUTHORITY

(j) See paragraph 31 of DOE Circular 38/81 (Welsh Office Circular 57/81).

(k) State how it is alleged the condition(s) has/have been breached.

(l) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear and precise. See also notes (f) and (g) overleaf.

0181
13-57

1878
14-05

Francis Quarry
(Disused)

Francis Plantation

0153
10-56

2043
13-77

0134
11-88

3271
20

3360
22

3556
30

3952
58

3249
24

3046
296

3645
224

B
A
R
N
S
T
A
P
L
E
R
O
V
A

H 11 11 11 11

11 11 11 11

H 11

NORTH DEVON DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT (as amended)

ANNEX TO ENFORCEMENT NOTICE

ISSUED JANUARY 1985

1. On the 8th March 1957 Planning Permission number N.D. 533 was granted for a proposed scrap iron dump on the land. One of the conditions imposed by the permission states "that no dumping shall take place within 100 feet of the adjoining road".
2. The reasons given for the condition were to screen the dump from the users of the highway and to safeguard the amenities of the locality.
3. On the 13th April 1983 a planning application was received by the Council. The application asked that the above condition be removed.
4. The application was refused on the 8th June 1983. The reasons given were :-

(a) In the opinion of the Local Planning Authority, the proposal would be seriously detrimental to the visual amenities of this part of the Coastal Preservation Area.

(b) The site is within a protected area, as defined by the Coastal Preservation Policy CO10 of the approved Structure Plan. Within this area only essential development will be permitted and in the opinion of the Local Planning Authority the development now proposed is not essential.

(c) The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the Class II road, through an access that does not provide adequate visibility for emerging vehicles, with consequent risk of additional danger to all road users and interference with the free flow of traffic.

(d) The proposed development does not make adequate provision for the manoeuvring of commercial vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all road users and interference with the free flow of traffic.

(e) The proposed development does not make adequate provision for the parking of vehicles off the highway and would therefore encourage parking on the highway, with consequent risk of additional danger to all road users and interference with the free flow of traffic.

(f) The inadequate width of the access would be likely to cause congestion, with consequent risk of additional danger to all road users and interference with the free flow of traffic.

(g) The proposed extension to the scrap iron dump is likely to result in an increase in the discharge of surface water and mud from the site onto the County road and interference with the stability of the lands adjacent to the County road, with consequent risk of danger to users of the County road and an adverse affect on the condition of the County road.

5. The condition is at present being ignored and vehicles and scrap for breaking or sale are being stored within 100 feet of the highway.
6. The site remains within the Coastal Preservation Area and the use is detrimental to the visual amenities of the area.
7. The use constitutes an unauthorized extension of the car breaking business resulting in additional traffic through a substandard access with consequent risk of highway danger.
8. The Council therefore considers it expedient, having regard to the provisions of the development plan and to all other material considerations to issue the Enforcement Notice.