

**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 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)

Land being part of OS 3714, New Barnstaple Road, Ilfracombe, North Devon

(“the land”)

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

The change of use of the land to a use for the siting of a mobile home and the use of the land as a garden including the construction of a pergola type structure, a wood store or shed, steps and handrails, patio areas, fencing and decking together with the storage of garden furniture, builders materials, scrap, machinery and wooden pallets

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. The land is within the Coastal Preservation Area as contained within the Devon County Structure Plan Third Alteration and is adjacent to the Heritage Coast and Area of Outstanding Natural Beauty. It is also outside of the Ilfracombe development boundary. The unauthorised development is not essential, has no agricultural need and is also a detriment to the amenity of the locality. Therefore the unauthorised development is considered to be contrary to national policies, the Devon County Structure Plan Third Alteration and the emerging North Devon Local Plan.
2. It appears to the Council that the unauthorised development has taken place within the last 10 years.
3. The Council do not consider that the use of planning conditions would overcome the above reasons for issuing

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

The Council require that the steps specified in paragraph 6 be undertaken within the period of three months from the date when this notices takes effect.

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

1. Remove the mobile home from the land,
2. Cease the use of the land as a garden and for the siting of a mobile home,
3. Remove the pergola type structure, the wood store or shed, all steps, handrails, patio areas, fencing, decking, garden furniture, builders materials, scrap, machinery and wooden pallets from the land,
4. Remove all rubbish and debris arising from taking the above steps.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 23<sup>RD</sup> SEPTEMBER 1997 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 20<sup>TH</sup> AUGUST 1997

Signed : .....

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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**

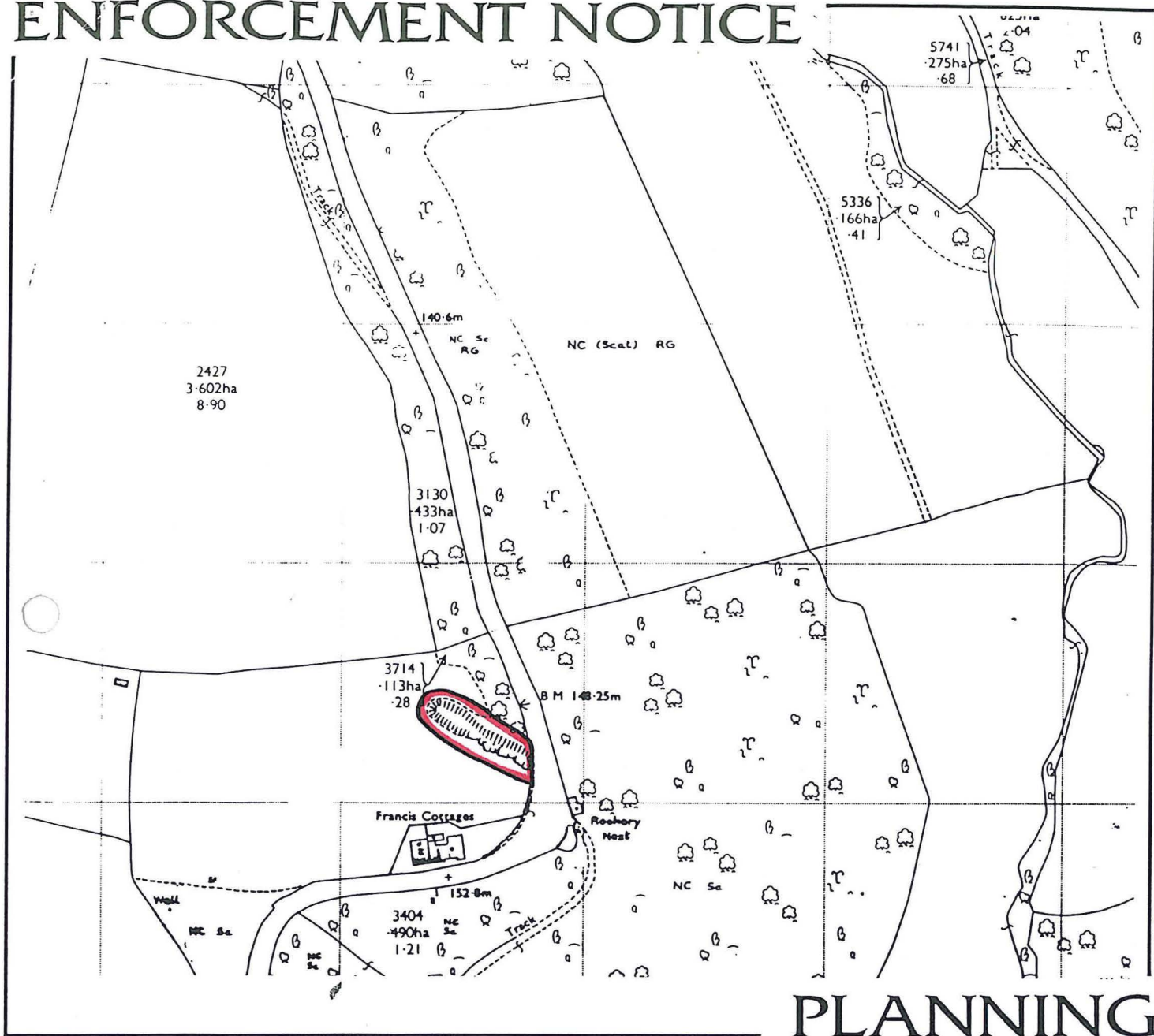
### **YOUR RIGHT OF APPEAL**

**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



## PLANNING

### The Breach of Planning Control Which has Occurred:-

Unauthorised Change of Use of Land to Garden, Various Works to form Domestic Curtilage, and Siting of Caravan for Residential Use,

**Site:- Land Adjacent to Francis Cottage,  
O.S. 3714, New Barnstaple Road,  
Ilfracombe.**

**O.S. Plan No.** SS 6346

**Scale** 1:2500

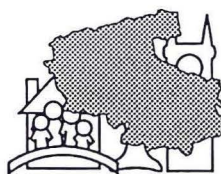
**Drawn** S.Thomas

**Date** June 1997

### 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