



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 planning considerations.

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

"Kirkside", Guineaford, Marwood, Devon

("the Land")

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

On the 8th November 1967 planning permission was granted for proposed bungalow and access on the land, subject to conditions. One of those conditions was that:-

5. The dwelling hereby permitted shall be occupied only by persons employed or last employed locally in agriculture as defined by Section 221 of the Town and Country Planning Act 1962, and the dependants of such persons as aforesaid.

It appears to the Council that the condition has not been complied with because the current occupiers are not employed or last employed in agriculture or are dependents of such persons as aforesaid.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The land is sited in a locality where approval would not have been granted for a dwelling had it not been considered that the development would satisfy an agricultural need. The continuing need for such accommodation was acknowledged by an Inspector when dismissing an appeal against the refusal of the Local Planning Authority to remove the occupancy condition in 1991. It is considered expedient in the interests of planning that the condition be maintained to ensure the long term availability of the property for agricultural purposes.

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) ~~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) Cease the occupation of the land by all persons except those who satisfy the criteria contained in condition 5 of the planning permission referred to in paragraph 3.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18th May 1992 ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] 13th April 1992

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

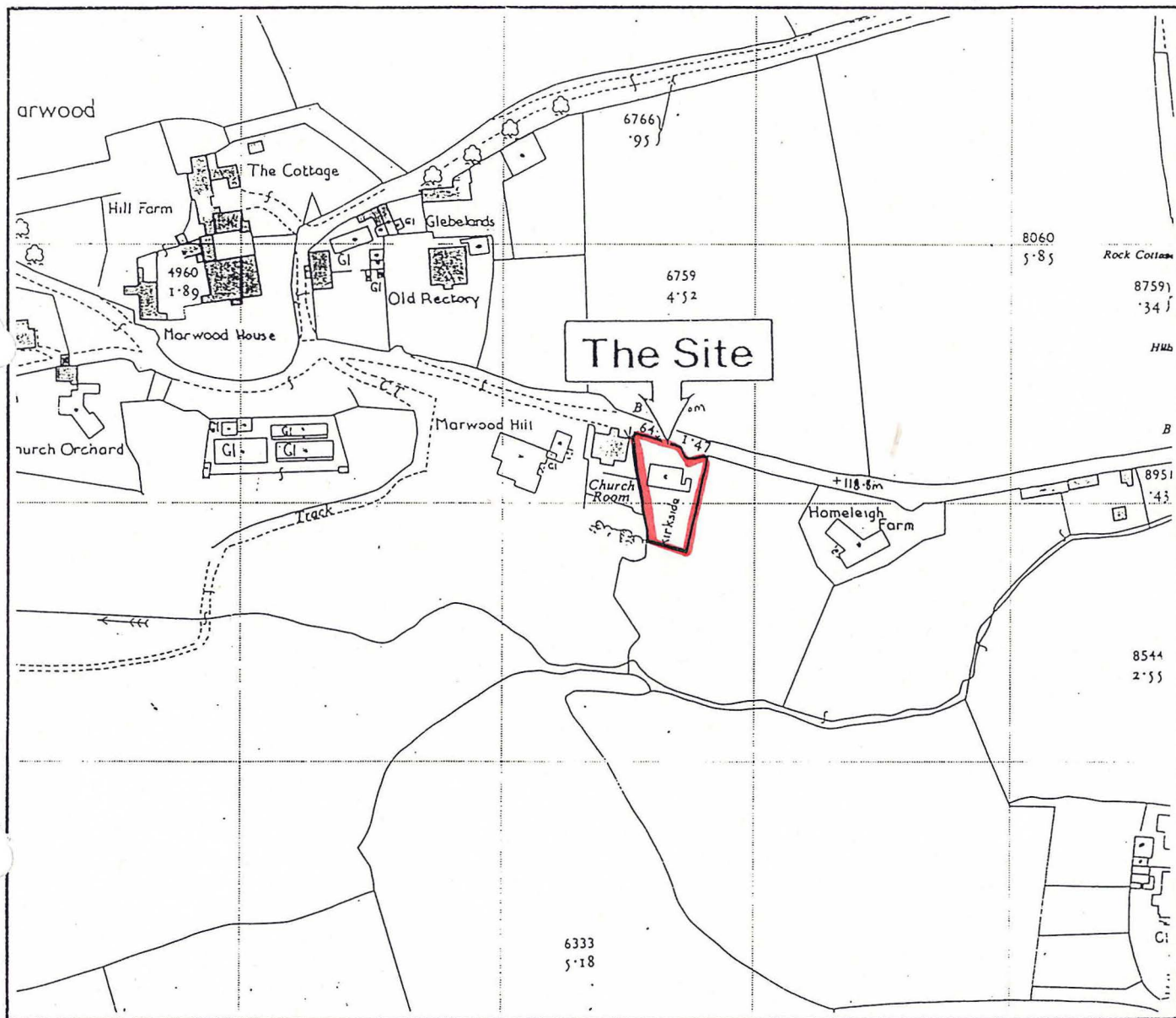
If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement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



**Failure to Comply With Condition for Agricultural Occupancy,
Kirkside, Guineaford, Marwood.**

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O.S. Plan No: SS.5437

Drawn: S.M.T.

Scale: 1/2500

Date: October 1990