



700

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 8088 Nr. Lynton Cross, Ilfracombe,
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 use for storage of motor vehicles, scrap motor vehicles and scrap material ("the unauthorised use")

4. **REASONS FOR ISSUING THIS NOTICE**

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

It occurs that the above breach of planning control has occurred within the last 10 years.

The Land is within an Area of Outstanding Natural Beauty, Coastal Preservation Area and Heritage coast. The Council consider that the unauthorised use is visually detrimental to the character and appearance of the area by reason of the untidiness and the incongruous nature of it with the surrounding location. Such use would be considered contrary to Policies (Policies CDE1, CDE3, CDE5 and EMP7 of the Devon County Structure Plan.

Having regard to the increase in traffic the unauthorised use can generate the access to the land from the public highway is, by reason of the limited visibility from and of vehicles using the access likely result in conditions of danger to all road users and interference with the free flow of traffic.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the unauthorised use.

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~~].

6. WHAT YOU ARE REQUIRED TO DO

- i] Cease the use of the land for the storage of motor vehicles.
- ii] Cease the use of the land for the storage of scrap motor vehicles.
- iii] Cease the use of the land for the storage of scrap materials.
- iv] Remove all motor vehicles from the land.
- v] Remove all scrap material from the land.
- vi] Clear up and remove from the land all rubbish and debris resulting from taking the above mentioned steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **6th JUNE 1994** ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] **27th April 1994**

Signed:  **Solicitor**

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.

Civic Centre, Barnstaple, Devon
EN31 1EA