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# NDDC

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **ENFORCEMENT NOTICE**

### **OPERATIONAL DEVELOPMENT**

**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 considerations.

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

Land PT O.S 5051, Whitehall, Marwood, North Devon

("the land")

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

Without planning permission the carrying out of unauthorised operations by the removal of hedgebank and the creation of a four metre gap with two earth banks set back at the approximate position shown by a black cross on the plan marked A attached hereto, ("the unauthorised works")

4.     **REASONS FOR ISSUING THIS NOTICE**

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

It appears to the Council that the above breach of planning control occurred in the last four years.

The Council accepts that there was an access to the land but that access consisted of a field gate set within a mature hedgebank. The unauthorised works provide for a substantially wider access set back from the adjacent highway bordered by earthbanks.

The land is in a rural location and the removal of the hedgebank and associated works to provide the access is considered detrimental to the visual amenity thereof.

Although invited, no application has been submitted for the unauthorised works and therefore the Council have not had the opportunity to consider whether the planning objection to the unauthorised works could be overcome. The Council do not consider that permitted development rights pursuant to the General Permitted Development Order 1995 apply to the unauthorised works.



**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** from the date when this notice takes effect.

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

With reference to Plan B attached hereto showing, for identification purposes only, the layout of the unauthorised works ;

- (i) remove the unauthorised earth banks, shown for identification purposes only by black hatching.
- (ii) remove the temporary post and wire fence erected between the points shown A and B on the said plan.
- (iii) insert a straight continuous boundary bank which directly links the existing Devon hedgebanks on either side of the unauthorised works between the points A and B on the said plan, such banks being, so far as is reasonably possible, of the same size, height and width as the existing abutting hedgebanks. The replacement boundary hedgebanks to include a 1.2 metre long gap giving an access to field number OS 5051, such gap being situated, as far as reasonably possible to the field entrance existing prior to the unauthorised works being carried out.
- (iv) clear up and remove all rubbish and debris resulting from taking the above mentioned step.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **6th JANUARY 1997** ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] ...29th November 1996.....

Signed : .....

So

on behalf of: North Devon District Council,  
Civic Centre,  
Barnstaple,  
North Devon.  
EX31 1EA.

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\* specific date, not less than 28 clear days after date of service  
whitenfWA

## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **YOUR RIGHT OF APPEAL**

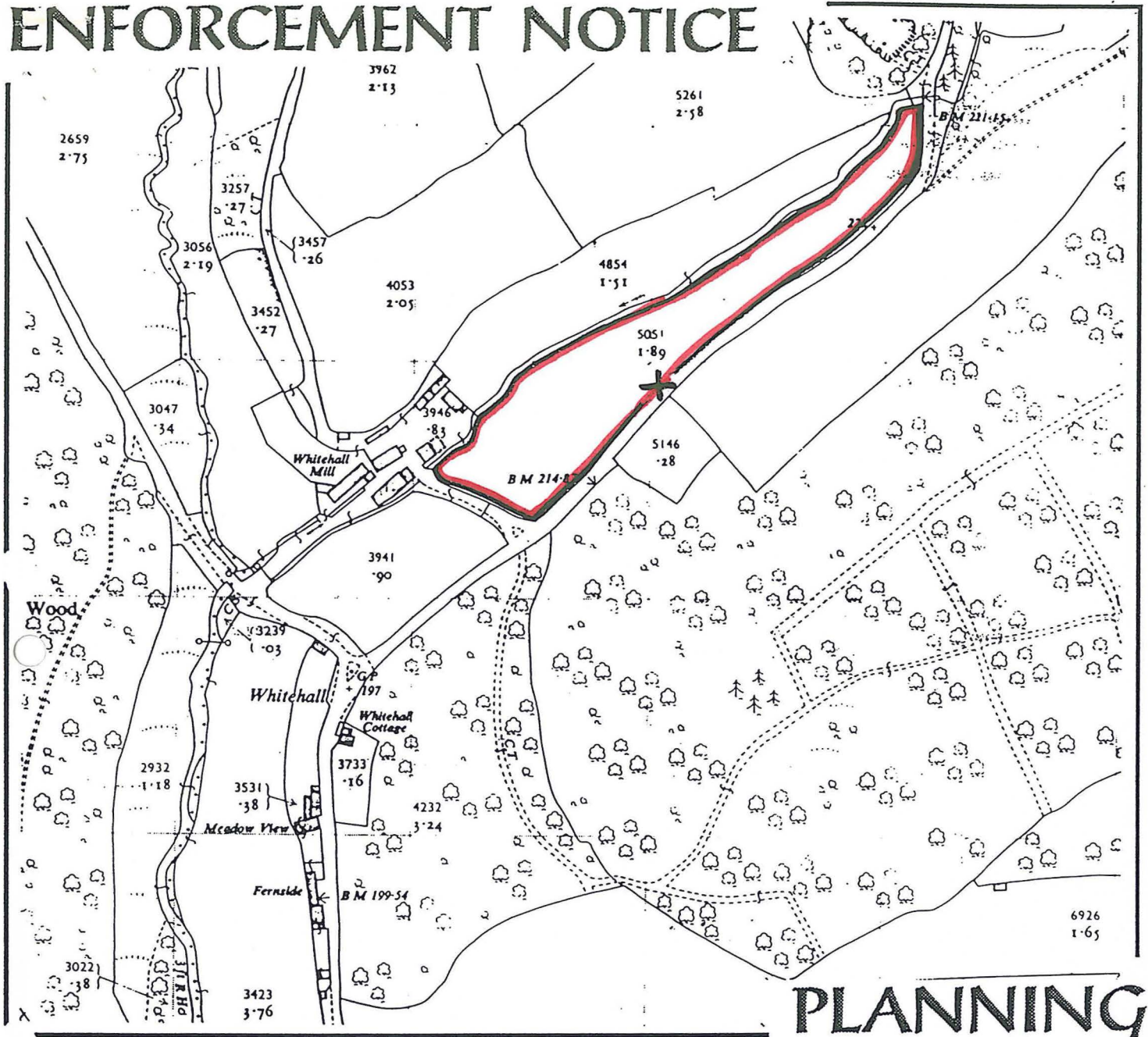
**You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. 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



The Breach of Planning Control Which has Occured:-  
Unauthorised Access.

Site:- O.S. 5051, Whitehall,  
Marwood.

PLAN (A)

O.S. Plan No SS 5337  
Drawn  
Scale 1:2500  
Date May 1994

## NOTATION



The Site



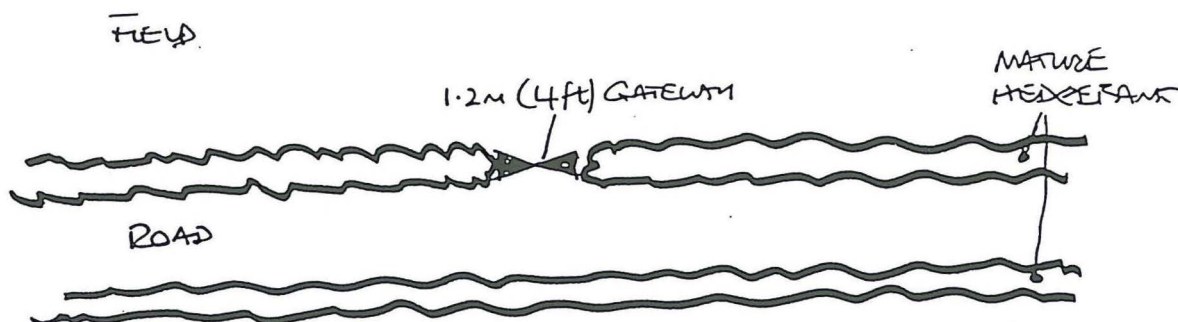
M.J. Easton Dip.T.P. M.R.T.P.I.,  
Principal Planning Officer

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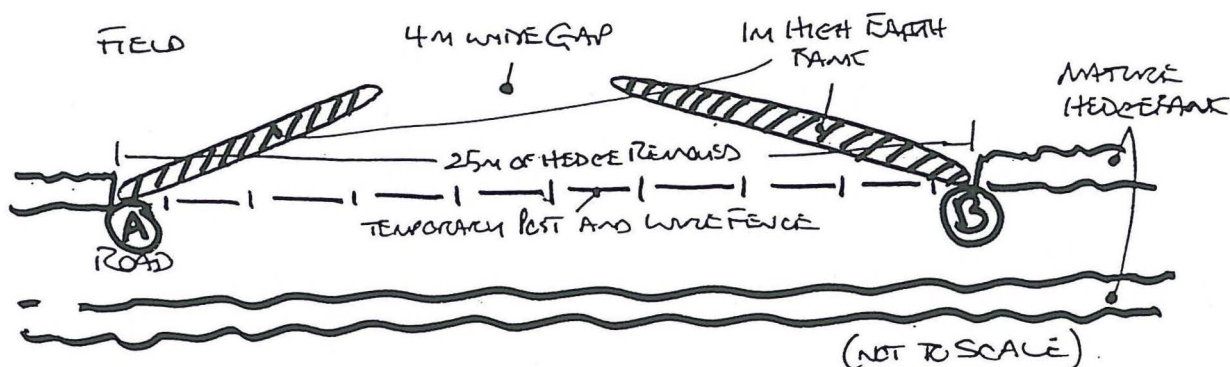
Civic Centre, Barnstaple, Devon  
EX31 1EA

# ENFORCEMENT NOTICE

## ORIGINAL SITUATION TO BE REINSTATED



## UNAUTHORISED WORKS



## PLANNING

**The Breach of Planning Control Which has Occurred:-**  
Unauthorised access,

**Site:- O.S. 5051, Whitehall,  
Marwood.**

**PLAN (B)**

<b>Scale</b>	Not to Scale
<b>Drawn</b>	R. Pedlar
<b>Date</b>	September 1996

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M.J. Easton Dip.T.P. M.R.T.P.I.,  
Principal Planning Officer

Civic Centre, Barnstaple, Devon, EX31 1EA