

I hereby certify that this is a true copy of the original.

Signed

K. D. MIDGLEY
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 7.9.95

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 considerations.

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

Land at Barton Road, Woolacombe, Devon

(“the land”)

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

The unauthorised change of use of the land from retail sales to a mixed use of retail and stationing of a motor van for the purpose of selling hot food and refreshments (“the unauthorised use”).

4. **REASONS FOR ISSUING THIS NOTICE**

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

In the opinion of the Council, the unauthorised use commenced within the last 10 years

The land is located within the Woolacombe Conservation Area. In the opinion of the Council unauthorised use is a detriment to the character and appearance of the Conservation Area by virtue of its appearance and associated odours and noise.

The land is situated within an Area of Outstanding Natural Beauty and permission would only normally be granted where this is necessary for the social or economic well being of the area or where the unauthorised use would enhance the character of the area. In the Council’s opinion, the unauthorised use does not comply with this requirement and is therefore contrary to both the Third alteration of the Devon County Structure Plan and national policy.

The Council do not consider that planning permission should be given as conditions could not overcome these objections.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of seven (7) days from the date when this notices takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land for the stationing of a motor van,
2. Remove the said motor van from the land,
3. Cease the use of the land for the sale of hot food and refreshments, and
4. Remove all debris rubbish and other articles resulting from the taking of the above steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 27-9-95 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 23-8-95

Signed : 

Director

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

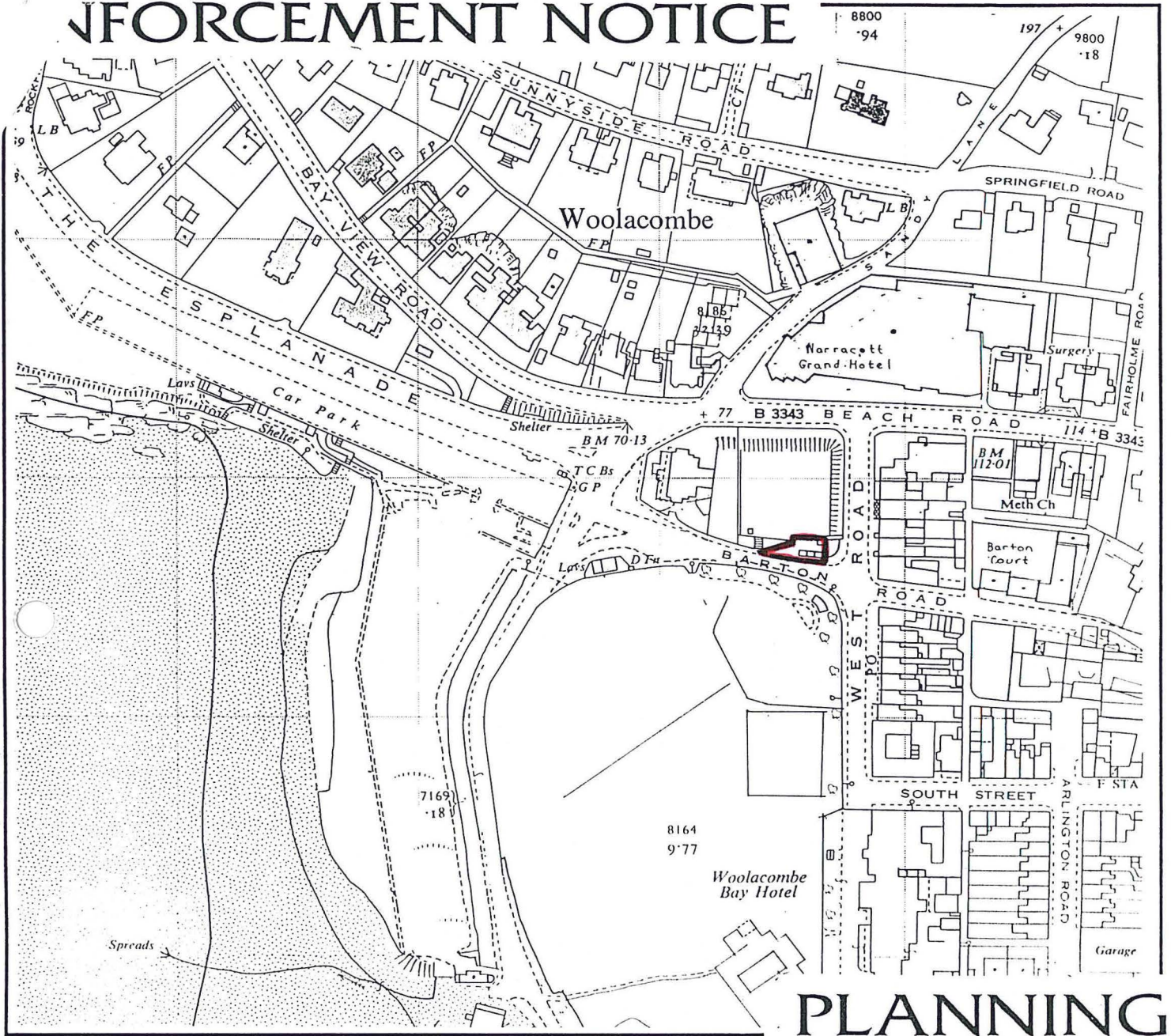
YOUR RIGHT OF APPEAL

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.

ENFORCEMENT NOTICE



PLANNING

The Breach of Planning Control Which has Occurred:-
unauthorised siting of hot food vending van,

**Site:- Barton Road,
Woolacombe.**

O.S. Plan No.	SS 4543
Scale	1:2500
Drawn	Sue Thomas
Date	July 1995

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