

19/66

# NDDDC

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

## ENFORCEMENT NOTICE

**BREACH OF LIMITATION**

**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 considerations.

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

Land OS 4100 at Motehoe Station Road, Morteheo, North Devon

(“the land”)

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

Use of land for a funfair in excess of the 28 days in any calendar year permitted by Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (“the breach of planning control”)

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. It appears to the Council that the breach of planning control has taken place within the last 10 years.
2. The land is within an area designated as an Area of Outstanding Natural Beauty and is also part of the Coastal Protection Area and Heritage Coast as designated by the Devon County Structure Plan Third Alteration. The breach of planning control is deemed to be in breach of policies within that Structure Plan and within the emerging North Devon Local Plan and is also in breach of national policies due to its intrusive nature.
3. The access to the land is via a substandard entrance from the County road in close proximity to a road junction on a narrow road lacking footways. In the opinion of the Council this creates an element of danger to all road users.
4. In the opinion of the Council, the use of planning conditions would not overcome the above reasons for issuing this Notice

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

The Council require that the steps specified in paragraph 6 be undertaken within the period of 21 days from the date when this notices takes effect.

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


Other than is permitted by the Town and Country Planning (General Permitted Development) Order 1995:-

1. Cease the use of the land for a funfair and for the stationing of any funfair type rides,
2. Remove from the land all rides, booths, caravans and other temporary structures or machinery placed thereon,
3. Restore the land to its original condition prior to the breach of planning control occurring,
4. Remove from the land any rubbish or debris resulting from taking the above steps.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 22<sup>ND</sup> SEPTEMBER 1997 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 19<sup>TH</sup> AUGUST 1997

Signed :  .....

....., Legal Services Manager

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



## **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.**

