NDC

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")** 

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

- 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)

Land PT OS 0019, Nr. Lambscombe Cross, North Molton, 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 the stationing and residential occupation of a mobile home.

#### 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 has occurred within the last ten years.

The land is within an area where the Council would only normally permit development which, pursuant to its recognised rural settlement policy and the provisions of the Devon County Structure Plan, is necessary in the interests of agriculture. The Council do not believe that there is an agricultural need for the use such as would overcome the policy objection. The siting of the mobile home in a rural area and the effect of its appearance on the visual amenity of the rural location is also at variance with Policy SE7 of the Devon County Structure Plan.

A planning application for the siting of a mobile home on the land has already been refused and the Council consider that the use, if continued, would set a precedent for development along a road which, by virtue of its width and alignment, is unsuitable to cater for the additional traffic generated. In addition the increase in the use of the access from the land onto the adjacent highway, by reason of the limited visibility from and of vehicles using the access, results in additional danger to all users of the road and interference with the free flow of traffic.

### 5. WHEN YOU ARE REQUIRED TO ACT

"The Council require that the steps specified in paragraph 6 be undertaken within [the period of SIX (6) days/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	use	of	the	mobile	home	for	residential	
	occupation.									

- (ii) Remove the mobile home from the land.
- (iii) Clear up and remove all rubbish and debris resulting from taking the above mentioned steps.

#### 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on against it beforehand.	3RD MAY 1993	("the effective date")* unless an appeal is made					
Dated: [date of issue]	29TH MARCH 1993						
Signed:							
	von District Council,						
Civic Cen Barnstapi EX31 1E/	e, Devon,						

\* 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.

