

1804



ENFORCEMENT NOTICE

BREACH OF CONDITION

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

**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 at Anchor Mills, Bradiford, Pilton West, Barnstaple, North Devon

("the land")

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

On 26th September 1994 planning permission, reference 17822, was granted for an extension to existing stables on the land, subject to conditions. One of those conditions is as follows;

"3. Before the building as approved is brought into use, a one meter high earth bank surmounted by a double row of beech as referred to in the amended plan received by the Local Planning Authority on the 20th September 1994, shall be constructed on the south side of the stables. Any tree damaged or becoming seriously diseased within five years from the date on which the planting scheme shall have been completed shall be replaced with the same species of tree."

("the condition")

It appears to the Council that the condition has not been complied with because the building has been brought into use but the planting required by the condition has not been complied with.

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 the planning control has occurred within the last ten years.

The land is in an open rural area visible from surrounding locations and the condition was imposed to ensure that the development assimilates with the surrounding landscape, to safeguard the appearance and character of the area. Whilst the one meter earth bank has been provided and some planting has occurred, the Council do not consider that the requirements of the condition have been fully satisfied.

The Council do not consider that there should be any relaxation of the condition.

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

The Council require that the steps specified in paragraph 6 be undertaken within **FIVE (5) MONTHS** from the date when this notices takes effect.

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

Plant the double row of beech to surmount the one meter earth bank already provided on the land, in accordance with the condition.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **12th July 1998** ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue]3rd June 1998.....

Signed :

Solicitor, Legal Services Manager

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

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

GUIDANCE NOTES FOR YOUR INFORMATION

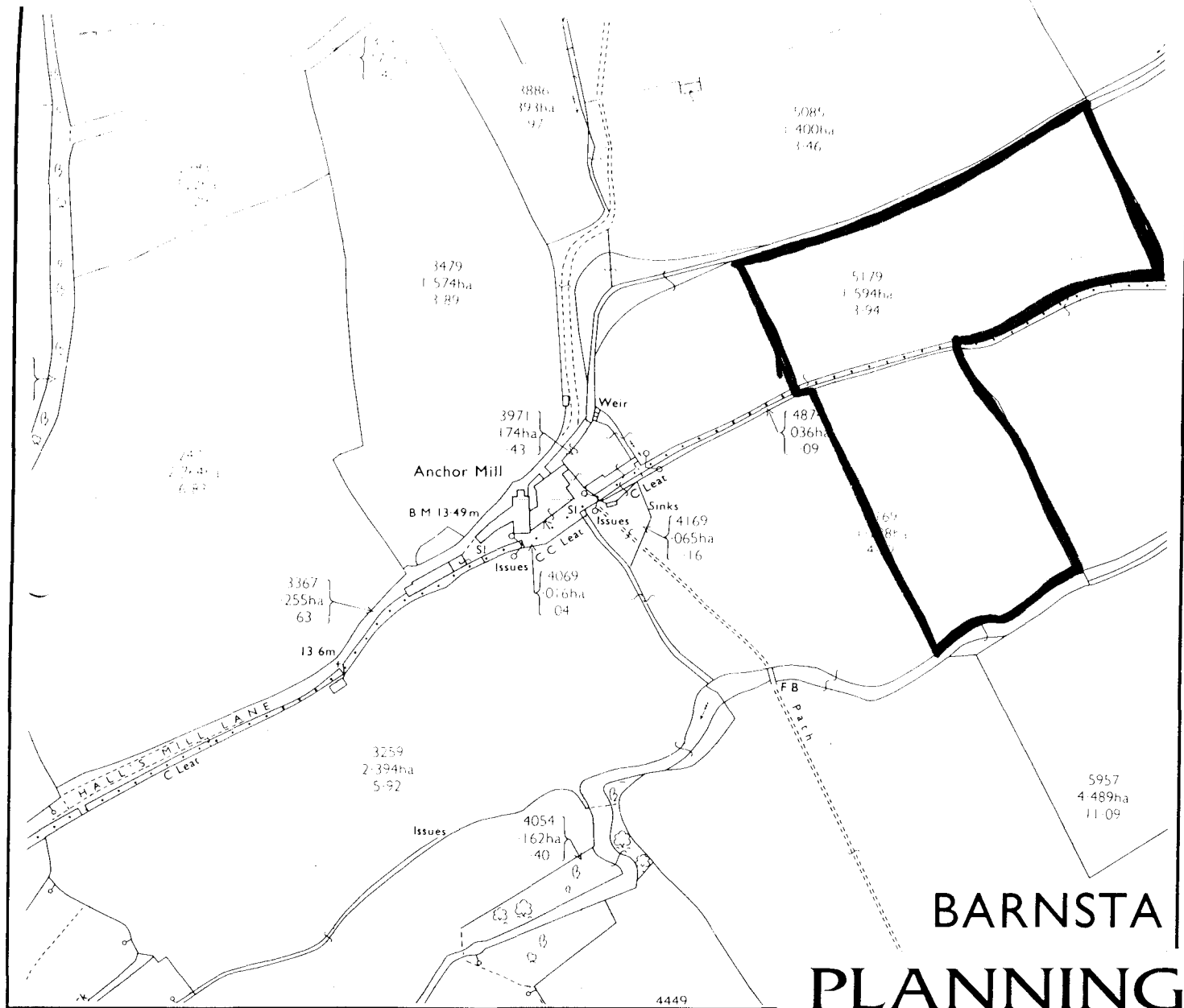
YOUR RIGHT OF APPEAL

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



**BARNSTA
PLANNING**

The Breach of Planning Control Which has Occurred:-

Non-Compliance with Condition No. 3 of Planning Permission Reference No. 17822,

**Site:- Land at Anchor Mills,
Bradiford, Pilton West.**

O.S. Plan No. SS 5534

Scale 1:2500

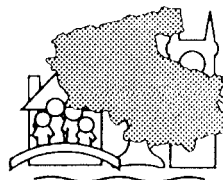
Drawn S.Thomas

Date May 1997

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



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Enforcement Notice 1804
Land at Anchor Mills, Bradiford, Pilton West, Barnstaple

QGIS

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