



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

Signed



N. D. DISTRICT COUNCIL
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED

.....

IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

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 planning considerations.

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

Land between Two Moors and South View, Mariansleigh,
North Devon.

("the land")

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

See Appendix A.

4. **REASONS FOR ISSUING THIS NOTICE**

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

See Appendix B

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.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within [the period of **TWO(2)** ~~days/weeks/months~~ from the date when this notice takes effect] [~~the period specified in paragraph 6~~].


6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease work on the development.
- (ii) Cease the use of the access on the northern boundary to the Land for both vehicular and pedestrian access.
- (iii) Provide the access, parking facilities, visibility splays, turning area, access drive, access drainage in accordance with the terms of conditions 5, 8 and 12 to permission 4733 dated 2nd November 1988.
- (iv) Provide the access and drainage works in accordance with condition No. 5 to permission reference 8149 dated 6th October 1989
- (v) Provide the hedgebank along the northern frontage of the Land in accordance with condition no. 6 to permission reference 8149 dated 6th October 1989.

7. WHEN THIS NOTICE TAKES EFFECT

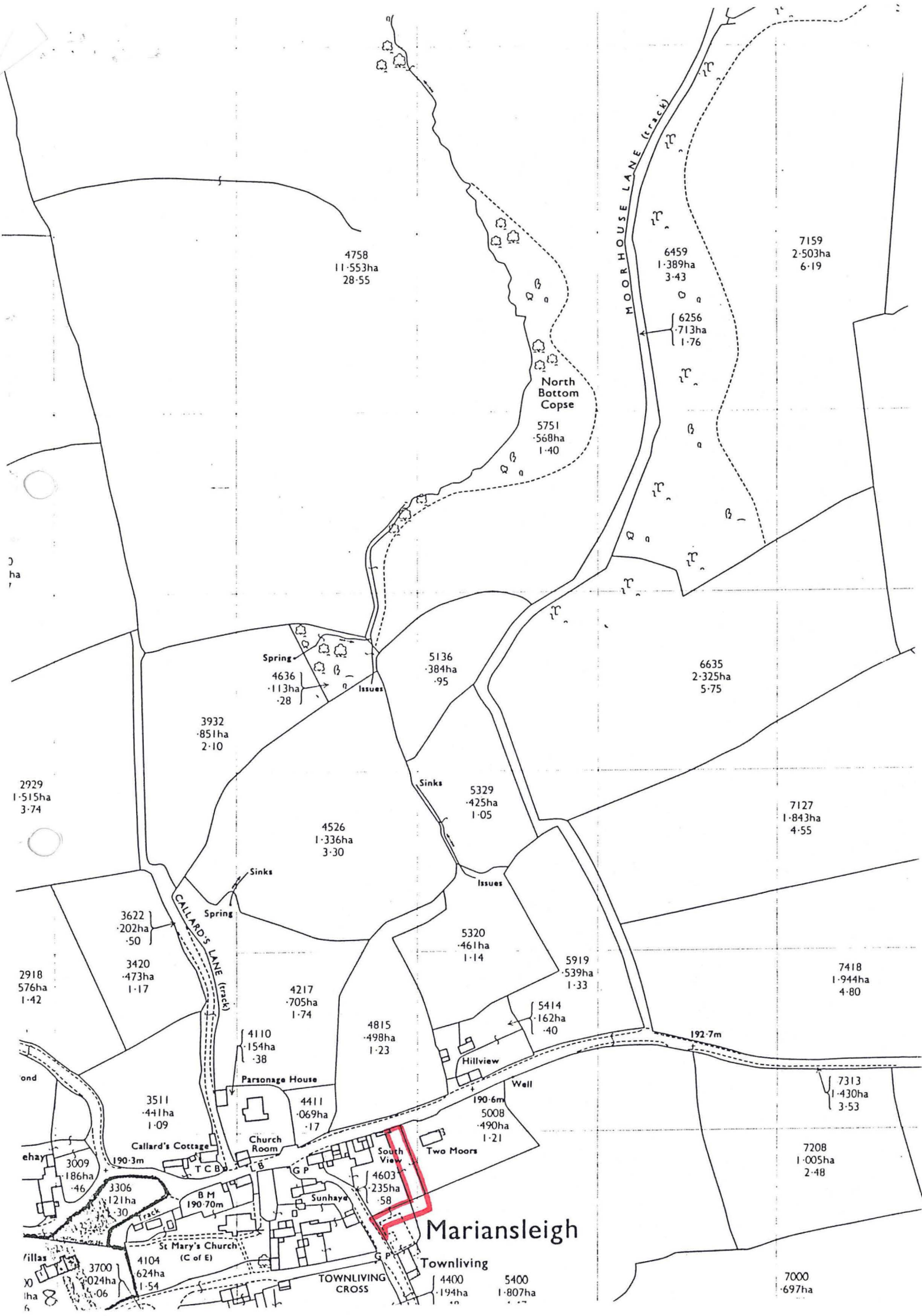
This Notice takes effect on **21ST MARCH 1994** ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] **2nd FEBRUARY 1994**

Signed:  **SOLICITOR**

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



APPENDIX A

On the 6th October 1989 planning permission was granted for detailed application reference 8149 for proposed erection of a cottage on the Land ("the Development") following approval of an outline application, ref. 4733 dated 2nd November 1988 for the Development (hereinafter collectively referred to as "the permission"). The permission was made subject to conditions, several of which are as detailed below.

(Outline 4735)

5. The Development hereby approved shall be carried out in accordance with the amended drawings received by the Council on 7th June 1988 with further drainage amendment of 23rd August 1988. These amendments provide for:
 - (a) Drainage in the field to the south.
 - (b) There shall be no access, either vehicular or pedestrian from this site to the County road to the north of the site. Precise details of the closure of this frontage shall be submitted as part of the reserved matters of Condition 2 above.
8. Site access and visibility splays shall be constructed, layed out and maintained for that purpose in accordance with the attached diagram A1 where the visibility splays provide intervisibility between any points of the X and Y access at a height of 0.500 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway identified as X shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway identified as Y shall be 33 metres in both directions as far as the application site is affected.
12. No other part of the development hereby approved shall be commenced until the access parking facilities, visibility splays, turning area, access drive, access drainage have been provided in accordance with the requirements of this permission to the satisfaction of the Council.

(Detailed 8149)

2. The conditions attached to and specified upon the notice of planning permission 4733 dated 2nd November 1988 relating to this development are reiterated and are still in force in so far as they have not already been discharged to the satisfaction of the Council.
5. As agreed in the applicant's letter of 11th September 1989 the access and drainage works, including the replacement system to Flora Cottage shall be provided on site before further works proceed on the dwelling.
6. The hedgebank to be constructed along the northern frontage of the site shall provide for a bank base of at least 1 metre high with indigenous species of hedge to be planted on top of this bank and maintained thereafter.

It appears to the Council that work has commenced on the Development prior to the above conditions being complied. Access to the land has not been provided in accordance with the terms of the permission and access, both vehicular and pedestrian to the Land is still via the northern boundary.

APPENDIX B

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The Council required the conditions to be complied with in order to ensure a scheme of development appropriate to the Land.

The Council are concerned that access to the Land is still gained via the northern boundary which has limited visibility of or from vehicles emerging from the land on to the adjacent County highway., The continued use thereof results in danger to all road users and interference with the free flow of traffic.

The Council do not consider there should be any relaxation of any of the conditions in question.