

enforcement
file**IMPORTANT:— THIS COMMUNICATION AFFECTS YOUR PROPERTY**

(a)

NORTH DEVON DISTRICT

Council

TOWN AND COUNTRY PLANNING ACT 1971
(as amended)**Enforcement Notice****Material Change of Use**

(b) Unauthorised Caravan in agricultural field No. O.S. 4200,

..... Birchfield, Gunn, Swimbridge, Devon

WHEREAS:

(1) It appears to the^(a) North Devon District Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963^(c)

on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(d)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(e)

within [the period of Twentyeight [days] ~~[months]~~ from the date on which this notice takes effect] ~~[the period specified in respect of each step in that schedule].~~^(f)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88 (10) of the Act, on 31st March 19 89 .^(g)

Issued 28th February 1989 19 ..

Council's address —
Civic Centre,
Barnstaple,
North Devon,
EX31 1EA

(Signed)

(Designation)

(The officer appointed for this purpose)

Solicitor

CONTINUED OVERLEAF — P.T.O.**NOTES TO THE LOCAL PLANNING AUTHORITY**

- (a) Insert the name of the Council issuing the notice.
 (b) Insert the address or a description of the land to which the notice relates.
 (c) Where section 87(4)(c) of the Act applies insert "and within the period of 4 years before the date of issue of this notice."
 (d) See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
 (e) Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
 (f) If a single period is to be specified, by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
 (g) The date selected must be not less than 28 clear days after all the copies of the notice will have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(Address or description)

Agricultural field No. O.S. 4200, Birchfield,
Gunn, Swimbridge, Devon

shown edged [red] [

] on the attached plan.^(h)

SCHEDULE 2

Alleged breach of planning control

(description of the material change of use alleged to have been made) (j)

The change of use of the land from agricultural use by
the stationing and occupation of a caravan on the land

SCHEDULE 3

Steps required to be taken.^(k)

- (i) Remove the caravan from the land.
- (ii) Return the land to its original agriculture use.

NOTES TO THE LOCAL PLANNING AUTHORITY

(h) See paragraph 31 of DOE Circular 38/81 (Welsh Office Circular 57/81).

(j) If the new use is a mixed use, include all the uses comprising that mixed use.

(k) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear and precise. See also notes (e) and (f) overleaf.

NORTH DEVON DISTRICT COUNCIL

ANNEX TO AN ENFORCEMENT NOTICE DATED 28TH FEBRUARY 1989

1. On the 15th May 1987, the Council's Enforcement Officer visited the site where he located a caravan in the agriculture field O.S. 4200, Birchfield, Gunn, Swimbridge, Devon. It was found that the caravan at that time was not permanently occupied. Although the owner informed the Enforcement Officer that the caravan was in use when he was overseeing his flock of sheep and cows.
2. On 19th May 1987 a letter from the Local Planning Authority was sent to the owner, requesting that the caravan be removed within the next 28 days, or a planning application be submitted in respect of the caravan. To date no application has been received and the caravan is still on site.
3. On 22nd February 1989, the Enforcement Officer, Mr. Raymond, visited the site and noted that the caravan was still on the site.
4. The proposal would have been refused for the following reasons:
 - (a) The proposal constitutes a form of isolated development in the countryside which in the absence of any overriding agricultural need is contrary to the Local Planning Authority's recognised rural policy of locating development in established centres where community services are available.
 - (b) The proposal would give rise to further development in the countryside divorced from any established centres where community services are available, contrary to the Local Planning Authority's recognised rural policy of locating development in established centres where community services are available.
 - (c) The proposal would constitute an alien intrusion into the countryside in a prominent position contrary to the established character of the area and thus detrimental to the visual amenities of the locality.
 - (d) The proposal would set a precedent for the development along a road, which by reason of its sub-standard width and element, is unsuitable to cater for further modern residential traffic.
 - (e) The proposal would be likely to result in an increase in vehicular traffic entering and leaving the junction of Class III roads to the north, which, by reason of the sub-standard visibility, would be likely to result in additional danger to all road users, and interference with the free flow of traffic.
5. For these reasons it is considered expedient to issue this Enforcement Notice.

[Redacted Signature]

28th February 1989



North Devon District Council,
Civic Centre, Barnstaple,
Devon EX31 1EA.

J. H. Martin Dip. T.P. M.R.T.P.I.,
Director of Planning.

4-300ha
10-63

Hutchers

4200
1-984ha
4-90
4200
26-080ha
64-45

SITING

Hutcherton Down

Enforcement Notice (Planning).

UNAUTHORISED CARAVAN sited in FIELD OS.4200,
BIRCHFIELD GUNN, SWIMBRIDGE.

REPRODUCED FROM THE ORDNANCE SURVEY MAPS CROWN COPYRIGHT RESERVED.

Scale. 1:2500 (SEE ALSO PLAN 1:10,000)

OS Plan no.

SS.6333 + SS 6332

Drawn

A.T.

Date.

SEPT / 87

