


NDDDC

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

Signed


SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 2.10.96

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")

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)(a) of the Act, at the land described below. The Council consider 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)

The Old Quarry, Bydown, Swimbridge, North Devon

("the land")

3. THE BREACH OF PLANNING CONTROL ALLEGED

A material change of use of the land from disused quarry site to use for the storage of building and scaffolding equipment ("the unauthorised use")

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 in a designated Area of Great Landscape Value and the Council consider that the unauthorised use is a detriment to the appearance of the area and is contrary to policy CDE4 of the Devon County Structure Plan (Third Alteration) The land is also within an area where pursuant to national policy and the policies and provisions of the abovementioned Structure Plan the Council would not normally permit development in the absence of any overriding need. The Council do not consider that there is an overriding need and as such the unauthorised use represents development contrary to CDE2 of the Structure Plan and DE4 of the North Devon Local Plan, Deposit Version.

In addition having regard to the increase in traffic the unauthorised use can generate the road giving access to the land is by reason of its inadequate width, vertical and horizontal alignment and limited visibility at its junction with public highway, unsuitable to accommodate the increase and type of traffic associated with the unauthorised use.

A planning application for the unauthorised use has already been refused.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within **THREE (3) MONTHS** from the date when this notices takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land for the storage of building and scaffolding equipment.
2. Remove from the land all building and scaffolding equipment.
3. Clear up and remove from the land all rubbish and debris resulting from taking the above mentioned steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **4th NOVEMBER 1996** ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 4th October 1996

Signed : 

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

GUIDANCE NOTES FOR YOUR INFORMATION

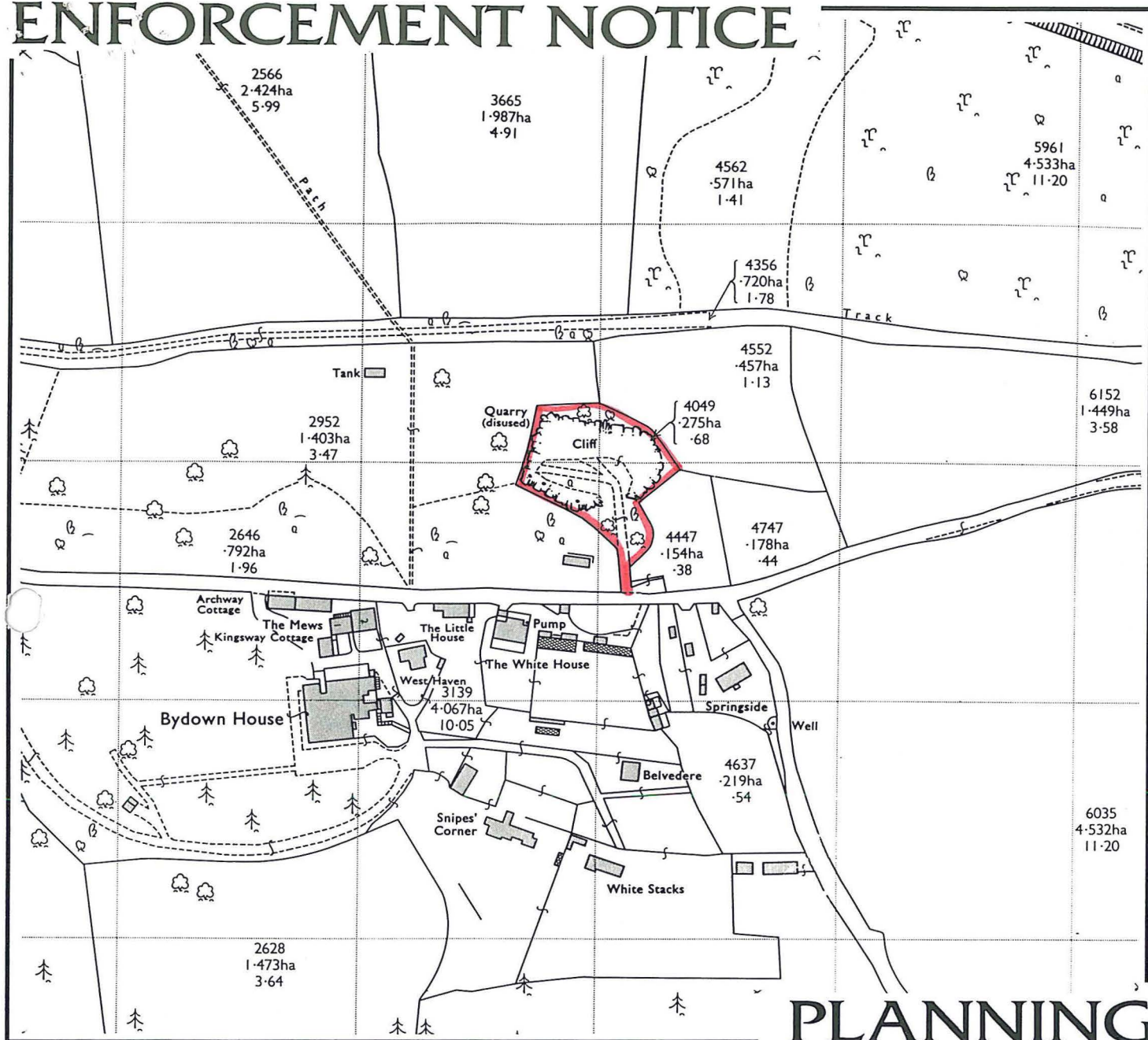
YOUR RIGHT OF APPEAL

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



PLANNING

The Breach of Planning Control Which has Occurred:-
Unauthorised Builder's Yard/Storage Site,

Site:- Land at Bydown (Old Quarry),
Swimbridge.

O.S. Plan No. SS 6229

Scale 1:2500

Drawn Sue Thomas

Date February 1996

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