



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

Signed

K. B. MORGAN
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 12.8.93

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 Pt. OS 4981, Tawstock Park, Tawstock, North Devon.

("the land")

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

Please see Appendix 'A' attached

4. **REASONS FOR ISSUING THIS NOTICE**

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

Please see Appendix 'B' attached

4 Continued

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within [the period of 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) Within 7 days of the effective date cease carrying out any further works on the land with the exception of those works listed in (iii) and (iv) below until all the steps listed below have been compiled with.
- (ii) Within 28 days of the effective date submit to the Council in writing, for approval, details ("the details") in accordance with conditions 8 and 10 of the permission.
- (iii) Within 3 MONTHS of the approval of the details carry out all those works specified in conditions 6,7 and 8 of the permission in accordance with the approved plans of the permission and the approved details.
- (iv) Clear up and remove all rubbish and debris, from the land, resulting from taking the above mentioned steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 8 DECEMBER 1992 ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] 20th October 1992

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.

APPENDIX 'A'

On the 13th August 1991 planning permission and listed building consent (Numbers 14175 and 14176 respectively) ("the permission") was granted for proposed restoration and extension to form dwelling (amendment to planning permissions 7318 and 7319) on the land. The permission was made subject, amongst others, to the following conditions:-

2. The proposed development shall be carried out in strict accordance with the plans 1st July 1991 submitted with the application.
6. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the attached diagramme 'C' where the visibility splays provide inter visibility between any points on the 'X' and 'Y' access at a height of 0.225 meters above the adjacent carriageway level and the distance back from the near edge of the carriageway of the public highway identified as 'X' shall be 2.4 meters and the visibility distances on the near edge of the carriageway of the public highway identified as 'Y' shall be 45 meters in both directions.
7. Provision shall be made within the site for the disposal of surface water so that none drains onto the highway.
8. The existing access shall be effectively and permanently closed to the satisfaction of the Local Planning Authority in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use, but the access to the public right of way shall remain.
9. No other part of the development hereby approved shall be commenced until the access, visibility splays, access drive, access drainage have been provided in accordance with the requirements of this permission to the satisfaction of the Local Planning Authority.
10. Before work commences details shall be submitted to and approved by the Local Planning Authority of the access alterations indicating the retention of existing hedgebanks, where appropriate, and the construction of new hedgebanks to the rear of the visibility splays.

It appears to the Council that the conditions have not been fully complied with because work has commenced on the development prior to the site access and visibility splays, access drive and drainage being provided in accordance with the requirements of the Council. No details of the access alterations have been submitted to or approved by the Council prior to these works commencing.

APPENDIX 'B'

REASONS FOR ISSUING THIS NOTICE

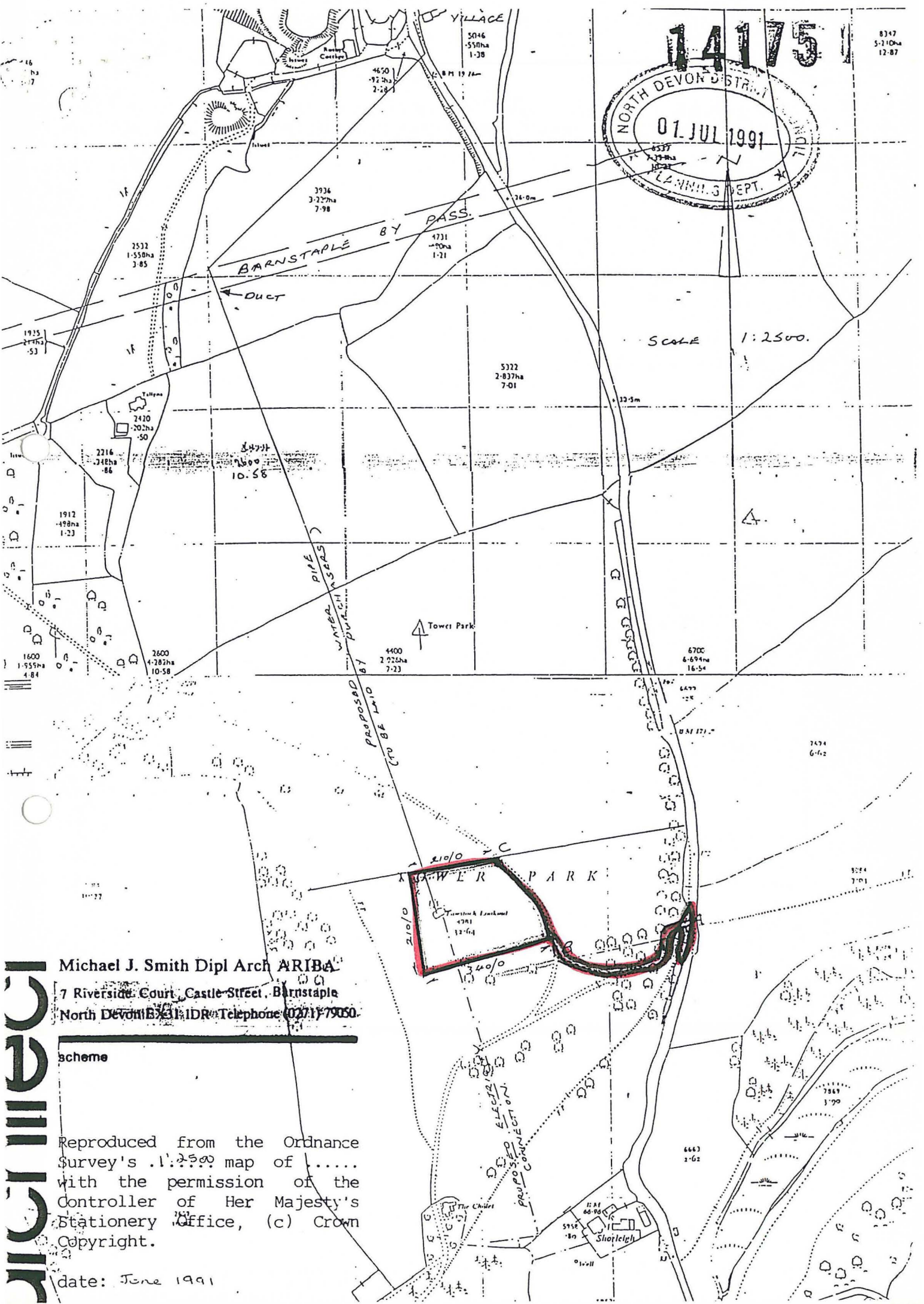
The Council consider it expedient to issue this notice for the following reasons :

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 of open countryside enjoying a prominent position. The development concerns the restoration of a Listed Building known as Tawstock Tower, and the extension thereto to form a dwelling. The Council are concerned that the restoration and extension works have commenced prior to the provision of adequate access and drainage facilities and that the existing access is still open whilst the new access has already been provided. No details have been submitted in respect of the closing of the existing access. Given the nature of the development, the Council required details to be submitted to and approved by them in respect of the new access in order to prevent the use of a sub-standard access and to provide for adequate visibility from and of emerging vehicles to the land in the interest of public safety and to prevent damage to the public highway. Furthermore, by the submission and approval of the access alteration details indicating the retention of existing hedgebanks, and the construction of new hedgebanks, where appropriate, the Council were concerned with protecting the rural appearance of the area.

Works have been carried out to provide an access being contrary to the conditions imposed, as specified in Appendix 'A' and have not got the benefit of planning permission or Listed Building consent.

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



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scheme

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date: June 1991

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