



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")

29/4/96

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 at Tawstock Park, Tawstock, North Devon.

("the land")

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

See Appendix 1

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 in the last 10 years.

The Permission was granted in order to provide an adequate access to the land in conjunction with approved works pursuant to permission 14715 and 1416 for proposed restoration and extension to form dwelling of the tower on the land known as Tawstock Tower. The Council are concerned that works to the tower are being carried out without the access having been provided in accordance with the conditions referred to above.

The land is within an area of open countryside enjoying a prominent position and the Council require details of surface water treatment and stile to ensure a safe and satisfactory access and ensure an adequate replacement public footpath facility. The Council are concerned with protecting the rural appearance of the land in its open rural location and do not consider that there should be any relaxation of the conditions in question.

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

See Appendix 2

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 29th APRIL 1994 ("the effective date")* unless an appeal is made
against it beforehand.

Dated: [date of issue] 22nd March 1994

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

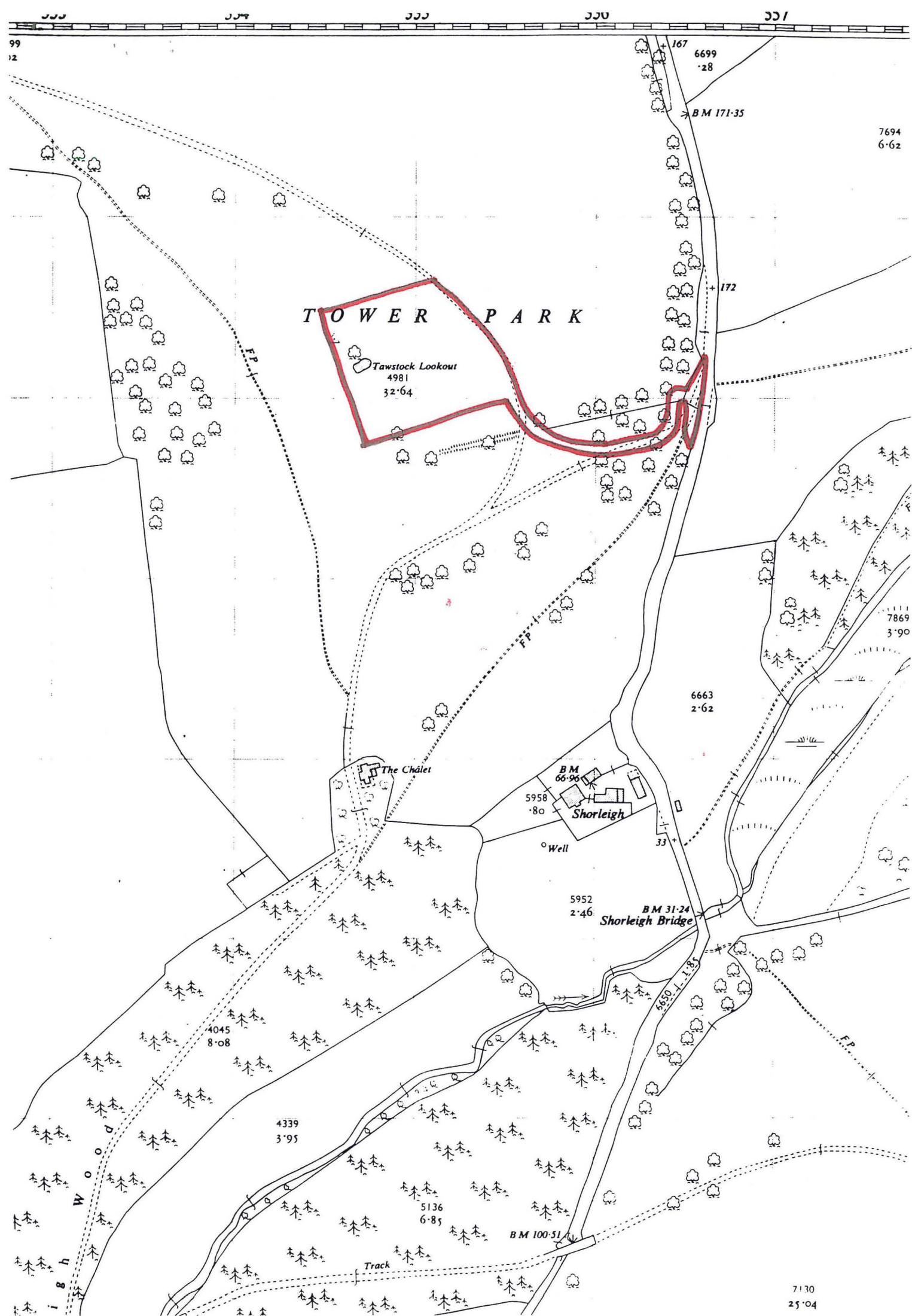
GUIDANCE NOTES FOR YOUR INFORMATION

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.



TOWER PARK

Tawstock Lookout
4981
32.64

The Chalet

BM 66-96

Shorleigh

Well

BM 31-24

Shorleigh Bridge

BM 100-51

Track

7130
25.04

APPENDIX 1

On 4th February 1993 planning permission ("the Permission") and Listed Building Consent (numbers 16415 and 16416 respectively) was granted for a proposed new access ("the Development") to approved dwelling that had previously been granted consent under permission reference 14715 and 14716, on the land. The Permission was made subject to various conditions, four of which are as follows:

2.The development hereby approved shall in all respects strictly accord with detailed plans forming part of the application. For the avoidance of doubt the submitted plans are drawing numbers G52.99.010 received by the Local Planning Authority on 19th November 1992 and G52.88.011 received by the Local Planning Authority on 9th December 1992. Any amendments or departures from the plans hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works on site.

3.The vehicular access to serve both Tawstock Tower and the Lodge shall be completed to a standard capable of use by those properties to the written satisfaction of the Local Planning Authority and the first phase of the development hereby approved. Such work shall include the appropriate surface treatment and provision within the site for the disposal of surface water so that none drains on to the County Highway. The details of the surface treatment of the access and its junction with the County Highway shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision notice.

5.The proposed stile to the public footpath indicated on submitted drawing J.52.88.010 shall be constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The stile shall be constructed in strict accordance with those approved details and an existing gateway serving the property known as the Lodge shall be effectively and permanently closed off in accordance with details to be agreed in writing by the Local Planning Authority within 3 months of the date of this Decision Notice.

6.The site access and visibility splay shall be constructed, laid out and maintained for that purpose in accordance with the attached Diagram C and the submitted plan where the visibility splays provide intervisibility between any points on the X and Y access at a height of 0.600 metres above the adjacent carriageway/drive level and the distance back from the near 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 45 metres in both directions.

It appears to the Council that the above conditions have not been fully complied with because the Development has not been provided in accordance with the approved plans G52.99.010 and G52.88.011. Details of surface treatment of the access and the provision for disposal of surface water have not been submitted to the Council for approval, nor have details of the stile and the works to be undertaken to effectively and permanently close off the existing access been submitted to the Council in writing for approval. In addition the site access and visibility splay has not been constructed or laid out in accordance with approved diagram and plan as mentioned in condition No. 6 to the Permission.

APPENDIX 2

- (i) Within one day of the effective date cease carrying out any further works on the land with the exception of those works listed in (iv) to (viii) below, until all steps required herein have been complied with.
- (ii) Within two weeks of the effective date submit in writing to the Council for approval, details of the surface treatment and disposal of surface water of the access to the land at its junction with the adjacent County Highway ("the surface details").
- (iii) Within two weeks of the effective date submit in writing to the Council details of the stile and of the works to be carried out to effectively and permanently close the existing gateway access to the property known as The Lodge ("the access details").
- (iv) Within four weeks of written approval by the Council of the surface details carry out the works specified therein in strict accordance with the surface details.
- (v) Within four weeks of written approval by the Council of the access details, carry out the works specified therein in strict accordance with the access details that are approved.
- (vi) Within four weeks of the approval of both the surface details and the access details provide the development in strict accordance with the approved drawing numbers 652.99.010 received by the Council on 19th November 1992 and drawing number 652.88.011 received by the Council on 9th December 1992.
- (vii) Within 4 weeks of the approval of both the surface details and the access details provide the site access and visibility splays in accordance with the approved diagram and plan referred to in condition number 6 to the permission.
- (viii) Clear up and remove all rubbish and debris resulting from taking the above mentioned steps.

WJTTM1