



696

IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

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 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)

Moore Farm, West Down, North Devon

("the land")

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

Without planning permission the erection of a block and brickwork single storey building and porch, built around a mobile home, in the approximate position marked with a cross on the attached plan ("the unauthorised development").

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 unauthorised development occurred in the last four years.

The land is within an area where having regard to national policy and pursuant to the policies and provisions of the Devon County Structure Plan, Third Alteration, the Council would only normally permit development which is necessary in the interests of agriculture. Insufficient evidence has been produced to the Council supporting an agricultural or other need for the unauthorised development such as would overcome the objection.

Furthermore the unauthorised development looks like and appears to have been designed as a single storey dwellinghouse, and it is not considered that it benefits from permitted development. Consequently it is considered that its current form would not be acceptable as an agricultural building.

The land occupies a conspicuous position and the unauthorised development appears as an intrusion into an otherwise open landscape, being detrimental to the visual amenity and rural character of the area. In addition the unauthorised development does not meet the Highway Authority's standards in terms of the provision of a satisfactory access and its effect on the highway network as regards traffic and road safety.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the unauthorised development.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within [the period of 3 THREE
[redacted]/months from the date when this notice takes effect] [redacted]
[redacted]

6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the unauthorised development.
- (ii) Dismantle and remove from the land the porch to the unauthorised development.
- (iii) Dismantle and remove from the land the unauthorised development.
- (iv) Remove the mobile home from the land if it is not being used for an agricultural use ancillary to the agricultural use to which the land is put.
- (v) 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 6th MARCH 1995 ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] 30th January 1995

Signed:
[redacted] SOUNCH, LEGAL SERVICES MANAGER

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



**Site:- Moore Farm,
West Down.**

O.S. Plan No. SS 5042/43

Scale 1: 2500

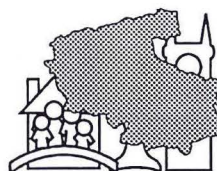
Drawn Sue Thomas

Date January 1995

NOTATION



The Site



NORTH DEVON
DISTRICT COUNCIL

Civic Centre, Barnstaple, Devon, EX31 1EA

M.J.Easton Dip.T.P. M.R.T.P.I.,
Principal Planning Officer

"Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings"