

**Decision Taker:**

*Michael Tichford MRTPI, Head of Place*

**Subject:**

*ENF 9754: ALLEGED UNAUTHORISED DEVELOPMENT- CREATION OF ACCESS ONTO CLASSIFIED HIGHWAY ERECTION OF SHEDS RESIDENTIAL OCCUPATION OF A CARAVAN AT LAND KNOWN AS HONEY HILL, OPPOSITE COLLARD BRIDGE, SNAPPER, BARNSTAPLE EX32 7LA*

**Record of Decision Taken:**

To issue apply to the Magistrates Court for an injunction in order to secure compliance of the enforcement notice issued on 17<sup>th</sup> November 2016. An appeal was dismissed on 30<sup>th</sup> August 2017.

**Reason(s) for the Decision:**

The enforcement notice was issued to address the unacceptable formation of tracks & an access and erection of sheds (unauthorised development) and the residential use of the land involving the occupation of two caravans (unauthorised change of use). The enforcement notice required the closure of the access, the cessation of residential use of the land and the removal of the two caravans & three sheds. The compliance date was 30<sup>th</sup> May 2018.

Since July 2018 the LPA has been actively attempting to secure compliance with the enforcement notice. The owners of the land have alleged that bats are now present at the site. However they have failed to confirm that they have arranged for a licenced ecological survey to be undertaken. They have recently advised that they plan to go to Spain from mid September 2018 to mid December 2018.

It is suspected that the owners of the land do not intend to provide an ecological survey or comply with the requirements of the enforcement notice.

Injunctive action is necessary and proportionate as it is considered that the access onto the highway does not provide adequate visibility from and of emerging vehicles. This results in an increased risk and additional danger to all users of the road.

**Alternative Options considered and rejected at the time of the decision:**

It is not believed that a prosecution would secure compliance with the enforcement notice.

**Declaration of any Conflict of Interest made by any Councillor consulted by the officer or declared when granting the specific authorisation to take the decision (including details of any dispensations granted by the Ethics Committee)**

List of Background Papers that were relied on in making the decision or the decision is based (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor)

- *Confidential at this time*

**Date that decision was taken:**

24/9/18

**Signature of Decision Maker:**



**GUIDANCE NOTES TO OFFICERS:**

**Exempt/Confidential information:** Please note that the contents of the decision or background papers must not disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor) as the record of decision is a public record.

**Publication of record:** Please forward the decision together with any background papers that have not already been published to Member Services for publication. The record and background papers must be kept by the decision taker for **6 years** from the date that the decision was taken.