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6 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans numbered 03893 TPP, appended to the Arboricultural Impact Assessment Report dated 18/06/2013, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.	2
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(1) Install fencing for the protection of the retained trees in accordance with the tree protection plans numbered 03893 TPP appended to the Arboricultural Impact Assessment Report dated 18 June 2013;	3
(2) Maintain the fencing until all equipment, machinery and surplus materials have been removed from the site; and	3
(3) Remove any and all items stored or placed in any fenced area.....	3
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IMPORTANT-THISCOMMUNICATIONAFFECTSYOURPROPERTY
BREACH OF CONDITION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning Compensation Act 1991)

SERVED BY: Exeter City Council (the “City Council”)

TO: David John Paul Jervis of Winslade House, Manor Drive, Clyst St Mary, Exeter EX5 1FY

Christopher Giles Martin of Winslade House, Manor Drive, Clyst St Mary, Exeter EX5 1FY

1. THIS NOTICE is served by the City Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The City Council consider that you should be required to comply and/or secure compliance with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Home Farm, Church Hill, Pinhoe, Exeter EX4 shown edged in red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the City Council on 12 June 2017 for an outline application for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (all matters reserved for future consideration apart from access) Ref 16/1576/OUT.

4. THE BREACH OF CONDITION

The following condition has not been complied with:

- 6 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans numbered 03893 TPP, appended to the Arboricultural Impact Assessment Report dated 18/06/2013, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason:- To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

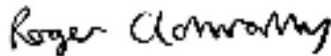
5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of the condition specified in paragraph 4 of this notice, you are required to comply and/or secure compliance with the stated condition by taking the following steps:

- (1) Install fencing for the protection of the retained trees in accordance with the tree protection plans numbered 03893 TPP appended to the Arboricultural Impact Assessment Report dated 18 June 2013;
- (2) Maintain the fencing until all equipment, machinery and surplus materials have been removed from the site; and
- (3) Remove any and all items stored or placed in any fenced area.

Period for compliance: **30 days** beginning with the day on which this notice is served on you.

Dated: 25 January 2023



Signed:

Roger Clotworthy
Service Lead, City Development

On behalf of: Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN

Nominated Officer: Stacey Salter

Telephone Number: 01392 265175

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

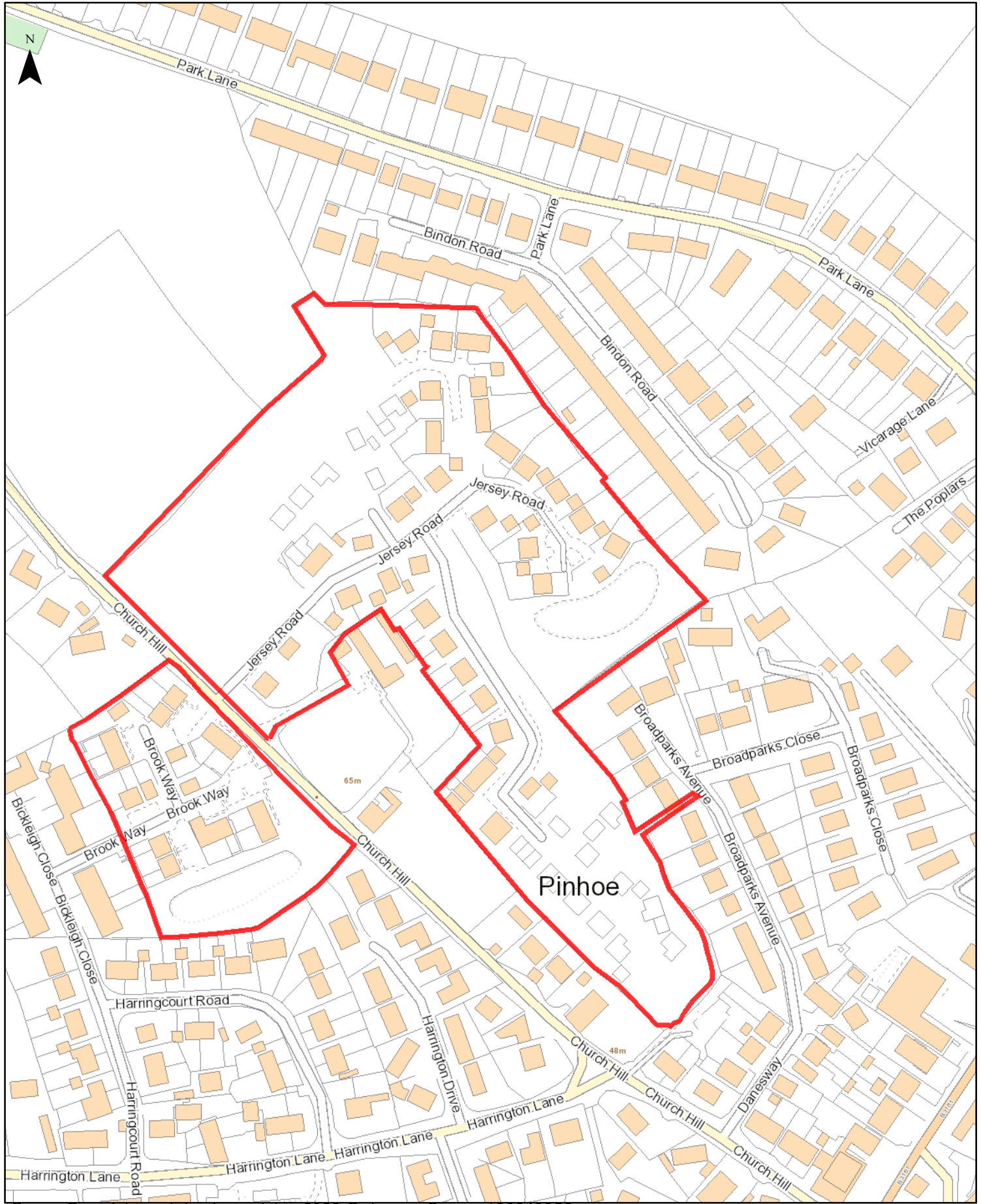
THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Stacey Salter at Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN or 01392 265175 or Stacey.Salter@exeter.gov.uk.

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

Breach of Condition Notice Plan for Home Farm, Church Hill, Pinhoe ENF/22/00077



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