

Dated 24th

February 1981

Direction made by Exeter
City Council under
Article 4 of the Town and
Country Planning General
Development Order 1977
as amended re: land
at Duryard Exeter



W H E R E A S THE EXETER CITY COUNCIL of the Civic Centre, Exeter, Devon, being the local planning authority for the City of Exeter are satisfied that it is expedient that development of the descriptions set out in the Schedule hereto should not be carried out on the land shown edged in red and coloured pink on the plan annexed hereto unless permission therefor is granted on application made under the Town and Country Planning General Development Order 1977

N O W T H E R E F O R E the said Council in pursuance of the powers conferred upon them by article 4 of the Town and Country Planning General Development Order 1977 as amended hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule hereto

S C H E D U L E

PART I

1. The erection or construction of gates, fences, walls or other means of enclosure not exceeding 1 metre in height where abutting on a highway used by vehicular traffic or 2 metres in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure: so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.
2. The formation, laying out and construction of a means of access to a highway not being a trunk or classified road, where required in connection with development permitted by article 3 of and Schedule I to this order (other than under this class).

~~3. The painting of the exterior of any building or work otherwise than for the purpose of advertisement, announcement or direction~~

being development comprised within Class II referred to in the First Schedule to the said Order and not being development comprised within any other class

PART II

1. The erection or construction on land in, on, over or under which operations other than mining operations are being or are about to be carried out (being operations for which planning permission has been granted or is deemed to have been granted under Part III of the Act, or for which planning permission is not required), or on land adjoining such land, of buildings, works, plant or machinery needed temporarily in connection with the said operations, for the period of such operations.

2. The use of land (other than a building or the curtilage of a building) for any purpose or purposes except as a caravan site on not more than 28 days in total in any calendar year (of which not more than 14 days in total may be devoted to use for the purpose of motor car or motor-cycle racing or for the purpose of the holding of markets), and the erection or placing of moveable structures on the land for the purposes of that use.

Provided that for the purpose of the limitation imposed on the number of days on which land may be used for motor car or motor-cycle racing, account shall be taken only of those days on which races are held or practising takes place.

being development comprised within Class IV referred to in the First Schedule to the said Order and not being development comprised within any other class

PART III

1. The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture (other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings), so long as:-

- (a) the ground area covered by a building erected pursuant to this permission does not, either by itself or after the addition thereto of the ground area covered by any existing building or buildings (other than a dwellinghouse) within the same unit erected or in course of erection within the preceding two years and wholly or partly within 90 metres of the nearest part of the said building, exceed 465 square metres;
- (b) the height of any building or works does not exceed 3 metres in the case of a building or works within 3 kilometres of the perimeter of an aerodrome, nor 12 metres in any other case;
- (c) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.

2. The erection or construction and the maintenance, improvement or other alteration of roadside stands for milk churns, except where they would abut on any trunk or classified road.

3. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including:-

- (i) the fertilisation of the land so used, and
- (ii) the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid,

so long as no excavation is made within 25 metres of the metalled portion of a trunk or classified road

being development comprised within Class VI referred to in the First Schedule to the said Order and not being development comprised within any other class.

PART IV

The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land, so long as:-

- (a) the height of any buildings or works within 3 kilometres of the perimeter of an aerodrome does not exceed 3 metres;
- (b) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.

being development comprised within Class VII referred to in the First Schedule to the said Order and not being development comprised within any other class

PART V

The carrying out of works required for the maintenance or improvement of an unadopted street or private way, being works carried out on land within the boundaries of the street or way.

being development comprised within Class IX referred to in the First Schedule to the said Order and not being development comprised within any other class

PART VI

The carrying out of any works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables, or other apparatus, including the breaking open of any land for that purpose.

being development comprised within Class X referred to in the First Schedule to the said Order and not being development comprised within any other class

PART VII

Any development by a drainage authority within the meaning of the Land Drainage Act 1930, in, on or under any watercourse or drainage works, in connection with the improvement or maintenance of such watercourse or drainage works.

being development comprised within Class XV referred to in the First Schedule to the said Order and not being development comprised within any other class

PART VIII

Development of any of the following descriptions by a water authority established under the Water Act 1973:-

- (a) the laying underground of mains, pipes or other apparatus;
- (b) the improvement, maintenance or repair of watercourses or land drainage works;
- (c) the erection, construction or placing of buildings, plants, or apparatus on land or the carrying out of engineering operations in, on, over or under land, for the purpose of surveys or investigations.

being development comprised within Class XVI referred to in the First Schedule to the said Order and not being development comprised within any other class

PART IX

Any development by or on behalf of a water authority (established under the Water Act 1973), or by a Development Corporation authorised under Section 34 of the New Towns Act 1965 to exercise powers relating to sewerage or sewage disposal, being development not above ground level required in connection with the provision, improvement or maintenance of sewers.

being development comprised within Class XVII referred to in the First Schedule to the said Order and not being development comprised within any other class

PART X

A. Railway or light railway undertakings.

Development by the undertakers of operational land of the undertaking, being development which is required in connection with the movement of traffic by rail, other than:

- (i) the construction of railways;
- (ii) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of -
 - (a) any railway station or bridge;
 - (b) any hotel;
 - (c) any residential or educational building, office, or building to be used for manufacturing or repairing work which is not situate wholly within the interior of a railway station;
 - (d) any car park, shop, restaurant, garage, petrol filling station or other building or structure provided in pursuance of the powers contained in section 14(1) (d) of the Transport Act 1962 or section 10(1)(x) of the Transport Act 1968 which is not situate wholly within

~~... of a railway station.~~

~~Dock, pier, harbour, water transport, canal or inland navigation~~
undertakings.

1. Development by the undertakers or their lessees of operational land of the undertaking, being development which is required for the purpose of shipping, or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or the movement of traffic by canal or inland navigation, or by any railway forming part of the undertaking, other than the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of:-

- (a) any bridge or other building not required in connection with the handling of traffic;
- (b) any hotel;
- (c) any educational building not situate wholly within the limits of a dock, pier or harbour;
- (d) any car park, shop, restaurant, garage, petrol filling station or other building not situate wholly within the limits of a dock, pier or harbour, provided in pursuance of the powers contained in any of the following enactments:-

the Transport Act 1962

section 14 (1) (d);

the Transport Act 1968

section 10(1) (x);

the Transport Act 1968

section 50 (6).

~~2. The improvement, maintenance or repair of any inland waterway to which section 104 of the Transport Act 1968 applies which is not a commercial waterway or a cruising waterway, and the repair or maintenance of culverts, weirs, locks, aqueducts, sluices, reservoirs, let-off valves or other works used in connection with the control and operation of such waterways.~~

~~3. The use of any land for the spreading of dredgings.~~

C. Water or hydraulic power undertakings.

Development required for the purposes of the undertakings of any of the following descriptions, that is to say:-

- (i) the laying underground of mains, pipes, or other apparatus;
- (ii) the improvement, maintenance or repair of watercourses or land drainage works;
- (iii) the maintenance or repair of works for measuring the flow in any watercourse or channel or the improvement of any such works (otherwise than by the erection or installation, by way of addition or replacement, of any structures of the nature of buildings or of any plant or machinery);
- (iv) the installation in a water distribution system of booster stations, meter or switch gear houses, not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity;
- (v) the erection, construction or placing of buildings, plant or apparatus on land, or the carrying out of engineering operations, in, on, over or under land, for the purpose of surveys or investigations.
- (iv) any other development carried out in, on, over or under the operational land of the undertaking except:-
 - (a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;

- (b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structure or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

D. Gas undertakings.

Development required for the purposes of the undertaking of any of the following descriptions, that is to say:-

- (i) the laying underground of mains, pipes, or other apparatus;
- (ii) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure flow or volume of gas, and structures for housing such apparatus not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity;
- (iii) the construction, in any storage area or protective area specified in an order made under Section 4 of the Gas Act 1965 of boreholes, other than those shown in the order as approved by the Secretary of State for Energy for the purpose of subsection (6) of the said section 4, and the erection or construction, in any such area, of any plant or machinery, or structure or erections in the nature of plant or machinery, not exceeding 6 metres in height which is required in connection with the construction of any such borehole;
- (iv) the placing and storage on land of pipe and other apparatus needed for inclusion in a main or pipe which is being or is about to be laid or constructed in pursuance of a planning permission granted or deemed to be granted under Part III of the Act;
- (v) the erection on operational land of the undertaking, solely for the protection of plant or machinery, or structures or erections of the nature of plant or machinery, of buildings not exceeding 15 metres in height;

- (vi) any other development carried out in, on, over or under operational land of the undertaking except:-
- (a) the erection, or the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings;
 - (b) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable, without addition, of being extended to a height exceeding 15 metres;
 - (c) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

E. Electricity undertakings

Development required for the purpose of the undertaking of any of the following descriptions, that is to say:-

- (i) the laying underground of pipes, cables or any other apparatus, and the construction of such shafts and tunnels as may be necessary in connection therewith;
- (ii) the installation in an electric line of feeder or service pillars, or transforming or switching stations or chambers not exceeding (except when constructed underground elsewhere than under a highway) 29 cubic metres in capacity;
- (iii) the installation of service lines to individual consumers from an electric line;
- (iv) the extension or alteration of buildings on operational land as long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than one-tenth

- (v) the sinking of any boreholes for the purpose of ascertaining the nature of the sub-soil, and the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, as may be necessary in connection therewith;
- (vi) the erection on operational land of the undertaking, solely for the protection of plant or machinery, or structures or erections, of the nature of plant or machinery, of buildings not exceeding 15 metres in height;
- (vii) any other development carried out on, in or under the operational land of the undertaking except:-
 - (a) the erection, or the reconstruction so as materially to affect the design or external appearance thereof, of buildings; or
 - (b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.

~~F. Tramway or road transport undertakings.~~

~~Development required for the purposes of the undertaking of any of the following descriptions, that is to say:-~~

- ~~(i) the installation of posts, overhead wires, underground cables, feeder pillars, or transformer boxes not exceeding 17 cubic metres in capacity in, on, over or adjacent to a highway for the purpose of supplying current to public vehicles;~~
- ~~(ii) the installation of tramway tracks; conduits and drains and pipes in connection therewith for the working of tramways;~~
- ~~(iii) the installation of telephone cables and apparatus, huts, step posts and signs required in connection with the operation of public vehicles;~~
- ~~(iv) the erection or construction, and the maintenance, improvement or other alteration of passenger shelters and barriers for the~~
~~control of persons waiting to enter public vehicles;~~

~~(v) any other development of operational land of the undertaking,~~

other than:-

- (a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;
- (b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;
- (c) development, not wholly within the interior of an omnibus or tramway station, in pursuance of the powers contained in section 14 (1) (i) (d) of the Transport Act 1962 or section 10 (1) (x) of the Transport Act 1968.

G. Lighthouse Undertakings.

Development required for the purposes of functions of a general or local lighthouse authority under the Merchant Shipping Act 1894 and any other statutory provisions made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to the Merchant Shipping Act 1894, except the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of offices.

H. The British Airports Authority

Development by the Authority of operational land of the undertaking, being development which is required in connection with the provision by the Authority of services and facilities necessary or desirable for ~~the operation of an aerodrome, other than:-~~

~~(i) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of:-~~

- ~~(a) any hotel;~~
- ~~(b) any building (not being a building required in connection with the movement or maintenance of aircraft or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at an aerodrome); and~~

~~(ii) the construction or extension of runways.~~

I. Post Office

Development required for the purposes of the undertaking of any of the following descriptions, that is to say:-

- (i) the installation of public call offices (telephone kiosks), posting boxes or self-service postal machines;
- (ii) the placing of any telegraphic line as defined in the Telegraph Act 1978 in the exercise of an easement or other right compulsorily acquired under section 55 of the Post Office Act 1969;
- (iii) the use of land in case of emergency for the stationing and operation of movable apparatus required for the replacement of telephone exchanges, telephone repeater stations and radio stations and generators which have become unserviceable, for a period not exceeding six months;
- (iv) any other development carried out in, on, over or under the operational land of the undertaking except:-
 - (a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;
 - (b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding

structure or erection so replaced, whichever is the greater.

being development comprised within Class XVIII referred to in the First Schedule to the said Order and not being development comprised within any other class

PART XI

The use of land, other than a building, as a caravan site in any of the circumstances specified in paragraphs 2 to 9 (inclusive) of Schedule 1 to the Caravan Sites and Control of Development Act 1960 or in the circumstances (other than those relating to winter quarters) specified in paragraph 10 of the said Schedule.

being development comprised within Class XXII referred to in the First Schedule to the said Order and not being development comprised within any other class

~~PART XII~~

~~Development required by the conditions of a site licence for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960.~~

~~being development comprised within Class XXIII referred to in the First Schedule to the said Order and not being development comprised within any other class~~

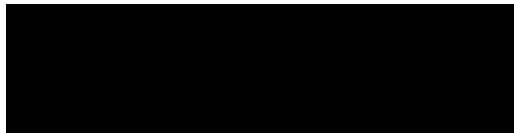
Given under the Common Seal of the EXETER CITY COUNCIL

this *Twenty-fourth* day of *February* 1981

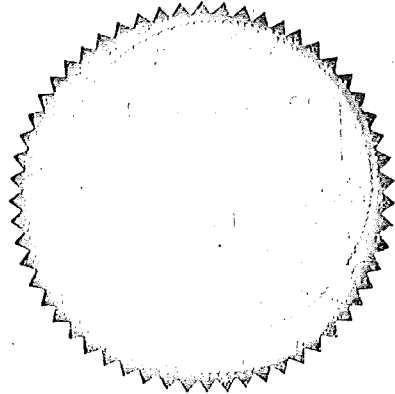
THE COMMON SEAL OF THE COUNCIL

was hereunto affixed in the

presence of:-



City Secretary and Solicitor



The Secretary of State for the
Environment hereby approves the
foregoing direction subject to the
modifications shown in red ink
thereon.

Signed by authority
of the Secretary of
State

15 March 1981

*An Assistant
Secretary in the
Department of the
Environment.



THIS IS THE PLAN REFERRED TO
IN THE RESOLUTION MADE BY
THE EXETER CITY COUNCIL
ON THE 24th DAY OF
FEBRUARY 1981 UNDER
ARTICLE 4 OF THE TOWN
AND COUNTRY PLANNING
GENERAL DEVELOPMENT
ORDER 1974 AS AMENDED
IN RESPECT OF LAND AT
DURYARD EXETER IN
THE COUNTY OF DEVON

Sd MICHAEL
C. BURNHAMBY
CITY SECRETARY AND SURVEYOR

Proposed Article 4 Direction at Duryard