

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 considerations.

2. **THE LAND AFFECTED** (shown edged red on the plan attached)

The Old Piggery and Garden being land lying to the east of South Molton Street, Chulmleigh,
Devon
("the land")

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

The erection of a timber panel fence exceeding 2 metres in height on the land in the approximate position shown for identification purposes only by the blue line on the plan attached ("the breach of planning control")

4. **REASONS FOR ISSUING THIS NOTICE**

The Council consider it expedient to issue this notice for the following reasons:

1. It is considered that the breach of planning control has taken place within the last four years
2. It is considered that the breach of planning control is detrimental to the residential amenities of the occupants of the neighbouring property in terms of its height
3. The land is within the Chulmleigh Conservation Area and it is considered that the breach of planning control has a detrimental impact on the character and appearance of that Conservation Area. It is also considered that it does not conserve or enhance the Conservation Area
4. As a result of the above it is considered that the breach of planning control is contrary to policies DST2 and DB1 of the North Devon Local Plan and to policies DVS3 and ENV16 of the North Devon Local Plan First Deposit and also contrary to PPG15.
5. The District Council do not consider that the use of planning conditions would overcome the above reasons for issuing this Notice.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of one week from the date when this notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

Other than as permitted by the Town and Country Planning (General Permitted Development) Order 1995, or any statutory amendment, replacement or re-enactment thereof, remove the timber fence panel.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 14th November 2003 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 7-10-03.....

Signed : 

Solicitor, Legal Services Manager

on behalf of: North Devon District Council,
Civic Centre,
Barnstaple,
North 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.

