



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

**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)(b) 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)

Land at rear of Bridge House, King Street, Combe Martin, North Devon

("the land")

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

Non-compliance with condition number 3 attached to planning permission number 26956 dated 28th April 1999, namely:

"Before the flats hereby approved are first occupied, the parking provision shown on the site/location plan submitted as part of the application shall be provided and retained thereafter for this purpose."

4. **REASONS FOR ISSUING THIS NOTICE**

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

In the opinion of the Council the breach of planning control took place within the last ten years.

It is understood that the first flat was occupied on the 23rd July 1999 and that all the flats have now been sold.

There are no development plan policies that are considered relevant to this breach of planning control. Nevertheless, in the opinion of the local planning authority, the failure to comply with the condition means that inadequate facilities have been provided for parking off the highway.

It is not considered that this breach could be overcome by the use of alternative conditions.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of two months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Commence and complete all works necessary to provide the parking provision shown on the site/location plan submitted with the application (further details of which can be seen for information purposes only on the plan attached to this enforcement notice)
2. Clear up and remove all rubbish and debris resulting from undertaking the works identified in step 1 above.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 23rd April 2004 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 15th March 2004

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.

Site / Location Plan

Scale 1:500

