

**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)

Flat 5, Instow House, Marine Parade, Instow, North Devon

("the land")

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

The unauthorised replacement of wooden sash windows with UPVC windows ("the unauthorised breach")

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. The Council considers that the unauthorised breach has taken place within the past 4 years.
2. The land is within a Conservation Area and the unauthorised breach is considered to be detrimental to the overall character and appearance of the same by virtue of its design and materials. The unauthorised breach is therefore considered to be contrary to policy DB1 of the emerging North Devon Local Plan and policy C11 of the Devon Structure Plan (First Review)
3. The property is a flat and so permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 do not apply.
4. It is considered that the use of planning conditions would not overcome the above reasons for issuing

**5. WHEN YOU ARE REQUIRED TO ACT**

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


**6. WHAT YOU ARE REQUIRED TO DO**

1. Remove the UPV windows fitted to the property.
2. Replace the UPVC windows with painted timber sliding sash windows consisting of 6 panes over 6 panes to match those removed from the land in terms of design and materials. A copy of a photograph showing the windows removed from the property is attached to this Notice for information purposes.
3. Clear up any debris resulting from taking the above steps.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 15<sup>th</sup> March 2006 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 8<sup>th</sup> February 2006

Signed :  .....  
Solicitor, Legal Services Manager

on behalf of: North Devon District Council,  
Civic Centre,  
Barnstaple,  
North Devon.  
EX31 1EA.

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\* specific date, not less than 28 clear days after date of service



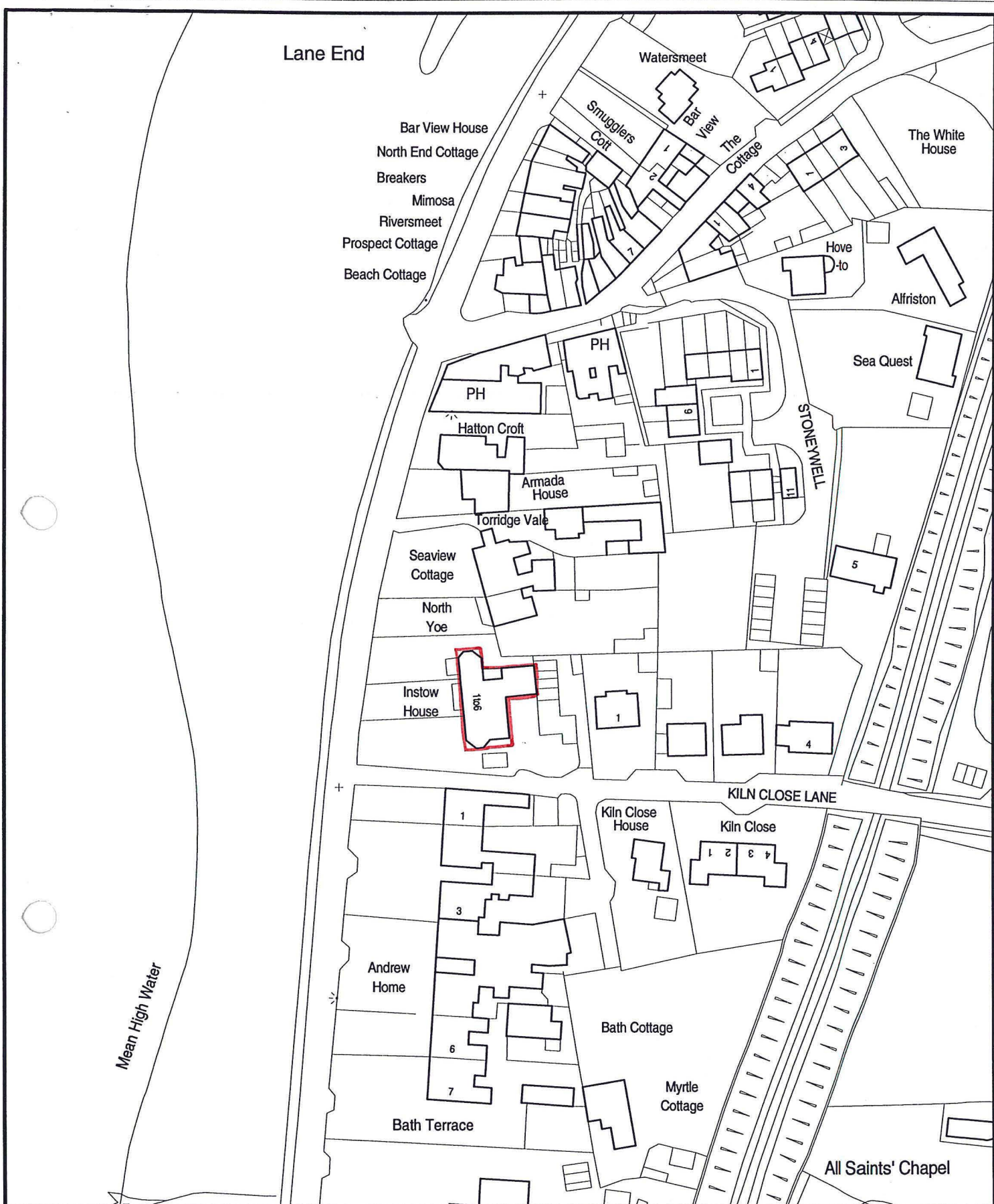
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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.**



## Planning Enforcement

**The Breach of Planning Control Which Has Occurred :  
Unauthorised Installation of Replacement UPVC Windows**

Site Location:

**Flat 5, Instow House, Marine Parade, Instow**



M.J.Easton Dip.T.P.I. M.R.T.P.I.,  
Principal Planning Officer

SCALE: 1:1250

DATE 21st September 1999

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