

DH/10671

17.4.2007
21 CHURCH ROAD
ILGRACOMBE

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)

21 Church Road, Ilfracombe, North Devon, EX34 8BZ

(“the land”)

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

Erection of railings on the roof of single storey garage to the rear of the land.

(The “Unauthorised Development”)

4. **REASONS FOR ISSUING THIS NOTICE**

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

1. The Local Planning Authority’s view is that the unauthorised development is contrary to policy C07 of the Devon Structure Plan 2001 to 2016 (adopted October 2004) and policies DVS1, DVS3 and ENV 16 of the North Devon Local Plan 1995 to 2011 (adopted July 2006).
2. It is contrary to policy C07 because it fails to conserve and enhance the character and appearance of the conservation area.
3. It is contrary to policies DVS1, DVS3 and ENV16 because its design is incompatible with the appearance and character of the conservation area and it causes an adverse impact on the amenities of neighbours due to loss of privacy.
4. The Local Planning Authority considers that the unauthorised development has occurred within the last four years and that the above reasons for issuing the notice cannot be overcome by the use of planning conditions.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires 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. Permanently remove the railings from the existing garage roof wheresoever stored, placed or fixed.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18 May 2007 ("the effective date") unless an appeal is made against it beforehand.

Dated : 17 April 2007

Signed :

Solicitor, Legal Services Manager

on behalf of: North Devon District Council,

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.

H.M. LAND REGISTRY		TITLE NUMBER	
		DN250925	
ORDNANCE SURVEY PLAN REFERENCE	SS 5147	SECTION L	Scale 1/1250 Enlarged from 1/2500
COUNTY DEVON	DISTRICT NORTH DEVON	© Crown copyright 1978	

ILFRACOMBE PARISH



