

1627



**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)

36 Newport road, Barnstaple, Devon

("the land")

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

On the 13th February 1990 planning consent was granted for the conversion of the land to form 2 flats. The consent was granted subject to conditions. Condition 2 read:- "The proposed development shall be carried out in strict accordance with the amended plans/drawings nos. 89/063/02 and 89/063/03 received by the local planning authority on the 22nd December 1989." Those plans ("the approved plans") showed that the existing windows were to be replaced by one sliding sash window to match the adjacent dwellings. The approved plans also showed that the rendering to the front elevation would be removed and replaced to form rustication to match adjoining properties. Condition 3 read "The proposed sash window in the front elevation shall be constructed of wood to match those of the adjacent property." The existing windows have not been replaced and nor have the works been undertaken to provide the rustication ("the unauthorised breach")

4.     **REASONS FOR ISSUING THIS NOTICE**

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

1. It appears to the Council that the breach has occurred within the past 10 years
2. The unauthorised breach is considered to be detrimental to the character and appearance of the designated Newport Conservation Area and therefore in breach of policies contained within the Devon County Structure Plan Third Alteration and the emerging North Devon Local Plan. It is also considered that because of the effect on the Newport Conservation Area, the unauthorised breach is contrary to national planning policy.

**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 notices takes effect.

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

1. Remove the existing windows and replace with a single wooden sash window in accordance with the approved plans.
2. Remove the render from the front elevation of the land and re-render the same forming a rustication pattern in accordance with the approved plans.
3. Clear up and remove all debris and rubbish resulting from taking the above steps.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 11th February 1998 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] *5<sup>th</sup> January 1998*

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**

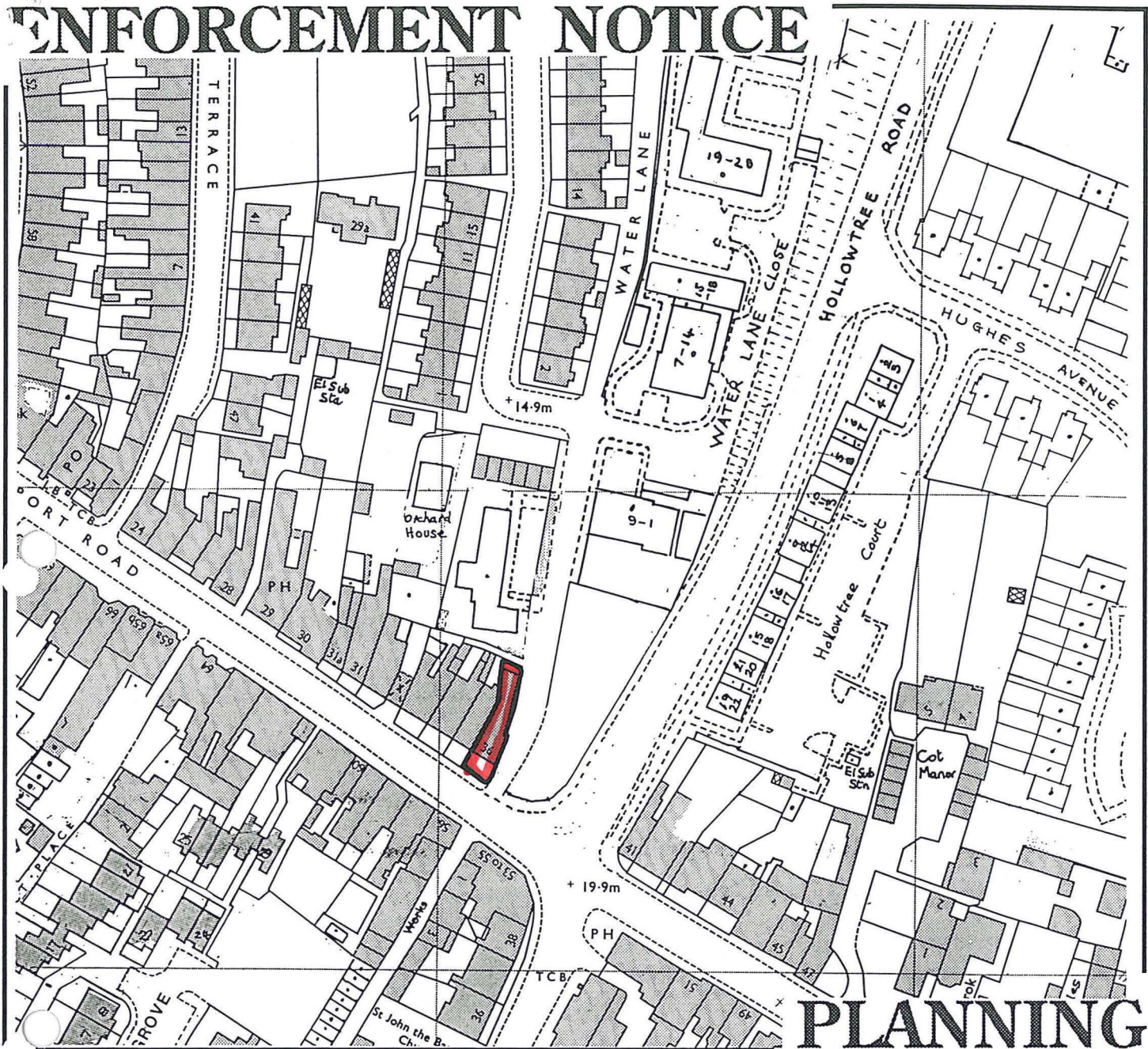
**You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. 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.**



# ENFORCEMENT NOTICE



The Breach of Planning Control Which has Occured:-  
Non Compliance with Conditions 2 & 3 of Planning Permission Ref. No. 10749/4,

**Site:- 36, Newport Road,  
Barnstaple.**

O.S. Plan No SS 5632 SE  
Drawn S.M.T.  
Scale 1:1250  
Date October 1993

## NOTATION



The Site



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

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Civic Centre, Barnstaple, Devon