



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**103 High Street, Ilfracombe,  
North Devon, EX34 9NH  
(HM Land Registry Title Number DN625589)**

**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")**

LEGAL FILE NO. LS/DH/14113  
PLANNING REF NO. PD/ENF/FS/10331

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 considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

103 High Street, Ilfracombe, North Devon, EX34 9NH (HM Land Registry Title Number DN625589) as shown edged red on the enclosed Location Plan.

(“The Land”)

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

Without planning permission and within the last 4 years unauthorised Operational Development consisting of the erection of a raised deck.

4. **REASONS FOR ISSUING THIS NOTICE**

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

This Enforcement Notice has been issued to remedy the alleged breach of planning control.

The raised deck area which has been erected to the rear of the property is within close proximity to the rear elevations and windows of a number of neighbouring properties.

Policy DVS3 of the North Devon Local Plan resists development which would harm the amenities of any neighbouring uses in the character of the surrounding area. The unauthorised decking gives rise to noise and disturbance which would itself have a harmful impact on the privacy and living conditions of the occupier of the neighbouring property, being in such close proximity.

Whilst the appearance of the decking could be made acceptable by minor modifications, it would not be possible to overcome the adverse impact on the living conditions of neighbours arising from loss of privacy and the potential for noise and disturbance.

The Local Planning Authority considers that the unauthorised Operational development has occurred within the last 4 years and that the above reasons for issuing this 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 below be undertaken within three months from the date when this notices takes effect.

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

1. Remove the raised deck and associated structures from the rear of the land shown edged red on the enclosed Location Plan.
2. Remove debris resulting from compliance with step 1 above from the land shown edged red on the enclosed Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 21 June 2018 (“the effective date”) unless an appeal is made against it beforehand.

Dated: 21 May 2018

Signed:  .....

On behalf of: North Devon District Council  
Lynton House  
Commercial Road  
Barnstaple  
Devon,  
EX31 1DG

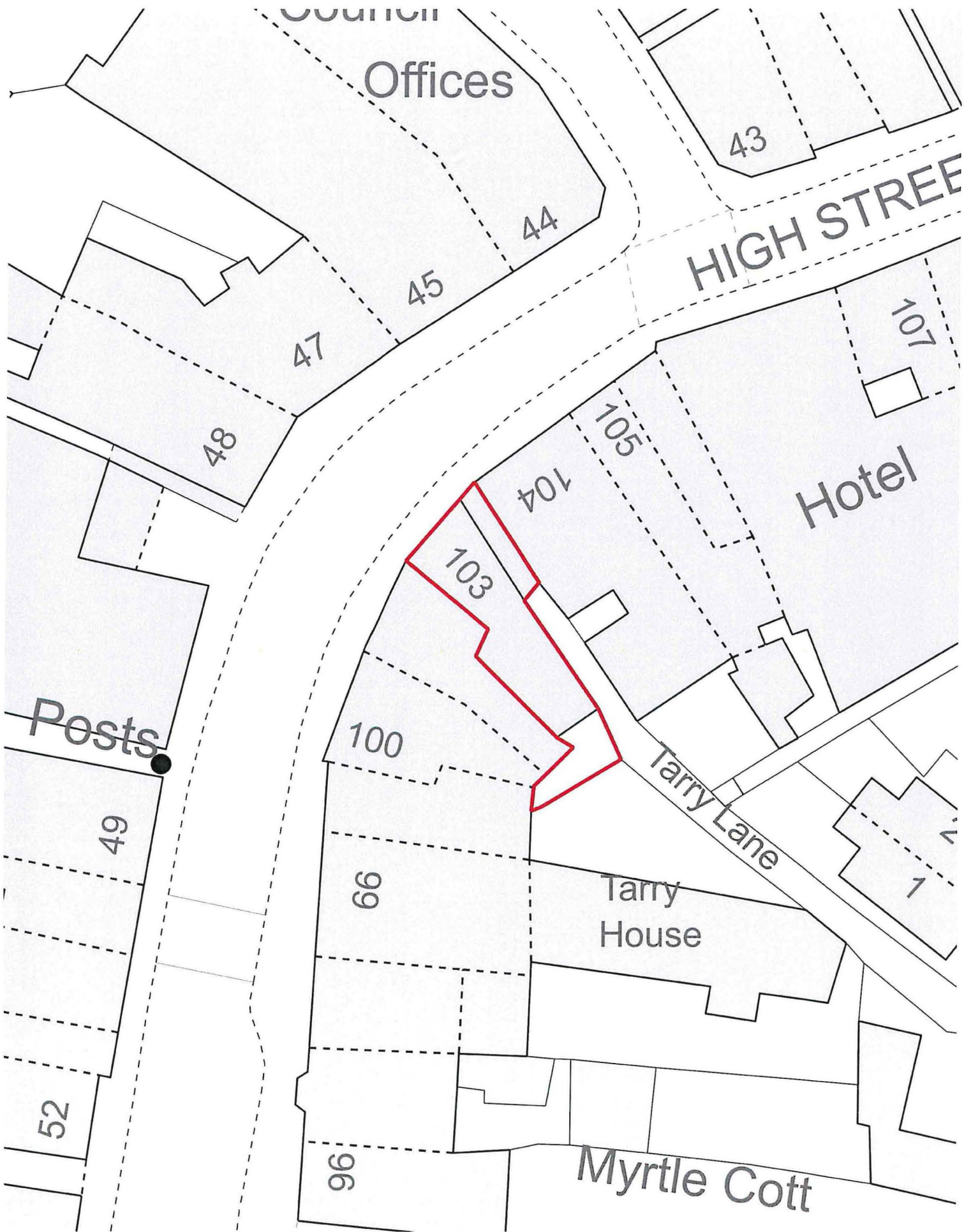
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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 attached Planning Inspectorate Guidance Sheet provides details of where you can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A appeal is £344.00 (2 x £172.00)**

### **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.**



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

**Enforcement 10331**  
**103 High Street, Ilfracombe EX34 9NH**

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