



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

**Castle Villa, Hillsborough Road,
Ilfracombe, North Devon, EX34 9NW
(HM Land Registry Title Number DN627274)**

**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/14050
PLANNING FILE NO: PD/FS/ENF/10364

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**

Castle Villa, Hillsborough Road, Ilfracombe, North Devon, EX34 9NW (HM Land Registry Title Number DN627274) as shown edged red on the attached Location Plan.

("The Land")

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

Without planning permission and within the last 10 years, the erection of one Dwelling (now known as Castle Lodge) without the provision of car parking spaces in breach of conditions 2 and 7 of the attached planning permission 50198 dated 22 September 2010.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:-

The conditions were attached to planning permission 50198 dated 22 September 2010 to ensure that the development accords with the 'approved plans' and provides adequate parking facilities for the traffic attracted to the site.

The site is accessed by a restricted width lane, which serves the site, the adjoining property and is used as a public footpath. Consequently it is important to ensure it is kept clear of parked vehicles by providing the appropriate level of residential parking on-site.

This is required in order to comply with Policy TRA8 of the North Devon Local Plan (NDLP) which only permits residential development where it provides a level of off street car parking appropriate to its location and meets the requirements of the intended occupants. Additionally, Policy TRA6 of the NDLP only permits development where the functioning of the road network and the safety of highway users is not harmed. Both of these policies are consistent with policies within the National Planning Policy Framework at paragraphs 32 and 39.

Parking directly outside the adjoining development windows has an adverse affect on the amenity of occupiers of the adjoining property, which is contrary to Policy DVS3 of the NDLP that only allows development where it does not harm the amenities of neighbouring uses or the character of the surrounding area.

The Local Planning Authority considers that the breach of condition has occurred within the last 10 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 12 months from the date the when this notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

Provide the parking spaces in accordance with the requirements of Conditions 2 and 7 of planning permission 50198 dated 22 September 2010.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2 April 2018 ("the effective date") unless an appeal is made against it beforehand.

Dated: 2 March 2018

Signed: 

Solicitor, Head of Corporate & Community

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

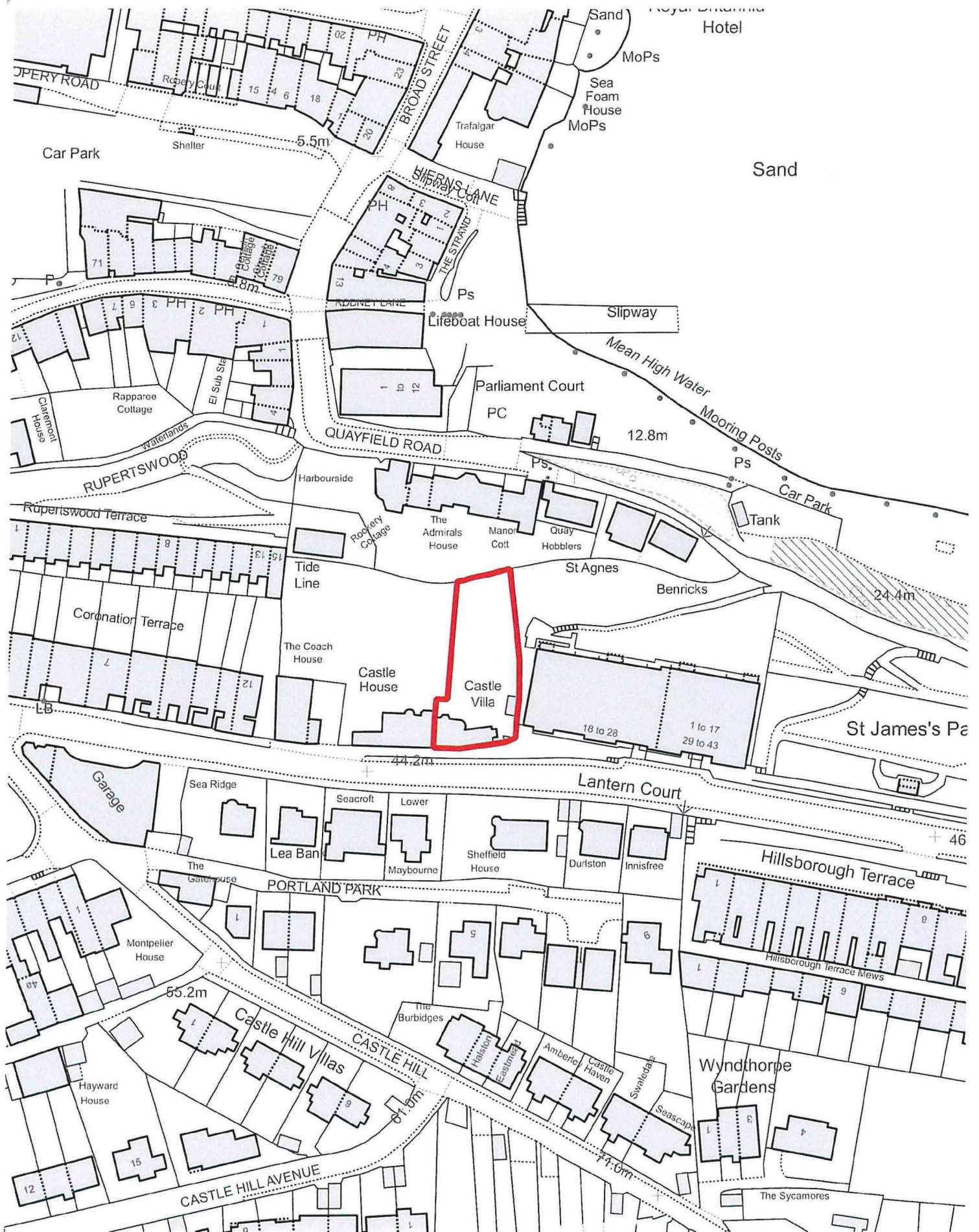
GUIDANCE NOTES FOR YOUR INFORMATION

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 £194.00 (2 x £97.00)

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 10364 **Castle Lodge, Hillsborough Road, Ilfracombe EX34 9NW**

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**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

D & J MAY ARCHITECTURAL SERVICES
DEER PARK
SHIRWELL
BARNSTAPLE
EX314JS

APPLICATION No.: 50198

**DATE REGISTERED: 20-APR-10
DECISION DATE: 22-SEP-10**

The North Devon District Council in pursuance of powers under the above mentioned Act hereby grant planning permission for

**DEMOLITION OF OUTBUILDING & ERECTION OF ONE DWELLING WITH CAR
PARKING AT GARDEN OF CASTLE VILLA HILLSBOROUGH ROAD ILFRACOMBE**

in accordance with the accompanying plans and details, subject to the conditions specified hereunder:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the plan(s) submitted as part of the application ('the approved plan(s)') and received on 20th April 2010.

Reason:

To confirm the drawings to which the consent relates and to ensure the development accords with the approved plans.

- (3) No work shall commence on any part of the development hereby permitted until details of the steps (to include the use of traditional materials), hard surfaces and colour of the horizontal boarding, to be used in the construction of the proposed development have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to consider and approve details of the development not already identified.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within class(es) A to H of Part 1 and class(es) A of Part 2 of Schedule Two of the Order.

Reason:

To protect the appearance and character of the development in the area

(5) The development hereby permitted shall not be commenced until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area.

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason:

To safeguard the appearance and character of the area.

(7) No part of the development hereby approved shall be commenced until the car parking spaces have been provided in accordance with the requirements of this permission to the satisfaction of the Local Planning Authority.

Reason:

To ensure that adequate facilities are available for the traffic attracted to the site.

NOTE[S] TO APPLICANT

For the purpose of interpreting the restrictions expressed in condition 4 of this consent, permitted development rights have been removed in respect of the following classes:

Part I: CLASS A The enlargement, improvement or other alteration of a dwelling-house

Part I: CLASS B The enlargement of a dwelling-house consisting of an addition or alteration to its roof

Part I: CLASS C Any other alteration to the roof of a dwelling-house

Part I: CLASS D The erection or construction of a porch outside any external door of a dwelling-house

Part I: CLASS E The provision within the curtilage of a dwelling-house of -

a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Part I: CLASS F Development consisting of -

a) the provision within the curtilage of a dwelling-house of a hard surface for any purpose incidental to the enjoyment of the dwelling-house as such; or

b) the replacement in whole or in part of such a surface

Part I: CLASS G The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse

Part I: CLASS H The installation, alteration or replacement of a satellite antenna on a dwelling-house or within the curtilage of a dwelling-house

Part II: CLASS A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at www.planningportal.gov.uk.

INFORMATIVE NOTE: -

The Town and Country Planning [General Development Procedure] [England] [Amendment] Order 2003.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND POLICIES AND PROPOSALS OF THE DEVELOPMENT PLAN RELEVANT TO THE DECISION.

The Local Planning Authority, having had regard to all planning considerations material to the determination of this application, including particularly housing, conservation, design, amenity, traffic and all consultations and representations made in connection with the application, conclude that the proposal accords with the provisions of the development plan as applicable to it, including the policies and proposals noted below, and there are no grounds which justify its refusal.

The Local Planning Authority took into account the following Policies and Proposals in the development plan relevant to the decision to grant planning permission:

Development Plan
Devon Structure Plan 2001 - 2016:-
CO7 Historic Settlements and Buildings
TR10 Strategic Road Network

North Devon Local Plan 2006:-
HSG2 Development Boundaries
DVS1 Design
DVS2 Landscaping
DVS3 Amenity Considerations
ENV16 Development in Conservation Areas
ENV17 Listed Buildings
TRA6 General Highway Considerations
TRA8 Residential Parking

The granting of Planning Approval does not relate to the need or otherwise for Building Regulation Approval and you are advised to contact the Councils Building Control Service to check whether this is a requirement (01271 388282).

End of Decision.