



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**Flat 1, 1 Hostle Park, Ilfracombe, North Devon
EX34 9HW
(HM Land Registry Title Number DN614439)**

**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 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**

Flat 1, 1 Hostle Park, Ilfracombe, Devon EX34 9HW (HM Land Registry Title Number DN614439) as shown edged red on the enclosed Location Plan.

(“The Building”)

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

Without planning permission and within the last 4 years, unauthorised Operational Development consisting of the installation of uPVC windows.

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 Building is a flat which does not benefit from permitted development rights. The Owner has installed new UPVC windows without obtaining planning permission. The owner submitted Planning application 54946 which was validated on 30 January 2013 and subsequently refused on 27 March 2013 for the following reason:-

‘The proposed replacement uPVC windows by virtue of their materials of construction, appearance, detailing and means of opening are considered to be detrimental to the historic character and appearance of the designated Ilfracombe Conservation Area, detracting from the architectural interest and detailing of the building that contributes to the setting of the area. The proposal is therefore considered to be contrary to Policy CO7 of the Devon Structure Plan, Policy ENV16 of the North Devon Local Plan 2006 and Section 72 of the Planning (Listed Buildings and Conservation Area) Act.’

The Owner appealed this decision with the Planning Inspectorate dismissing the appeal on 20 November 2013 (Appeal Ref: APP/X1118/A/13/2196834) commenting that the overall impact of the alterations to uPVC would detract from the appearance of the building. As such, they neither preserve nor enhance the character or appearance of the Conservation Area contrary to Policy ENV16 of the North Devon Local Plan (2006).

The Inspector went on to noted that 'The kitchen window to the side elevation and the bay window to the front are seen as particularly prominent features on the building, and the details of the bay especially match the similar adjoining feature on the neighbouring property. The alterations would notably change the window pattern to No 1 through the introduction of plastic UPVC frames which, in my assessment, can be readily distinguished from traditional timber frames'.

The Owner in the knowledge of the above decision installed the uPVC windows which have resulted in the operational development detracting from the character of the Building and surrounding Conservation Area, contrary to Local Plan Policy ENV16. The Building prior to the works was of a traditional appearance with timber framed vertical sliding sash windows which were keeping with the character of this part of the Conservation Area and therefore the windows installed should be removed and replaced with similar traditional timber framed vertical sliding sash windows.

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 6 months from the date when this notices takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Replace the unauthorised uPVC windows with traditional timber framed vertical sliding sash windows.
2. Make good any damage caused to the Building from complying with Step 1 above.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 26 September 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 25 August 2016

Signed:
Solicitor, Head of Corporate & Community

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

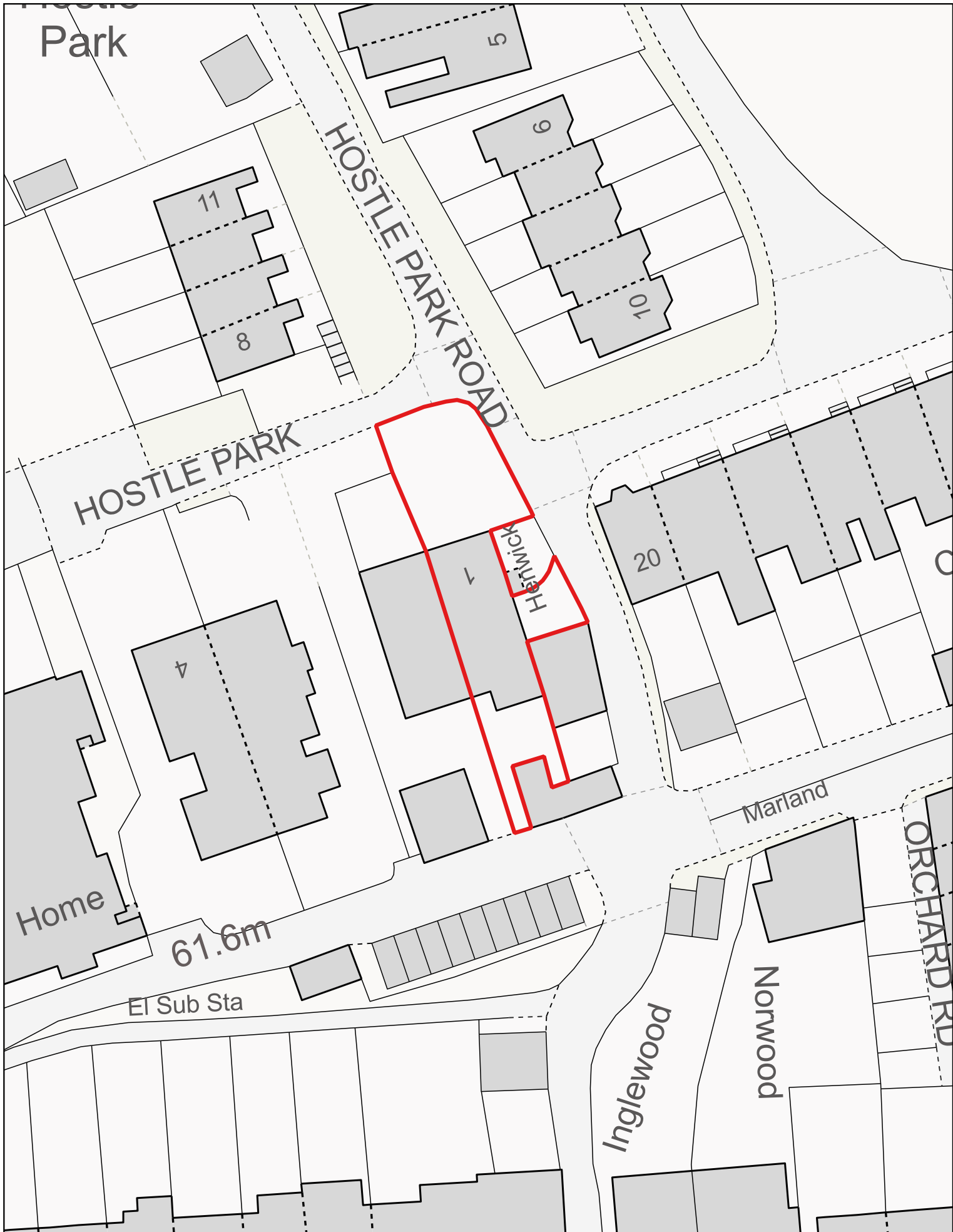
GUIDANCE NOTES FOR YOUR INFORMATION

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 £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

Location Plan

9353: Flat 1, 1 Hostle Park, Ilfracombe EX34 9HW

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Strategic Development &
Planning

Scale: 1:500
Date: 13 June 2016