



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**4 Queens Street, Barnstaple, Devon EX32 8HG
(HM Land Registry Title Number DN405085)**

**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**

Land at 4 Queens Street, Barnstaple, North Devon, EX32 8HG (HM Land Registry Title Number DN405085) as shown edged red on the enclosed Location Plan.

(“The Property”)

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

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of the erection of PV (Photovoltaic) Solar Panels on the front (south) elevation roof of the Property.

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.

It is noted that the Property lies within a Conservation Area and that General Permitted Development Order does not grant permission for PV (Photovoltaic) Solar Panels in such a location because of the negative impacts that can result on the conservation area.

The Conservation Area Management Plan for Barnstaple Town Centre follows on from the Conservation Area Character Appraisal for the town that was adopted in March 2010. The management plan document acts as a reference and guide for all those who make decisions which may impact on the special character of Barnstaple. It states that the roofscape is a prominent part of the conservation area and the roofscape is generally of importance throughout the conservation area. The enclosed streets and height of buildings hides many roof slopes from view from short distances although some can be seen and others can even be considered prominent. This roof slope is considered to be prominent and visible for some distance. The management plan goes on to conclude that the use of traditional roofing materials is an important contribution to the Conservation Area. The main roofing material is slate.

The PV (Photovoltaic) Solar Panels are on the front (south west) elevation of the Property and are prominent in the street scene on a building which is within a designated conservation area and visible on the approach to and from within the conservation area. Negotiations with the building owner to move the PV (Photovoltaic) Solar Panels to the rear elevation and thus reduce impacts on the street scene and the conservation area as a whole have not come to fruition to date. The PV (Photovoltaic) Solar Panels introduce a modern feature juxtaposed to the traditional roofing materials seen on the site previously and are not in keeping with the traditional character of the street scene as a whole. The sustainability benefits of the PV (Photovoltaic) Solar Panels are not considered to outweigh the impacts on the area. The PV (Photovoltaic) Solar Panels are therefore considered to be contrary to Policies ENV16 and DVS1 of the adopted North Devon Local Plan and the objectives of the National Planning Policy Framework to sustain and enhancing the significance of heritage assets.

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 notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Remove the PV (Photovoltaic) Solar Panels from the front (south) elevation roof of the Property.
2. Remove all debris and materials generated by the removal of the PV (Photovoltaic) Solar Panels from the front (south) elevation roof of the Property.
3. Make good any damage caused to the property by the removal of the PV (Photovoltaic) Solar Panels from the front (south) elevation roof of the Property.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2 March 2015 ("the effective date") unless an appeal is made against it beforehand.

Dated: 29 January 2015

Signed:

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Head of Legal on behalf of North Devon District Council,
Civic Centre, Barnstaple, North Devon, EX31 1EA.

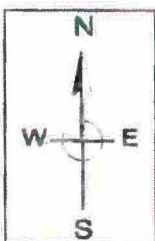
GUIDANCE NOTES FOR YOUR INFORMATION

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 £390.00 (2 x £195.00)

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.



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North Devon Council, Civic Centre,
Barnstaple Devon EX31 1EA



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