



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**10 Sanctuary Close Bishops Tawton EX32 0BT  
(Land Registry No.DN249918)**

**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**

10 Sanctuary Close Bishops Tawton EX32 0BT (Land Registry No.DN249918) 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 under Section 171B(1) of the Act consisting of the erection of an extension to the dwelling.

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 mitigate the alleged breach of planning control.

The use of the flat roofed area as a balcony or any other recreational or domestic use would result in the ability for persons to overlook the living accommodation and garden amenity area of Number 9 Sanctuary Close, which would have a detrimental impact on the privacy of the occupiers of this property. Such an impact would be contrary to North Devon Local Plan policy DVS3 which states that 'development will not be permitted where it would harm the amenities of any neighbouring uses by virtue of loss of privacy.'

For the reasons outlined above, it is in the interest of the amenity considerations of the occupiers of Number 9 Sanctuary close to take Enforcement action to prevent the use of the flat roofed area.

There would be no acceptable mitigation measures to prevent the ability to overlook to Number 9 Sanctuary Close and as such the breach could not be mitigated.

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 **1 month** from the date when this notices takes effect.

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

Cease the use of the flat roof of the unauthorised extension to the dwelling as a balcony or for any other recreational or domestic use.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 1 April 2013 ("the effective date") unless an appeal is made against it beforehand.

Dated: 1 March 2013

Signed:

Interim Head of Legal

On behalf of: North Devon District Council,  
Civic Centre,  
Barnstaple, Devon,  
EX31 1EA.

## **GUIDANCE NOTES FOR YOUR INFORMATION**

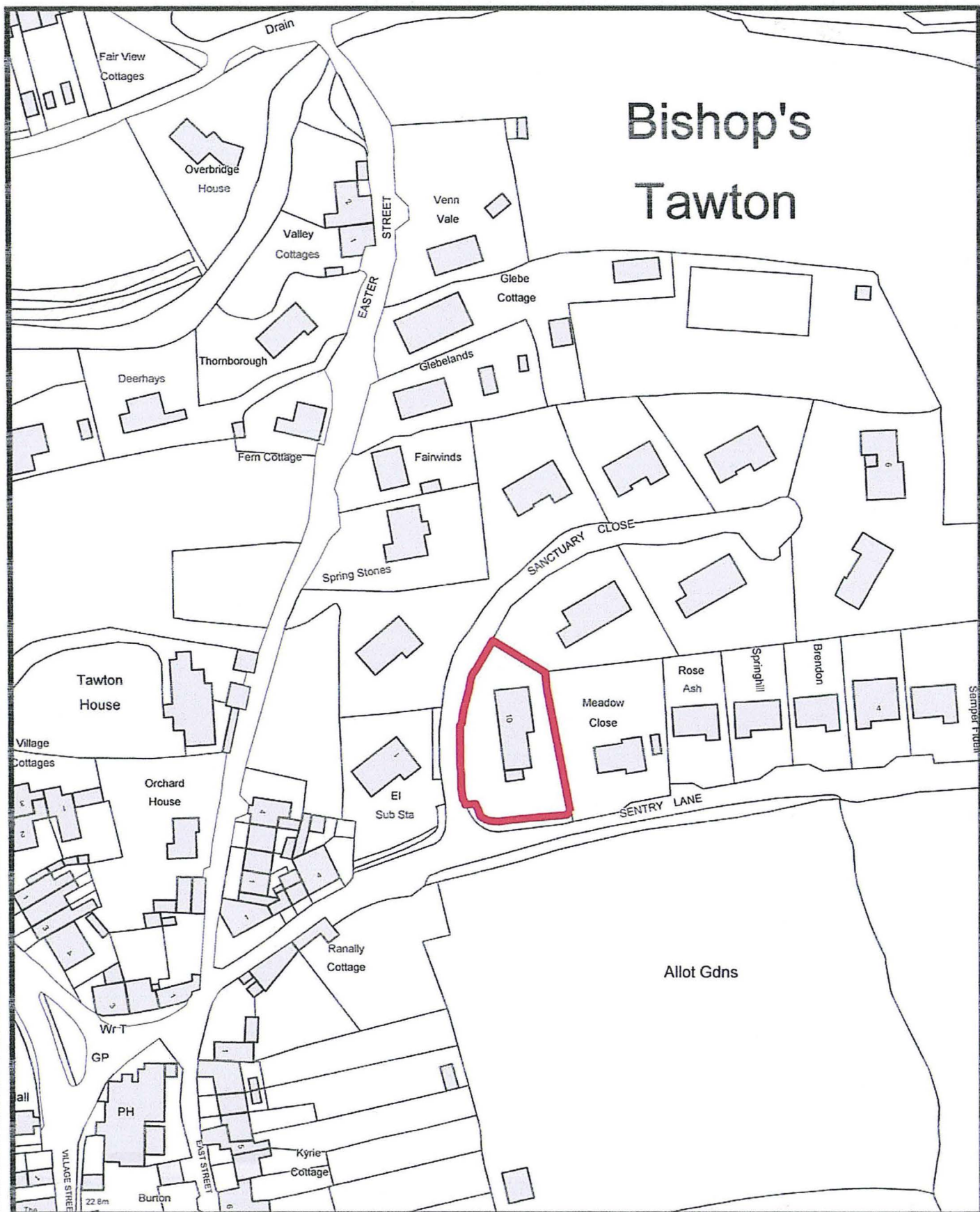
### **YOUR RIGHT OF APPEAL**

**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 £344.00 (2 x £172).**

### **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.**





## Plan to Accompany Enforcement Notice 8054

### 10 Sanctuary Close, Bishops Tawton EX32 0BT



Civic Centre, Barnstaple.  
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO: Legal Services Unit

DATE 12th February 2013

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