



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**Green Top, Headlands View Avenue, Mortehoe Road,
Woolacombe, North Devon, EX34 7HA (HM Land Registry
Title Number DN225109)**

**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 Green Top, Headlands View Avenue, Mortehoe Road, Woolacombe, North Devon, EX34 7HA (HM Land Registry Title Number DN225109) 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 a two storey extension to the existing 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 remedy the alleged breach of planning control.

Green Top, Headlands View Avenue, Mortehoe Road, Woolacombe is a detached bungalow set in a residential area of residential bungalows and chalet bungalows of a similar scale and is located within the Area of Outstanding Natural Beauty, Coastal Preservation Area and Heritage Coast protected landscape designations. Planning permission (46050) has previously been granted in relation to an extension to this dwelling together with the raising of the roof and conversion of loft. However, the extension currently under construction and nearing completion substantially and fundamentally differs from the approved scheme in terms of design and scale.

The design of the extension as constructed, which takes the form of a two storey extension with high ridge and eaves height, and projects substantially from the rear of the property, is not considered to constitute an appropriate development form in this location due to its inappropriate scale, height and massing and disjointed appearance. The development is therefore considered to be contrary to Policy DVS1 of the adopted North Devon Local Plan and Core principle 7 (Requiring Good Design) of the National Planning Policy Framework.

The inappropriate scale and design of the extension as detailed above also does not enhance but detracts from the natural beauty of the protected landscape that the property is set within and therefore is considered to be contrary to Policies ENV2, ENV3 and ENV5 of the adopted North Devon Local Plan and Core Principle 11 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.

Given the fundamentally different design of the extension as constructed from that which gained planning permission (46050) on the 28th April 2008, it is considered that there would be no acceptable mitigation measures to rectify concerns relating to the design and impact on protected landscape, and as such the breach could not be mitigated.

For the above reasons, the Local Planning Authority consider that it is expedient and in the public interest to take formal enforcement action. The Local Planning Authority also 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. Remove the unauthorised two storey extension from the land edged red on the enclosed Location Plan.
2. Remove any rubble or debris created in association with carrying out the above works from the land edged red on the enclosed Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18 September 2014 ("the effective date") unless an appeal is made against it beforehand.

Dated: 18 August 2014

Signed:

Head of Legal

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

GUIDANCE NOTES FOR YOUR INFORMATION

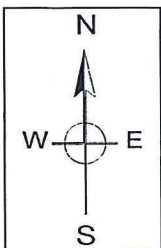
YOUR RIGHT OF APPEAL

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 £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.

LOCATION PLAN



LS/04/13199 L ENF/8131
GREEN TOP, HEADLANDS VIEW AVE,
NORTHOKE RD, WORMCOMBE, EX34 7HA.

Scale 1:2500

Date: 12/08/2014

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