



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**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 consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED** (shown edged red on Plan 1 attached)

Gabriel House, Wilder Road, Ilfracombe, EX34 9AJ

("the land")

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

The unauthorised operational development consisting of the erection of a raised area of hard standing as shown edged in blue on the attached plan 1 and the attached photographs dated 23rd October 2008 without planning permission within the last four years.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council consider it expedient to issue this notice for the following reasons:

A retrospective planning application was made for the erection of a patio, paths, steps and a pergola, (application number 40965) and Planning permission was granted. An Approved Plan (received on 12th January 2008 and annexed hereto as Plan 2) showed that this unauthorised development would be re-located elsewhere within the garden.

The alternative site has been established but the original unauthorised development remains and is contrary to the requirements of the planning permission and the Approved Plan.

The unauthorised operational development is contrary to policies DVS1 and DVS3 of the adopted North Devon Local Plan.

Policy DVS1 relates to the form, siting and character of development. The relevance of this policy is primarily with respect to the position of the terrace in relation to a neighbouring property.

Policy DVS3 is applicable where development could harm the amenities of neighbours. In this instance, it is considered that overlooking from the terrace/patio occurs and this results in loss of privacy to the adjacent dwelling and thereby harming the amenity of the neighbouring property.

The Local Planning Authority considers that the Unauthorised Operational Development has occurred within the last four years and that the above reasons for issuing the notice cannot be overcome by the use of planning conditions.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of 3 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Remove the area of hard standing as edged in blue on the attached plan 1 and as shown on the attached photographs dated 23rd October 2008 from the land outlined in red on Plan 1
2. Remove from the area edged in red on plan 1 attached, any debris created from taking step 1 above.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 10th September 2009 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 10th August 2009

Signed :
Solicitor, Legal Services Manager

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

* specific date, not less than 28 clear days after date of service

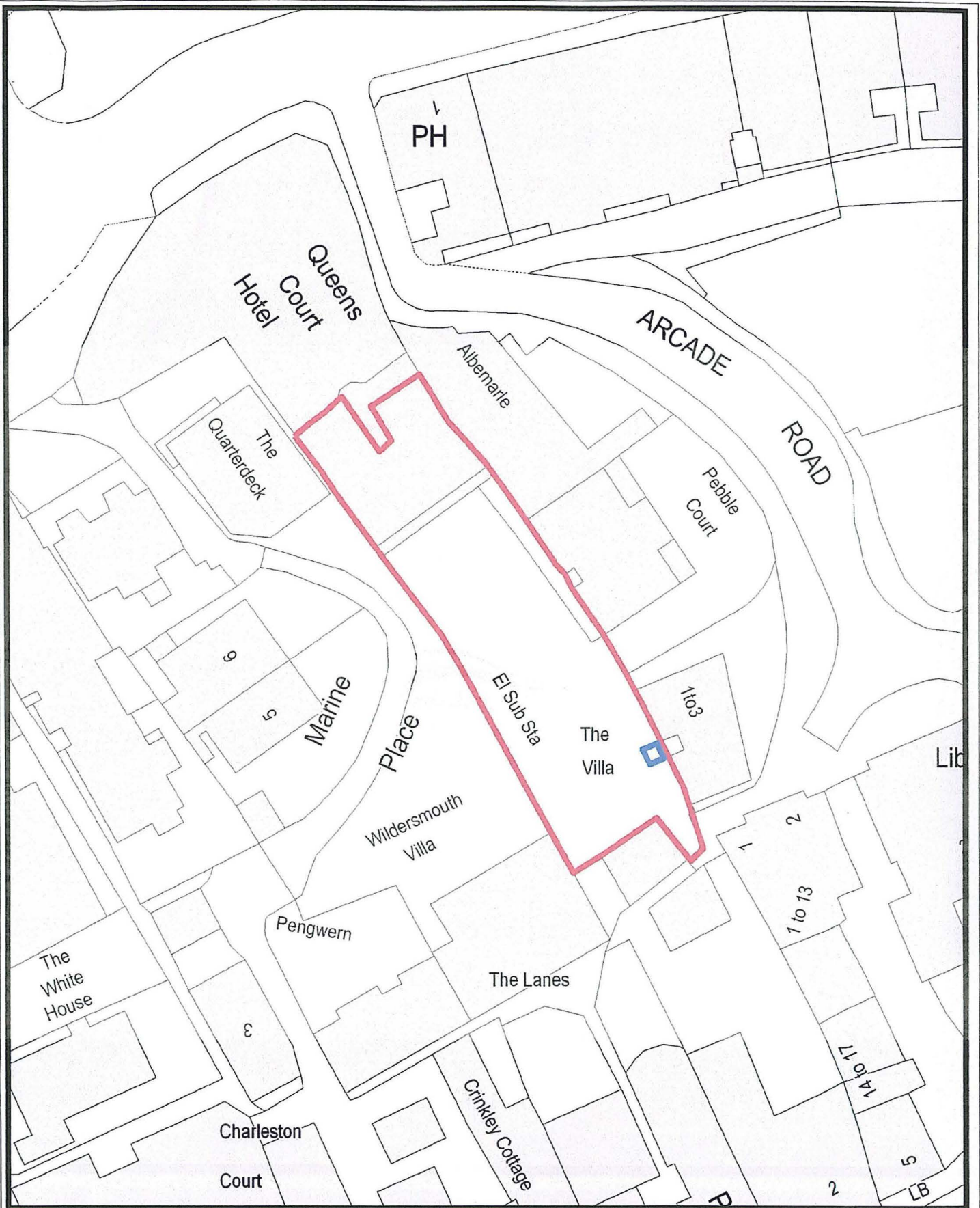
GUIDANCE NOTES FOR YOUR INFORMATION

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 sheet provides details of where you obtain further information on the appeal process.

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.



Civic Centre, Barnstaple.
EX31 1EA

Plan to accompany Enforcement Notice 6585

Gabriel House, Wilder Road, Ilfracombe

SCALE: 1:500

COPY SUPPLIED TO:

Planning Unit

DATE 7th August 2009

Reproduced from Ordnance Survey mapping by North Devon District Council under Copyright Licence No. 100021929 © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Plan 1