

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 the plan attached)

13 Heanton Street Braunton, EX33 2JS

("the land")

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

Unauthorised Demolition of the building known as 13 Heanton Street Braunton

4. **REASONS FOR ISSUING THIS NOTICE**

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

In the opinion of the Local Planning Authority the unauthorised works of demolition have adversely affected the visual amenities of the locality as the works have introduced an incongruous and unsightly gap into an established terrace of properties that are prominent in the public domain. Such development is contrary to the principles set out in DSV1 (Design) *1 of the adopted North Devon Local Plan (July 2006) and Policies ST1 *2 and CO6 *3 of the adopted Devon Structure Plan (October 2004) as well as the general commitment towards improved design in Government advice including PPS1 and PPS3.

Other material consideration:

The unauthorised development has adversely affected the amenities of occupants of the residential properties either side of the site. As a consequence the development is contrary to the provisions of Policy DVS3 (Amenity Considerations) of the North Devon Local Plan (July 2006).

***1**

POLICY DVS1 (DESIGN)

A development proposal will be permitted where it applies the aspects of development form to achieve the identified design principles as set out in table 2B (*1A)

A proposal which does not use appropriate development forms or would otherwise conflict with the design principles set out in table 2B will not be permitted

4a. REASONS FOR ISSUING THIS NOTICE continued

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

***1A**

Table 2B : Schedule to Policy DVS1

Design Principles and Aspects of Development Form

Design Principles

Character
Continuity and Enclosure
Quality of the Public Realm
Ease of Movement
Legibility
Adaptability
Diversity
Efficiency
Crime Reduction
Energy Efficiency

Aspects of Development Form

Layout : Urban Structure and Grain
Density and Mix
Scale : Height and Massing
Appearance : Details and Materials

***2**

Policy ST1

Sustainable Development

In planning for the future of Devon, Local Planning Authorities and other agencies should ensure that sustainable development objectives are achieved by:

- 1) conserving resources - through the efficient use of land, waste minimisation, conservation of mineral resources, energy conservation and the use of renewable resources, and the effective management of water;
- 2) protecting environmental assets - including landscape, the natural, built and historic environment - and ensuring that development proposals are well designed and sympathetic to Devon's distinctive character;
- 3) meeting the needs of the community, including housing, employment, social and cultural needs, in terms of their range and scale - provided for in locations most accessible to those who need to use them;
- 4) developing a sustainable transport system that is accessible, sustainable, integrated, efficient and safe, in both urban and rural areas - including pedestrian, cycle, road, rail, air, waterway and sea networks for work, shopping, leisure, and services;
- 5) assessing the impact of proposals against national and regional indicators of sustainable development - to make positive improvements to quality of life.

4b. REASONS FOR ISSUING THIS NOTICE continued

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

***3**

Policy CO6

Quality of New Development

The identity, distinctive character and features of existing settlements, urban and rural areas should be conserved and enhanced. In planning for new development the Local Planning Authority should maintain and improve the quality of Devon's environment by requiring attention to good design and layout that respects the character of the site and its surroundings and by providing for regeneration and conservation, townscape enhancement, traffic management and the retention and provision of open space.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that step 1 specified in section 6 be undertaken within the period of three months from the date when this notice takes effect.

The Council require that step 2 specified in section 6 be undertaken within the period of six months from the date when this notice takes effect.

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

6. WHAT YOU ARE REQUIRED TO DO

1, To commence construction of a replacement building which (subject to 6A below) shall be as similar as possible to the building which previously stood at 13 Heanton Street before it was the subject of the unauthorised demolition referred to in box 3 above.

2, To have the outer shell of the same replacement building substantially completed leaving only the internal fit of the building to be completed.

3, To have substantially completed the whole of the construction of the same replacement building including the internal fit.

6A

the replacement building

(a)

must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(b)

may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control including variation from the demolished building so as to conform with the specifications of planning permission 42658 (as per attached copies of approved plans (Drawing numbers 06.1957.1 and 06.1957.2) and decision notice) granting consent for extension of the demolished building.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on Friday the 25th of July 2008 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue]Friday the 13th of June 2008.....

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 enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

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

13 Heanton Street, Braunton, Devon



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO: Planning Unit

DATE 10th June 2008

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