

Flat 1 + Flat 2

77 High Street

Ilfracombe

CF/1155

Dated - 29/5/08

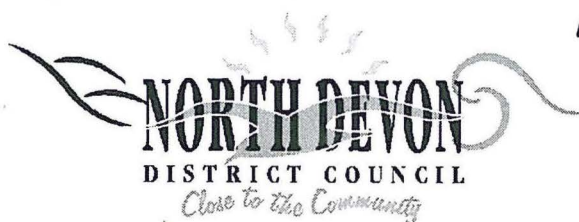
Takes effect - 30/5/08

29.5.2008

FLATS 1 & 2

77 HIGH STREET,

ILFRACOMBE



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

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 A attached)

Flat 1 and Flat 2, 77 High Street, Ilfracombe, North Devon, EX34 9NQ

(“the land”)

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

Unauthorised operational development by the removal of traditional wooden vertical sash windows (as shown in photograph B annexed hereto) and their replacement with Upvc windows (as shown in photograph A annexed hereto) 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:

The terraced property lies within a designated Conservation Area and it occupies a prominent position in the High Street. It is considered that the loss of traditional timber, sash windows and their replacement with outward opening lights, more bulky frames and artificial horizontal glazing bars is inappropriate. It is necessary to pay special attention to the desirability of preserving or enhancing the character of appearance of the designated Conservation Area (under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the development is contrary to the provisions of Policy CO7 of the Devon Structure Plan (adopted October 2004) and Policies DVS1, DVS3 and ENV16 of the North Devon Local Plan (adopted June 2006).

The Local Authority is of the opinion 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 below 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 four UPVC windows installed in the front elevation of Flats 1 and 2, 77 High Street, Ilfracombe, as shown outlined in red in photograph A annexed hereto.
2. Fit replacement windows of traditional vertical sash design consisting of two panes over two panes with a single horizontal glazing bar on the first floor and one pane over two panes with a single horizontal glazing bar on the second floor.
3. Remove all debris resulting from 1 and 2 above from the site.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 30th June 2008 ("the effective date")* unless an appeal is made against it beforehand.

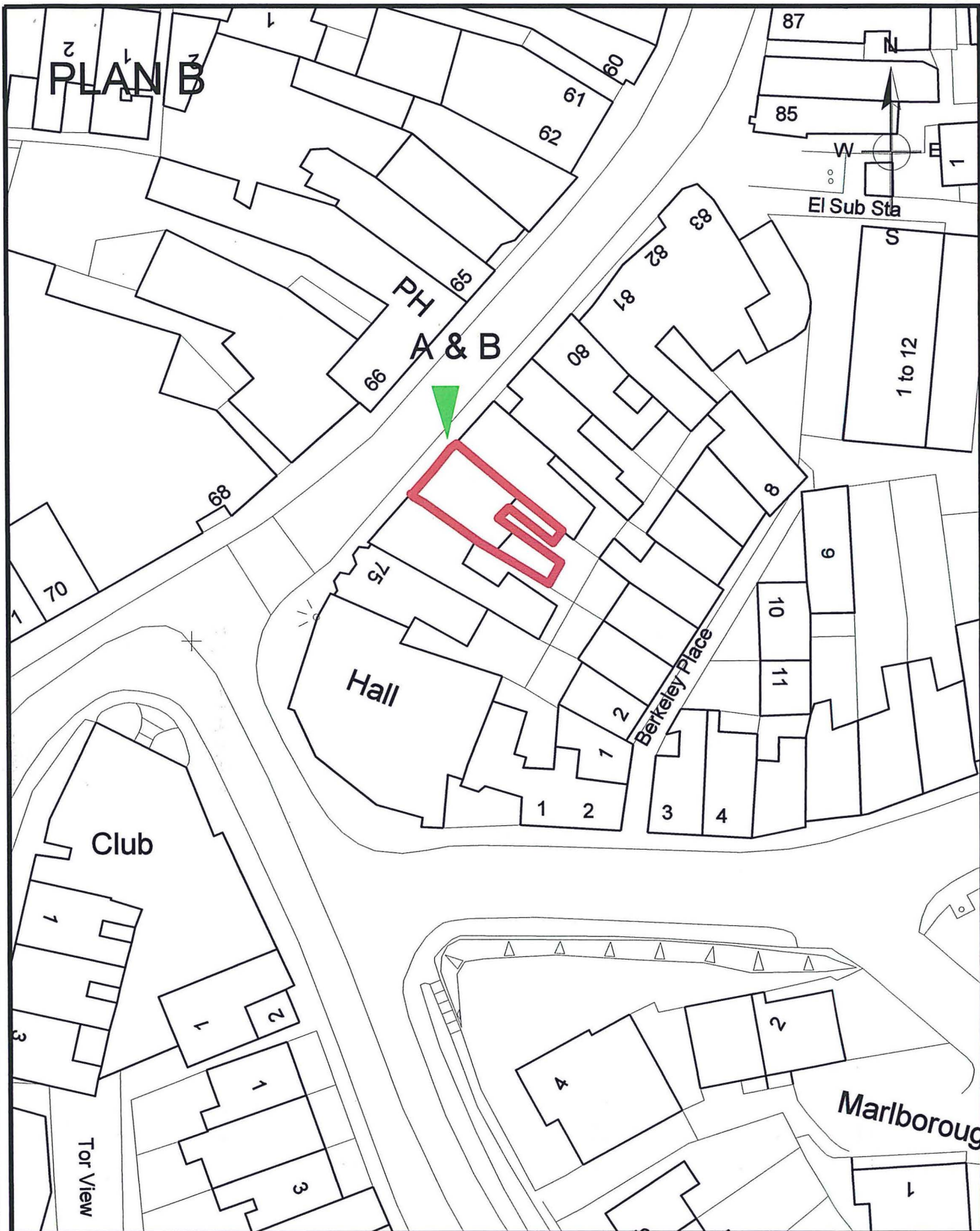
Dated : 29th May 2008

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



Civic Centre, Barnstaple.
EX31 1EA

Plan B to Accompany Enforcement Notice

Flats 1 & 2, 77 High Street, Ilfracombe

SCALE: 1:500

COPY SUPPLIED TO: Planning Unit

DATE 16th April 2008

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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, (paragraph 6 above). 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 (paragraph 6 above) 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.