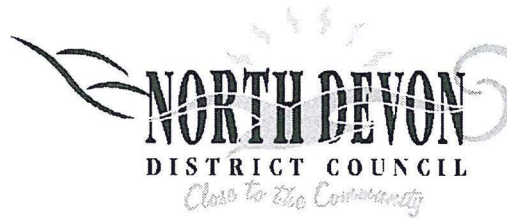


DH / 11097

4.4.2008



1 WALLINGBROOK COURT  
& WALLINGBROOK COTTAGE  
LEIGH ROAD  
CHULMLEIGH

**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 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** is shown on the attached Plan 1

1 Wallingbrook Court (shown edged red on the attached Plan 1) and Wallingbrook Cottage (shown edged blue on the attached Plan 1), Leigh Road, Chulmleigh, EX18 7BL

("The Land")

3.     **THE BREACH OF PLANNING CONTROL ALLEGED** is shown in the attached photographs 1 to 6

- (1)     Creation of Balcony Structure (First Floor Flat) at 1 Wallingbrook Court (The approximate location being marked 'A' and shown edged purple on the attached Plan 1).
- (2)     Alteration to Window to create a door and access on to the Balcony Structure
- (3)     Siting of Oil Tank on land at Wallingbrook Cottage – (The approximate location being marked 'B' and shown edged green on the attached Plan 1).

("The Unauthorised Development")

4.     **REASONS FOR ISSUING THIS NOTICE**

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

The Unauthorised Development is contrary to policies DVS1 and DVS3 of the North Devon Local Plan 1995 to 2011 (adopted July 2006).

The creation of the Balcony Structure is contrary to policy DVS1 by virtue of the details and materials used being intrusive in nature and appearance. It also contravenes policy DVS3 by virtue of it overshadowing the windows of 3 Wallingbrook Court (Ground Floor Flat) and causing loss of privacy to the occupants of Wallingbrook Cottage thereby harming the amenities of these neighbouring properties.

The Alteration to Window to create a door and access on to the Balcony Structure is contrary to policy DVS1 by virtue of the door being of a disproportionate size.

The Siting of Oil Tank on land at Wallingbrook Cottage is contrary to policy DVS3 by virtue of the oil fumes from the tank being detrimental to the residential amenity of the adjoining properties.

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 requires that the steps specified in paragraph 6 be undertaken within the period of 2 months from the date when this notices takes effect.

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

1. Remove the Balcony Structure including all railings, timber deck and supporting steel beams from the land affected outlined red and blue.
2. Repair any damage to the stone work of Wallingbrook Court caused by the removal of the Balcony Structure by using stone and lime mortar to match the existing stone work of the Building.
3. Remove the door and frame leading on to the Balcony Structure.
4. Remove brick quoins from the area below where the base of the replacement windowsill will be installed.
5. Reinstate the area below where the replacement window will be installed with stone and lime mortar to match the existing stone work of the Building.
6. Replace the door opening with a casement window of a design as that used as shown marked 'A' on the attached Drawing 1. Ensure that the new external windowsill matches the other existing windowsills currently in place on the north elevation of 1 Wallingbrook Court in terms of material, thickness and appearance. Ensure that the replacement window is made from timber with any moldings, glazing bars and profiles to match in size and appearance the other existing windows currently in place on the north elevation of 1 Wallingbrook Court.
7. Remove the Oil Tank, associated plinth and any external pipe work required to transfer heating oil to Flat 1 Wallingbrook Court from the land affected outlined red and blue where so ever fixed, stored or placed and make good any damage.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 6 May 2008 ("the effective date") unless an appeal is made against it beforehand.

Dated: ..... 4 April 2008

Signed: .....

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

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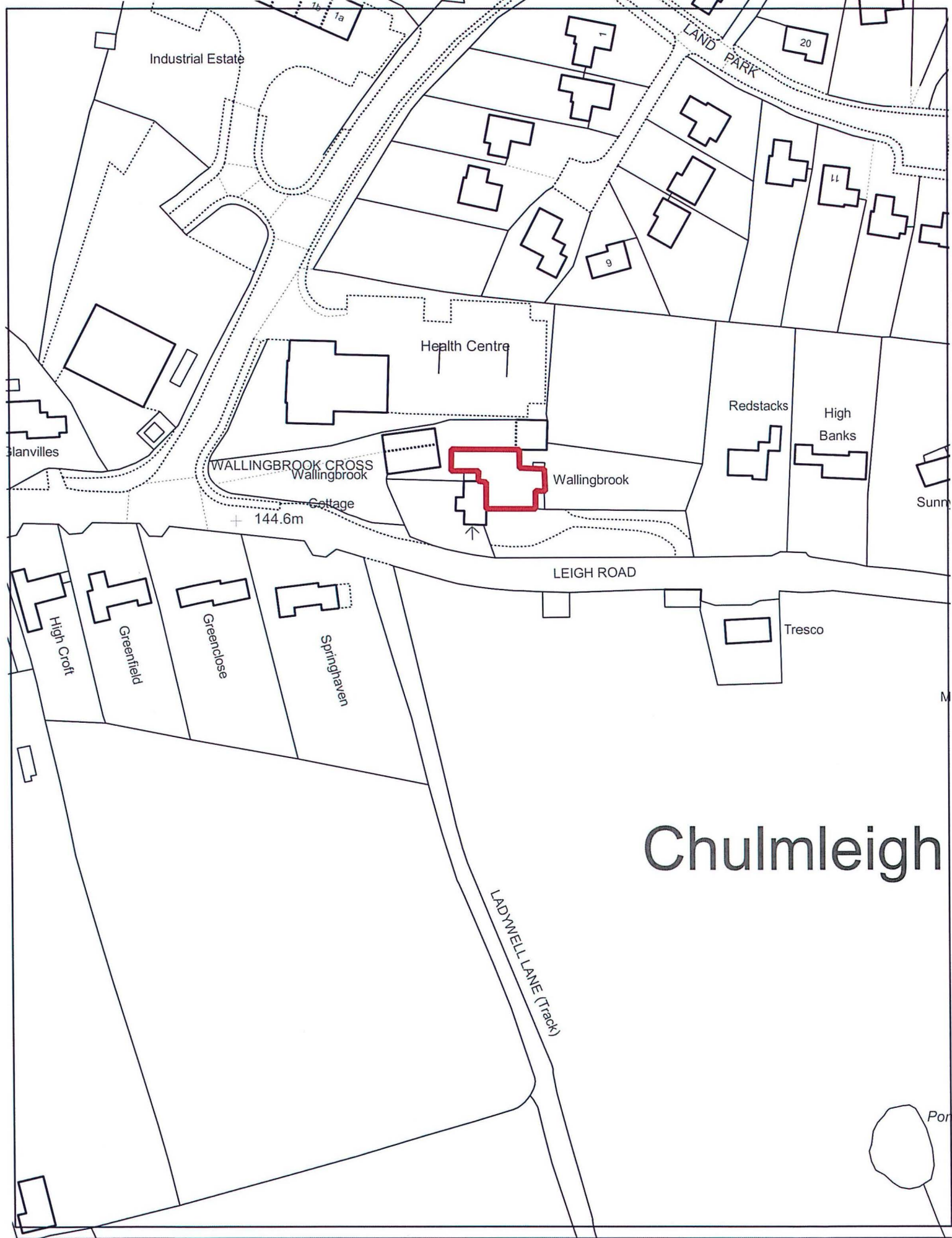
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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. 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.**



# Chulmleigh



**5981: 1 wallingbrook Court, Leigh Road, Chumleigh, EX18 7BL**

Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

QGIS

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