

NDDDC

I hereby certify that this is a true copy of the original.

Signed ...

K. B. MORGAN
SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED

6th March '97

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 'A' attached)

30, Boutport Street, Barnstaple, North Devon

("the land")

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

Without planning permission the removal and replacement of two windows with UPVC type windows to the Boutport Street frontage of the land, the said windows being shown, for identification purposes only, hatched blue on plan 'B' attached hereto ("the unauthorised development")

4. **REASONS FOR ISSUING THIS NOTICE**

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

It appears to the Council that the above unauthorised development has occurred within the last four years.

The land comprises a three storey Victorian building located within the a designated conservation area of Barnstaple. The Council consider that given the characteristics and uniformity of UPVC windows, which are of modern construction, the unauthorised development represents a noticeable and detrimental change to the appearance of the land and to the street scene within the conservation area. The unauthorised development conflicts with the Council's adopted aims to protect and enhance the character and appearance of the area.

A Certificate of Lawfulness of Proposed Operation has been refused and that decision upheld on Appeal on the basis that planning permission is required as the unauthorised development represents building operations which materially affect the external appearance of the land. No application for planning permission in respect of the unauthorised development has been submitted.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within **TWO MONTHS** from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Remove the two UPVC windows installed on the Boutport Street frontage and shown hatched blue on plan 'B', from the land.

2. Replace the two windows referred to in step one above with windows of similar materials, forms of opening and design as those existing already on this frontage.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **14th APRIL 1997** ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue]**5th March 1997**.....

Signed : 

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

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

GUIDANCE NOTES FOR YOUR INFORMATION

YOUR RIGHT OF APPEAL

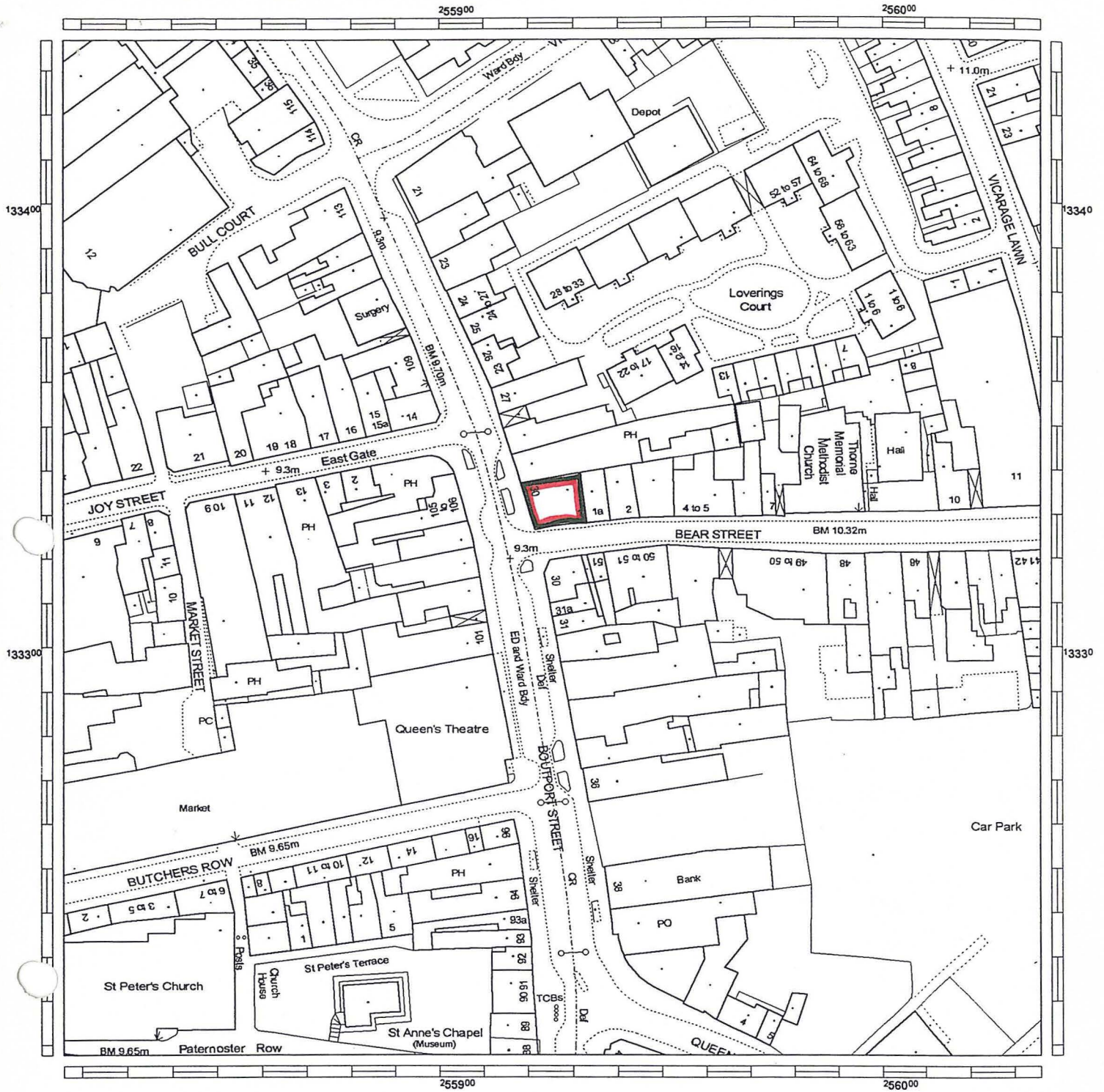
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. 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.

PLANNING ENFORCEMENT


A



The Breach of Planning Control which has Occurred:-
 Unauthorised Replacement Windows

Site:- 30, Boutport Street, Barnstaple.

Scale: 1:1250
 Date: 13/01/97

NOTATION
 The Site

M.J.Easton Dip.T.P., M.R.T.P.I.
 Principal Planning Officer

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N.D.D.C.
 Civic Centre,
 Barnstaple,
 Devon
 EX31 1EA

'B'



ELEVATION TO BOUTPORT STREET

PROPOSED REPLACEMENT
OF WOODEN SASH WINDOWS
WITH WHITE UPVC
CASEMENT WINDOW:
AT NOS 30 BOUTPORT STREET

BARNSTAPLE FOR MR. D. HOPE

1:100

October 1993

D. T. HOPE