



475

**IMPORTANT**  
**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **ENFORCEMENT NOTICE**

**BREACH OF CONDITION**

**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)(b) 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 planning considerations.

2. **THE LAND AFFECTED** (shown edged red on the plan attached)

The Cottage, rear of 15 Fore Street, Chulmleigh,  
N. Devon.

("the land")

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

On 24th October 1989 Planning Permission was granted (ref. 10329 "the permission") for proposed conversion of part of the existing storeroom and stables to form extension to existing cottage ("the development") subject to conditions. One of those conditions is :

"3 The accommodation hereby approved shall only be occupied with the cottage rear of 15 Fore Street and not let as a separate unit of accommodation".

It appears to the Council that the condition has not been fully complied with because the development provides a separate unit of accommodation from the cottage and is let on that basis ("the unauthorised use").

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 breach of planning control has occurred within the last four years.

In granting permission the Council had regard to the limited amenity space of the land and the availability of parking thereon. The Council consider that the land is restricted in size to provide necessary amenity for two units of accommodation.

Having regard to the increase in traffic the unauthorised use can generate. There is no provision on the land for the parking or manoeuvring of cars. Cars therefore park in the adjacent highway which, due to its narrowness causes congestion, danger to road users and interference with the free flow of traffic.



#### 4 Continued

An application for permission (ref: 14047) including proposed use of the land as two units of accommodation has already been refused and dismissed on appeal. The Council do not consider that there should be any relaxation of the condition in question.

#### 5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within [the period of FOUR (4) ~~months~~/months from the date when this notice takes effect] [ ~~the period of~~ ]

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

- i) Cease the use of the land for two units of accommodation.
- ii) Remove all kitchen facilities from the development.
- iii) Provide the development in accordance with the permission.
- iv) Clear up and remove all rubbish and debris resulting from taking the above mentioned steps.

#### 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 1st November 1993 ("the effective date")\* unless an appeal is made against it beforehand.

Dated: [date of issue] 22nd September 1993

Signed:  SOLICITOR

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



# CHULMLEIGH

