

754

**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 considerations.

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

The Old Shoe Shop, 13 King Street, Combe Martin, Devon

("the land")

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

On the 21st September 1993, planning consent was granted under reference number 17364 for the conversion of a shop to form a dwelling at the land subject to conditions. Condition 2 states that "the proposed development shall be carried out in strict accordance with the plans submitted with the application on the 16th June as amended by drawing 14110 C 7534 received by the local planning authority on 27th August 1993". The development has not been carried out in accordance with those drawings as a kitchen has been installed on the first floor and the stairs to the first floor have been fitted with a trap door ("the unauthorised breach")

**4. REASONS FOR ISSUING THIS NOTICE**

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

1. In the opinion of the District Council, the unauthorised breach has taken place within the last 10 years.
2. The interior of the dwelling constructed on the land has not been carried out in accordance with the drawings referred to in Section 3 of this Notice. The stairs to the first floor have been fitted with a trap door and a kitchen has been installed on the first floor. A kitchen has also been partly installed on the ground floor, but in accordance with those drawings. The first floor of the land is being used as a flat separately from the ground floor which is not yet complete.
3. In the opinion of the District Council, as a matter of fact and degree, the nature of the unauthorised development represents an intention to create two separate dwellings on the land which would not have the benefit of adequate parking facilities and would therefore encourage the parking of vehicles on the highway. In the opinion of the District Council this would cause additional danger to users of the highway and would therefore be contrary to the North Devon Local Plan.

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

The Council require that the steps specified in paragraph 6 be undertaken within the period of three (3) months from the date when this notices takes effect.

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

1. Remove the kitchen fixtures and fittings from the first floor of the land,
2. Remove the trap door covering the stairs to the first floor of the land,
3. Cease the use of the first floor of the land as a flat.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 21st February 1997 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 22-1-97 .....

Signed : ...  .....

Solicitor, Legal Services Manager

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

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\* 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.**



# ENFORCEMENT NOTICE



## PLANNING

### The Breach of Planning Control Which has Occurred:-

Unauthorised use of first floor of dwelling as flat,

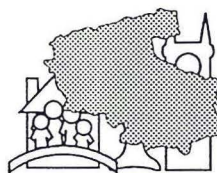
**Site:- 13, King Street,  
Combe Martin.**

O.S. Plan No.	SS 5846
Scale	1:1250
Drawn	Sue Thomas
Date	January 1995

### NOTATION



The Site



**NORTH DEVON**  
DISTRICT COUNCIL

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

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Civic Centre, Barnstaple, Devon, EX31 1EA