

IMPORTANT:— THIS COMMUNICATION AFFECTS YOUR PROPERTY

(a)

North Devon District

Council

TOWN AND COUNTRY PLANNING ACT 1971
(as amended)

Enforcement Notice
Material Change of Use

(b) Lee Bay Hotel, Lee, Ilfracombe, North Devon

WHEREAS:

(1) It appears to the^(a) North Devon District Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963^(c)

on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(d)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(e)

within [the period of Two ~~days~~ [months] from the date on which this notice takes effect] [the period specified in respect of each step in that schedule].^(f)

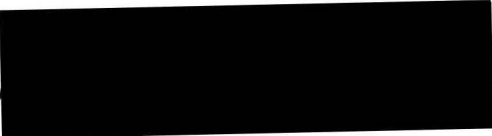
THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88 (10) of the Act, on 16th April 1990 19 ^(g)

Issued12th March.....19 90.

Council's address —

Legal Division,
Room 311,
Civic Centre,
Barnstaple, N. Devon

CONTINUED OVERLEAF — P.T.O.

(Signed) 

(Designation)Solicitor.....
(The officer appointed for this purpose)

NOTES TO THE LOCAL PLANNING AUTHORITY

- (a) Insert the name of the Council issuing the notice.
- (b) Insert the address or a description of the land to which the notice relates.
- (c) Where section 87(4)(c) of the Act applies insert "and within the period of 4 years before the date of issue of this notice."
- (d) See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
- (e) Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
- (f) If a single period is to be specified, by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
- (g) The date selected must be not less than 28 clear days after all the copies of the notice will have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(Address or description)

Lee Bay Hotel, Lee, Ilfracombe, North Devon

shown edged [red] [] on the attached plan.^(h)

SCHEDULE 2

Alleged breach of planning control

(description of the material change of use alleged to have been made) (j)

The material change of use of the land from an open space to the unauthorised construction of a building 10.7 metres long, 5.8 metres wide, 2 cm high, used as a "Hawaian Bar".

SCHEDULE 3

Steps required to be taken.^(k)

(i)

Demolish and remove the building from this site.

NOTES TO THE LOCAL PLANNING AUTHORITY

(h) See paragraph 31 of DOE Circular 38/81 (Welsh Office Circular 57/81).

(j) If the new use is a mixed use, include all the uses comprising that mixed use.

(k) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear and precise. See also notes (e) and (f) overleaf.

NORTH DEVON DISTRICT COUNCIL

ANNEX TO AN ENFORCEMENT NOTICE DATED 12TH MARCH 1990

1. On the 1st August 1989 a complaint was received by the Director of Planning that there was an Hawaian bar structure in the process of being built in the grounds of Lee Bay Hotel, Lee, Ilfracombe, North Devon.

2. On 1st August 1989 the Director of Planning's Enforcement Officer, Mr. Kenneth Spencer, visited and inspected the site.

He observed an Hawaian bar structure, not yet built, situated near to the swimming pool, opposite the main entrance to the Lee Bay Hotel, Lee, Ilfracombe, North Devon.

The Hawaian bar structure is 10.7 metres long, 5.8 metres wide, 2 cm high and about 50 metres from the hotel entrance.

3. After an investigation of the Local Planning Department's records it was discovered by the Hawaian bar structure did not have the benefit of planning permission.

4. On 4th August 1989 the Director of Planning sent a letter to Mr. Terence Thomas Blake, owner of the Lee Bay Hotel, Lee, Ilfracombe, North Devon.

It was pointed out that the Hawaian Bar structure was unauthorised and should a planning application be submitted to the Local Planning Authority to regularise the structure, the Director of Planning would recommend to that Local Planning Authority that the planning application be refused.

Mr. Blake was also advised to remove the Hawaian Bar structure by the 26th September 1989 otherwise the Director of Planning otherwise the Director of Planning would recommend to the Local Planning (Policy) Committee of 26th September 1989 to authorise the Council's Solicitor to commence enforcement action to seek the removal of the Hawaian Bar structure.

5. On 26th September 1989 the Planning (Policy) Committee authorised the Council's Solicitor to take enforcement action to seek the removal of the Hawaian Bar structure from Lee Bay Hotel, Ilfracombe, North Devon.

6. Had the owner submitted a planning application to the Local Planning Authority it would have been refused for the following reasons:

- (a) The site is within an area of Outstanding Natural Beauty, great landscape value and the proposed development would be detrimental to the appearance of the area by reason of incongruous appearance and materials and would comprise development contrary to Policies C07 and C09 of the Devon County Structure Plan.

- (b) The site is within a protected area as defined by the Coastal Protection Policy in the adopted County Structure Plan. Within this area only essential development would be permitted and in the opinion of the Local Planning Authority, the development now proposed is not essential and would be at variance with Policy C010 of the Devon County Structure Plan.

(c) The site lies within a designated Lee Conservation Area and the proposed development would detract from the appearance and character of that Conservation Area.

7. For the above mentioned reasons the North Devon District Council considered it expedient to issue this Enforcement Notice.

Dated 12th MARCH 1990

[REDACTED]

K.B. Morgan
Solicitor

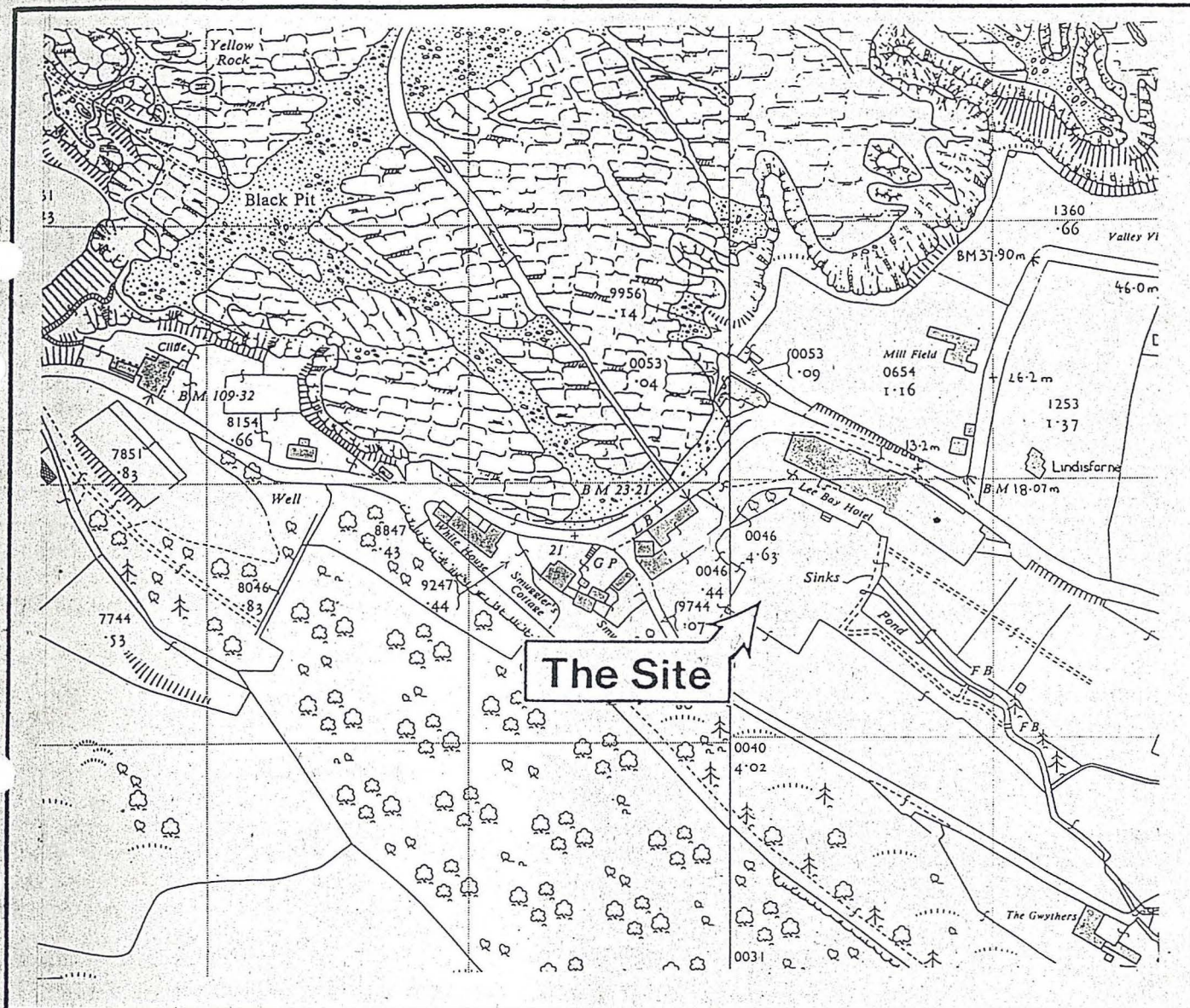
JCC/ANNEX



North Devon District Council
Civic Centre, Barnstaple, Devon EX31 1EA

J. H. Martin Dip.T.P. M.R.T.P.I., Director of Planning.

ENFORCEMENT NOTICE (PLANNING).



Unauthorised Timber Construction, "Hawaian Bar".

Lee Bay Hotel, Lee, Ilfracombe.

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O.S. Plan No: SS4746 & 4846

Drawn: A.T.

Scale: 1/2500

Date: August 1989

