



**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)

21 Broad Street, Ilfracombe, Devon

("the land")

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

On the 03 October 1989 planning permission number 10136 was granted to regularise an existing unauthorised use of the land as holiday flats. Condition 2 of that permission specified that:

"With the exception of the managers flat the seven holiday flats hereby approved shall be occupied for holiday purposes only and shall be so occupied only from the 15th March to 15th January".

The ground floor flat adjacent to the managers flat is being permanently occupied in breach of this condition.

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 ten years.

The Council considers that the use of part of the land as a permanent residential unit of accommodation is contrary to the adopted Ilfracombe Local Plan and the emerging North Devon Local Plan. In particular, it is the opinion of the Council that there is inadequate provision of amenities, refuse storage, and that an acceptable residential environment is not achieved.

A planning application to remove this condition has already been refused by the Council, and it is not considered that the Council's concerns could adequately be overcome by the use of conditions.

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

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

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

6.1 Cease the use of the land other than in accordance with condition 2 of planning permission number 10136 issued on 03 October 1989.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 25th October 1998("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] 15th September 1998

Signed : .....  
Solicitor, Legal Services Manager

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



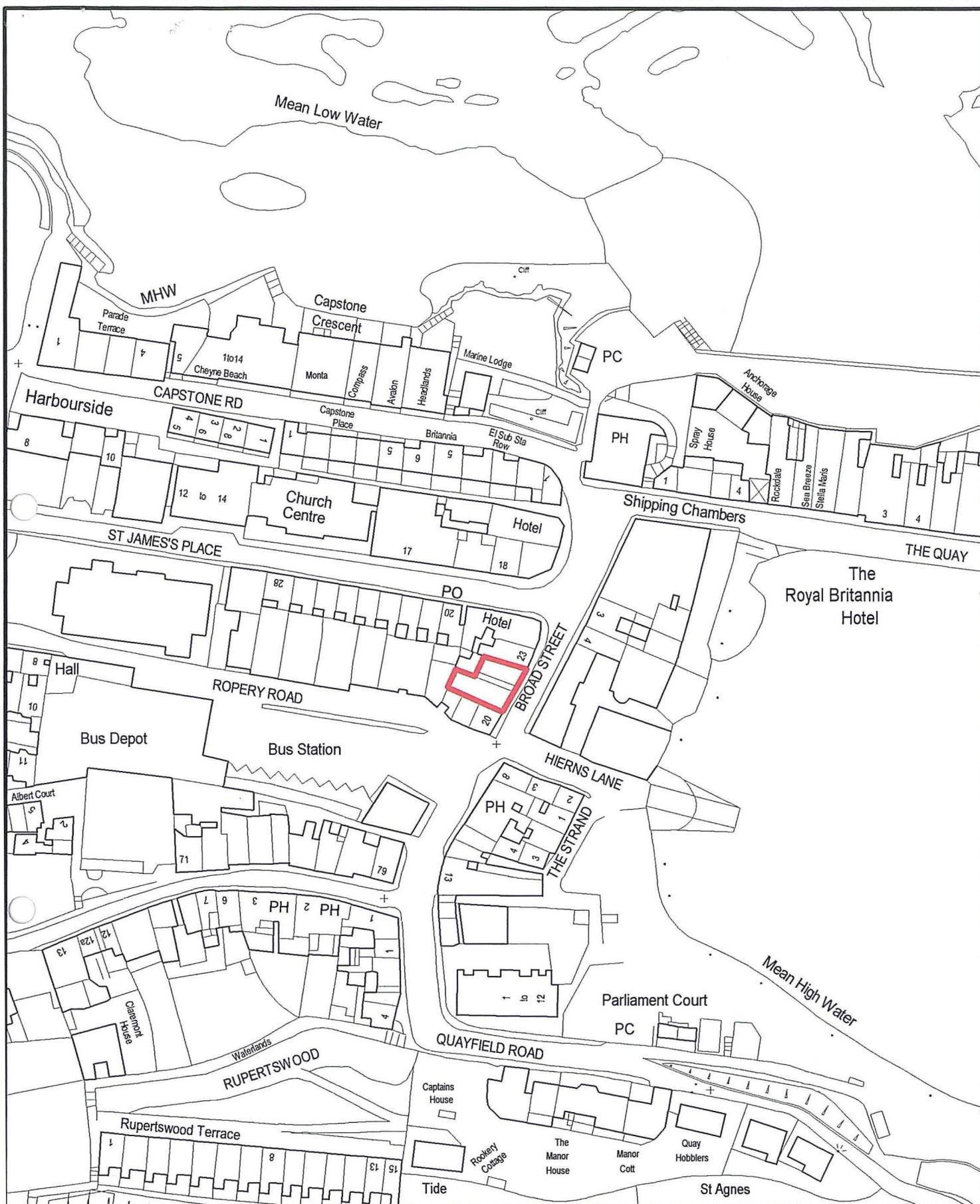
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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

### The Breach of Planning Control Which Has Occured

Non-compliance with condition 2 to planning permission ref. 10136 - Use of land as permanent residential accommodation in breach of the condition which permits use of the land for holiday purposes only and to be so occupied only from 15th March to 15th January

Site Location:

# 21 Broad Street, Ilfracombe.

SCALE: 1:1250

DATE 1th August 1998

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