

758

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 planning considerations.

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

5 Burrow Road, Ilfracombe, North Devon

("the land")

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

Without planning permission the construction of a rear third storey flat roof extension incorporating dormer window to the land ("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 unauthorised development has occurred in the last four years.

The land is within a Conservation Area within which, having regard to the provisions and policies of the Devon County Structure Plan, Third Alteration and the Ilfracombe Local Plan, development is permitted which preserves and enhances the character of designated Conservation Area. The unauthorised development is in an elevated position and creates a prominent break in the skyline which the Council considers to be both obtrusive and visually damaging to the character and appearance of the locality and contrary to adopted policy.

The Council do not wish to see an undesirable precedent being created to further erode the character and appearance of the Conservation Area.

A planning application for the unauthorised development has already been refused and dismissed on Appeal.

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 notice takes effect] [the period specified in paragraph 6].

6. WHAT YOU ARE REQUIRED TO DO

- (i) Remove from the Land the unauthorised development.
- (ii) Reinstate the roof of the Land to its condition prior to the unauthorised development being undertaken, using materials which match those of the original roof in colour, form and texture.
- (iii) 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 21st APRIL 1995 ("the effective date")* unless an appeal is made against it beforehand.

Dated: [date of issue] 10th March 1995

Signed:
Solicitor, Legal Services Manager

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

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



The Breach of Planning Control Which has Occurred:-

Unauthorised extension incorporating dormer window,

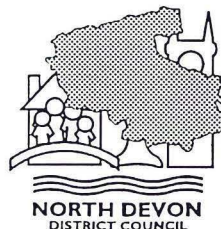
**Site:- 5, Burrow Road,
Ilfracombe.**

O.S. Plan No.	SS 5147
Scale	1:1250
Drawn	Sue Thomas
Date	January 1995

NOTATION



The Site



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

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Civic Centre, Barnstaple, Devon, EX31 1EA