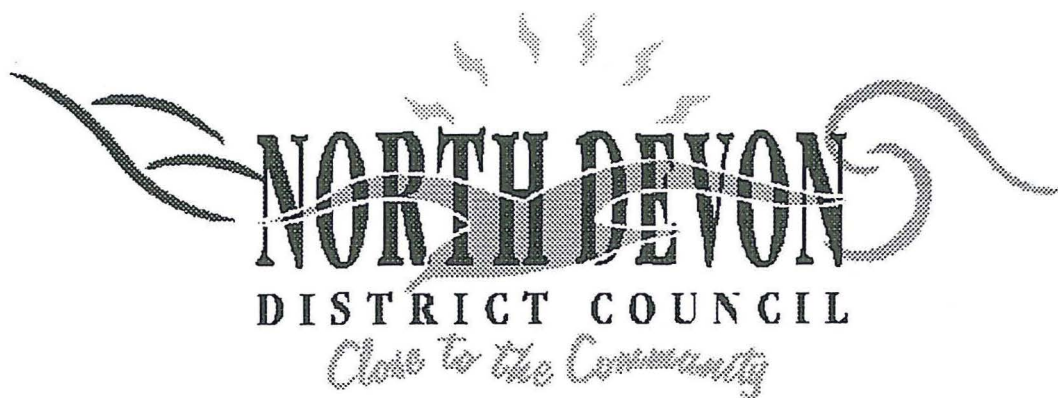


1769



ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY

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 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)

Land at 1, Albert Villas, Ilfracombe, North Devon.

("the land")

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

Without planning permission the material change of use of the land from garden curtilage to use as a hotel car park ("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 in the last ten years.

The land is in a Conservation Area and forms the garden curtilage of 1, Albert Villas, a listed building. A retrospective application for the unauthorised use has already been refused.

The Council consider that the unauthorised use is detrimental to the character and appearance of the area and listed building by virtue of the nature and intensity of the unauthorised use. It also represents development contrary to the policies and provisions of the Ilfracombe Local Plan, North Devon Local Plan and the Devon County Structure Plan Third Alteration and national policy.

The Council also consider that the unauthorised use creates disturbance and loss of residential amenity to adjacent properties. The access to the land is, by reason of the limited visibility from and of vehicles using the access unsuitable to cater for the level traffic the unauthorised use can generate and is likely to cause danger to all road users and interfere with the free flow of traffic. In addition the land does not have sufficient provision for the manoeuvring or parking of vehicles within the land which results in vehicles having to reverse onto the adjacent highway with consequent risk to all road users.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of **ONE (1) MONTH** from the date when this notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

Cease the use of the land as a hotel car park.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **29th March 1998** ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] ...**19th February 1998**.....

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.



Planning Enforcement

The Breach of Planning Control Which Has Occured
Unauthorised Change of Use of Land as Hotel Car Park

Site Location:

1 Albert Villas, Millhead, Ilfracombe.



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

SCALE: 1:1250

DRAWN BY: P.E.Trodd

DATE 25/9/1997

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