



I hereby certify that this is a true
copy of the original

Signed

SOLICITOR

NORTH DEVON DISTRICT COUNCIL

DATED 28/9/96

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)

Kine Croft, North Morte Road, Morthoe, Woolacombe, Devon previously described as "New house adjacent to Morteohoe Post Office, Morteohoe"
("the land")

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

On the 24th June 1996 retrospective planning consent under reference number 21933 was granted for the construction of a wall on the land subject to conditions. Condition 2 states "this permission shall relate to the amended drawing received by the local planning authority on the 20th June 1996". That drawing (the approved drawing") shows a section of the wall at a reduced height. That section of the wall has been constructed at a greater height than shown on the approved drawing ("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 Council the unauthorised breach has occurred within the last 10 years.
2. The Council are of the opinion that the unauthorised breach has an adverse impact on the amenity of the adjoining property by reason of the loss of natural light and ventilation.

5. WHEN YOU ARE REQUIRED TO ACT

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


6. WHAT YOU ARE REQUIRED TO DO

1. Reduce the height of the wall to accord with the approved drawing.
2. Remove from the land all rubble and debris resulting from the taking of the above steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 23rd December 1996 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue] 19th November 1996

Signed : 

Solicitor, Legal Services Manager

on behalf of: North Devon District Council,
Civic Centre,
Barnstaple,
North 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



PLANNING

The Breach of Planning Control Which has Occurred:-
Unauthorised Boundary Wall,

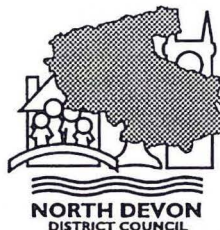
Site:- Land Adjacent to
Mortehoe Post Office, Mortehoe.

O.S. Plan No. SS 4545
Scale 1:2500
Drawn Sue Thomas
Date January 1996

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