

C1004ET No4.

NDDDC

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

K.B. Morgan

Assistant Chief Executive
& Solicitor, *Legal Services Manager*

Date *23.2.97*

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)

Chalet Number **4** , Fortesque Bungalows, Mortehoe, North Devon

("the land")

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

On 27th March 1991 planning permission reference 13406 ("the permission") was granted to vary the dates of occupation of the above land, subject to condition No. 2 which required:

"The consent hereby granted shall permit the use of the chalets for holiday purposes only and the holiday units 1-6 and 21-24 Fortesque Bungalows shall be occupied only from 15th March to 15th January." ("the condition")

It appears to the Council that the condition has not been complied with because the land has been occupied for non- holiday purposes and has been occupied between 16th January and 14th March.

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 one of 26 chalets which were constructed under original planning permission reference 8966/N.I 9040 dated 15th February 1967 subject to a condition that they shall only be occupied during the period from 15th March to 31st October in each year. That condition was imposed to ensure that the chalets were not occupied for residential purposes because they do not have associated facilities such as car parking area, amenity area or private garden to a standard that would make them acceptable as permanent units of accommodation. The permission varied but maintained the restriction on occupancy times and provided that occupancy of the chalets shall be for holiday purposes only because the chalets are not suitable to be occupied as permanent dwelling units.

The breach of the condition is thereof considered contrary to the Council's adopted policies and provisions regarding permanent residential dwellings

The Council do not consider that there should be any relaxation of the condition.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period specified in respect of each step in paragraph 6.

6. WHAT YOU ARE REQUIRED TO DO

Within TWELVE (12) WEEKS from the date when this Notice takes effect, and unless occupation is for holiday purposes, in compliance with the condition;

1. Cease the occupation of the land.


Within SIXTEEN (16) WEEKS from the date when this Notice takes effect;

2. Cease the occupation of the land in the period 16th January to 14th March in each year.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 22nd SEPTEMBER 1997 ("the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue]11th August 1997.....

Signed :.....

Solicitor

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.

PLANNING ENFORCEMENT



The Alleged Breach of Planning Control which has Occurred:-

Non-Compliance with Occupancy Condition No. 2 attached to Planning Permission 13406.

**Site:- Fortescue Bungalows,
Mortehoe.**

NOTATION



The Bungalow

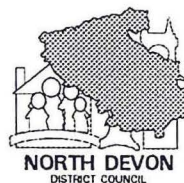
M.J.Easton Dip.T.P., M.R.T.P.I.
Principal Planning Officer

Scale: 1:1250

Date: 27/09/96

This extract has been prepared using Ordnance Survey Land-Line 93+ digital data under North Devon District Council's Copyright Licence No. LA07876X and is for **Business Use ONLY. No further copies are permitted.**

Reproduced with permission of the Controller of Her Majesty's Stationary Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



N.D.D.C.
Civic Centre,
Barnstaple,
Devon
EX31 1EA

