

CHALGT No8

# NDDC

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

Assistant Chief Executive  
& Solicitor, *Legal Services Manager*  
Date *23.9.97*

## 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 8, Fortesque Bungalows, Mortehoe, North Devon

("the land")

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

On 4th December 1987 planning permission reference 2874 ("the permission") was granted to vary the dates of occupation of the above land, subject to condition No. 2 which required:

"The holiday units hereby approved shall be occupied only from the 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 between 16th January and 14th March. ("the breach of 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 condition 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 because the chalets are not suitable to be occupied as permanent dwelling units.

The breach of the condition is therefore 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 of **SIXTEEN (16) WEEKS** from the date when this notice takes effect.

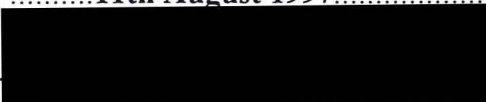
**6. WHAT YOU ARE REQUIRED TO DO**

1. 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, Legal Services Manager

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

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\* 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 Occured:-

Non-Compliance with Occupancy Condition No. 2 attached to Planning Permission 2874.

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

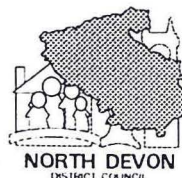
Scale: 1:1250  
Date: 27/09/96

## NOTATION



The Bungalow

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



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



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