

Chapter 16



**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 16, Fortesque Bungalows, Mortehoe, North Devon

(“the land”)

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

On 15th February 1967 planning permission reference H.I 9040 (“the permission”) was granted for the erection of 26 chalets at Fortesque Hotel, Woolacombe Station, Mortehoe, subject to conditions. One of those conditions, (b) required that:

“The chalets shall only be occupied during the period 15th March to 31st October in each year” (“the condition”)

It appears to the Council that the condition has not been complied with because the land has been occupied between 1st November and 14th March.

4.     **REASONS FOR ISSUING THIS NOTICE**

The Council consider it expedient to issue this notice for the following reasons:

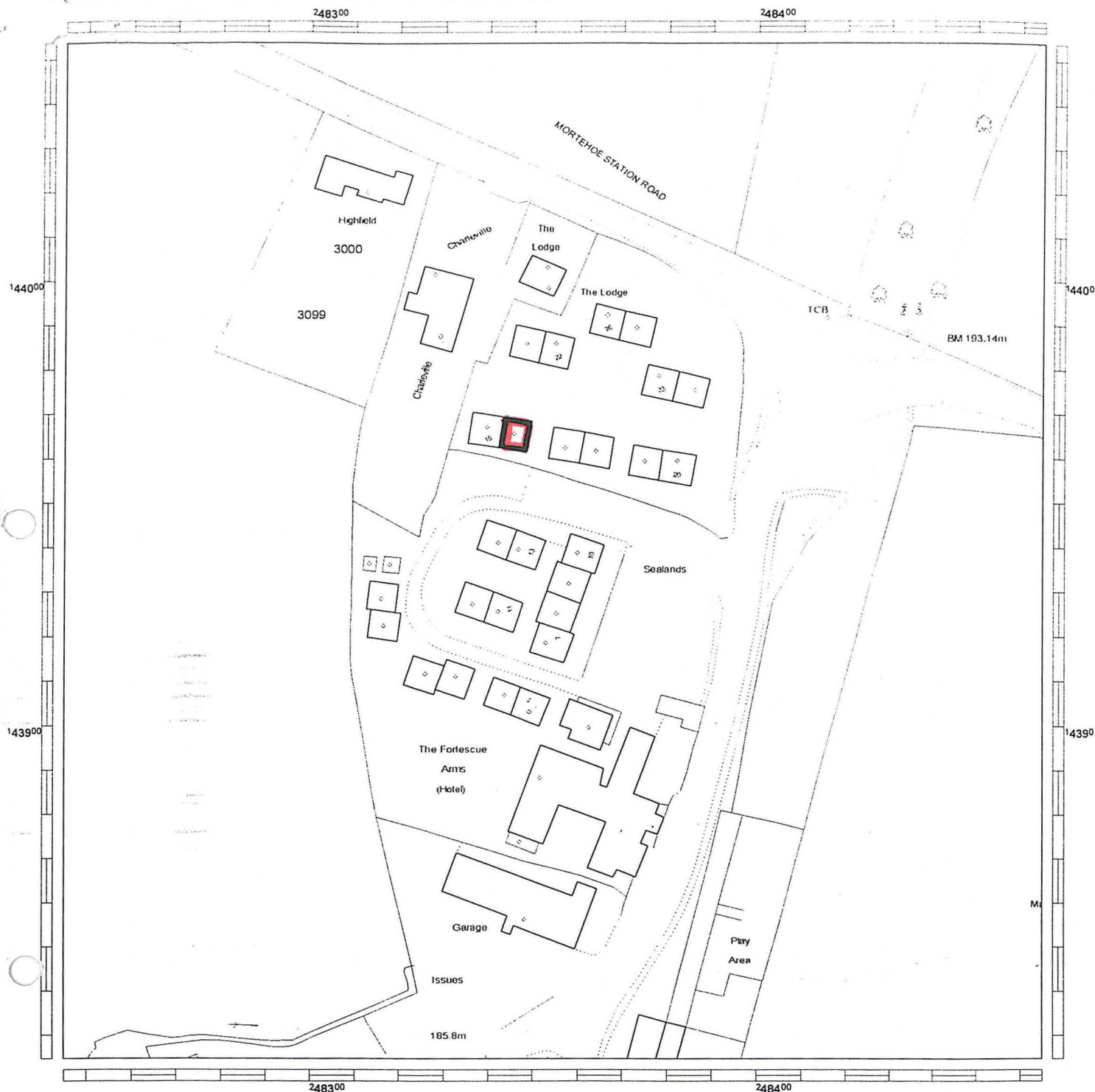
It appears to the Council that the above breach of planning control has occurred in the last ten years.

The land is one of 26 chalets which were constructed under the planning permission. The condition was imposed to ensure that the land was not occupied for residential purposes because the chalets 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.

Breach of the condition is 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.

# PLANNING ENFORCEMENT



## The Alleged Breach of Planning Control which has Occured:-

Non-Compliance with Occupancy Condition B attached to Planning Permission NI 9040.

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

Scale: 1:1250

Date: 27/09/96

## NOTATION

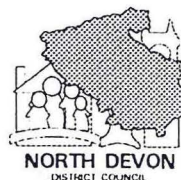


The Bungalow

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

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





**5. WHEN YOU ARE REQUIRED TO ACT**

The Council require that the steps specified in paragraph 6 be undertaken within the period of **FIVE (5) WEEKS** from the date when this notice takes effect.

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

1. Cease the occupation of the land for the period 1st November to 14th March in each year.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **5th JANUARY 1998** ("the effective date")\* unless an appeal is made against it beforehand.

Dated : [date of issue] .....**21st November 1997**.....

Signed : .....

So

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.**