



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**The Smugglers Rest, North Morte Road, Morteheo,
Woolacombe, Devon EX34 7DR
(HM Land Registry Title Number DN217031)**

**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 considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

The Smugglers Rest, North Morte Road, Morteheo, Woolacombe, Devon, EX34 7DR (HM Land Registry Title Number DN217031) as shown edged red on the enclosed Location Plan.

(“The Land”)

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

Without planning permission and within the last 4 years, unauthorised Operational Development consisting of the installation of uPVC windows in place of timber framed windows and the replacement of iron balustrades with wooden balconies on the first and second floors of the east elevation of the building.

4. **REASONS FOR ISSUING THIS NOTICE**

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

This Enforcement Notice has been issued to remedy the alleged breach of planning control.

The property is a mixed use building which does not benefit from permitted development rights with the owner having installed uPVC windows in place of timber framed windows and replaced the iron balustrades on the first and second floors of the east elevation with wooden balconies. The premises are within a Conservation Area and an Area of Outstanding Natural Beauty. The conservation officer has advised that the installed uPVC windows and new balconies detract from the appearance of the building and the conservation area.

As referred to by the planning inspector when considering appeal APP/X1118/A/13/2196834 relating to replacement windows within a Conservation Area in Ilfracombe, the overall impact of the installation of uPVC windows detract from the appearance of the building. As such they neither preserve nor enhance the character or appearance of the Conservation Area contrary to Policy ST15 Conserving Heritage Assets and Policy DMO7 Historic Environment of the North Devon and Torridge Local Plan 2011-2031 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Local Planning Authority considers that the unauthorised operational development has occurred within the last 4 years and that the above reasons for issuing this Notice cannot be overcome by the use of planning conditions.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 below be undertaken within 6 months from the date when this notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Replace the unauthorised uPVC framed windows in the projecting bays on the first and second floors of the east elevation of the building with traditional single pane timber framed vertical sliding sash windows.
2. Paint the replacement windows with two coats of undercoat and two coats of gloss paint.
3. Replace the wooden balconies on the first and second floors of the east elevation with traditional cast iron balustrades replicating the design shown in the attached photograph.
4. Make good any damage caused from complying with Steps 1, 2 and 3 above and remove the uPVC windows/wooden balconies and any associated debris from the land shown edged red on the Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 27th December 2018 ("the effective date") unless an appeal is made against it beforehand.

Dated: 27th November 2018

Signed:

Head of Place

On behalf of: North Devon District Council
Lynton House
Commercial Road
Barnstaple
Devon
EX31 1DG

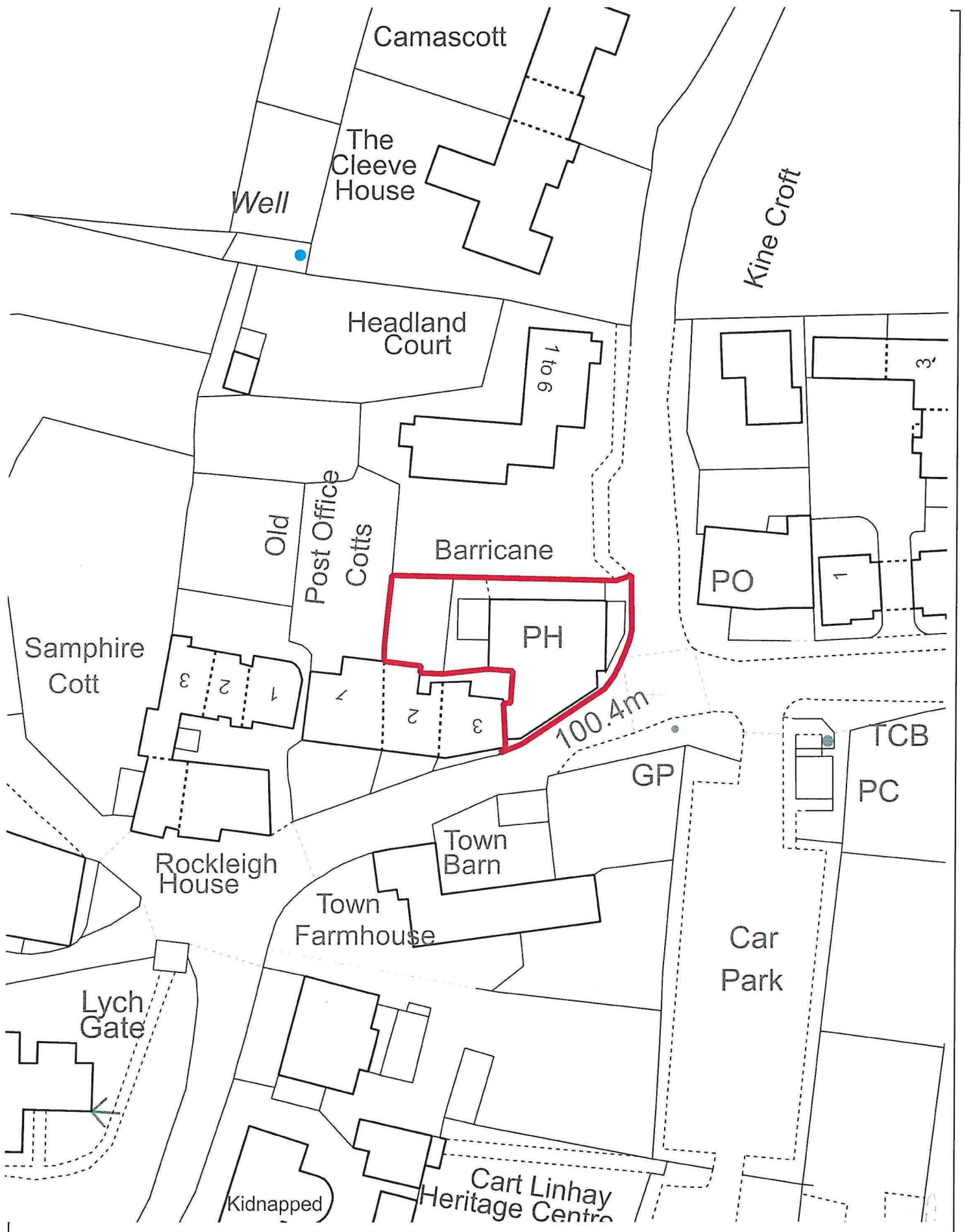
GUIDANCE NOTES FOR YOUR INFORMATION

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 attached Planning Inspectorate Guidance Sheet provides details of where you can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A appeal is £468 (2 x £234.00)

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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Enforcement File 9970
The Smugglers Rest, North Morte Road, Morthoe, EX34 7DR

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