



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**Unauthorised Development**

**Sunshine 55A Moor Lea Branton Devon EX33 2PF  
HM Land Registry title number DN512319**

**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")**

Enforcement reference number: 11413

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**

Sunshine 55A Moor Lea Branton Devon EX33 2PF as shown edged red on the enclosed location plan.

("The Land")

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

Within the last 4 years unauthorised development consisting of the erection of a skate ramp.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:

The development has created a timber purpose built skate ramp in the rear amenity space of a dwellinghouse which is situated within a residential area. The development consists of two ramps and three platforms of differing heights and has been constructed on an elevated grassed area close to the rear boundary with the neighbouring properties to the north. It enables users of the skate ramp to have a clear unobstructed view into the amenity space of a neighbouring property and the use of the structure will cause a noise disturbance, which will adversely impact neighbours surrounding the site.

People are entitled to enjoy their own homes without undue disturbance or intrusion from neighbouring uses and development must have regard to the importance of protecting residential and other amenities. The development of the skate ramp is in breach of North Devon and Torridge Local Plan (NDTLP) Policy DM01 which supports development "where it would not significantly harm the amenities of neighbouring occupiers or uses". In addition, the development breaches NDTLP Policy DM25 which states that ancillary development will be supported where "(c) there being no significant adverse impact on the amenity of the occupants of neighbouring properties".

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

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

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


1. Remove the skate ramp and associated frame from the land edged red on the attached location plan
2. Remove from the land any rubbish and or debris resulting from compliance with step 1

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 26 July 2020 unless an appeal is made against it beforehand.

Dated: 26 June 2020

Signed:

.....  
Head of Place

On behalf of:

North Devon District Council  
Lynton House  
Commercial Road  
Barnstaple  
Devon  
EX31 1DG

## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **THE 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.

Agents should note that if ground (a) is not pleaded at the very beginning the Inspectorate will not delay the processing of the appeal.

Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

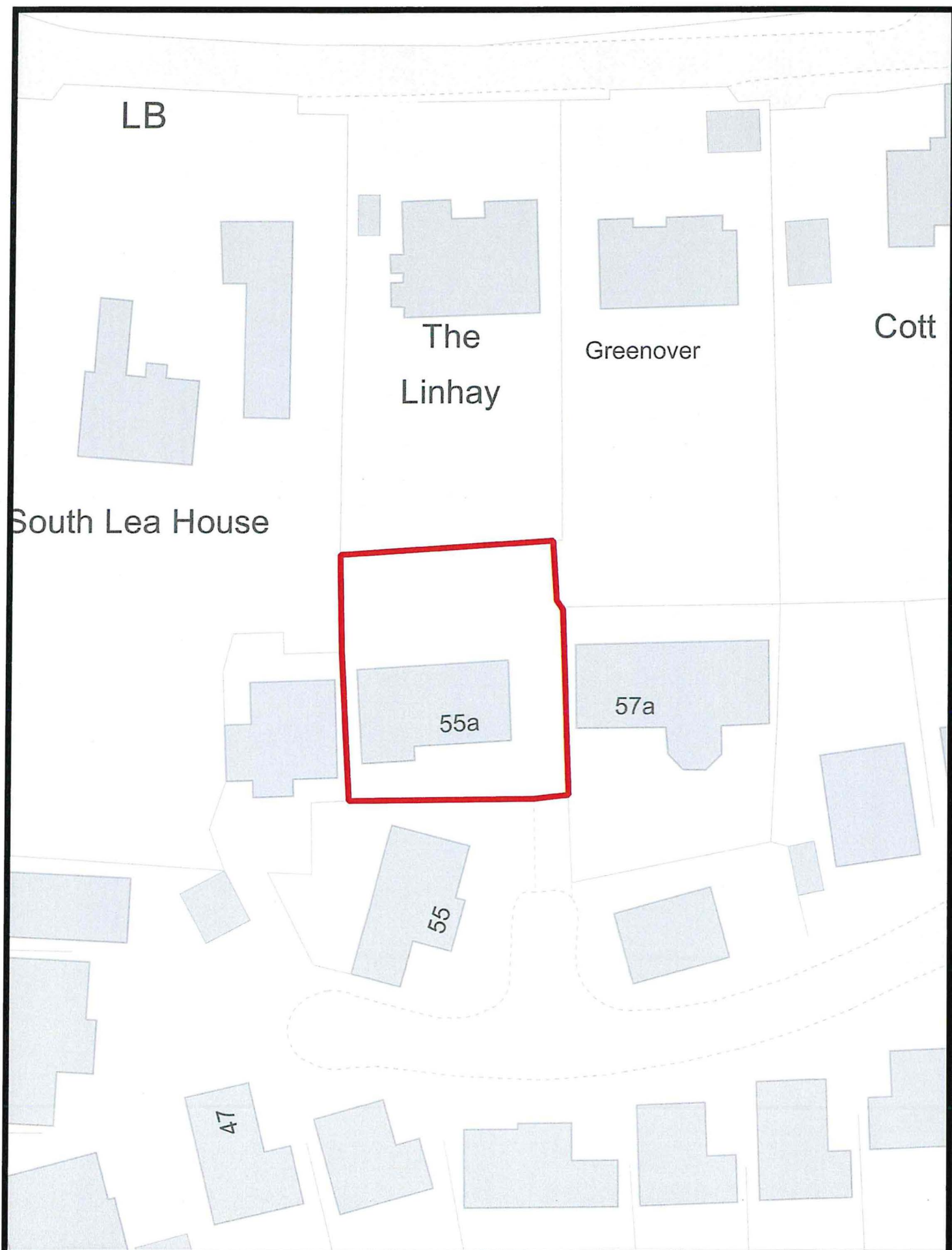
It is important that if the appellant wants the planning merits of the development to be considered – known as the “deemed planning application” – they must plead ground (a) and pay the fee for that application to the local planning authority when making their appeal. If this is not done, the planning merits and any subsequent ground (a) appeal (Ground (a) – that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed) cannot be considered by the Inspector. The appeal will only be determined on the grounds of appeal as submitted on the appeal form.

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 £412.00 (2 x £206.00).

### **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

**11413 – Sunshine, 55A Moor Lea,  
Branton EX33 2PF**

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Enforcement

Scale: 1:500 at A4  
Date: June 2020