

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Exeter City Council

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 26 Highfield, Clyst Road, Topsham, EX3 0DA shown edged in red on the attached plan (the "Land") .

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, namely:-

- (a) The construction of a two storey annexe on that part of the Land edged blue and
- (b) The siting of a shipping container on that part of the Land edged green

4. REASONS FOR ISSUING THIS NOTICE

- (a) The Council granted planning permission under application reference 17/1462/FUL for a 'new pitched roof over annexe' (the "Permission"), to be constructed on the Land edged blue. It was to remain a single storey structure. However, the annexe has not been built in accordance with the approved plans and the annexe, as extended, is substantially different from that approved under the Permission. It has an additional storey and therefore the structure as constructed does not benefit from the Permission and is unauthorised.
- (b) The annexe as extended is contrary to Paragraph 127 of the National Planning Policy Framework, Objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy and Policies DG1(f), DG1(g) and DG1(h) of the Exeter Local Plan First Review 1995-2011 because by virtue of its height, size, massing, design and position, the works to the annexe presents an unsympathetic and visually intrusive form of development that is harmful to the character, appearance and layout of the street scene and local townscape.
- (c) The annexe as extended is also contrary to Policies DG1(f), DG1(g) and DG4(b) of the Exeter Local Plan First Review 1995-2011 because by virtue of its height, size, massing, design and position, the scheme:-
 - i) has an overbearing, overshadowing and dominant impact on No. 28 Highfield and therefore does not allow existing or future occupiers to feel at ease within their home or garden; and
 - ii) has a detrimental impact on the residential amenities associated with No. 28 Highfield, specifically in respect of loss of light and outlook.

- (d) No application for planning permission has been submitted in respect of the shipping container (edged in Green). The Council considers that by virtue of its position, size and design, the container presents an inappropriate, unsympathetic and visually prominent form of development that is harmful to the character and appearance of the street scene and the local townscape. It is therefore contrary to Paragraph 127 of the National Planning Policy Framework, Objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy and Policies DG1(g) and DG1(h) of the Exeter Local Plan First Review 1995-2011.

5. WHAT YOU ARE REQUIRED TO DO

EITHER

1. Restore the annexe to its previous shape, form, height and appearance; or
2. Alter the annexe so that it is entirely in accordance with approved drawings received on 06 December 2017 (dwg. nos. 17040/03 Rev. C, 17040/04 Rev. C and 17040/05 Rev. C).

AND

3. Remove the shipping container entirely from the site.

In the event that the annexe is to be altered in accordance with 2 above then Condition 3 of the Permission states that the walls and pitched roof of the extension shall have an external finish to match the existing building, unless otherwise agreed and approved in writing by the Local Planning Authority.

6. TIME FOR COMPLIANCE

- (a) The works to the annexe shall be completed within 6 months of the date this Notice takes effect; and
- (b) The shipping container shall be removed within 3 months of the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 01 June 2020, unless an appeal is made against it beforehand.

Dated: 01 May 2020

Signed: *Andy Robbins* Andy Robbins, City Development Manager

On behalf of: Exeter City Council

Nominated Officer: Keegan Ferreday

Telephone Number: 01392 265242

The land this notice relates edged in red
The approximate location of the annexe edged in blue
The approximate location of the shipping container edged in green:



ANNEX

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 Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice 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 paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.