

# **IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)**

## **ENFORCEMENT NOTICE**

**Issued by: EXETER CITY COUNCIL** of Paris Street, Exeter EX1 1JN

**1. This is a formal notice** issued by the Council because it appears that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 as Minden House, Pinn Lane, Exeter, EX1 3RG shown shaded red and edged by a bold red line on the attached plan, ("the Land").

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

Without planning permission the erection of a boundary fence which exceeds 2m in height, in the approximate position marked with a green line on the attached plan.

### **4. REASONS FOR ISSUING THIS NOTICE**

**4.1** It appears to the Council that the above breach of planning control has occurred within the last four years. The operational development in question was substantially completed less than four years ago.

**4.2** The unauthorised boundary fence (shared with 6 and 8 Farmhouse Avenue, Exeter, EX1 3XT and 10 Grassland Drive) exceeds the limit of 2 metres above ground level as set out in Part 2 Class A of The Town and Country Planning (General Permitted Development) (Order) 2015.

**4.3** This part of the fence is causing harm to the amenities associated with the neighbouring properties, with particular regard to the adverse impact upon outlook and natural light in the properties.

**4.4** The development is contrary to development plan policies DG1 and DG4 of the Exeter Local Plan First Review 1995-2011 and the development is harmful to the visual amenities of the area

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

## 5. WHAT YOU ARE REQUIRED TO DO

You must

(i) Reduce the height of that part of the boundary fence, including all posts, affected by this notice to 2.4 metres above the level of the land as measured from the natural ground level which for clarity the Council take to be the level of the ground as measured on outside edge of the north-east corner of the Land, and thereafter maintain the boundary fence to that height.

(ii) Remove all materials and rubble arising from compliance with requirement

## 6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5, is 8 weeks from the date this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 24 November 2017, unless an appeal is made against it beforehand.

Dated: 24 / 10 / 2017 (Date of issue) 24 / 10 / 2017

Signed:   
on behalf of /Mr A Robbins, City Development Manager EXETER CITY COUNCIL

Please contact Case Officer, Robert Russell at the Civic Centre Paris Street Exeter EX1 1JN

Telephone number: 01329 265227

E-mail: [robert.Russell@exeter.gov.uk](mailto:robert.Russell@exeter.gov.uk)



Legend

Basemaps  
Standard Base Map Cached

## ANNEX

**EXETER CITY COUNCIL** has issued an enforcement notice relating to land at Minden House and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

### YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice,

If you want to appeal against this enforcement notice you need to submit a copy of the enforcement notice a copy of your appeal and a plan and other documents in support of your appeal. You can do this:

- Online at the Planning Casework Service area of the Planning Portal (<https://www.gov.uk/appeal-enforcement-notice>); or
- By post to The Planning Inspectorate, Room 4a, Temple Quay House, 2 The Square BRISTOL BS1 6PN.

**You MUST make sure that the Planning Inspectorate receives your appeal before the effective date on the enforcement notice.**

Under section 174(2) of the TCPA 1990 you may appeal on one or more of the following grounds that:

- (a) In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- (b) Those matters have not occurred.
- (c) Those matters (if they have occurred) do not constitute a breach of planning control.
- (d) At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- (e) Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- (f) The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- (g) Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £172. You should pay the fee to Exeter City Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the

Secretary of State will send you a notice requiring you to do so within 14 days.

**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, the enforcement notice 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, 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 under s179 of the TCPA 1990 and/or remedial action and a claim for the costs of the works by the Council under s178 of the TCPA 1990. Copies of these sections are attached.

**Persons served with a copy of this enforcement notice are as follows:**

Ian John Foster of Minden House, Pinn Lane, Exeter EX1 3RG

Karen Marie Foster of Minden House, Pinn Lane, Exeter EX1 3RG