

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 **(As amended by the Planning Compensation Act 1991)**

ISSUED BY: Exeter City Council (the "City Council")

1. NOTICE

This notice is issued by the City 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. The City Council considers it 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 to the rear of 14 Mary Arches Street, Exeter EX4 3AZ shown edged red 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 pergola/structure in the rear garden outlined in blue on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the City Council that the above breach of planning control has occurred within the last 4 years.

The City Council has taken the view that the unauthorised works are contrary to Chapter 12 and 16 of the National Planning Policy Framework, Objective 9 of the Exeter Local Development Framework Core Strategy and Saved Policies S5, C1, C2, EN5 and DG1 of the Exeter Local Plan First Review 1995-2011 because:-

- i) by virtue of the poor quality design, scale and siting it is considered that the unauthorised pergola structure has a detrimental impact on the surrounding heritage assets and Central Conservation Area;
- ii) the identified harm to the designated heritage assets would not be outweighed by the public benefits of the scheme; and
- iii) the pergola/structure, by extending the usage of the outside terraced area, has the potential to cause noise nuisance to the detriment of residential amenities presently enjoyed by neighbouring residential properties.

5. WHAT YOU ARE REQUIRED TO DO

You must:

1. Demolish the pergola/structure; and
2. Remove all materials formerly comprising the pergola/structure from the Land and responsibly dispose of them.

6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is 2 (two) months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 19th July 2023 unless an appeal is made against it beforehand.

Dated: 7th June 2023



Signed: _____ (Roger Clotworthy)
On behalf of: Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN
Nominated Officer: Stacey Salter
Telephone Number: 01392 265175
Email address: stacey.salter@exeter.gov.uk
LPA Reference: ENF/20/00067

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

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 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 City Council.

APPEAL INFORMATION SHEET

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

EXPLANATORY NOTE

EXETER CITY COUNCIL has issued an enforcement notice 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 below.

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 by following the instructions on the enclosed information sheet published by the Planning Inspectorate which gives details of how to make an appeal

You MUST make sure that the Planning Inspectorate receives your appeal before the effective date on the enforcement notice (see paragraph 7).

GROUND OF APPEAL

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 Town and Country Planning Act 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 Town and Country Planning Act 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

FEES

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 the fee of £468.00 which is equivalent of applying for planning permission for the development alleged in the notice. You should pay the fee to Exeter City Council.

STATEMENT TO ACCOMPANY APPEAL

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 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 Town and Country Planning Act 1990 and/or remedial action and a claim for the costs of the works by the City Council under s178 of the Town and Country Planning Act 1990.

Service of Notice

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

1. Golsworthy (Exeter) Limited of 18-22 St Olaves Hotel, Mary Arches Street, Exeter EX4 3AZ and Number 18 Apartments, 18-22 Mary Arches Street, Exeter, Devon, United Kingdom, EX4 3AZ
2. Hampshire Trust Bank PLC of 55 Bishopsgate, London EC2N 3AS
3. Gemma Livingston Holdings Limited of The Old Quarry, Caton, Ashburton, Newton Abbot TQ13 7LH and Orchard House, Clyst St. Mary, Exeter, Devon, United Kingdom, EX5 1BR
4. PCF Bank Limited of Pinners Hall, 105-108 Old Broad Street, London EC2N 1ER
5. South X West Limited of 14 Mary Arches Street, Exeter EX4 3AZ and 2 Queen Street, Seaton, Devon, EX12 2NY
6. The Owner/Occupier(s), Land to the rear of 14 Mary Arches Street, Exeter EX4 3AZ

Land to Rear of 14 Mary Arches Street, Exeter EX4 3AZ

