

10.7.2008

SHIRES COTTAGE
LOWER LOXHORE

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

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)(b) of the Act, at the land described below. The Council consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED** (shown edged red on plan 1 annexed hereto)

Shires House, Lower Loxhore, Barnstaple, North Devon, EX31 4SX

(“the land”)

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

Permanent residential occupation within the last ten years of the land edged in blue on the Plan annexed hereto in breach of condition 7 of planning permission 29866 issued by the Local Planning Authority dated 31st August 2001. The condition states that the development is to be occupied for the purposes of holiday accommodation only.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Council is of the opinion that the use of the land as a permanent dwelling is contrary to policies TRA1A (promoting sustainable transport choices), HSG9 and HSG9A of the North Devon Local Plan (adopted July 2006) as it is permanent residential use within a countryside location, without any agricultural, forestry or other commercial functional need being demonstrated. In addition, it is contrary to policy HSG13 of the North Devon Local Plan as the criteria for modifying a holiday condition has not been met. A holiday condition relating to a converted rural building will be modified to limit its occupancy to meet a local housing need where:-

- a. There is no longer a need for the holiday accommodation within the Locality;
- b. It would meet an identified local housing need for affordable accommodation in the locality;
- c. The building is capable of being permanently occupied without the need for major extension or alteration; and
- d. Sufficient curtilage space is provided without harm to the setting of the building or the surrounding area.

The Local Authority is of the opinion that none of the criteria apply.

The use of the land as a permanent dwelling is also contrary to Planning Policy Statement 7: Sustainable Development in Rural areas.

The Local Authority considers that the breach of planning control has occurred within the last ten years and that the above reasons for issuing the Notice cannot be overcome by the use of Planning Conditions.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 below be undertaken within the period of 6 months from the date when this notices takes effect

6. WHAT YOU ARE REQUIRED TO DO

Comply with the holiday occupancy restriction contained in condition 7 of planning permission 29866 (annexed hereto) by ceasing permanent residential occupation of the property edged in blue on Plan 1 annexed hereto.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 11th August 2008("the effective date")* unless an appeal is made against it beforehand.

Dated : 10th July 2008

Signed :
Solicitor, Legal Services Manager

on behalf of: North Devon District Council
Civic Centre, North Walk, Barnstaple, EX31 1EA

* specific date, not less than 28 clear days after date of service

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 specified at paragraph 6 above. The enclosed booklet “Enforcement Appeals - A Guide to Procedure” sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the effective date at paragraph 6 above 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.

PLAN 1

0768

Horseshoe Barn

Meadowside



Hammonds

Shires Cottage

Shires House

Crick Hollow

0759

Well

Corner

Cott

Fair Mead

Sunny Cottage



Plan to Accompany Enforcement Notice - Plan 1

Shires House, Lower Loxhore, Barnstaple

COPY SUPPLIED TO:
Planning & Development Services
Scale: 1:1250
Date: 2nd April 2008

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