



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE & OPERATIONAL
DEVELOPMENT**

**LAND OR PREMISES KNOWN AS: MICKLES FIELD,
LAND ON THE NORTH SIDE OF WHITEFIELD CROSS,
WEST ANSTEY, SOUTH MOLTON, EX36 3PH (HM LAND
REGISTRY TITLE NUMBER DN359449)**

**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)(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**

Mickles Field, Land on the North side of Whitefield Cross, West Anstey, South Molton, EX36 3PH (HM Land Registry Title Number DN359449) shown edged red on the attached Location Plan.

("the Land")

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

Without planning permission and within the last 10 years, the unauthorised material change of use of the Land under Section 171B(3) of the Act from an Agricultural use to a mixed use of Agricultural, residential and storage by the siting and residential occupation of a mobile home and the storage of scrap vehicles, a trailer/chassis and touring caravan.

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of the erection of a timber porch and steps, together with the erection of a wind turbine and the provision of solar panels with supporting structure,

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Notice is served to remedy the alleged breach of Planning Control.

Siting and Residential Occupation of a Mobile Home

Policy ST1 of the Devon Structure Plan, Policy ENV1 of the North Devon Local Plan and advice contained in Government Policy Statements PPS1 and PPS7 and draft National Planning Policy Framework requires development in the open countryside to be strictly controlled in order that the countryside may be safeguarded for its own sake and on the grounds of sustainability.

The mobile home is not required for the purposes of agriculture or other recognised rural activity and no 'need' other than that personal to the occupier has been demonstrated.

The Local Planning Authority is not persuaded that the use is essential to the rural economy or would provide any social benefit to the rural community and therefore fails to satisfy the requirements of Policies ENV1, HSG9 and HSG9A of the North Devon Local Plan and Annex A of PPS7.

The mobile home is being used as a unit of accommodation and there are no perceived economic benefits in that it does not provide a source of employment; is remote and unrelated to a development area and would result in the provision of a new dwelling in the countryside on agricultural land.

Having had regard to advice contained in PPS 7 Sustainable Development in Rural Areas (2004) the siting and use of a mobile home on agricultural land for residential purposes represents a material change of use of the land resulting in the domestication of the open countryside. Policies DVS1, and DVS2 of the North Devon Local Plan and CO1 of the Devon Structure Plan seek to minimise the effect of development in the countryside thereby conserving its character and landscape.

Storage of scrap vehicles, trailer/chassis and touring caravan

Unrelated to any agricultural use, the storage of scrap vehicles, the trailer/chassis (which is the remains of an old touring caravan) and a further touring caravan on site is not acceptable in the open countryside. There are no exceptional arguments which can be put forward in support of this use of the land which do not conflict with well established principles of protecting the countryside for its own sake and in the interests of sustainability. This unacceptable material change of use is contrary to Policy ENV1 of the North Devon Local Plan and Policy ST1 of the Devon Structure Plan.

The Local Planning Authority considers that this unauthorised material change of use has occurred within the last ten years and that the above reasons for issuing this Notice cannot be overcome by the use of planning conditions.

Timber Porch and Steps

This unauthorised operational development is a later addition to the mobile home and has been constructed to facilitate access to the mobile home which is itself unauthorised development. It results in further domestication of this open countryside location contrary to Policies ENV1 and DVS 1 of the North Devon Local Plan.

Wind Turbine & Solar Panels

There is no agricultural use of the site that would warrant the generation of energy and as such the wind turbine and solar panels with supporting structure are unjustified developments in the open countryside contrary to Policies ENV1 and ECN15 of the North Devon Local Plan.

The Local Planning Authority considers that this unauthorised operational development has occurred within the last four years and that the above reasons for issuing this Notice cannot be overcome by the use of planning conditions

5. WHEN YOU ARE REQUIRED TO ACT

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

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential occupation of the Land shown edged red on the attached Location Plan.
2. Remove the mobile home from the Land shown edged red on the attached Location Plan.
3. Cease the use of the Land shown edged red on the attached Location Plan for the storage of the scrap vehicles, trailer/chassis and touring caravan.
4. Remove the scrap vehicles, trailer/chassis and touring caravan from the Land shown edged red on the attached Location Plan.
5. Remove all other materials not required for an agricultural purpose from the Land shown edged red on the attached Location Plan.
6. Remove the timber porch and steps from the Land shown edged red on the attached Location Plan.
7. Remove the wind turbine including the stays and concrete base from the Land shown edged red on the attached Location Plan.
8. Remove the solar panels, supporting structure and associated items from the Land shown edged red on the attached Location Plan.
9. Remove all debris and other rubbish resulting from carrying out the above Steps 1 to 8 from the Land shown edged red on the attached Location Plan

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 22 April 2012 ("the effective date") unless an appeal is made against it beforehand.

Dated: 22 March 2012

Signed: 

Head of Legal

On behalf of: North Devon District Council,
Civic Centre,
Barnstaple, Devon,
EX31 1EA.

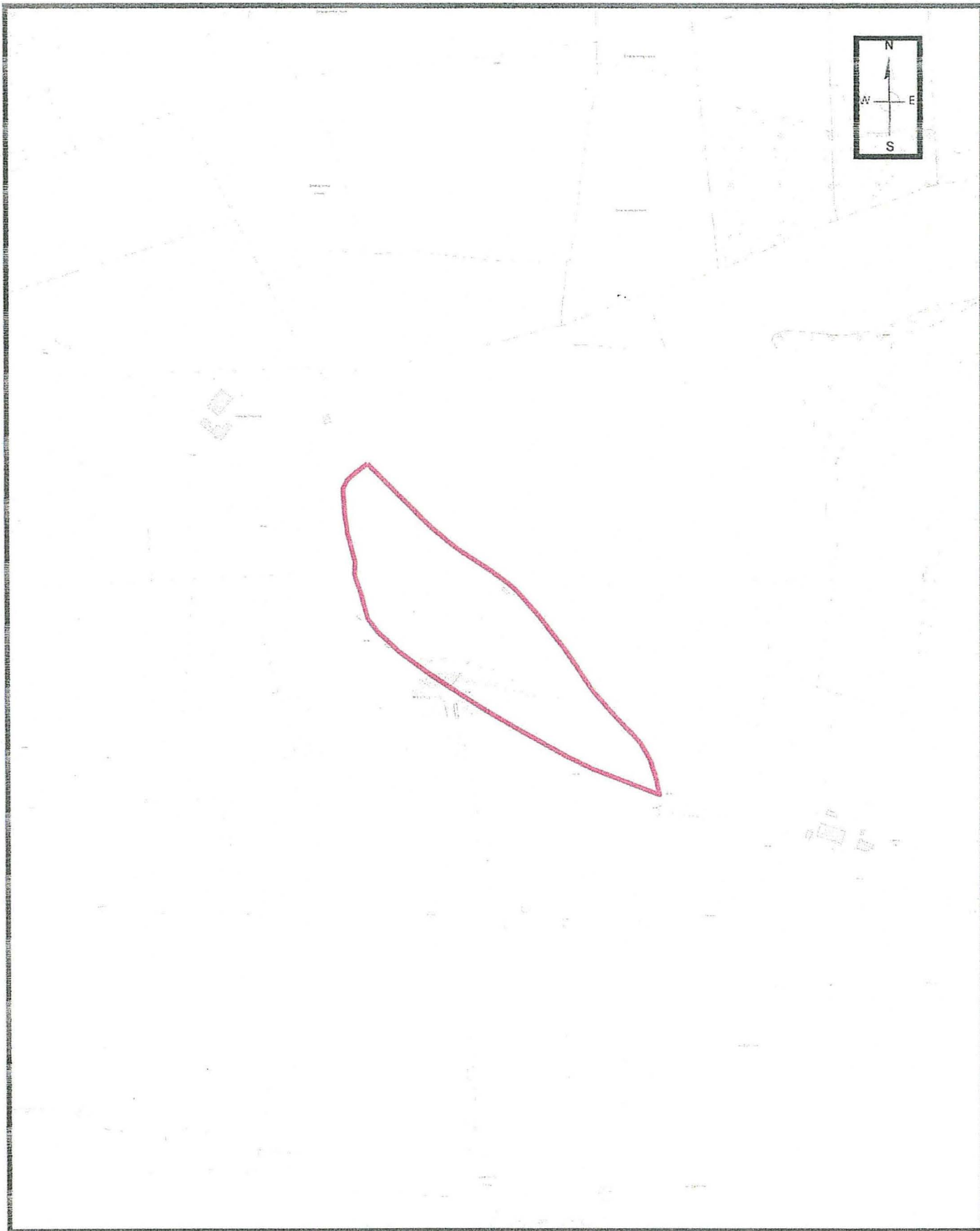
GUIDANCE NOTES FOR YOUR INFORMATION

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. The attached Planning Inspectorate Guidance Sheet provides details of where you obtain further information on the appeal process. Read it carefully.

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.



Enforcement Notice 4517

Mickles Field, Whitefield Cross, West Anstey EX36 3PH



Civic Centre, Barnstaple,
EX31 1EA

SCALE: 1:5000

COPY SUPPLIED TO:

Planning and Development Services DATE 3rd February 2012

Reproduced from Ordnance Survey mapping by North Devon District Council under Copyright Licence No 100321929 © Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

