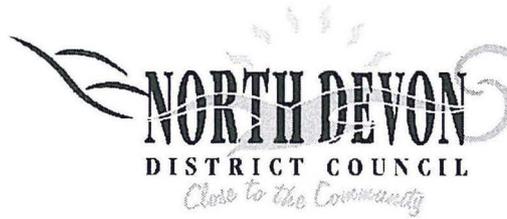


DH/11057

8.2.2008



THE OLD FORGE  
LAND PT. OS 8088  
LYNTON CROSS  
BITTADON  
ILFRACUMBE

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

**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 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 the enclosed Plans 1, 2 and 3)

Land Part OS 8088, Lynton Cross, Bittadon, Ilfracombe, EX34 9RQ

("the land")

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

Unauthorised change of use of the land from agricultural use to mixed residential and commercial use by the siting and residential occupation of a mobile home and the keeping or breeding of dogs shown in the enclosed photographs A, B and C.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Regional Spatial Strategy ENV3; Devon Structure Plan 2001 to 2016 (adopted October 2004); C03 and C05; North Devon Local Plan 1995 to 2011 (adopted July 2006); ENV1, ENV2, ENV3 and ENV5: Adverse impact of various structures including mobile home on a designated landscape.

Devon Structure Plan ST1 and ST16; North Devon Local Plan ENV1 and HSG9A: Location of a residential dwelling in an unsustainable rural location dependent on private car transport without the demonstration of functional need.

North Devon Local Plan ECN5: Reuse of rural building for commercial purposes not considered appropriate in this location.

Devon Structure Plan TR10, North Devon Local Plan TRA6: Unacceptable impact of development on highway safety and the free flow of traffic on a Class II County Highway.

PPS7 – Especially Annex A: Appropriateness of rural development and need for justification for dwelling to serve rural enterprise.

The Local Planning Authority considers that the unauthorised material change of use 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 requires that the steps specified in paragraph 6 below be undertaken within six months from the date when this notices takes effect.

**6. WHAT YOU ARE REQUIRED TO DO**

1. Remove the mobile home and attached decking area shown in the enclosed photographs and as indicated by the blue outline in plans 2 and 3, from the land edged red on the enclosed plans where so ever placed, stored or fixed.
2. Collect and remove all rubbish and debris, which may have resulted from the taking of the above steps, from the land edged red on the enclosed plans where so ever placed, stored or fixed.
3. Cease residential occupation of any of the land edged red on the enclosed plans.
4. Cease unauthorised use of the land edged red on the enclosed plans for the keeping of dogs.
5. Return the land edged red on the enclosed plans to agricultural use.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 10 March 2008 ("the effective date") unless an appeal is made against it beforehand.

Dated: 08 February 2008 .....

Signed: .....



Solicitor

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

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## **GUIDANCE NOTES FOR YOUR INFORMATION**

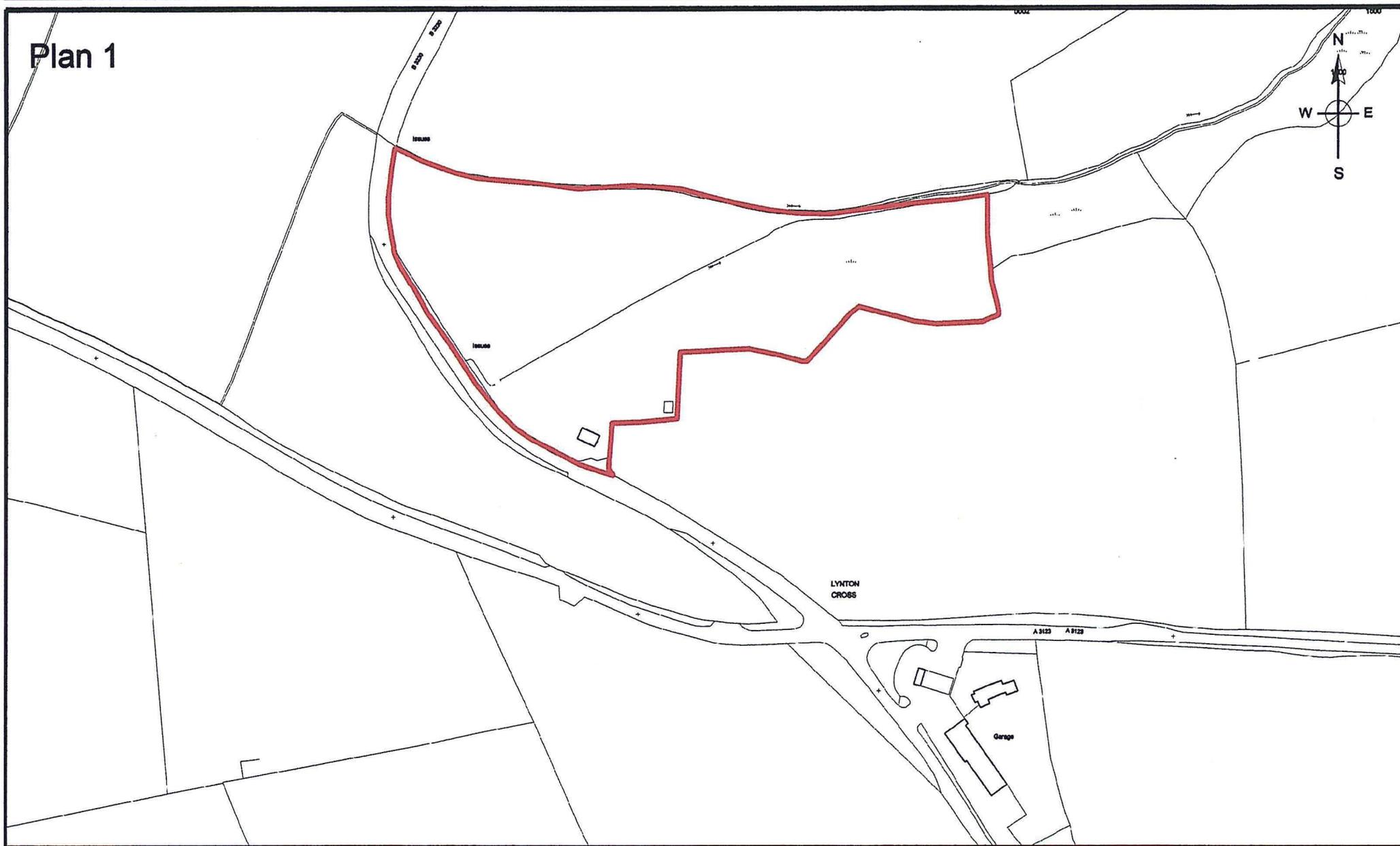
### **YOUR RIGHT OF APPEAL**

**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 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 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



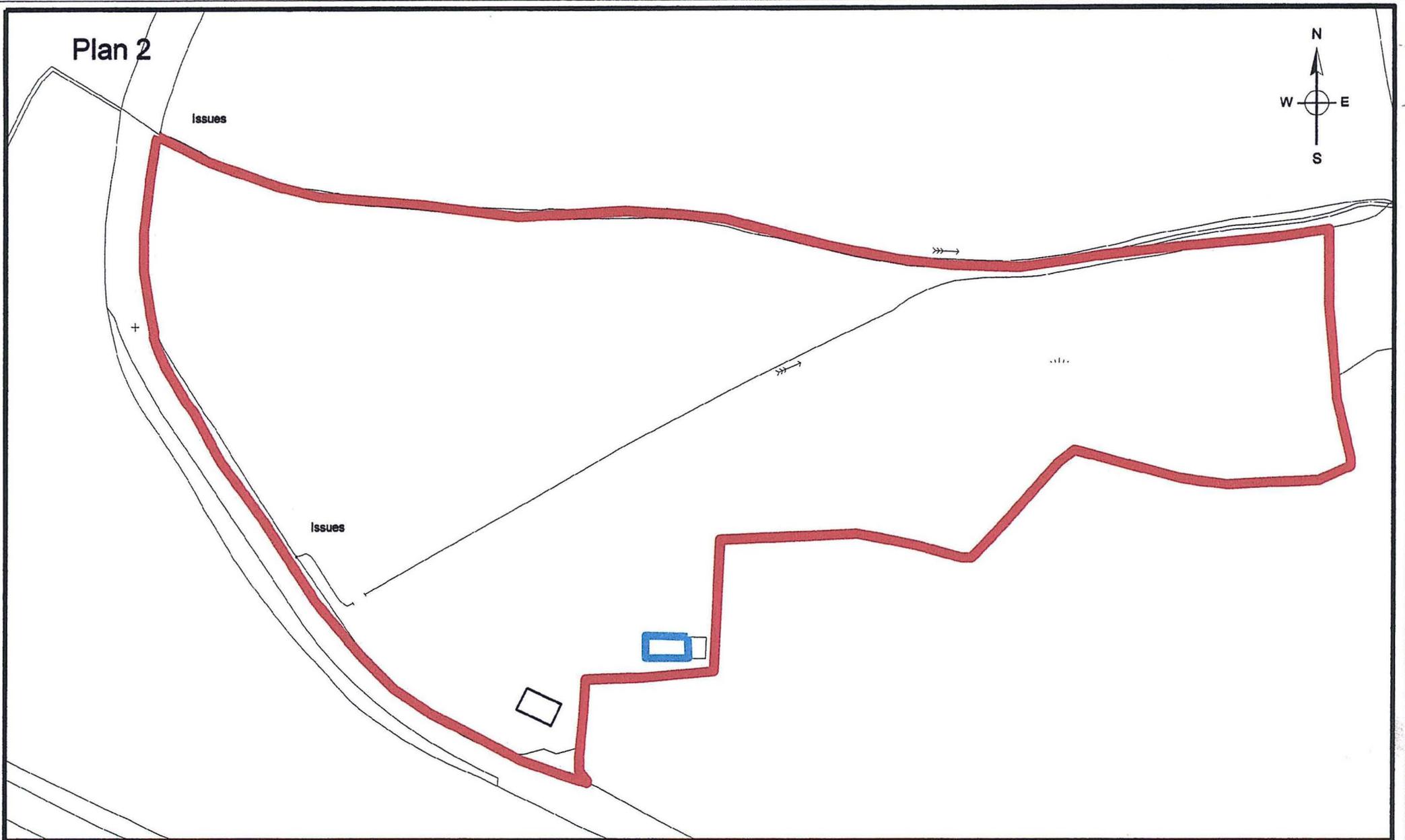
Plan to Accompany Enforcement Notice - Plan 1

**The Old Forge, Lynton Cross, Bittadon EX34 9RQ**



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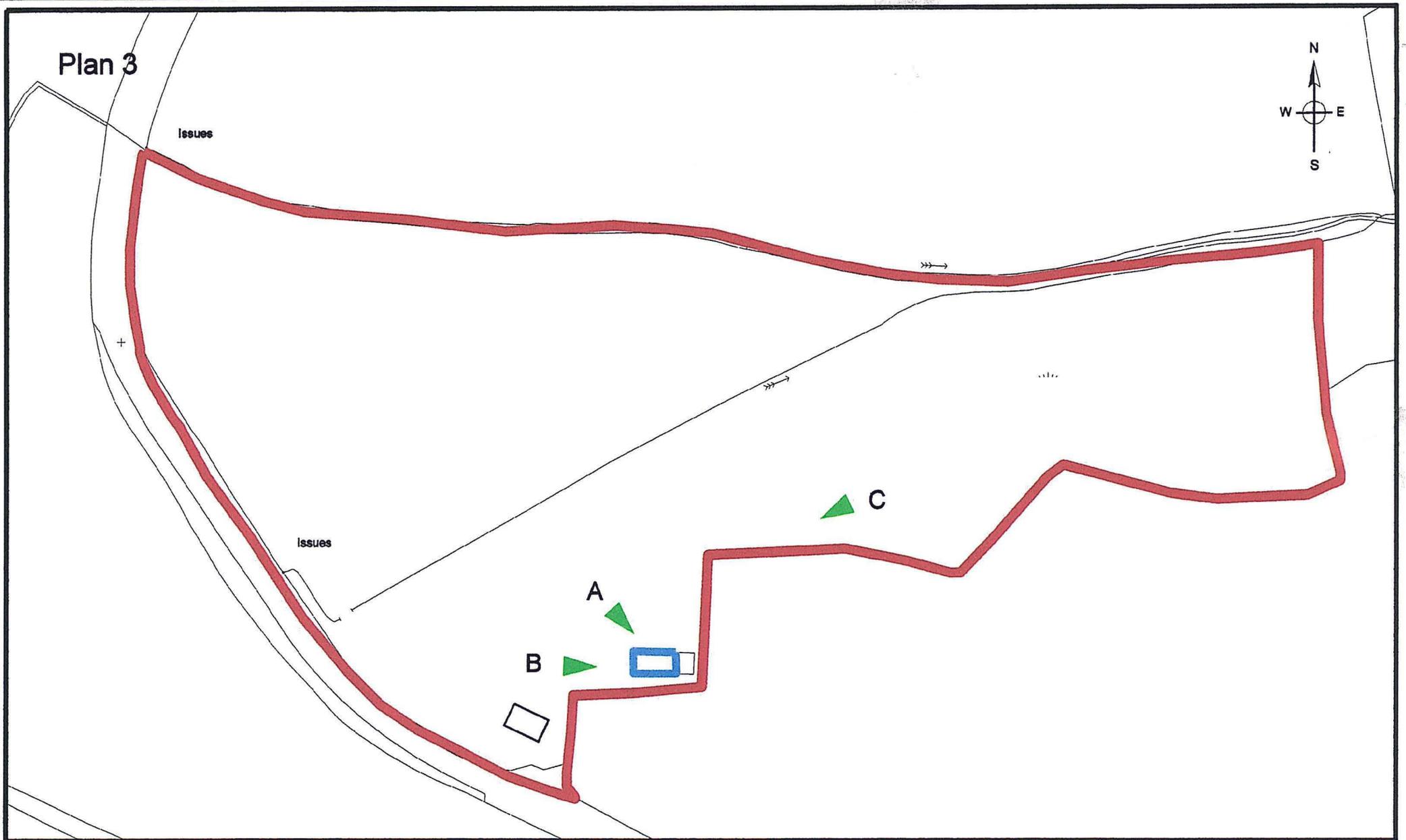
**COPY SUPPLIED TO:**  
Planning Unit  
**Scale:** 1:2500  
**Date:** 14th January 2008



Plan to Accompany Enforcement Notice - Plan 2  
**The Old Forge, Lynton Cross, Bittadon EX34 9RQ**

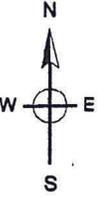
**COPY SUPPLIED TO:**  
 Planning Unit  
 Scale: 1:1250  
 Date: 14th January 2008

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Plan 3

Issues



Issues

A

B

C



Plan to Accompany Enforcement Notice - Plan 3

**The Old Forge, Lynton Cross, Bittadon EX34 9RQ**

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