



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**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 plan attached (but not including the land coloured blue)

Westleigh Farm, Combe Martin, Devon, EX34 0NG

("the land")

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

Without planning permission, material change of use of land edged in red on Plan 1 annexed hereto (excluding the land coloured blue) from agricultural use to a mixed use of agriculture, residential (by way of siting and occupation of mobile homes and touring caravans) and the storage of touring caravans and mobile homes.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The mobile homes are located in an isolated, unsustainable, countryside location, well beyond the development boundary relating to the nearest recognised settlement, Combe Martin. There is no special justification for these in the countryside. Consequently, the development is contrary to policies ENV1 (Development in the Countryside), TRA1A (Promoting sustainable transport choices) and DVS1A (Sustainable Development) of the North Devon Local Plan (adopted July 2006). It is also contrary to policies ST1 (Sustainable Development), ST5 (Development Priority 2001 to 2016), ST16 (Local Centres and Rural Areas) and TR1 (Devon Travel Strategy) of the Devon County Structure Plan (2001 to 2016).

The siting of a variety of mobile homes in this open countryside location has a detrimental visual impact on the landscape, which is designated as an Area of Outstanding Natural Beauty, Coastal Preservation Area and Heritage Coast. As a consequence, the development is contrary to policies DVS1 (Design), DVS2 (Landscaping), ENV1 (Development in the Countryside), ENV2 (The Area of Outstanding Natural Beauty), ENV3 (The Heritage Coast) and ENV5 (Coastal Preservation Areas) of the North Devon Local Plan and also policies CO1 (Landscape Character and Local Distinctiveness), CO3 (Areas of Outstanding Natural Beauty) and CO5 (Coastal Preservation Areas) of the Devon County Structure Plan.

Increased use of the access results in additional danger to all users of the road, contrary to policies TRA6 (General Highway considerations) of the North Devon Local Plan and TR10 (Strategic Road Network and Roadside Service Areas) of the Devon County Structure Plan.

The development by virtue of location, landscape impact and traffic generation, is contrary to advice contained in Planning Policy Statement 1: Delivery Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas, Planning Policy Guidance 13: Transport and Planning Policy Guidance 20: Coastal Planning.

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 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

1. Cease the use of the land edged red (not including the land coloured blue) on the attached plan for the siting and residential occupation of mobile homes and touring caravans that are not being used in conjunction with the authorised agricultural use of the land or any other use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order.
2. Cease the use of the land (not including the land coloured blue) for the storage of mobile homes or touring caravans not being used in conjunction with the authorised agricultural use of the land or any use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent order.
3. Remove all mobile homes and touring caravans from the land edged in red on the attached plan (not including the land coloured blue) that are not being used in conjunction with the authorised agricultural use of the land or any use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent order.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 6th July 2009 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 3rd June 2009

Signed :


Solicitor

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

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

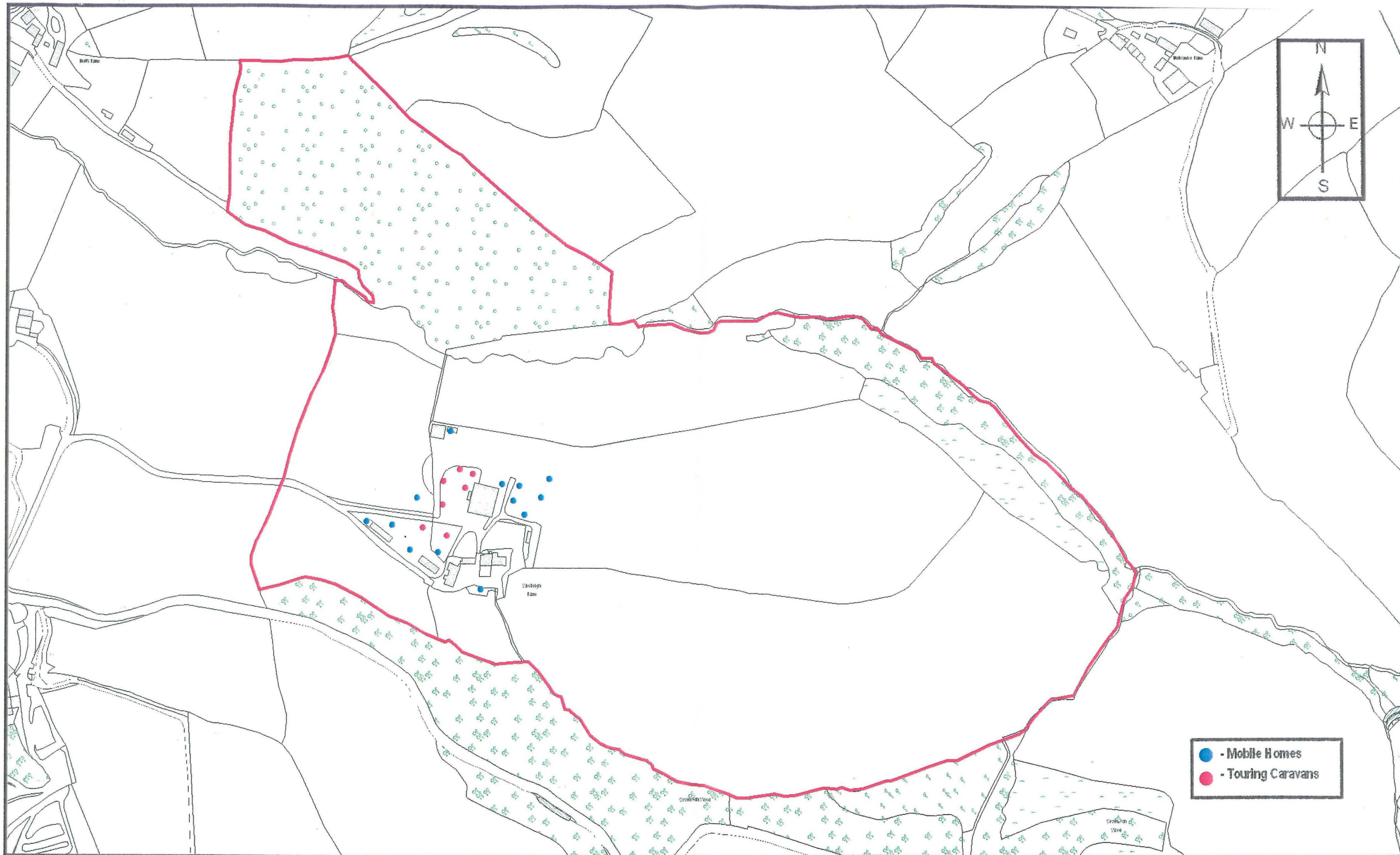
GUIDANCE NOTES FOR YOUR INFORMATION

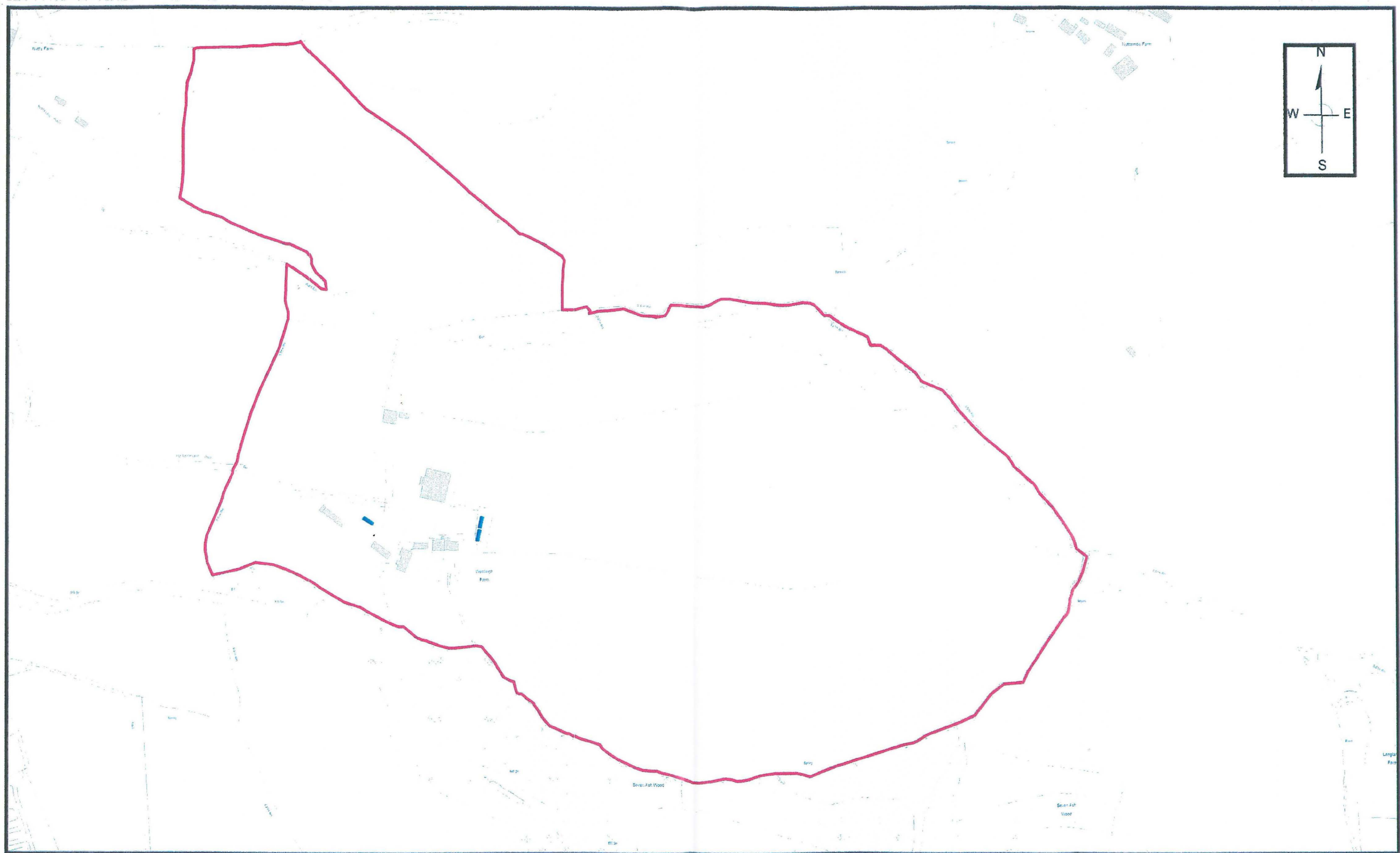
YOUR RIGHT OF APPEAL

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.

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 to Accompany Enforcement Notice
Mobile Homes at Westleigh Farm, Combe Martin

COPY SUPPLIED TO:
 Planning Unit
Scale: 1:3000
Date: 6th April 2009

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