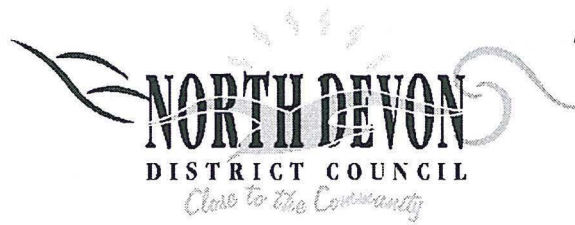


11015

(2 of 3)

11.12.2007



NORTH WARCOMBE FARM  
LEE  
ILFRACOMBE

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**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 plan 1A attached hereto)

North Warcombe Farm, Lee, Ilfracombe, North Devon, EX34 8LN

("the land")

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

The unauthorised erection of a barn. Retrospective Planning Permission was refused on 28<sup>th</sup> March 2007 (Planning reference 43818). A copy of the Decision Notice is annexed hereto.

**4. REASONS FOR ISSUING THIS NOTICE**

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

The unauthorised operational development is contrary to policy ENV1 of the North Devon Local Plan as it is a development in the countryside with no justification provided. It is also contrary to policy ECN7, as the functional need for the size of the building has not been proven and the impact is not minimised by the siting and the design.

There is adverse impact on the natural landscapes without adequate justification as per ENV2, (within an Area of Outstanding Natural Beauty), ENV3, (within the Heritage Coast) and ENV5 (a coastal preservation area).

The unauthorised operational development is also contrary to Planning Policy Statement 7 as it is an unnecessary building having a detrimental visual impact on the countryside.

The Local Planning Authority is satisfied that the barn has not been in place for more than four years and that it has therefore not acquired immunity from enforcement. As retrospective planning permission was applied for and refused, the Local Planning Authority considers 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 be undertaken within the period of 6 months from the date when this notice takes effect.

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

1. Remove the barn and the associated foundations edged in blue on plan 2A annexed hereto
2. Reinstatement of the land edged in blue on plan 2A annexed hereto to its former contours before the development took place as indicated by the surrounding land

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 10<sup>th</sup> January 2008 ("the effective date")\* unless an appeal is made against it beforehand.

Dated : 11<sup>th</sup> December 2007

Signed : .

Solicitor, Legal Services Manager

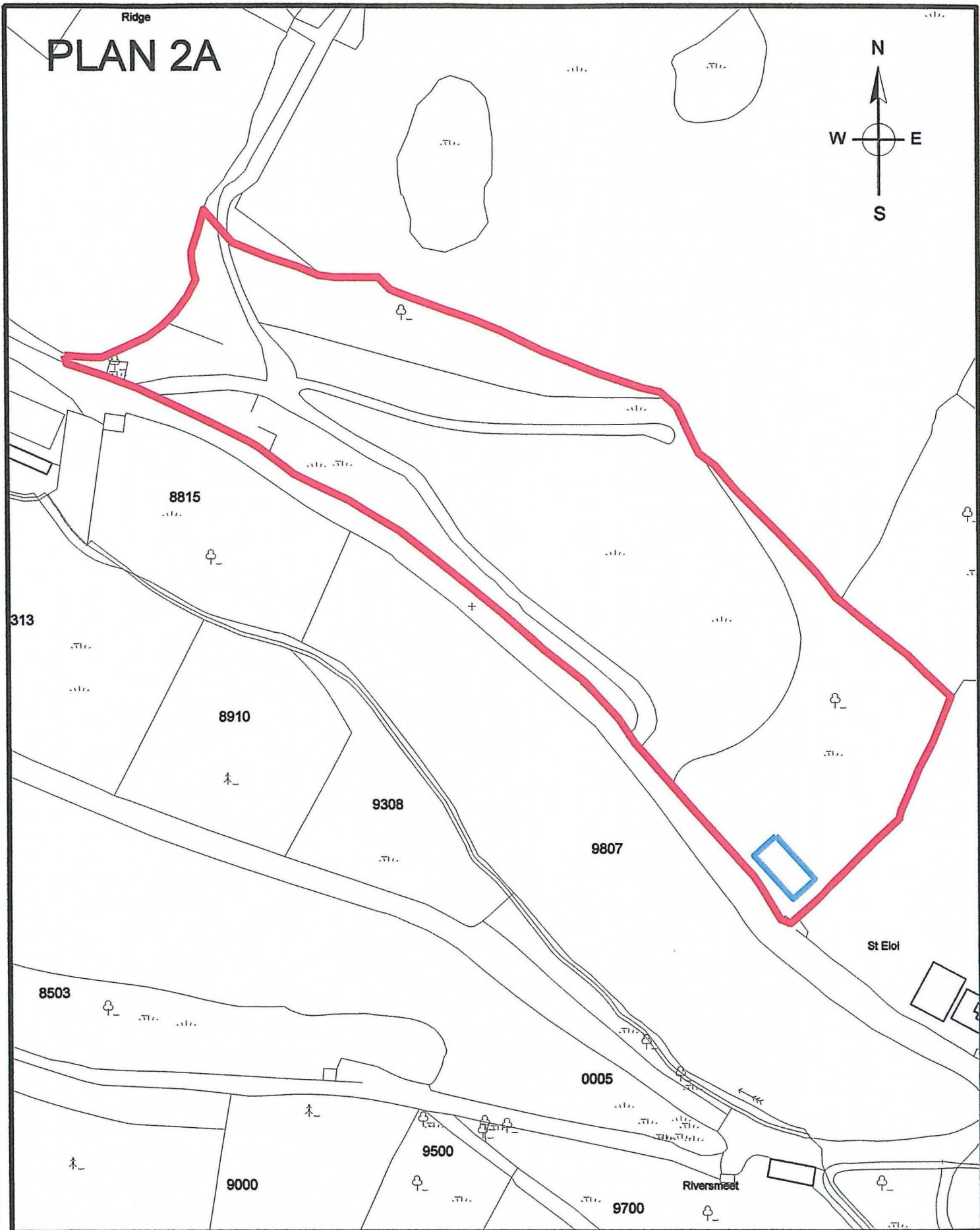
on behalf of: North Devon District Council,  
Civic Centre,  
Barnstaple, Devon,  
EX31 1EA.

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







## Plan to Accompany Enforcement Notice - Plan 2A - Hay Barn

North Warcombe Farm, Lee, Ilfracombe EX34 8LN



Civic Centre, Barnstaple.  
EX31 1EA

SCALE: 1:1250

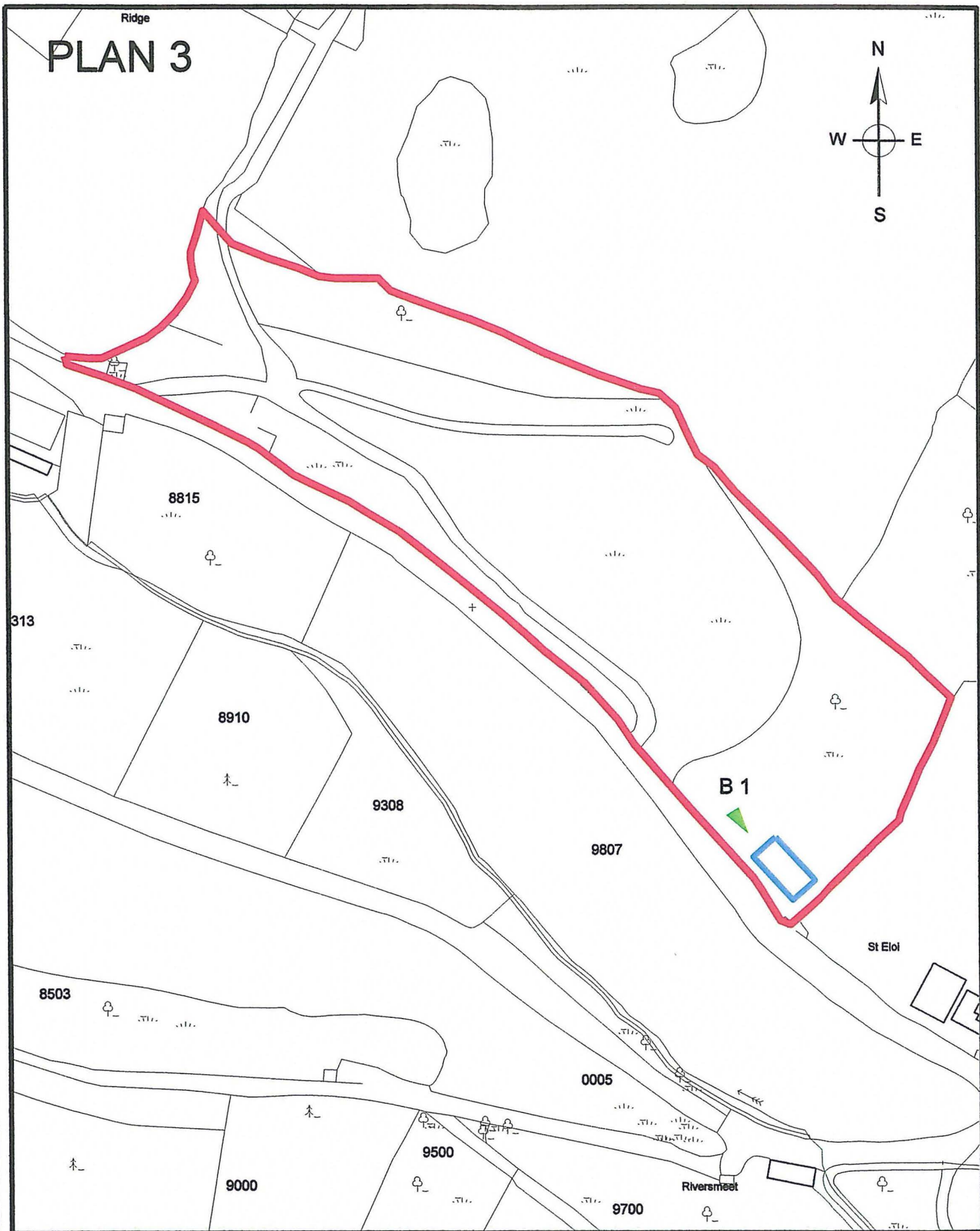
COPY SUPPLIED TO:

Planning Unit

DATE 24th October 2007

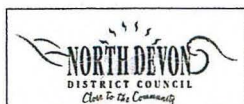
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**Plan to Accompany Enforcement Notice - Plan 3 - Hay Barn - Direction of Photo. B1**

**North Warcombe Farm, Lee, Ilfracombe EX34 8LN**



Civic Centre, Barnstaple.  
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO:

Planning Unit

DATE 24th October 2007

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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.**