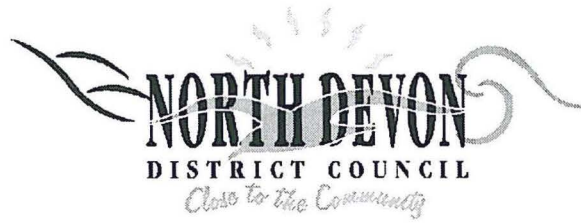


CF/10516

15.8.2006



BUTCHERS ARMS
ALSWEAR
SOUTH MOLTON

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 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)

Butchers Arms, Alswear, South Molton, North Devon, EX36 4LH

(“the land”)

3. THE BREACH OF PLANNING CONTROL ALLEGED

Change of use to ground floor of property edged in blue on the attached plan from Public House (Commercial) to Residential Use

4. REASONS FOR ISSUING THIS NOTICE

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

The Local Planning Authority has considered a planning application (32638), for the conversion of the property to residential purposes. This application received public scrutiny at the South Molton Area Committee on the 11th June 2002 and was refused on the 13th June 2002. A Certificate of Lawfulness was refused on the 9th March 2006. A case has not been put forward which precludes any alternative business venture from being successful in this location. No marketing evidence has been provided which convinces the Local Planning Authority that the property could not be sold as a business venture and hence concludes that in the absence of any other community facility to serve Alswear that the loss of the public house would be detrimental to the amenities of the community and hence that the proposal is contrary to Policy DS3 of the North Devon Local Plan.

The unauthorised change of use is contrary to policy ST3 of the Devon Structure Plan 2016.

It is also contrary to policies of the North Devon Local Plan, adopted in December 2000, namely DST1 relating to development outside development boundaries, DST2 for the protection of Amenities and DH10, the conversion of rural buildings to dwellings. DS3 relating to local shops is also contravened as mentioned above. Also DB7 (general design requirements for development) and DH3 (housing development in other areas together with DH14 (change of use of non-residential properties), DSR2 (open space provision in new housing estates) and DCF1 (developer funding for community facilities) are contravened.

With respect to the North Devon Local Plan Revised Deposit, the unauthorised change in use is contrary to DVS3 (amenity considerations), ENV1 (development in the countryside), COM3 (protecting local shops, public houses or post offices), TRA6 (general highway considerations), TRA8 (residential parking) and also HSG4 (residential development in identified rural settlements).

The material change of use has occurred in the last 10 years.

Use of Planning Conditions will not overcome the above reasons.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within the period of 1 month from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

Cease the use of the whole of the ground floor of the property for residential purposes and remove domestic items unrelated to the previous commercial use.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16 September 2006 unless an appeal is made against it beforehand.

Dated : 15 August 2006

Signed : 

Solicitor

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

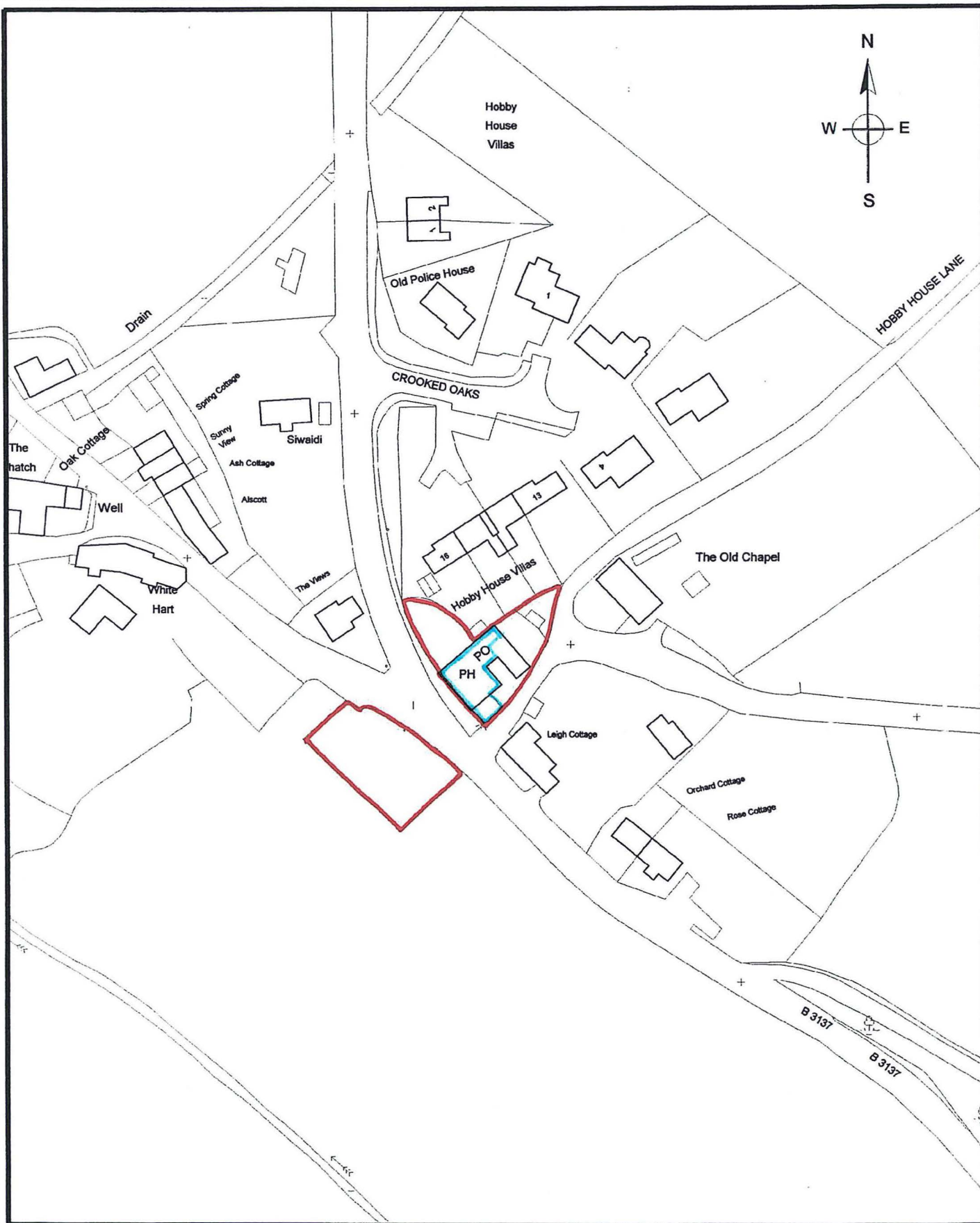
GUIDANCE NOTES FOR YOUR INFORMATION

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 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.



Location Plan to Accompany Enforcement Notice - Plan 1

Butchers Arms, Alswear, South Molton



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO:

Planning Unit

DATE 21st July 2006

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