



**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 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**

Land at Field PT 0S 0985 SS5928 Green Lane Swimbridge Barnstaple EX32 0QH as shown edged red on the enclosed Plan 1.

("the Land")

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

Unauthorised Change of Use of the Land under Section 171B(3) from agricultural land to siting of a mobile home.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The site is in the open countryside where development should be strictly controlled in the interests of protecting the character and the appearance of the landscape and on the grounds of sustainability.

In the opinion of the Local Planning authority the siting of the mobile home comprises development because it does not satisfy S55 (2) (e) of the Town & Country Planning Act 1990, in so much as the land is not used for agriculture or any other authorised use.

The Devon County Structure Plan saved Policy ST1 (Sustainable Development) seeks to protect the landscape as an environmental asset.

Adopted North Devon Local Plan saved Policy ENVI (Development in the Countryside) state that development will only be permitted in the countryside where a rural location is required, further that it provides economic or social benefits to the local community and it protects landscape assets.



**Policy ECN6 (Farm Diversification Schemes)**

A proposal for a farm diversification scheme will be permitted where:-

- a) it does not prejudice existing agricultural operations on the farm;
- b) the scale of activities associated with the development is appropriate to the rural character of the area and does not undermine the viability of uses in the surrounding settlements;
- c) existing buildings are used where possible; and
- d) any new building that is justified is well related to an existing group of buildings where practicable with its siting, design and landscaping minimising any impact on the countryside

The Local Planning Authority is not persuaded that the proposed use is essential to the rural economy nor would it provide any social benefit to the rural community and therefore fails to satisfy the requirements of Policies ENV1 and/or ECN6 of the Adopted North Devon Local Plan

The mobile home represents a non-essential intrusive element in the countryside causing detriment to the visual amenity of the area. In the opinion of the Local Planning Authority, this detriment can not be satisfactorily mitigated by landscaping measure as required by saved policy DVS2.

The Local Planning Authority is satisfied that the mobile home has been on sited within the past ten years, that it is expedient to serve this notice for the above reasons and that the objections to the use cannot be overcome by imposing planning conditions.

**5. WHEN YOU ARE REQUIRED TO ACT**

The Council requires that the steps specified in paragraph 6 below be undertaken within **3 months** from the date when this notice takes effect.

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

1. Cease the use of the "Land" shown edged red on the attached plan for the unauthorised siting of a mobile home.
2. Remove the mobile home shown outlined blue from the "Land" shown edged red on the attached plan.
3. Clear and remove from the "Land" shown edged red on the attached plan all rubbish associated with undertaking the works detailed in steps 1 & 2 of this Enforcement Notice.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 28<sup>th</sup> February 2011 ("the effective date") unless an appeal is made against it beforehand.

Dated: 27<sup>th</sup> January 2011

Signed: .....  
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

## **GUIDANCE NOTES FOR YOUR INFORMATION**

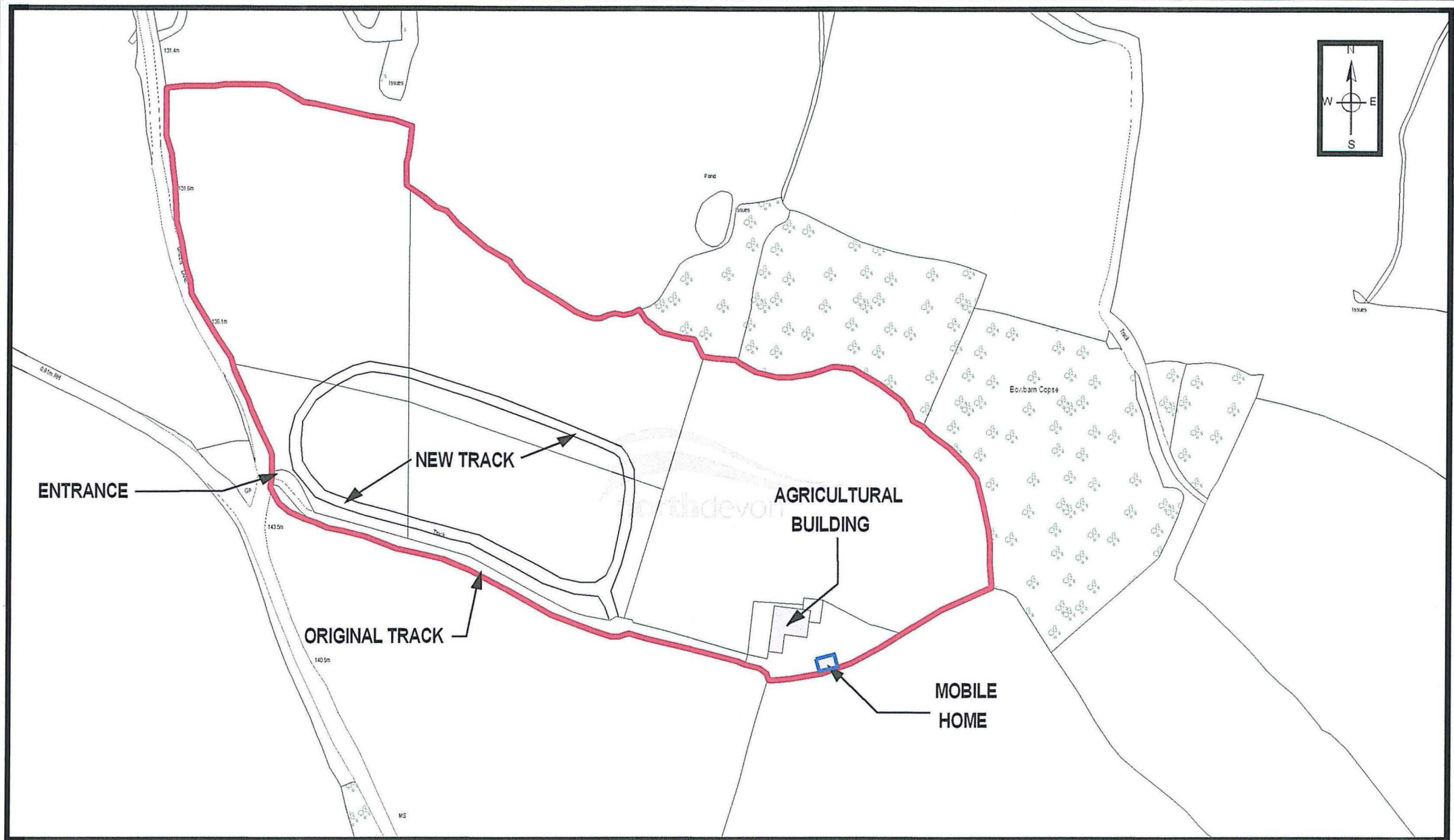
### **YOUR RIGHT OF APPEAL**

**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.**





Plan to Accompany Enforcement Notice

**Land at Partridge Cross, Green Lane EX32 0QH - ENF 5547**

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COPY SUPPLIED TO:  
Planning Unit  
Scale: 1:2500  
Date: 25th January 2011