



**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 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 OS SS5928 Green Lane Swimbridge Barnstaple EX32 0QH as shown edged red on the attached Plan.

("the Land")

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

Unauthorised erection of a building used for the stabling and shelter of horses as shown outlined in blue on the attached Plan

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Local Planning Authority is of the view that the unauthorised development is not reasonably necessary for an agricultural purpose on the land.

The development is contrary to the following Planning Policies Policies ST1 and CO6 of the Devon Structure Plan 2001 to 2016 (adopted October 2004).

Policies ECN7 and ENV1 of the North Devon Local Plan 1995 to 2011 (adopted July 2006)

The building is contrary to ST1 in that it fails to conserve and protect the natural resources of the area by seeking to utilise a green field site, rather than a previously developed site situated within a rural area. It is contrary to policy CO6 because it fails to respect the character and appearance of the wider area, which is open countryside. The building is also contrary to Policy ECN7 as it causes detriment to the visual amenity of the area being sited in a prominent position. The building is contrary to Policy ENV1 because it does not provide economic or social benefit to the local community nor does it protect or enhance the beauty and diversity of the landscape.

The Local Planning Authority also considers that the unauthorised development is contrary to (Annex A) (key principle 1(vi) of PPS7, Paragraph 17 of PPS1 and Policy EC6 of PPS4, which seek to protect the intrinsic character and beauty of the countryside for its own sake and in the interests



of sustainability.

The development although substantially completed more than four years ago is the subject of this enforcement action as the law allows further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the Local Planning authority have taken or purported to take enforcement action in respect of the breach. An Enforcement Notice was issued on 1<sup>st</sup> February 2007 in respect of this breach and was subsequently quashed on appeal by the Planning Inspectorate.

The Local Planning Authority considers that the above reasons for issuing the enforcement Notice can not be over come by the use of planning conditions and it is therefore expedient to seek the removal of the building.

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

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

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

1. Dismantle the unauthorised building shown in the attached photographs whose approximate location is shown coloured blue on the attached plan and remove from the land edged red on the attached plan.
2. Clear and remove from the land edged red on the attached plan all rubbish resulting from taking step 1.

**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**

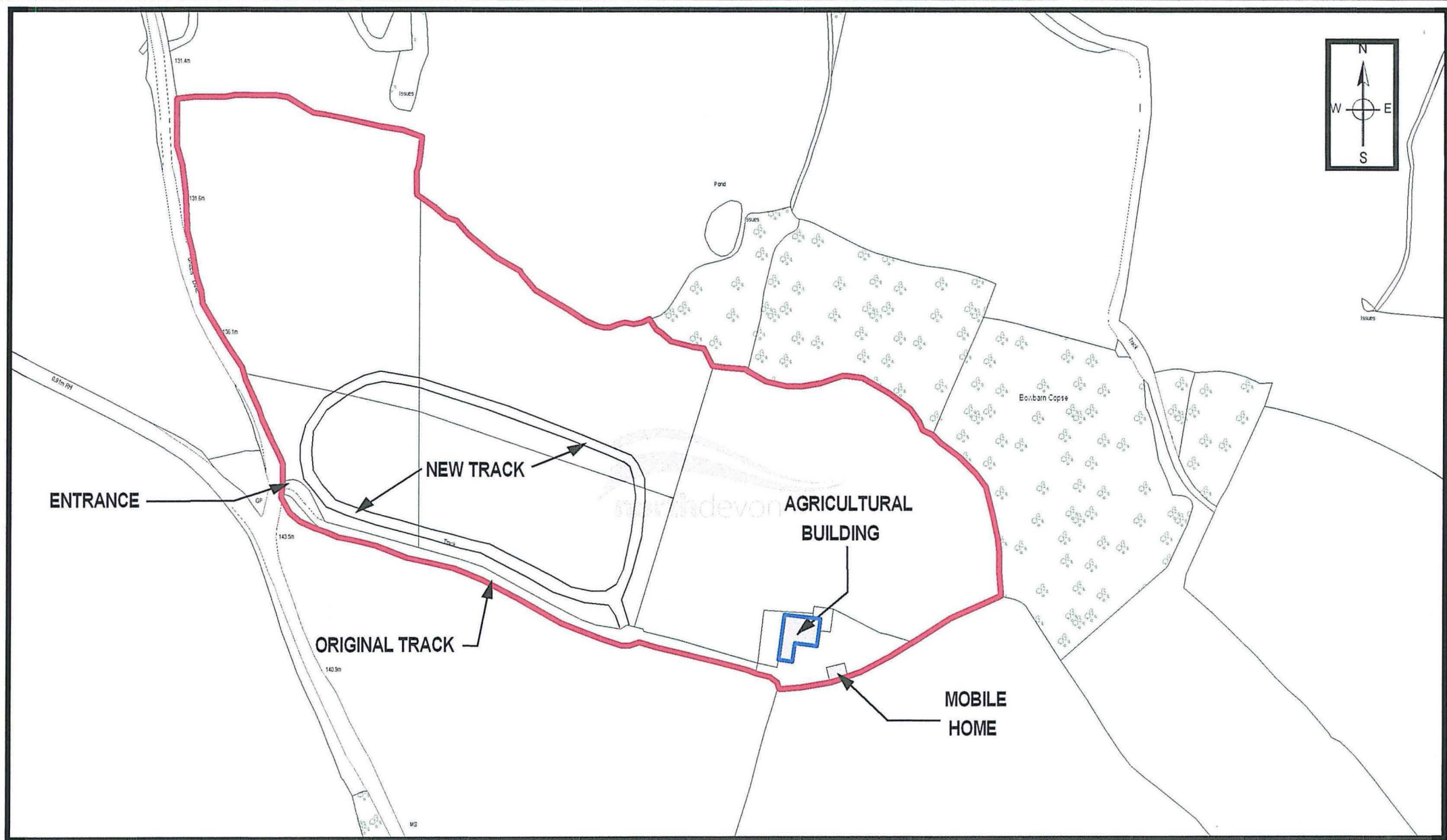
### **YOUR RIGHT OF APPEAL**

**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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 Planning Unit  
 Scale: 1:2500  
 Date: 25th January 2011