

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 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** (shown edged red on plan 1 attached)

Horse Box Meadow, Bittadon, Muddiford, EX31 4HJ

("the land")

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

Material change of use of the land from agricultural to mixed agricultural and residential use by the siting and residential use of a motor home and also the siting of domestic paraphernalia including a metal container used for the storage of non-agricultural items without planning permission within the last ten years.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The unauthorised material change of use of the site for mixed agricultural and residential use has created a conflict with policies HSG9, HSG9a and HSG 10 of the North Devon Local Plan, which restrict both permanent and temporary residential uses to those where a functional need arises from agricultural or an authorised rural business. No such need has been documented in this case.

The stationing of the motor home on site along with the associated domestic paraphernalia, and the siting of the metal container, is detrimental to the appearance of the countryside, (which is within An Area of Great Landscape Value), contrary to policies ENV1 and ENV6 of the North Devon Local Plan. These policies are reflective of policies ST16 of the Devon Structure Plan as the site is not considered to be a local centre and is not a suitable site for residential development). It is also contrary to policy C04 of the Devon Structure Plan as the visual impact of the development is not limited within an Area of Great Landscape Value. In addition it is contrary to Devon Structure Plan policy TR10, concerning the strategic road network. Development should not adversely affect the road network in terms of traffic and road safety and access to the network should not detract or conflict with the function of the route. The increased use of the access on to the Class II County Road, (the B3230), resulting from the development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional danger to all users of the road.

In addition, the private drive providing access to the site is, by reason of its inadequate width, horizontal alignment, gradient and condition, unsuitable to accommodate the increase in traffic likely to be generated.

The material change of use of the land to include residential occupancy is likely to generate additional vehicle movements through an access onto a classified highway causing danger to road users, contrary to policy TRA6 of the North Devon Local Plan.

The development is also contrary to policies ENV1 and ENV2 of the draft Regional Spatial Strategy for the South West.

The unauthorised development is located where it is remote from adequate services, employment, education, public transport etc., and therefore increases the need for journeys to be made by private vehicles which is non-sustainable and in conflict with the advice given in Planning Policy Guidance 13.

The Local Planning Authority is satisfied that the material change of use occurred within the last ten years and therefore it has not acquired immunity from enforcement. 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 below be undertaken within the period of 6 months from the date when this notice takes effect as stated at paragraph 7 below.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the permanent residential use of the land edged in red on Plan 1 annexed hereto
2. Remove the metal container edged in blue on Plan 2 annexed hereto or where so ever sited, fixed or placed.
3. Remove any non-agricultural items from the land edged in red on Plan 1 annexed hereto where so ever fixed, placed or stored.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 5th March 2008 ("the effective date")* unless an appeal is made against it beforehand.

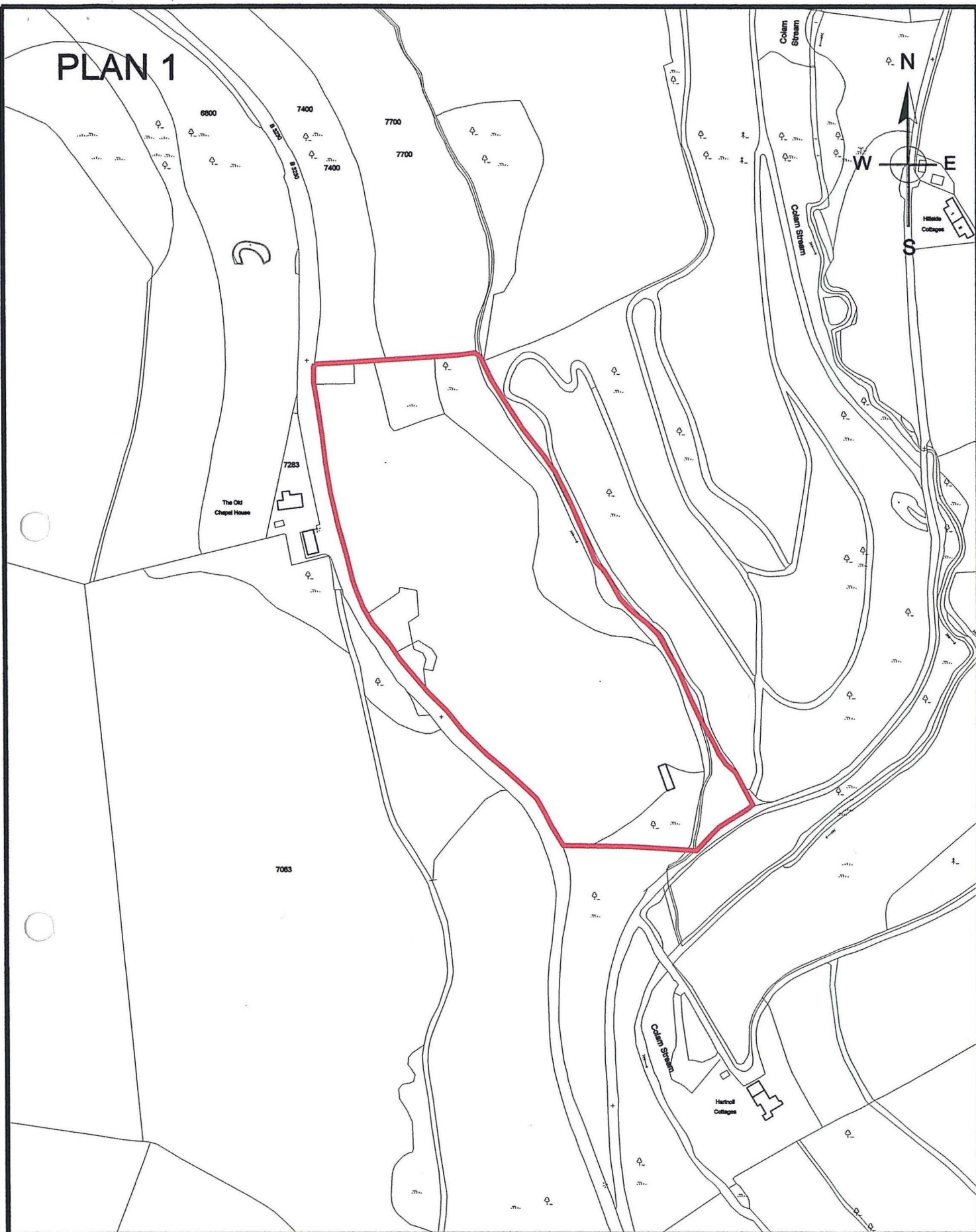
Dated : 4th February 2008

Signed : ..

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

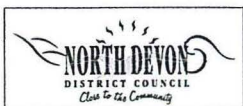
* specific date, not less than 28 clear days after date of service

PLAN 1



Plan to Accompany Enforcement Notice - Plan 1 - Material Change of Use

Horsebox Meadow, Bittadon



Civic Centre, Barnstaple.
EX31 1EA

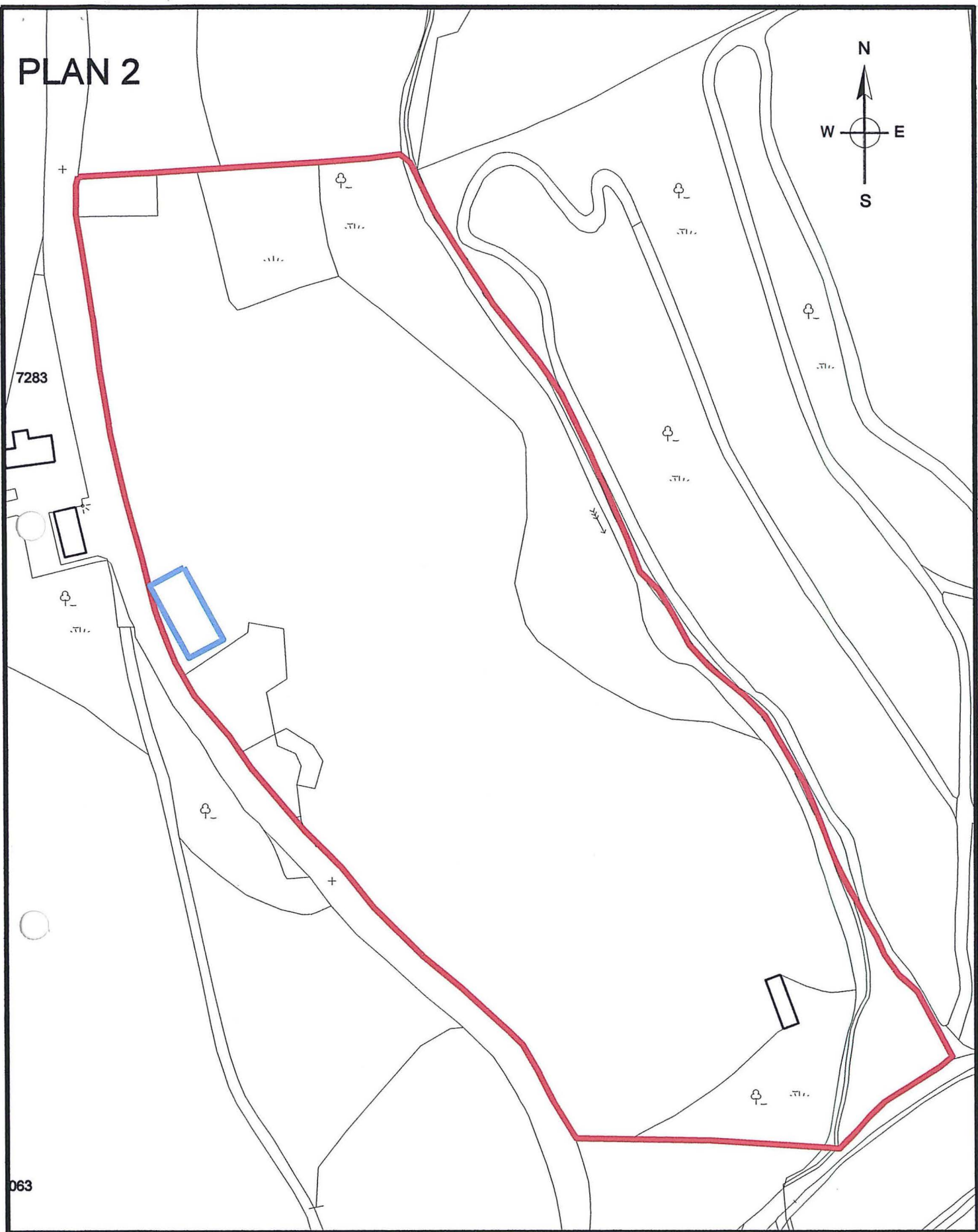
SCALE: 1:2500

COPY SUPPLIED TO: Planning Unit

DATE 6th December 2007

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PLAN 2



Plan to Accompany Enforcement Notice - Plan 2 - Material Change of Use

Horsebox Meadow, Bittadon



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO: Planning Unit

DATE 6th December 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, (paragraph 7 above). 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.