

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE &
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 (shown edged red on the attached Plan 1 and blue on the attached Plan 2)

Land adjacent to South Woolley Farm, Shirwell, Barnstaple, North Devon.

("the land")

3. THE BREACH OF PLANNING CONTROL ALLEGED (Outlined in the attached Key and shown on the attached Photographs and Plans P1, P2 and P3)

1. Siting and use of mobile homes for non agricultural purposes on agricultural land (C1, C2 and C3)
2. Change of use of agricultural land to a garden area and construction of decking
3. Storage of items not required for agricultural purposes on agricultural land (SC, B1, B2, B3, B4, T1, T2, T3, SH1, SH2 and K)

4. REASONS FOR ISSUING THIS NOTICE

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

The site is in the Open Countryside where development should be strictly controlled on the grounds of sustainability and in the interest of protecting the character and appearance of the landscape.

The Local Planning Authority do not consider that there is sufficient evidence that the holding can both provide and maintain a financially viable business, which would warrant, on a functional basis, the provision of full time, on site, residential accommodation. Accordingly, the siting and use of the mobile homes represents unsupported development within the open countryside. This is contrary to policies HSG9 and 9A, HSG10 and ENV1 of the North Devon Local Plan and policies ST1 and ST16 of the Devon Structure Plan, together with advice contained within Annex A of PPS7 Sustainable Development in Rural Areas (2004).

The mobile homes are located on a visually prominent site in a designated area of great landscape value of the open countryside, which is insufficiently screened by landscaping or hedgerow features. This detracts from the character and appearance of the landscape contrary to policies ENV1, ENV6 and DVS2 of the North Devon Local Plan and CO1 and CO4 of the Devon Structure Plan. The siting of the mobile homes is also remote from services, employment, education, public transport and will increase the need for journeys to be made by private vehicles which is unsustainable and in conflict with the advice in PPG13. The use of the mobile homes also results in an increased use of the access onto the public highway, which without significant improvement has limited visibility from and of vehicles using the access. As such, it results in additional danger to all users of the road and interference with the free flow of traffic.

The Local Authority is of the opinion that the change of use of agricultural land to a garden area and construction of decking to create a domestic curtilage materially affects the open character of the agricultural land. This is prejudicial to the visual amenities of the immediate area. Furthermore, the storage on agricultural land and within agricultural buildings of items not required for agricultural purposes is prejudicial to the visual amenities of the immediate area and provides no functional justification for non-agricultural activities on this farmland. Accordingly, the development is not in accordance with policies ENV1 and ENV6 of the North Devon Local Plan.

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 requires that Step 1 specified in paragraph 6 be undertaken within the period of 6 months from the date when this notice takes effect and that Steps 2 to 6 be undertaken within the period of 3 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- 1] Cease the use of the land for the stationing of Mobile Homes for non-agricultural purposes and remove the mobile homes C1, C2 and C3 from the land edged red on Plan 1 where so ever stored, placed or fixed.
- 2] Remove the Decking and reinstate the land being used as a garden area to agricultural land.
- 3] Remove the Storage Container (SC) from the land edged red on Plan 1 where so ever stored, placed or fixed.
- 4] Remove the Boats (B1, B2, B3 and B4) from the land edged red on Plan 1 where so ever stored, placed or fixed.
- 5] Remove the Trailers (T1, T2 and T3) from the land edged red on Plan 1 where so ever stored, placed or fixed.
- 6] Remove the Sheds (SH1 and SH2) from the land edged red on Plan 1 where so ever stored, placed or fixed.
- 7] Remove the Dog Run and Kennels (K) from the land edged red on Plan 1 where so ever stored, placed or fixed.
- 8] Remove any other paraphernalia, which is not reasonably required for the necessary operation of agriculture on the land not specifically listed at 1 to 7.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **26 November 2007** ("the effective date")* unless an appeal is made against it beforehand.

Dated : **24 October 2007.**


Signed : ...

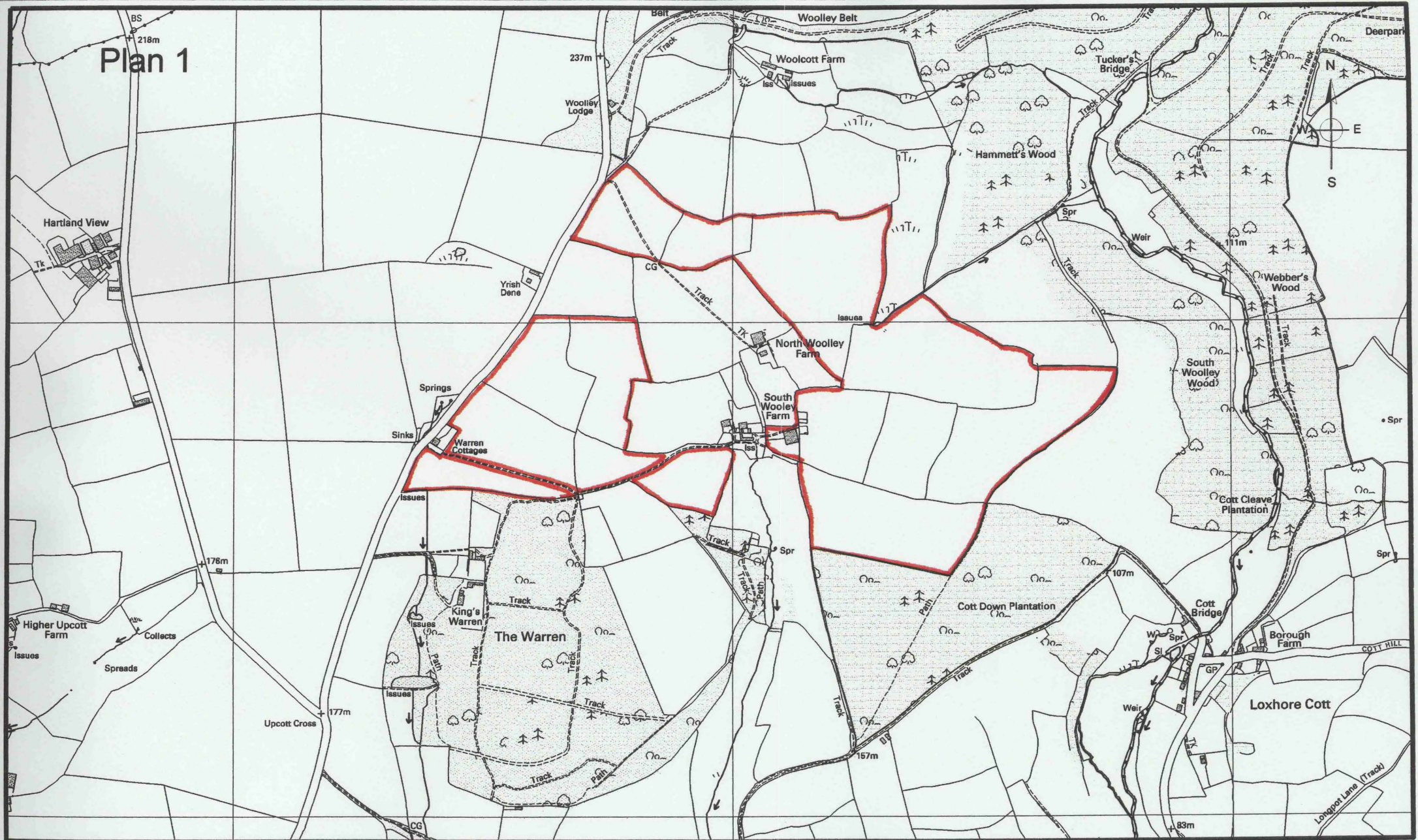
Solicitor

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

Key to Accompany Plans Prepared to Accompany Enforcement Notice in
Respect of Land Adjacent to South Woolley Farm , Shirwell

Caravans	C1 , C2 , C3
Storage Container	SC
Boats	B1 , B2 , B3 , B4
Trailers	T1 , T2 , T3
Sheds	SH1 , SH2
Kennel	K
Direction of Photographs	



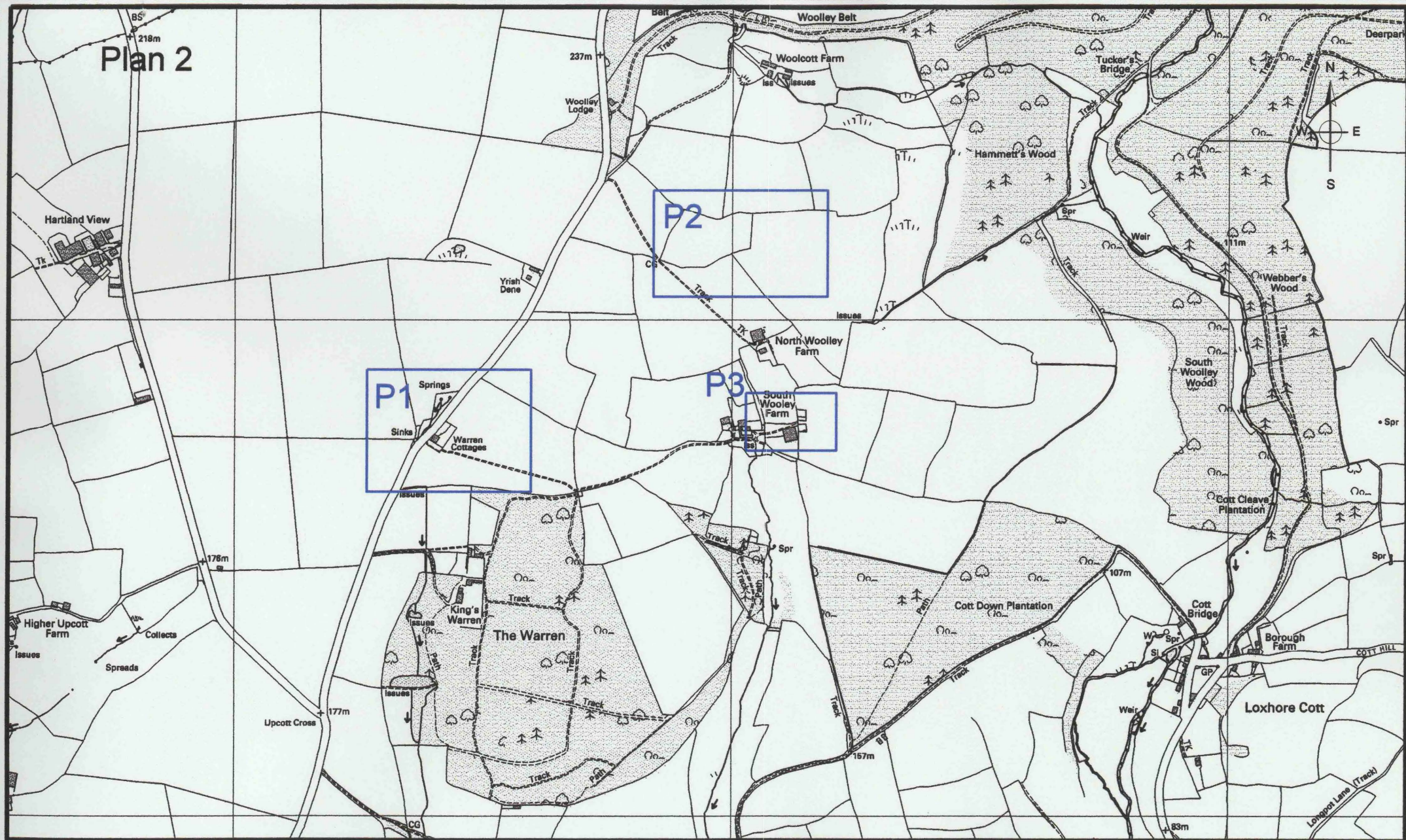
Plan to Accompany Enforcement Notice - Location Plan 1

Land Adjacent to South Woolley Farm, Shirwell



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Planning Unit
Scale: 1:10000
Date: 7th June 2007



Plan to Accompany Enforcement Notice - Location Plan 2 - showing areas covered by Plans P1, P2 & P3

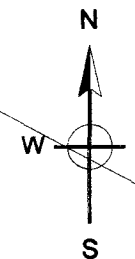
Land Adjacent to South Woolley Farm, Shirwell

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Plan P1



B1

192.4m

Sinks

Warren Cottages

36

Issues



Plan to Accompany Enforcement Notice - Plan P1

Land Adjacent to South Woolley Farm, Shirwell

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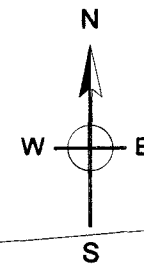
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Plan P2

0029



0017

33

34

32

C3

Cattle Grid



Plan to Accompany Enforcement Notice - Plan P2

Land Adjacent to South Woolley Farm, Shirwell

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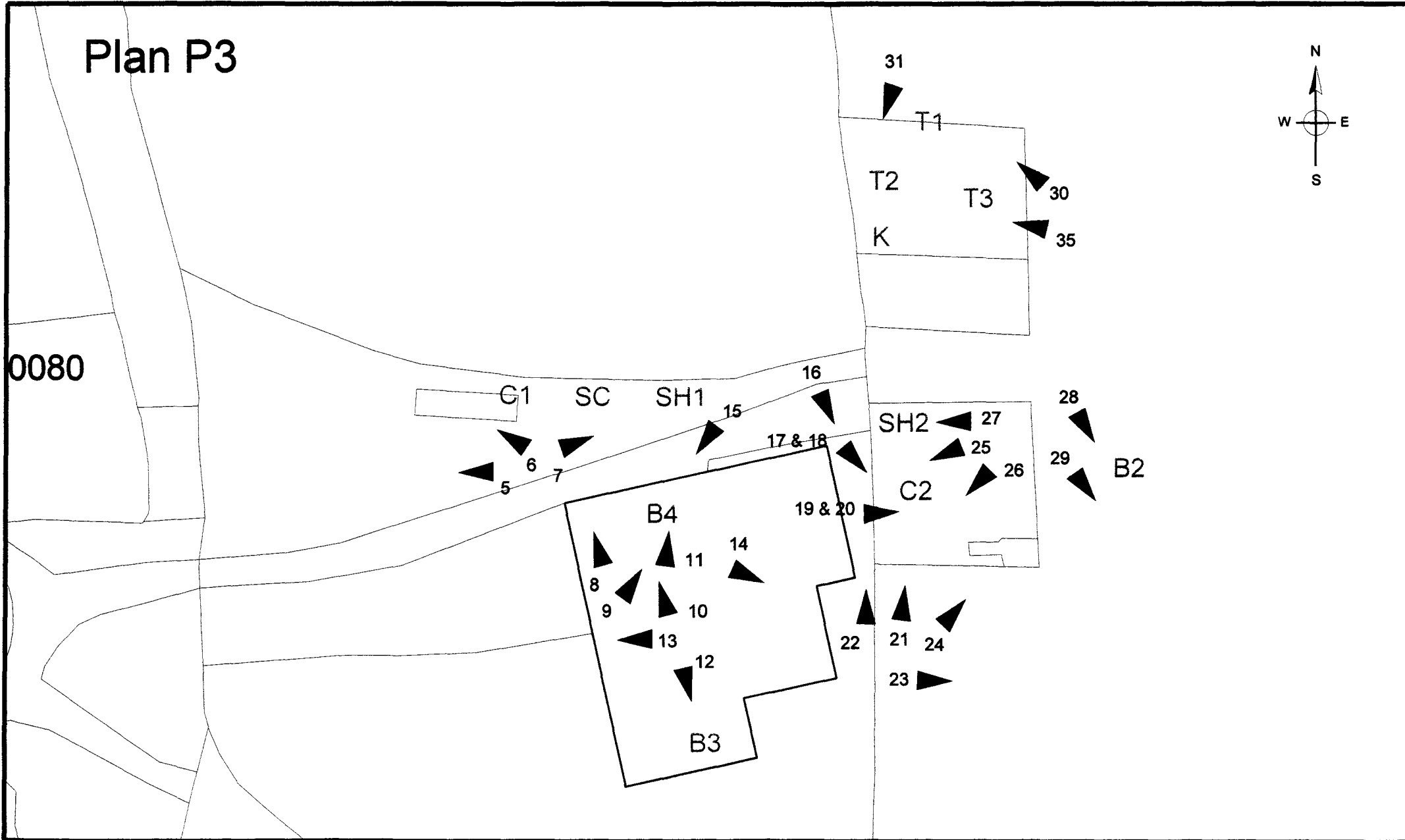
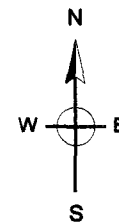
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Plan P3

0080



Plan to Accompany Enforcement Notice - Plan P3

Land Adjacent to South Woolley Farm, Shirwell



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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.