



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 consider 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)

Land to the East of Higher Watertown, Chittlehamholt, UMBERLEIGH, EX37 9HF

(“the land”)

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

The unauthorised material change of use from agricultural use to residential use by the siting and occupation of a mobile home and a caravan, (the approximate position of these are shown outlined in blue on the attached Plan 1), which has occurred without planning permission within the last ten years.

The unauthorised operational development consisting of an extension to the shed and erection of veranda attached to the shed as shown edged in green on Plan 1 annexed hereto within the last four years.

4. **REASONS FOR ISSUING THIS NOTICE**

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

With respect to the unauthorised material change of use by the siting and residential occupation of the caravan and mobile home, the site is in the open countryside where development should be strictly controlled in the interest of protecting the character and appearance of the landscape and on the grounds of sustainability.

Having had regard to advice contained in Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas) (2004) and policies HSG9 (Permanent Dwellings in the Countryside) and HSG10 (Temporary accommodation on new farm or forestry enterprises) of the North Devon Local Plan (adopted July 2006), there is no established need for this mobile home or caravan to serve any rural enterprise.

As such the siting and residential occupation of a mobile home and caravan represents unsupported development in the open countryside providing no economic or social benefits to the local community contrary to North Devon Local Plan policies ENV1 (Development in the Countryside) and Devon Structure Plan policies ST1 (Sustainable Development) and ST16 (Local Centres and Rural Areas) of the Devon Structure Plan, (adopted October 2004)

The land that the mobile home and caravan are located on is a visually prominent site in the open countryside within an Area of Great Landscape Value. The site is insufficiently screened by landscaping or hedgerow features and as such detracts from the character and appearance of this protected landscape setting, contrary to policy ENV1 (Development in the Countryside), ENV6 (Areas of Great Landscape Value and DVS2 (Landscaping) of the North Devon Local Plan and CO1 (Landscape, Character and Local Distinctiveness), and CO4 (Area of Great Landscape Value) of the Devon Structure Plan.

The mobile home is sited in the open countryside remote from services, employment, education, public transport and increases the need for journeys to be made by private vehicles which is non-sustainable and in conflict with the advice in Planning Policy Guidance 13: Transport.

The unauthorised development is contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas.

The unauthorised development results in an increased use of the access onto the public highway which without significant improvement (which in itself would compromise established hedgerow features) has limited visibility from and of vehicles using the access. This results in additional danger to all users of the road and interference with the free flow of traffic, contrary to Policy TRA6 (General Highway Considerations) of the North Devon Local Plan.

The Local Planning Authority considers that the unauthorised Material Change of Use has occurred within the last ten years and that the above reasons for issuing this notice cannot be overcome by the use of planning conditions.

With respect to the unauthorised operational development by the erection of the extension and the veranda, (both attached to the small storage shed), the Local Authority has evidence to suggest that the shed itself has been in situ for over four years and is therefore immune from enforcement action.

However, the extension to the shed and the erection of the veranda have occurred within the last four years and are not immune from enforcement action. They do not meet any functional agricultural needs of the land holding and are used for domestic purposes contrary to Policies ECN7 (Agricultural Buildings) and ENV1 (Development in the Countryside), ENV6 (Areas of Great Landscape Value) and DVS2 (Landscaping) of the North Devon Local Plan.

The Local Planning Authority considers that the unauthorised operational development has occurred within the last four years and that the above reasons for issuing this 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 be undertaken within the period of 6 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease residential use of the land edged in red on Plan 1 annexed hereto.
2. Remove the mobile home and caravan edged in blue on Plan 1 annexed hereto from the land edged in red on Plan 1 annexed hereto
3. Remove the veranda and extensions attached to the shed as outlined in green on Plan 1 annexed hereto from the land edged in red in Plan 1 annexed hereto.
4. Remove all debris, and other material including gas bottles, stone blocks, washing line, patio table and chairs associated with the unauthorised residential use of the site from the land edged in red on Plan 1
5. Return the land edged in red on Plan 1 attached to agricultural use.

7. WHEN THIS NOTICE TAKES EFFECT

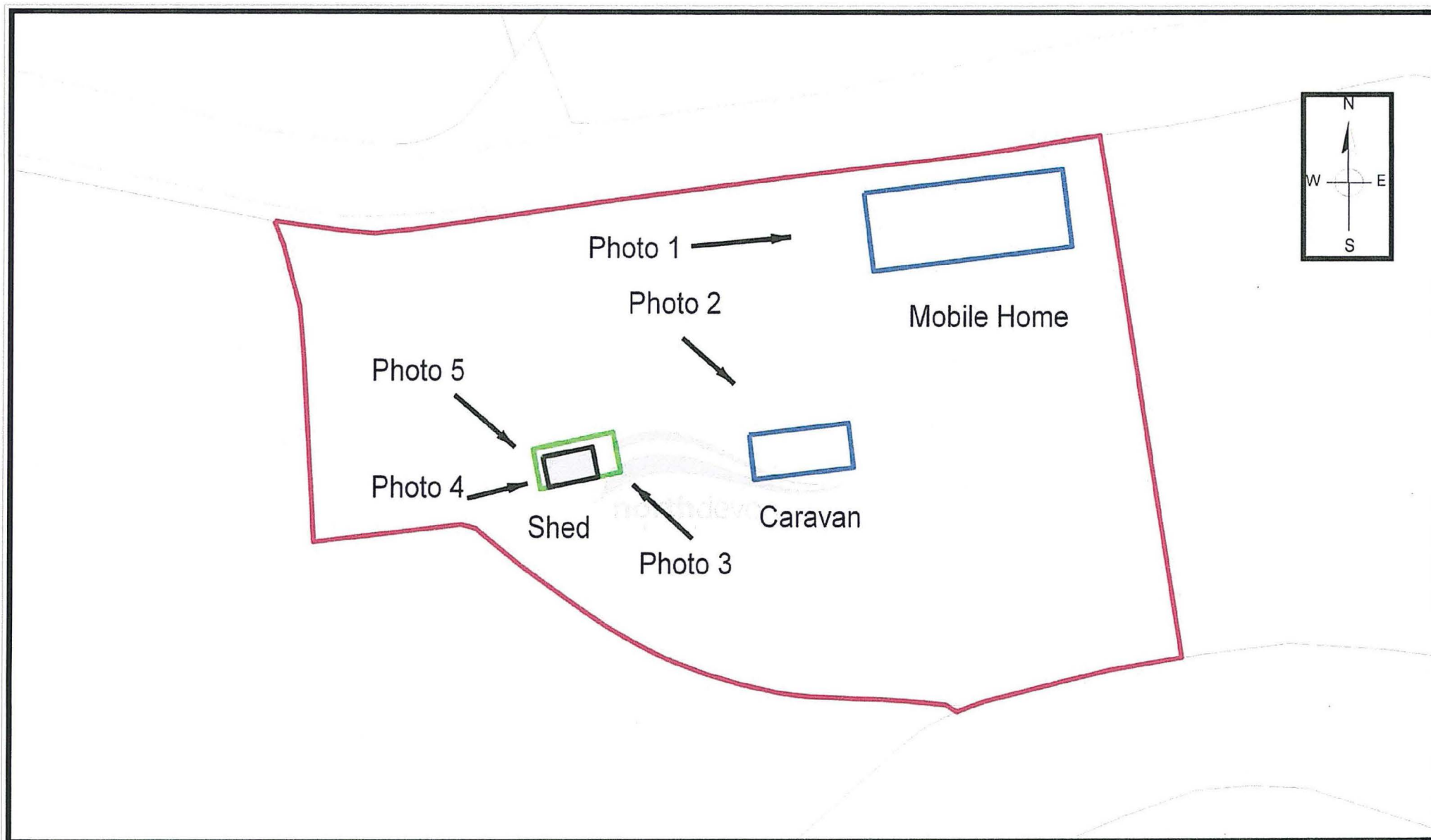
This Notice takes effect on 16th November 2009 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 14th October 2009

Signed : ..  ..
Solicitor, Legal Services Manager

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 showing mobile home and caravan edged in blue, extension to shed in green and direction of photographs
5581 Watertown



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COPY SUPPLIED TO:
 Planning Unit
 Scale: 1:500
 Date: 30th September 2009

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 sheet provides details of where you obtain further information on the appeal process.

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.