



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land adjoining Brambles, Milkaway Lane, Croyde,
Braunton, North Devon, EX33 1QP
(HM Land Registry Title Number DN591932)**

**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")**

Legal File No. LS/DH/13748
Planning File No. PD/ENF/9199

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 adjoining Brambles, Milkaway Lane, Croyde, Braunton, North Devon EX33 1QP (HM Land Registry Title Number DN591932) as shown edged red on the attached Location Plan.

("The Land")

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

Without planning permission and within the last 10 years, unauthorised material change of use from agricultural to storage use of the Land by virtue of the storage of a caravan whose approximate position is shown edged blue on the attached Location Plan unrelated to any agricultural use of the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The caravan is sited within the countryside and not within the domestic curtilage of a property and thus cannot benefit from permitted development rights under the Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E.

The Council considers it expedient to issue this notice as the continued presence of the caravan is without any functional justification and is considered detrimental to the visual amenity of the locality which is a protected landscape, designated Area of Outstanding Natural Beauty, Heritage Coast and Coastal Preservation Area. In such locations the main Development Plan policies contained within the North Devon Local Plan are ENV1, ENV2, ENV3 and ENV5. The first concerns the criteria under which development is permitted in the countryside. The other policies are concerned with the protection and enhancement of the natural beauty of the area. All seek to ensure that only development in the countryside is permitted which requires a rural location, provides economic or social benefits to the locality and where the preservation and enhancement of the natural beauty of the locality is achieved. None are considered to apply in this case.

Additionally of relevance is the guidance in the National Planning Policy Framework (NPPF) particularly Section 11, which relates to the conservation and enhancement of the natural environment. Paragraph 109 states that the role of the planning system should include contributing to the enhancement of the natural environment. Paragraph 115 places great weight on conserving landscape within the AONB.

The caravan is a man-made structure the siting of which in this location is considered harmful to the overall objectives of preservation and enhancement of the natural beauty of the locality.

It is considered in the public interest to pursue enforcement action given the significant landscape detriment and the high level of protection afforded within the AONB . The action is consistent with other enforcement action currently being pursued in respect of two buildings on this site.

The Planning Authority considers that the change of use has occurred within the last 10 years and the above reasons for issuing the Enforcement Notice cannot be overcome by the use of 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 notices takes effect


6. WHAT YOU ARE REQUIRED TO DO

1. Remove the caravan from the land edged red on the attached Location Plan.
2. Remove all rubbish and debris arising from compliance with the above step 1 from the land edged red on the attached Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 12 December 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 10 November 2016

Signed: 
Solicitor, Head of Legal (Corporate & Community)

On behalf of: North Devon District Council, Lynton House, Commercial Road, Barnstaple, North Devon, EX31 1DG

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 can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A appeal is £770.00 (2 x £385.00)

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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Location Plan ENF 9199: Land adj. The Brambles, Milkaway Lane, Croyde

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