



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

**1 The Bushens, Bishops Tawton, Barnstaple, Devon  
EX32 0AA  
(HM Land Registry Title Number DN221144)**

**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**

1 The Bushens, Bishops Tawton, Barnstaple, Devon EX32 0AA (HM Land Registry Title Number DN221144) as shown edged red on the enclosed Location Plan.

(“The Land”)

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

Without planning permission and within the last 4 years, unauthorised material change of use of the Summerhouse to use as a single dwellinghouse.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this notice for the following reasons: The development constitutes unauthorised residential development, outside a recognised development boundary, and within Flood Zone 3 where the principle of new residential development is not supported in line with National and Local Planning Policy.

This Enforcement Notice has been issued to remedy the alleged breach of planning control.

The development comprises a self contained dwelling. The use of the building as a separate unit of accommodation is not acceptable because:

The size of the dwelling and the level of facilities within the dwelling exceed that which would be reasonably necessary for a dependant relative's annex, instead comprising a separate unit of accommodation, outside a development boundary of Bishops Tawton and within the countryside.

The residential unit could not be reverted back to use as part of the original dwelling, if its use as a dependant relatives annexe ceased, as it is divorced from the main dwelling, and clearly set out as a separate unit of accommodation.

Consequently the residential property is located outside of an identified development boundary, and is residential development in the countryside. There is insufficient justification for this dwelling, which can not meet the test of Policy HSG9 of the North Devon Local Plan, or the guidance set out in paragraph 55 of the National planning Policy Framework and would be at odds with the test of policy ENV1, which seeks to protect the countryside for its own sake.

The dwelling is located within Flood Zone 3. A new residential unit would be resisted within Flood Zone 3 as, in the event of flooding there would be potential danger to life. This would be contrary to Environment Agency Standing Advice, policy DVS6 and NPPF core principle 10 – climate change.

The dwelling is contrary to policies HSG9, ENV1 and DVS6 of the North Devon Local Plan and the guidance set out in the NPPF.

The Local Planning Authority considers that the unauthorised Operational development has occurred within the last 4 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 requires that the steps specified in paragraph 6 below be undertaken within 3 months from the date that Mrs Eileen Margaret Philipps ceases to occupy the Summerhouse.

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

1. Cease the use of the Summerhouse as a separate unit of residential accommodation.
2. Remove the kitchen facilities from the Summerhouse.

#### **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 21 May 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 21 April 2016

Signed:

  
Head of Legal

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

## **GUIDANCE NOTES FOR YOUR INFORMATION**

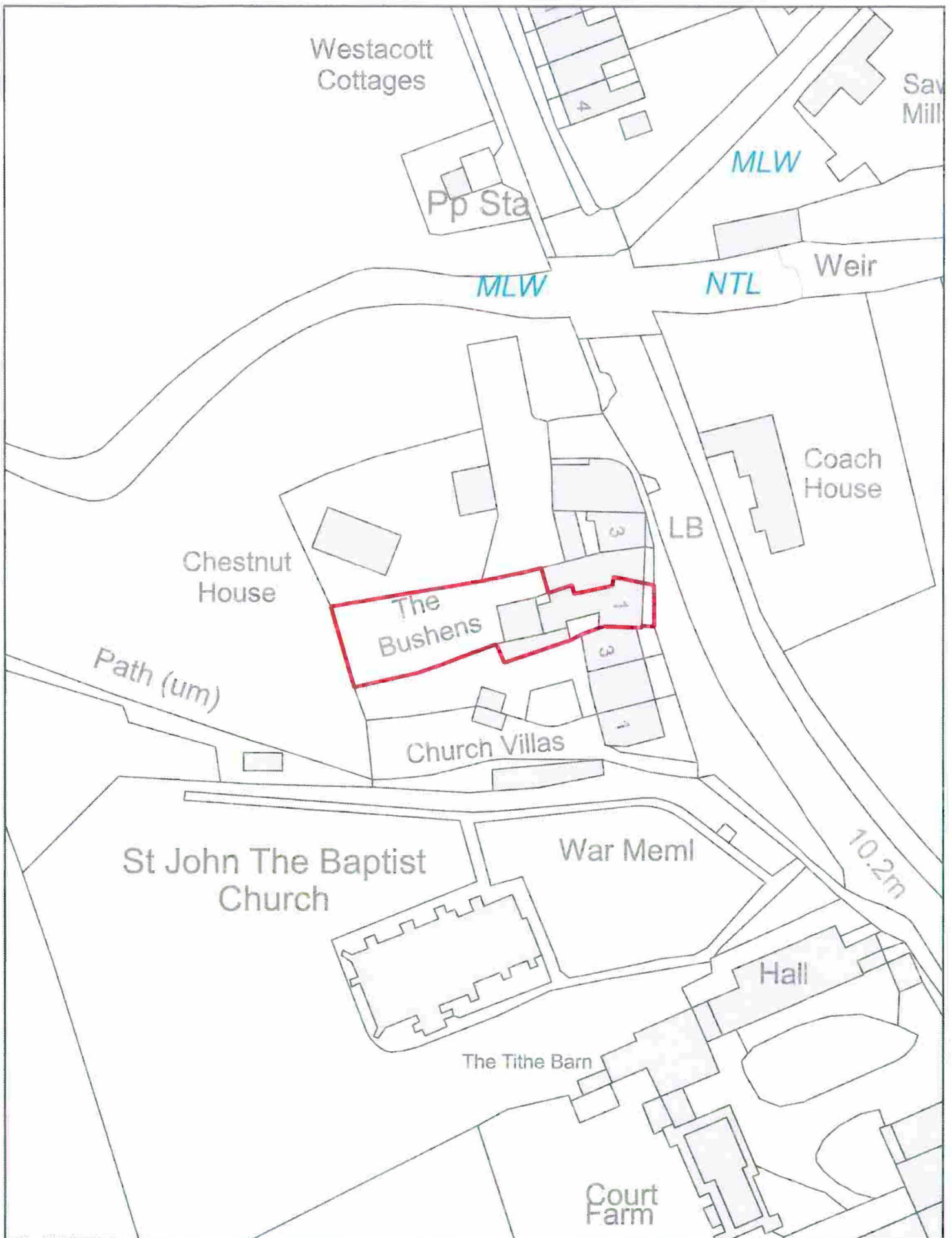
### **YOUR RIGHT OF APPEAL**

**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 to accompany Enforcement Notice 9766:  
1 The Bushens, Bishops Tawton**

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Strategic Development &  
Planning

Scale: 1:750  
Date: 23 February 2016