



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**Land known as The Dean, Chapel Lane, Combe  
Martin, North Devon  
(HM Land Registry Title Number DN409391)**

**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**

Land known as The Dean, Chapel Lane, Combe Martin, North Devon (HM Land Registry Title Number DN409391) 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 4 years, unauthorised Operational Development consisting of the erection of a stable (whose approximate position is as shown edged blue on the attached Location Plan) and storage shed (whose approximate position is as shown edged green on the attached Location Plan).

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:

The unauthorised development consisting of the erection of a stable and storage shed by virtue of scale and design changes the character of the medieval landscape in the area. The buildings are detrimental to the setting of the medieval field system to the north and east of Combe Martin and results in harm to the protected landscape designated AONB, Heritage Coast and Coastal Preservation Area. The need for the development is not considered to outweigh the harm caused. As such the structures are contrary to Policy ENV1, ENV2, ENV3, ENV5 and CBM1 of the adopted North Devon Local Plan and guidance at paragraph 115 of the National Planning Policy Framework.

The site comprises a small field on the valley side to the east side of the village of Combe Martin, with the site being outside of the development boundary. In addition to the stable building constructed on site, which is approximately 3m by 6m constructed of wooden panels with polycarbonate roof, there is also a general storage shed unrelated to any agricultural/equestrian use.



The site is located within a sensitive landscape, with land designations including that of an Area of Outstanding Natural Beauty, Coastal Preservation Area and Heritage Coast. Therefore policies ENV1 (development in the countryside), ENV2 (the Area of Outstanding Natural Beauty), ENV3 (the Heritage Coast), and ENV5 (coastal preservation areas) are relevant. All these policies contain the underlying theme of requiring new development to provide economic or social benefits to the local community and protect or enhance its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, recreational and archaeological value. Development will not be permitted where it conflicts with the conservation and enhancement of its natural beauty.

In addition, the site also falls within a medieval field system. The remains of the field system contribute to Combe Martin's landscape and heritage. The largest remaining area of the field system is situated to the north and east of the village up to the National Park boundary and west of Badgaver Lane. The pattern of lanes also forms an important feature of the field system. Therefore Policy CMB1 (Combe Martin field system) is relevant which states 'Development will not be permitted where it would harm the archaeological heritage or setting of the medieval field systems identified on inset map 15.'

With respect to the landscape character for the area, the area of land falls under Landscape types 4C: Coastal Slopes & Combes with Settlement as defined in the Joint Landscape Character Assessment for North Devon and Torridge Districts (prepared for North Devon and Torridge District Councils, Devon County Council and Natural England by Land Use Consultants, November 2010). In respect to LCT 4C, this LCT comprises the distinctive coastal combes of North Devon, which carve through the landform on their way to the sea. These combes include linear settlements in their valley bottoms and at their coastal mouths, including Combe Martin, Croyde and Woolacombe. The landscape character is steep-sided with narrow branching combes carving through the surrounding rolling landform to the coast. Therefore, as can be seen above, there are a number of policies and issues relevant to the site which any development would have to be in accordance with.

The main planning issue with the stable building constructed and that of the storage building is considered to be the effect on the character and appearance of the protected landscape and the medieval field system. Policy ENV2, ENV3 and ENV5 of the adopted NDLP as referred to above are relevant and require development to conserve and enhance the natural beauty of the area. Policy ENV1 relating to development in the countryside additionally requires protection of the archaeological value of the countryside.



The National Planning Policy Framework reflects this aim identifying in paragraph 115 that AONB's have the highest level of protection. Paragraph 131 of the NPPF requires LPA's to consider the significance of heritage assets and in paragraph 134 to weigh any harm to the designated heritage asset against the public benefits of the proposal.

Policy CBM1 states that development will not be permitted where it would harm the setting of the medieval field systems situated to the north and east of the village. Concern is raised in respect to the stable and storage building being detrimental to the setting of the medieval field system, as it introduces non agricultural buildings/uses on to the site impacting on the setting contrary to Policy CMB1.

In the absence of specific evidence outlining any economic or social benefits for the community as a result of the development on site, it is not considered that there are any benefits which significantly and demonstrably outweigh the unacceptable harm caused by the siting of the buildings within the AONB, the Heritage Coast, the Coastal Preservation Area and the countryside and the harm caused to the heritage asset. Therefore the development is considered contrary to Policy ENV1, ENV2, ENV3, ENV5 and CBM1 of the adopted NDLP. As a result it is considered expedient and in the public interest to take enforcement to remove these buildings from the site.

A retrospective planning application number 60186 to retain the stable and storage shed has also been refused on 14 January 2016.

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 when this notices takes effect


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

1. Cease use of the stable and storage shed on the land edged red on the attached Location Plan.
2. Remove the stable and storage shed from the land edged red on the attached Location Plan.
3. Remove all debris and other rubbish resulting from complying with Step 2 above from the land edged red on the attached Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 5 September 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 5 August 2016

Signed: .....  
Solicitor, Head of 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

### 9722: Land off Chapel Lane, Combe Martin

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Planning

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