



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**OPERATIONAL DEVELOPMENT AND
MATERIAL CHANGE OF USE**

**Rivercross Meadow, Burrington Umberleigh EX37 9JR
(Land Registry Title No DN565810)**

**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**

Rivercross Meadow, Burrington, Umberleigh, North Devon, EX37 9JR (Land Registry Title No DN565810) as shown edged red on the enclosed Location Plan ("the Land").

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

Without Planning Permission within the last 4 years, unauthorised operational development consisting of the following works: -

- The erection of a dwelling (as identified marked A on the attached Location Plan)
- The erection of a compost toilet (as identified marked B on the attached Location Plan)
- The erection of a shed (as identified marked C on the attached Location Plan)
- The erection of two sheds (as identified marked D on the attached Location Plan);
- The erection of a two metre roundhouse (as identified marked E on the attached Location Plan)
- The erection of a polytunnel (as identified marked F on the attached Location Plan).

Without Planning Permission and within the last 10 years, the unauthorised material change of use of the Land to a mixed use of agricultural and residential use.

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 the notice for the following reasons:

The site is within the countryside where development is strictly controlled in the interest of protecting the intrinsic beauty and character of the landscape and on the grounds of sustainability.

The dwelling constitutes isolated residential development in the countryside, where the Local Planning Authority would only permit development, which is necessary in the interests of agriculture or another established rural enterprise.

One of the overarching aims of the National Planning Policy Framework (NPPF) is the presumption for sustainable development as set out in Paragraph 14. In addition to this Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the open countryside unless there are exceptional circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policies ENV1 & HSG10 of the adopted North Devon Local Plan and the adopted supplementary planning document Agricultural, Forestry & Other Essential Occupational Dwellings Guidance also restricts new housing in the countryside to agricultural/rural workers providing there is clear evidence of a functional need and financially sustainable business. For example, where it is essential for the proper functioning of the enterprise for a worker to be readily available at most times, day or night. Additionally, a financial test has to be met whereby the enterprise has to be planned on a sound financial basis and there is a firm intention and ability to develop the business.

There has not been any business plan, agricultural appraisal or other evidence to demonstrate the enterprise is currently financially sound, and has a clear prospect of remaining so. There is a lack of evidence to demonstrate there is an essential need for residential supervision on site to support the current stock levels and for the successful running of the holding. It is not considered that there are any exceptional site security issues that would warrant full time residential supervision. It is therefore not considered there are any exceptional circumstances that would outweigh the harm to the countryside from this residential development.

Policy ENV1 of the North Devon Local Plan (relating to development in the Countryside) states that development in the open countryside will only be permitted where a rural location is required, it provides economic or social benefits to the local community and it protects or enhance its beauty. There is no evidence that this development meets any of these objectives.

The site is within an Area of Great Landscape Value under which policy ENV6 requires the protection of its special characters and qualities. The dwelling is a roundhouse structure made from straw walls with cob covering and straw and turf covered roof. Whilst the sustainable elements of the build are encouraged the overall design and build quality of the dwelling is not in keeping with the character of buildings in the locality.

The development does not enhance or conserve the landscape quality and is detrimental to the rural character of the surrounding area contrary to Policy ENV6 of the adopted North Devon Local Plan.

The dwelling is divorced from the facilities which occupants of a residential dwelling are likely to require, e.g. shops, educational, health and leisure facilities. The land is not considered to be highly accessible by walking or cycling. Access to public transport either involves walking along the main A377 which has no footpaths or safe pedestrian provision with vehicles travelling at speed and around tight corners which limits visibility. Walking into Burrington also involves walking up a steep rural lane with no safe pedestrian access. The site due to its isolated location means that the residential use is contrary to the sustainable development aims of the NPPF and policy TRA1A.

The Local Planning Authority considers that the unauthorised operational development and material change of use of the Land 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 6 months from the date when this notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential use of the Land shown edged red on the enclosed Location Plan.
2. Remove the dwelling as identified marked A from the land edged red on the attached Location Plan.
3. Remove the compost toilet as identified marked B from the land edged red on the attached Location Plan.
4. Remove the shed as identified marked C from the land edged red on the attached Location Plan.
5. Remove the two sheds as identified marked D from the land edged red on the attached Location Plan.
6. Remove the two metre roundhouse as identified marked E from the land edged red on the attached Location Plan.
7. Remove the polytunnel as identified marked F from the land edged red on the attached Location Plan.

8. Remove all debris and other rubbish resulting from complying with Steps 2 to 7 from the Land as shown edged red on the attached Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 5 April 2016

Signed:

[Redacted Signature]

Head of Legal

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

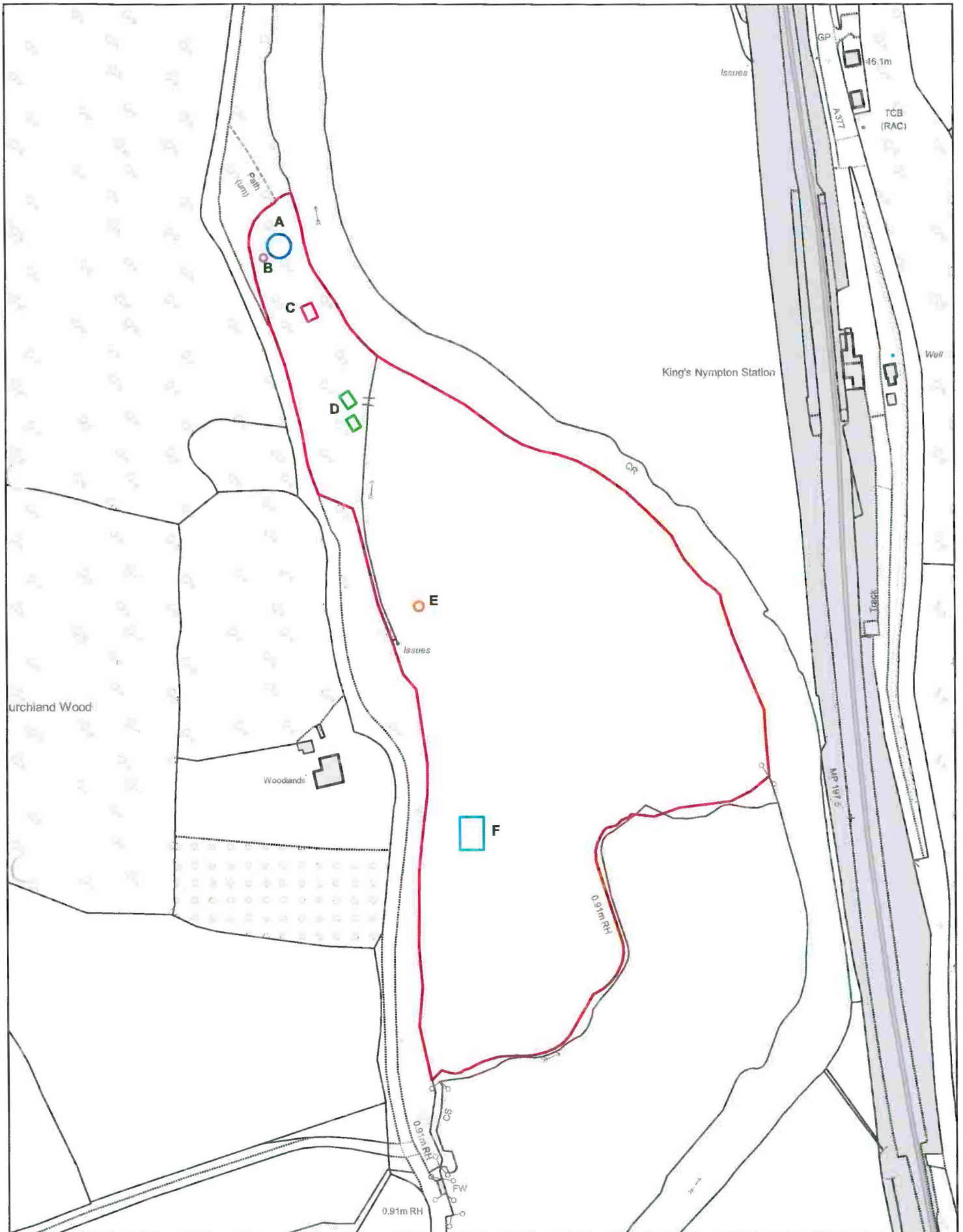
GUIDANCE NOTES FOR YOUR INFORMATION

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 9733: Rivercross Meadow, Burrington, Umberleigh, EX37 9JR

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Strategic Development &
Planning

Scale: 1:2000
Date: 14 March 2016