



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land known as Toby's Platt (Adjacent to Hunts
Cottage), Pippacott, Marwood, Barnstaple,
North Devon, EX31 4EJ**

(HM Land Registry Title Number DN205016)

**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 Toby's Platt (Adjacent to Hunts Cottage), Pippacott, Marwood, Barnstaple, North Devon, EX31 4EJ (HM Land Registry Title Number DN205016) 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 material change of use of the buildings (whose approximate position is shown edged blue on the attached Location Plan) from use as an office 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:-

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

The site lies in the countryside outside a settlement boundary. In accordance with adopted North Devon Local Plan policy particularly Policy ENV1 and HSG9 such development is restricted to that where the appropriate functional and financial requirements has been satisfied. An example might be where accommodation is required for a full-time farm worker to be near the place of work to serve a farm enterprise but even then the relevant functional and financial requirements need to be satisfied. None apply to speculative open market housing as in this case.

This stance is in conformity with the guidance in the National Planning Policy Framework (NPPF) particularly at paragraphs 14 the presumption in favour of sustainable development and paragraph 55 which directs housing to locations where it will enhance or maintain the viability and vitality of existing settlements. It goes on to caution against new isolated homes in the countryside unless there are special circumstances. None of the suggested exceptions apply in this case.

The authorised use of the building was as an office in connection with the associated farm enterprise carried out on the adjoining land.

The development is situated on land outside of the residential curtilage of the adjoining farmhouse known as Hunts Cottage. It is clearly divorced from this property and is fitted out as a separate self-contained unit of residential accommodation.

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 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 edged red on the attached Location Plan.
2. Remove all structures, fittings and fixtures associated with the residential use from the land edged red on the attached Location Plan. Examples of the types of structures, fittings and fixtures to be removed are listed in the attached Appendix 1.
3. Remove any domestic paraphernalia relating to residential use not required for the authorised office use from the land edged in red on the enclosed Location Plan. Examples of the types of domestic paraphernalia to be removed are listed in the attached Appendix 2.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20 July 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 20 June 2016

Signed:



Head of Legal

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

APPENDIX 1

TO ACCOMPANY ENFORCEMENT NOTICE

EXAMPLES OF STRUCTURES, FITTINGS AND FIXTURES ASSOCIATED WITH THE UNAUTHORISED USE AND WHICH ARE TO BE REMOVED

Partitions / Panels within the building that create the rooms for residential occupation

Wood and other materials associated with the above partitions / panels

Internal doors

Kitchen units and worktops (including kitchen sink)

Shower cubicle together with associated pipe work and sanitary ware (taps, handles, showerhead and supports) and wall tiles.

Water Storage Tank

APPENDIX 2

TO ACCOMPANY ENFORCEMENT NOTICE

EXAMPLES OF DOMESTIC PARAPHERNALIA ASSOCIATED WITH THE UNAUTHORISED USE AND WHICH ARE TO BE REMOVED

Cooker

Microwave Oven

Fridge/Freezer

Washing Machine

Dishwasher

Domestic Electrical Appliances e.g. Kettle, Toaster

Cutlery and Crockery, Cooking Equipment and Utensils

Domestic Furniture (e.g. Dining Room Table & Chairs, Side Cabinet, Sofas,
Television, Wardrobes, Chest of Drawers, Bathroom Shelves, Shower Mat)

Beds, mattresses and bed linen

Ironing Board & Clothes Airer

Moses Basket / Cot

Clothes and personal belongings / toiletries

Ornaments

Children's Toys

Children's Slide & Climbing Frame



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Location Plan 9749: Hunts Cottage, Beara Charter Barton

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