



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

**ENFORCEMENT NOTICE
(AS AMENDED)
OPERATIONAL DEVELOPMENT AND
MATERIAL CHANGE OF USE**

**Land known as "Honey Hill", Opposite Collard Bridge
Snapper, Barnstaple, North Devon, EX32 7LA
(Land Registry Title No. DN648769)**

**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/13762
Planning Enforcement File No: ENF/9754

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 "Honey Hill", Opposite Collard Bridge, Snapper, Barnstaple, North Devon, EX32 7LA (Land Registry Title No. DN648769) 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 on the Land consisting of the erection of three Sheds and the formation of Tracks and an Access whose approximate positions are shown marked on the attached Location Plan.

Without Planning Permission and within the last 10 years, unauthorised material change of use of the Land consisting of the ~~siting and~~ residential occupation of two Caravans (namely, the Touring Caravan and the Dodge Bus) whose approximate positions are shown marked on the attached Location Plan.

residential use

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breaches 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 two Caravans constitute 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.

of the land involving the

Policies ENV1 & HSG10 of the adopted North Devon Local Plan, ST07 & DM28 of the emerging 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 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 and ST07 of the emerging 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 two Caravans are detrimental to the rural character of the surrounding area.

The two Caravans are 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, cycling or by public transport making its residential use contrary to the sustainable development aims of the NPPF and policy TRA1A of the North Devon Local Plan and ST10 & DM06 of the emerging Local Plan

It is considered that the erection of the three Sheds is not justified in this isolated rural location in the open countryside and is contrary to Policy ENV1 of the Local Plan and Policy ST07 of the emerging Local Plan.

The new Access to the site is unacceptable because the proposed development will result in an increase in the volume of traffic entering and leaving the county road through an access that does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic contrary to paragraph 32 of the NPPF and Policy TRA6 of the Local Plan.

The alignment of the Access is likely to result in excessive manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 32 of the NPPF and Policy TRA6 of the Local Plan.

The Local Planning Authority considers that the operational development has occurred within the last 4 years and the material change of use has occurred within the last 10 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 ~~8~~⁹ months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Close the Access by restoring the land within 25 metres of a metalled part of the classified road to its condition before the development took place.
2. Remove the three Sheds whose approximate positions are identified at A, C and E on the attached Location Plan from the Land shown edged red on the attached Location Plan.
3. Remove the two Caravans whose approximate positions are identified at B and D on the attached Location Plan from the land shown edged red on the attached Location Plan.
4. Cease the residential ^{use} occupation of the Land shown edged red on the attached Location Plan.
- ~~5. Cease the use of the Land shown edged red on the attached Location Plan for the siting of any caravan otherwise than in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015.~~
- ~~6.~~
5. Remove all rubbish and debris created by complying with steps 2 and 3 above from the land shown edged red on the attached Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19 December 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated:

[REDACTED]
[REDACTED]
[REDACTED]
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.

