



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Ashford Inn Farm, Braunton Road, Ashford,
Barnstaple, Devon EX31 4AU**

(HM Land Registry Title Number DN461404)

**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 171(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 at Ashford Inn Farm, Braunton Road, Ashford, Barnstaple, Devon EX31 4AU (HM Land Registry Title Number DN461404) 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 10 years, unauthorised material change of use of the Land from Fruit Farm and Nursery to a mixed use of Fruit Farm and Nursery and residential use by virtue of the siting and residential occupation of a lorry upon the Land.

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 site is within the open countryside where development, in particular open market residential accommodation is strictly controlled in the interest of protecting intrinsic beauty and character of the landscape and on the grounds of sustainability. The site is also located in Flood Zone 2/3 and as such identified at risk of flooding.

The occupation of the lorry constitutes isolated residential development in the open countryside, where the Local Planning Authority would not permit such development.

National and Local Government planning policies support sustainable development.

Paragraph 14 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development, whilst paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the open countryside.

The proposal is also contrary to Planning Policies ENV1, DVS1, DVS3, DVS6 & HSG2 of the adopted North Devon Local Plan. The site is outside of a designated development boundary.

Planning 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. This development does not meet any of these objectives.

The detailed design is inappropriate having regard to the locality and therefore contrary to Policy DVS1 of the adopted North Devon Local Plan.

The site is located in floodzone 2/3 and as such a sequential test is to be applied with regard to this in accordance with the NPPF and its associated technical guidance. This test requires the Local Planning Authority to establish if sites in flood zone 1 are reasonably available for such development. The other sites do not have to be in the control of the landowner. There are other sites in the North Devon area, in flood zone 1, which are reasonably available for residential development. The sequential test is therefore considered to be failed and planning permission would therefore not be secured as it would be contrary to the National Planning Policy Framework and Policy DVS6 of the adopted North Devon Local Plan.

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


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential occupation of the lorry on the land edged red on the attached Location Plan.
2. Remove the lorry from the land edged red on the attached Location Plan.
3. Remove all debris and 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 06 February 2017 ("the effective date") unless an appeal is made against it beforehand.

Dated: 05 January 2017

Signed: 
Solicitor, Head of Corporate & Community

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



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

9641: Lorry at Ashford Inn Fruit Farm

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Copy Supplied to:
Planning Unit

Scale: 1:2500
Date: 05 February 2016

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.