



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**Land North East of Oxenpark, Bratton Fleming,
Barnstaple, North Devon, EX31 4TF
(HM Land Registry Title Number DN491654)**

**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 North East of Oxenpark, Bratton Fleming, North Devon, Barnstaple, EX31 4TF (HM Land Registry Title Number DN491654) shown edged red on the enclosed Location Plan. ("The Land")

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

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of excavation works and the erection of a Dwelling within the approximate area shown edged blue on the enclosed Location Plan.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice is issued to remedy the alleged breach. The Council considers it expedient to issue this notice for the following reasons:

In the opinion of the Local Planning Authority the unauthorised development constitutes a new dwelling in the countryside contrary to the provisions of Policies ENV1 and HSG9 of the adopted North Devon Local Plan.

The site is within an Area of Great Landscape Value and the unauthorised development does not enhance or conserve the landscape quality and environmental assets of the area contrary to Policy ENV6 of the adopted North Devon Local Plan.

The unauthorised development does not provide economic or social benefits to the local community. There is no established functional need for an agricultural or forestry worker to live on the holding. The owner lives away from the site. It has not been demonstrated that this is a sustainable location for livestock to be kept away from an established farmstead or point of supervision /monitoring. It has also not been demonstrated why this small piece of land is the only available location for any such enterprise and so the unauthorised development is contrary to Policy ECN7 of the North Devon Local Plan.

The unauthorised development results in a material increase in the volume of traffic entering and leaving the County Highway through an access which does not provide adequate visibility from and of emerging vehicles, with consequent risk to all users of the road and interference with the free flow of traffic contrary to planning policy TRA6 of the North Devon Local Plan 2006.

The geometry of the access is unsafe and unsuitable and is likely to result in unacceptable manoeuvring onto the highway, with consequent risk of additional danger to all users of the road contrary to planning policy TRA6 of the North Devon Local Plan.

The development is contrary to the provisions of the National Planning Policy Framework at Paragraph 55 as it does not concur with the objective to promote sustainable development in rural areas.

The Local Planning Authority considers that the 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 notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO


1. Remove the unauthorised Dwelling from the land edged red on the enclosed Location Plan.
2. Remove all rubbish and debris resulting from carrying out step 1 from the land edged red on the enclosed Location Plan.
3. Restore the Land to its condition before the development took place.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17 December 2015 ("the effective date") unless an appeal is made against it beforehand.

Dated: 17 November 2015

Signed:


Head of Legal

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

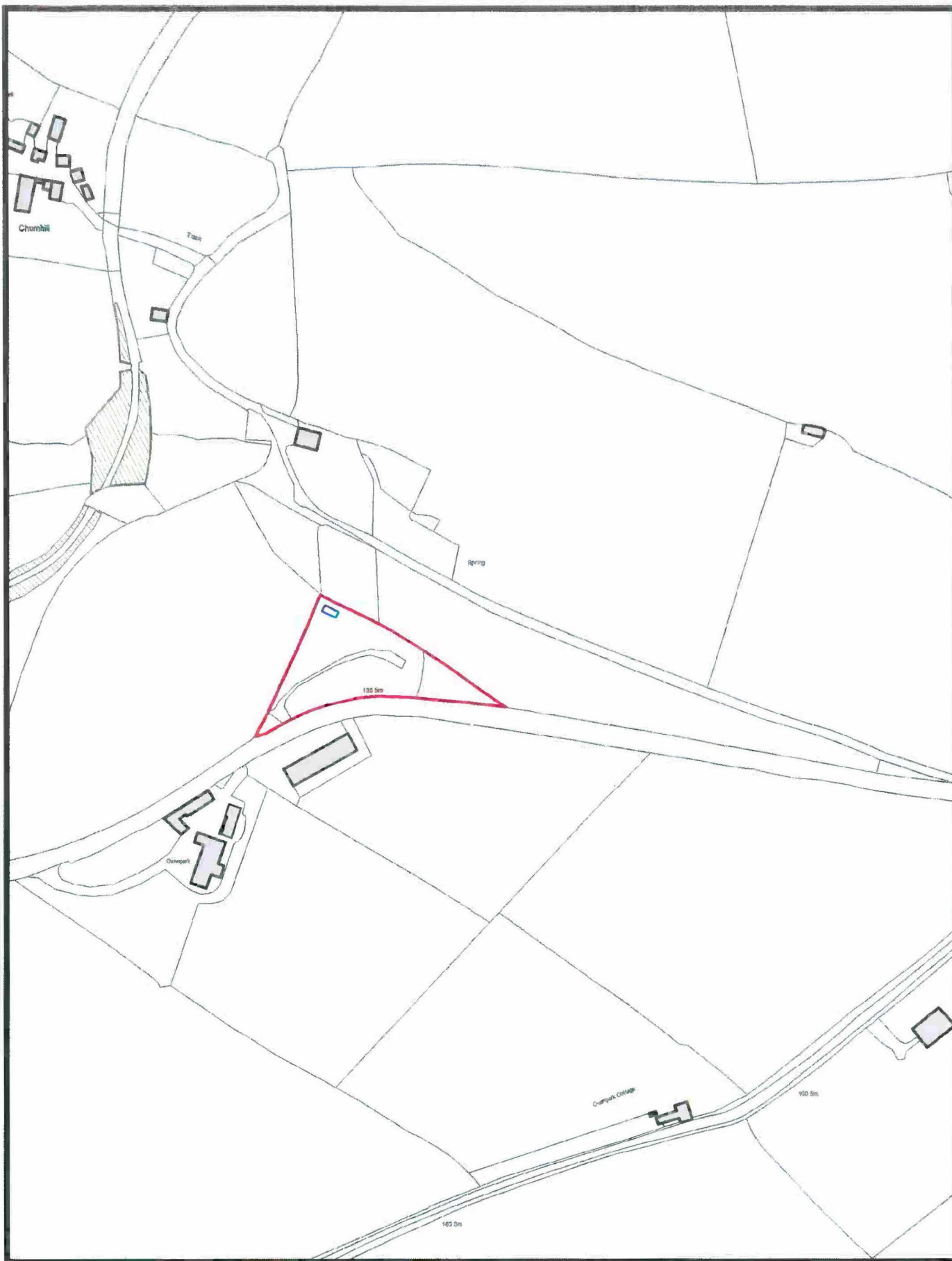
GUIDANCE NOTES FOR YOUR INFORMATION

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 £77.00 (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.



Plan to accompany Enforcement Notice 9662

Land north east of Oxenpark, EX31 4TF

Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:2500

COPY SUPPLIED TO: Planning

DATE 23rd September 2015

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