



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land known as Gillards Meadow, West Down,
North Devon, EX34 8NH**

(HM Land Registry Title Number DN494439)

**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/13709
PLANNING NO. 9691

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 known as Gillards Meadow, West Down, North Devon, EX34 8NH (HM Land Registry Title No. DN494439) 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 by virtue of the storage of a caravan unrelated to any agricultural use on 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 outside of the village of West Down in the countryside. The storage of a caravan on this site unrelated to any agricultural/forestry use with no justified need, represents sporadic development in the landscape to the detriment of the character of the area.

Development is strictly controlled within the countryside in the interest of protecting intrinsic beauty and character of the landscape and on the grounds of sustainability. 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. However, the storage of a caravan on this site in the countryside away from services is not considered to represent sustainable development.

Local Plan Policy ENV1 (Development in the Countryside) states that development in the 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 enhances its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, recreational and archaeological value. As outlined above, no need has been justified with the storage of a caravan representing an incongruous and visually detrimental feature in this otherwise unspoilt, natural landscape. Even if it could be screened from public viewpoints the storage of caravans would represent a 'manmade' feature within the landscape not preserving or enhancing its natural beauty.

The Local Planning Authority considers it is necessary to remedy the whole breach of planning control by removal of the caravan and that lesser steps cannot deal with the issue. It is also necessary and in the public interest to take enforcement action since otherwise the use could become lawful with the passage of time which as stated above is contrary to long established planning policies seeking to protect the character of the area.

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 3 months from the date when this notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Remove the caravan from the land edged red on the attached Location Plan.
2. Remove all debris and other rubbish resulting from complying with Step 1 above from the land edged red on the attached Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 5 August 2016

Signed:

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Solicitor, Head of 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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Location Plan 9691: Land known as Gillards Meadow, West Down

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