



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**

**Centery Farm, Bittadon, Barnstaple, North Devon
EX31 4HN**

(HM Land Registry Title Number DN398331)

**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/13634
Planning Ref No: 9502**

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(A)(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 Centery Farm, Bittadon, Barnstaple, Devon EX31 4HN (HM Land Registry Title Number DN398331) 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 by virtue of the siting and residential occupation of a mobile home, whose approximate position is shown edged blue on the enclosed Location Plan.

AND

Without planning permission and within the last 4 years, unauthorised Operational Development consisting of the erection of wooden decking around the above-mentioned mobile home, whose approximate position is shown edged blue on the enclosed Location Plan.

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 is outside of the domestic curtilage of Century Farm, being a new permanent residential unit of accommodation in the countryside, which is contrary to Local Plan Policies HSG9 and HSG9A and the National Planning Policy Framework representing 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. The mobile home constitutes isolated residential development in the open countryside, where the Local Planning Authority would only permit development, which is necessary in the interests of agriculture or another established rural enterprise.

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 unless there is exceptional circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Planning Policies HSG9 and HSG9A of the North Devon Local Plan (relating to permanent dwellings in the countryside) state that planning permission will only be granted where there is clear evidence of a functional need, 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.

The Local Planning Authority consider it is necessary to remedy the whole breach of planning control by removal of the mobile home and associated decking structure 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 the unauthorised 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 notices takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the mobile home as a separate unit of residential accommodation.
2. Remove the mobile home and associated decking from the land edged red on the attached Location Plan.
3. Remove all debris and other 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 26 May 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 26 April 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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Location Plan: **9502: Centery Farm, Bittadon, Barnstaple**

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Strategic Development &
Planning

Scale: 1:2500
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