



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

Land known as Lee Meadow Farm, Shaftsborough Lane, Lee, Ilfracombe, North Devon, EX34 8FF (HM Land Registry Title Number: DN446270)

**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 known as Lee Meadow Farm, Shaftsborough Lane, Lee, Ilfracombe, North Devon, EX34 8FF (HM Land Registry Title Number DN446270) as shown edged red on the enclosed 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 under Section 171B (3) of the Act from agricultural use to a mixed use of agricultural and residential use by virtue of the siting and residential occupation of a mobile home whose approximate position is shown indicated in 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 National Planning Policy Framework (NPPF) has at its heart the presumption in favour of sustainable development stating that Planning Authority's should be approving proposals which accord with the Development Plan unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

At paragraph 55 of the NPPF the guidance states that to promote sustainable rural development housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided unless there are special circumstances. One of these could be where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

The above guidance is reflected in the Development Plan which is the North Devon Local Plan and specifically Policy HSG10 Temporary Accommodation on new farm or forestry enterprises. Amongst the listed criteria is the requirement to satisfy a functional need to live on the holding and that the enterprise has been planned on a sound financial basis.

The Planning Authority has concluded in this particular case that there is not a demonstrable functional need to live permanently on the holding

The residential occupation of this unsustainable site in the countryside and within a protected landscape is contrary to established planning policies and the NPPF guidance and it is expedient and proportionate to take enforcement action in this case.

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 land edged red on the enclosed Location Plan.
2. Remove the mobile home and all domestic goods and chattels associated with the unauthorised residential occupation from the land edged red on the enclosed Location Plan.
3. Remove all rubbish and debris resulting from the carrying out of the above steps from the land edged red on the enclosed Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 2 March 2015 ("the effective date") unless an appeal is made against it beforehand.

Dated:

  
   
d of Legal

On behalf of: North Devon District Council, Civic Centre, Barnstaple,  
North Devon, EX31 1EA.

## **GUIDANCE NOTES FOR YOUR INFORMATION**

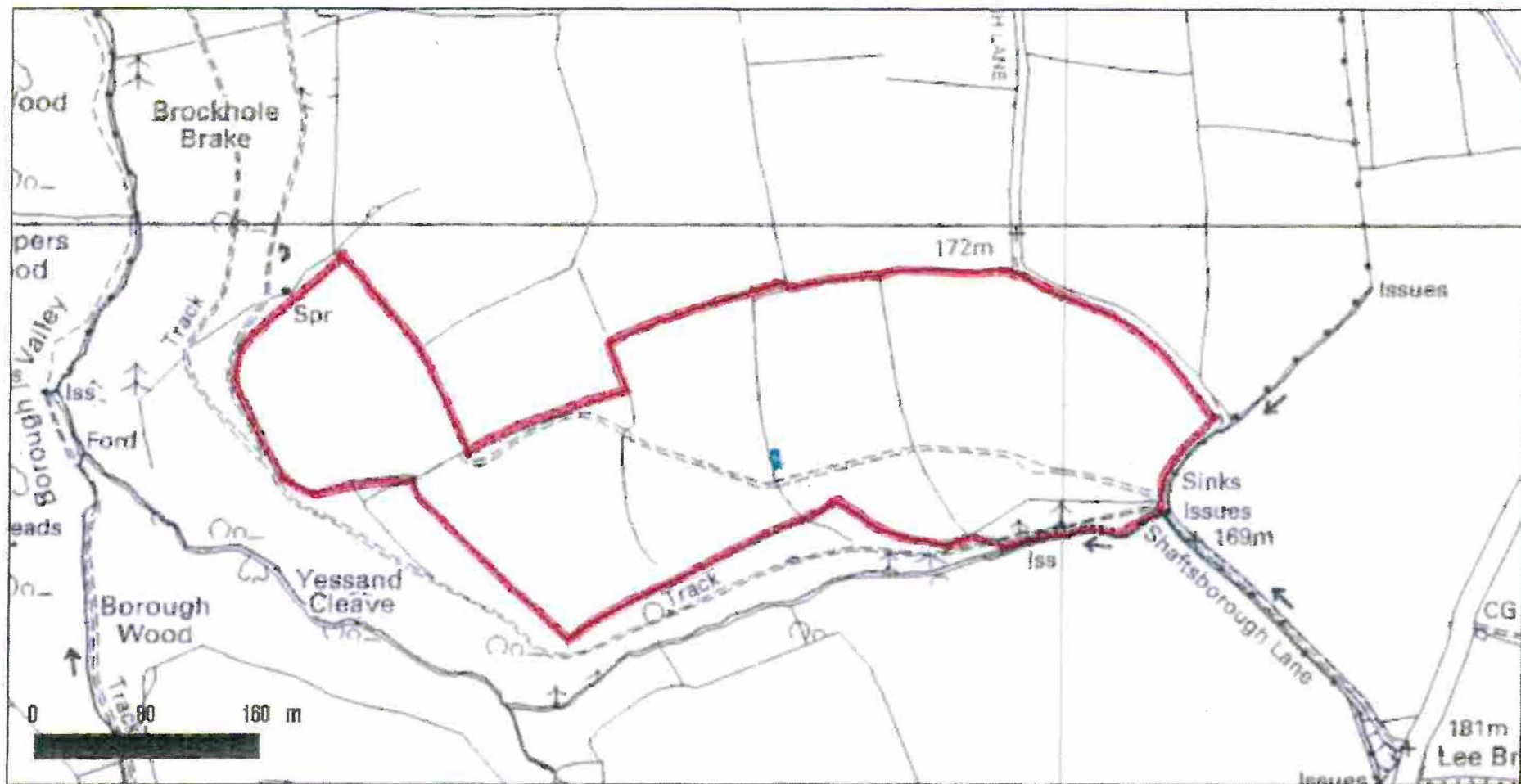
### **YOUR RIGHT OF APPEAL**

**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.**





Plan 1: 7999 Lee meadow Farm, Shaftsborough Lane, Lee, EX34 8FF

Scale 1:4149.81

Date 07/01/2015

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North Devon Council, Civic Centre,  
Barnstaple, Devon EX31 1EA