



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

**Land at Bables Tenement, Burrington, Umberleigh EX37 9JP  
(Land Registry Title No DN428086)**

**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 at Bables Tenement, Burrington, Umberleigh EX37 9JP (Land Registry Title No DN428086) 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 a material change of use of the land from motor vehicle maintenance and repair place to a mixed use of residential use and motor vehicle maintenance and repair place by the siting and residential occupation of a mobile home whose approximate position is shown coloured blue on the enclosed Location Plan.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breach of planning control.

One of the overarching aims of the National Planning Policy Framework (NPPF) is the presumption for sustainable development as set out in Paragraph 14. In addition to this Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the open countryside unless there are exceptional circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy HSG10 of the adopted North Devon Local Plan and the adopted supplementary planning document Agricultural, Forestry & Other Essential Occupational Dwellings Guidance also restricts new housing in the countryside to agricultural/rural workers providing there is clear evidence of a functional need and financially sustainable business. 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.

This site contains a number of workshops which have a commercial use and the mobile home. The mobile home is occupied by a couple who do not work for any of the commercial uses on the site and are currently unemployed. There is no evidence that the occupiers of the mobile home have any connection to any local business or rural enterprise and that there is a functional need for them to live on the site.

There has not been any business plan, appraisal or other evidence put forward to demonstrate an enterprise is currently financially sound or that there is an essential need for residential supervision on site to support any business. It is not considered that there are any exceptional site security issues that would warrant full time residential supervision. It is therefore not considered there are any exceptional circumstances that would outweigh the harm to the countryside from this residential development.

Policy ENV1 of the North Devon Local Plan 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. There is no evidence that this development meets any of these objectives.

The mobile home is a temporary structure that is not of any architectural merit and does not reflect the character of the buildings in the surrounding area. There is no evidence of any economic or social benefit to the locality. The mobile home is divorced from the facilities which occupants of a residential dwelling are likely to require, e.g. shops, educational, health and leisure facilities. The development does not help to concentrate housing close to infrastructure and services and it would not protect or enhance the natural environment.

The land is not considered to be highly accessible by walking, cycling or by public transport making its residential use contrary to the sustainable development aims of the NPPF and policy TRA1A.

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 use of the Land shown edged red on the attached Location Plan.
2. Remove the mobile home (whose approximate position is shown coloured blue on the attached Location Plan) from the Land shown edged red on the attached Location Plan.
3. Remove all debris and other rubbish resulting from complying with Step 2 from the Land shown edged red on the attached Location Plan.

## **7. WHEN THIS NOTICE TAKES EFFECT**

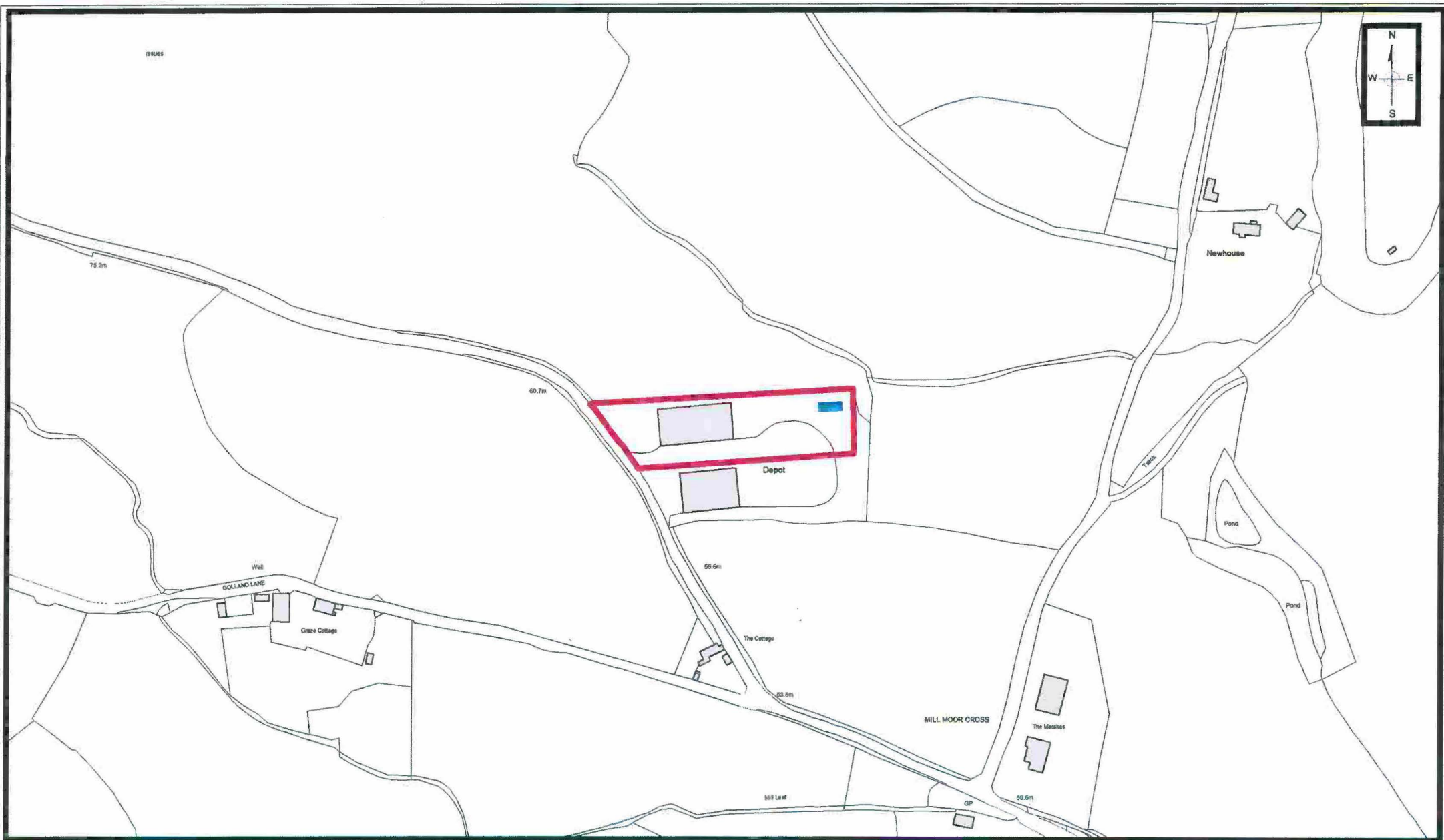
This Notice takes effect on 10 July 2015 ("the effective date") unless an appeal is made against it beforehand.

Dated: 10 June 2015

Signed:

  
Head of Legal

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



Location Plan to accompany Enforcement Notice

**ENF 9007: Bables Tenement, Burrington, EX37 9JP**

**COPY SUPPLIED TO:**

Planning Unit

Scale: 1:2500

Date: 14th May 2015

## **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.**