



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**BREACH OF CONDITION**

**The Tall Barn, Woods Farm, Ash Mill, South Molton  
EX36 4QX (Land Registry Title No DN557413).**

**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)(b) 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**

The Tall Barn, Woods Farm, Ash Mill, South Molton, EX36 4QX (Land Registry Title No DN557413) as shown edged red on the attached Plan.

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

Without Planning Permission and within the last 10 years, the full time residential occupation of Tall Barn, whose approximate position is shown edged blue on the enclosed Location Plan, in breach of Condition 5 of the attached Planning Permission 44136 and Condition 4 of the attached Planning Permission 62643, which restricts the use of the building for the purpose of holiday accommodation only.

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 the notice for the following reasons:-

The site is within the countryside where development is strictly controlled in the interest of protecting the intrinsic beauty and character of the landscape and on the grounds of sustainability.

The site is in the open countryside where the only acceptable form of development is that which supports the local economy as allowed by the Development Plan in order to safeguard the countryside for its own sake. The Local Planning Authority consider that the use of the buildings for holiday letting purposes is acceptable but that the rural locality could not provide adequate services for unrestricted residential uses which should be located in villages and settlements where services are provided.

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.

There have been no exceptional circumstances put forward in this case to comply with Paragraph 55 of the NPPF.

Policy ENV1 of the North Devon Local Plan and policy ST07 of the emerging plan (relating to development in the Countryside) states that development in the open 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 enhance its beauty. The development does not meet the criteria of Policy ENV1 of the North Devon Local Plan with particular respect to not providing economic or social benefits to the local community.

The unrestricted use as residential accommodation is contrary to the provision of Policy HSG13 of the North Devon Local Plan in that it has not been demonstrated that there is no longer a need for holiday accommodation in the locality and no provision has been made to ensure that the accommodation remains available to meet the affordable housing needs of the community.

The development is divorced from the facilities which occupants of a residential dwelling are likely to require, e.g. shops, educational, health and leisure facilities. 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 of the North Devon Local Plan.

The Local Planning Authority considers a breach of condition (which restricts the use of the building solely for holiday accommodation) 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**

Cease the full time residential occupation of The Tall Barn shown edged blue on the enclosed Location Plan.

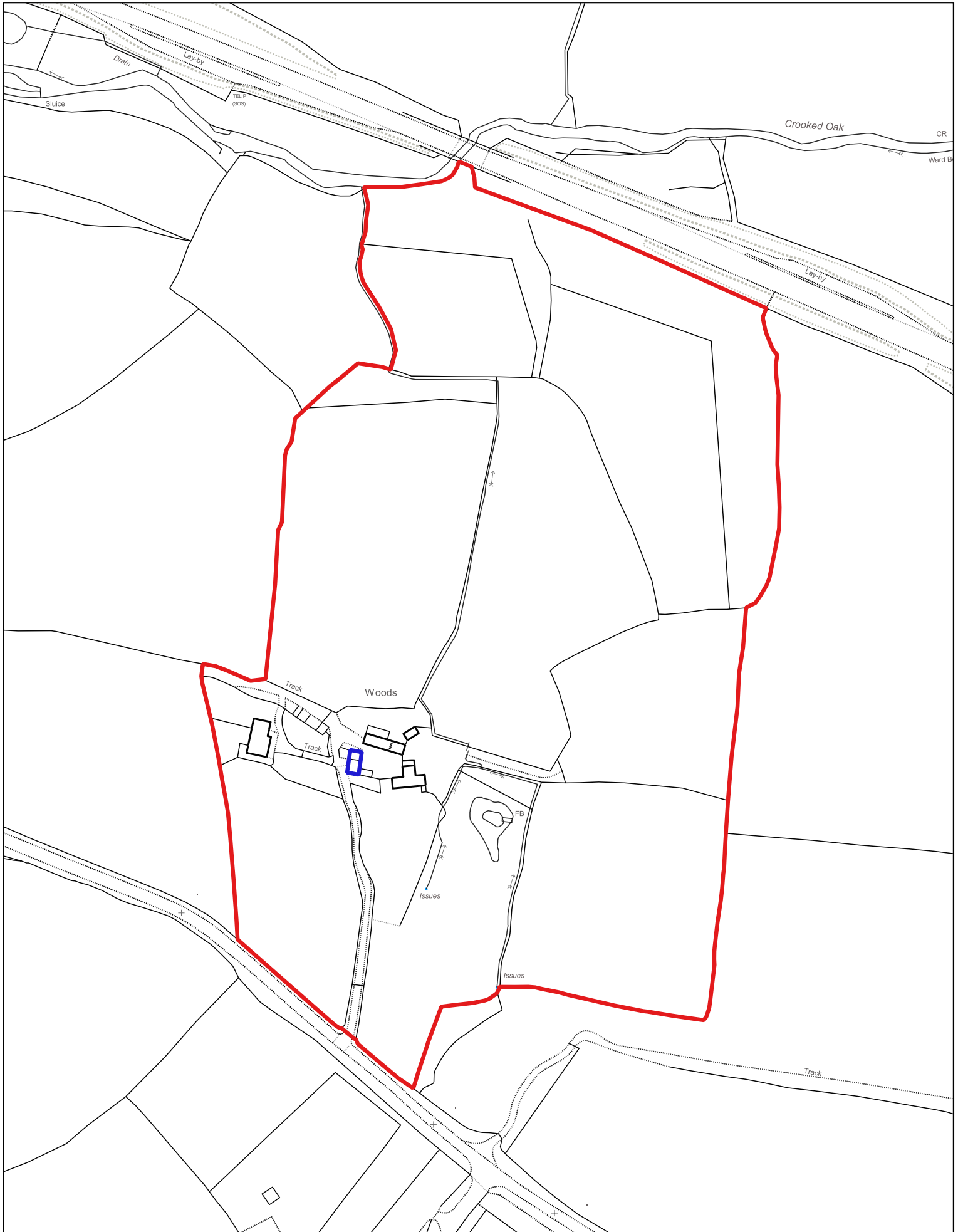
**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 25 November 2017 ("the effective date") unless an appeal is made against it beforehand.

Dated: 25 October 2017

Signed:  .....  
Solicitor, Head of Corporate & Community

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



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

## Location Plan: ENF 8552 Woods Farm, Ash Mill, South Molton, EX36 4QX

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Strategic Development &  
Planning

Scale: 1:2500  
Date: 23 February 2016

## **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.**