



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land at Ringaton Farm (now known as Higher
Bidbrook), West Anstey, South Molton,
North Devon, EX36 3NX
(Land Registry Title No. DN626840)**

**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 Ringaton Farm (now known as Higher Bidbrook), West Anstey, South Molton, North Devon, EX36 3NX (Land Registry Title No. DN626840) as shown edged red on the enclosed Location Plan.

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

Without Planning Permission and within the last 10 years, 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**

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.

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.

There has not been any business plan, agricultural appraisal or other evidence to demonstrate the enterprise is currently financially sound, and has a clear prospect of remaining so. There is a lack of evidence to demonstrate there is an essential need for residential supervision on site to support the current stock levels and for the successful running of the holding. 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 enhance 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 there is any economic benefit to the locality and with regard to the social role, an additional dwelling and may make some small contribution to the vitality of local services. 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 owner has stated that she is living legally on the site as she is employed for 35 hours a week in carrying out works associated with the installation of the ménage which was granted planning permission by the Local Planning Authority under reference number 49802 in May 2010 and general works and repairs to the barn, underground pipework and drainage.

Part 5 of the General Permitted Development Order 1995 allows the use of land as a 'caravan site' in the circumstances referred to in paragraphs 2 to 10 of Schedule 1 to the 1960 Caravan Sites Act (which are cases where a caravan site licence is not required).

Paragraph 9 refers to 'building sites' and allows a caravan to be sited on land where building operations have planning permission and are being carried out. The caravan in such cases may be used for the accommodation of a person or persons employed in connection with the said building operations.

The installation of a ménage and small field shelter does not usually take a substantial amount of time and the owner refers to also using a contractor for help. There are no on site issues that would make the works particularly abnormal. The works to the barn cannot be considered as this was a pre-existing building and the extant permission was for a change of use only. The hours employed on site since the applicant moved into the building and mobile home in 2012 are over and above what would be reasonably expected for this work and as such it is not considered that the owners are in compliance with part 5 of the General Permitted Development Order.

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 notices takes effect

6. WHAT YOU ARE REQUIRED TO DO

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

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 1 May 2015 ("the effective date") unless an appeal is made against it beforehand.

Dated: 31 March 2015

Signed:

Head of Legal

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

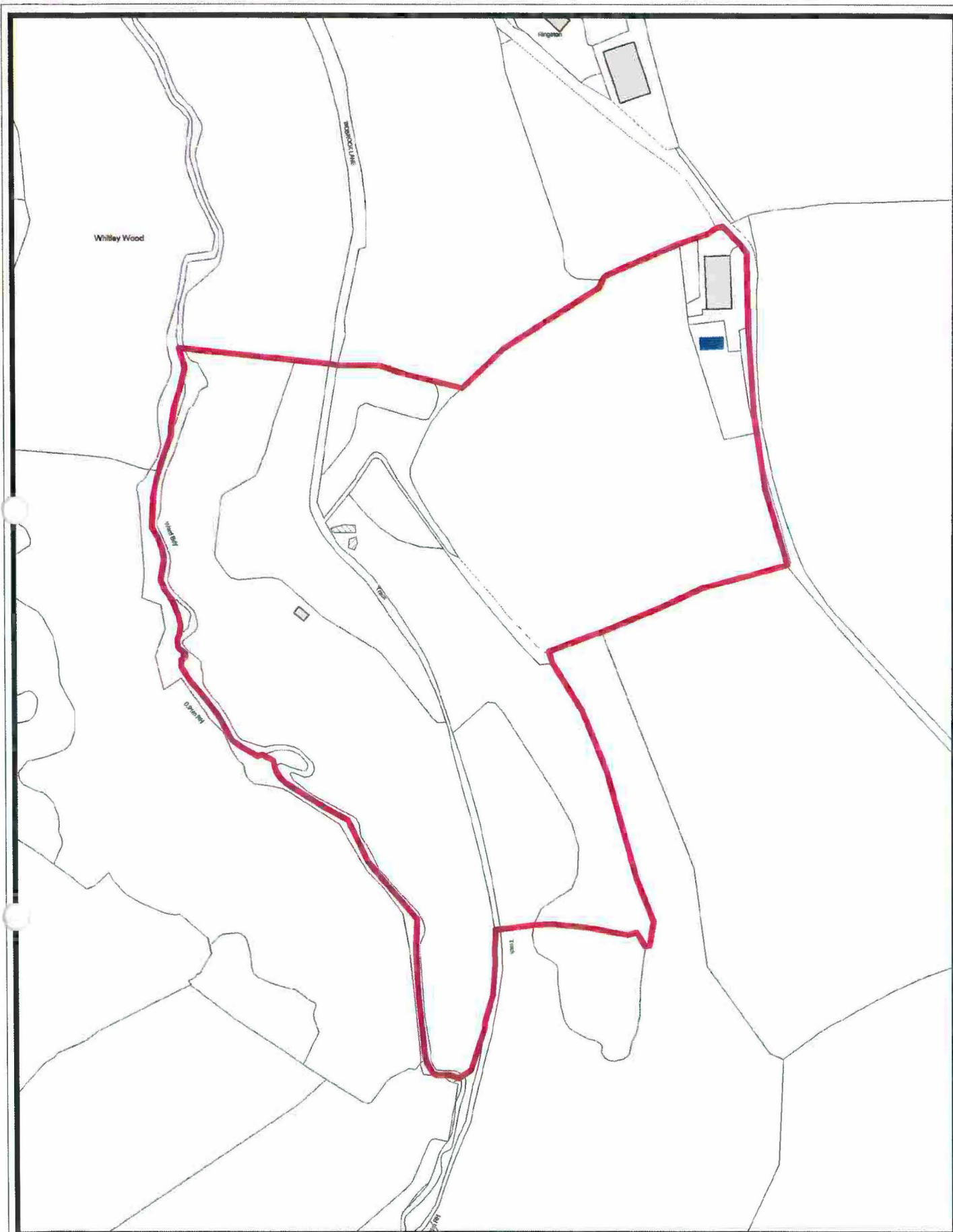
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Location Plan to accompany Enforcement Notice

ENF 8725: Higher Bidbrook, West Anstey, EX36 3NX



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:2500

COPY SUPPLIED TO: Planning Unit

DATE 19th February 2015

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