



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**Baggy Lodge, Croyde, Braunton, Devon EX33 1PA  
(HM Land Registry Title Number DN241279)**

**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**

Baggy Lodge, Croyde, Braunton, North Devon, EX33 1PA (HM Land Registry Title Number DN241279) 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 4 years, unauthorised Operational Development consisting of the erection of a chicken shed upon a supporting wooden platform (as more particularly shown edged blue on the attached Location Plan) and a structure enclosing a barbeque area and associated flue (as more particularly shown edged green on the attached Location Plan).

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this notice for the following reasons: The continued presence of the structure and the shed is considered detrimental to the visual amenity of the protected landscape.

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

The structure and the shed lie within the countryside within the curtilage of a property which is in a mixed residential and commercial use. It therefore does not benefit from any 'permitted development' rights under the Town & Country (General Permitted Development) (England) Order 2015 Schedule 2, Part 1 Class E.

The main relevant Development Plan policies are contained within the adopted North Devon Local Plan 2006. These are Policy ENV1 which relates to development in the countryside and a number of landscape policies, ENV2, ENV3 and ENV5 which concern development within the ANB, Heritage Coast and Coastal Preservation Area respectively. All these policies seek to ensure that only development in the countryside is permitted where a rural location is required, there are economic and social benefits to the local community and it protects and enhances the beauty and diversity of the landscape. Also of relevance is Policy DVS1 which lists a set of criteria against which the design of a proposal is assessed including matters such as scale and appearance.

Additionally of relevance is the guidance in the National Planning Policy Framework (NPPF) particularly Section 11 which relates to the conservation and enhancement of the natural environment. Paragraph 109 states the role of the planning system namely that it should contribute to and enhance the natural environment. Paragraph 115 places great weight on conserving landscape and scenic beauty within the AONB.

These two developments are man – made structures which are considered harmful to the overall objective of preservation and enhancement of the natural beauty of the locality.

It is considered in the public interest to pursue enforcement action given the significant landscape detriment and the high level of landscape protection afforded within the Area of Outstanding Natural Beauty and to ensure there is consistency of enforcement action given the development pressures on other sites in the locality.

The Local Planning Authority considers that the unauthorised Operational 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 3 months from the date when this notice takes effect

**6. WHAT YOU ARE REQUIRED TO DO**

1. Remove the chicken shed and supporting wooden platform from the land edged red on the attached Location Plan.
2. Remove the structure enclosing the barbeque area and the associated flue from the land edged red on the attached Location Plan
3. Remove all rubbish and debris arising from compliance with Steps 1 and 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 May 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 8740: Baggy Lodge, Moor Lane, Croyde

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