



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

**ENFORCEMENT NOTICE
BREACH OF CONDITION**

**Land at Oak Farm (A.K.A. Land lying to the west of
Smemington Farm), Tawstock, Barnstaple, North Devon, EX31
3JD (HM Land Registry Title Number DN574888)**

**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**

Land at Oak Farm (A.K.A. Land lying to the west of Smemington Farm), Tawstock, Barnstaple, North Devon, EX31 3JD (HM Land Registry Title Number DN574888) as shown edged red on the enclosed Location Plan.

("the Land")

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

The failure to remove the Temporary Agricultural Workers Dwelling (Two mobile homes attached at a 90 degree angle incorporating an additional porch area on a concrete base) on or before 30 November 2011 in breach of Condition 2 of the attached Planning Permission 47220 issued by the Council on 10 November 2008 and the continued residential occupation of the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this notice for the following reasons:

This Notice is served to remedy the alleged breach of Planning Control.

The Development Plan for this area comprises the Devon Structure Plan 2001-2016 and the North Devon Local Plan 2006.

The following policies are considered relevant: -

Devon Structure Plan – Policy ST1 Sustainable Development, Policy CO1 Landscape Character and Local Distinctiveness.

Policy ST1 seeks to promote development in sustainable locations, whilst Policy C01 seeks high quality development to respect and conserve the identity and character of existing settlements.

North Devon Local Plan – Policy DVS1 Design, Policy DVS2 Landscaping, Policy DVS3 Amenity Considerations, Policy ENV1 Development in the Countryside, Policy HSG10 Temporary Accommodation on New Farm or Forestry Enterprises

Policies DVS1, DVS2, DVS3, identifies the need for a high quality of design and consider the impact on the landscape and amenity, whilst Policy ENV1 and Policy HSG10 set out the principles of not allowing new development in the open countryside unless there is a need for an agricultural workers dwelling.

The following policies in the National Planning Policy Framework are also particularly relevant to this case: -

Paragraphs 28, 55 and 64.

Temporary planning permission was granted to allow the farming operation to establish, the temporary accommodation is on the site, however, on the basis of the current information available the agricultural need has not evolved.

The temporary permission has expired and the agricultural need has not been proven. The retention of the accommodation is therefore contrary to planning Policies ST1 and CO1 of the Devon Structure Plan and Policies DVS1, DVS2, DVS3, ENV1 and HSG10 of the adopted North Devon Local Plan given that the need for the works has not been proven in such an unsustainable location and resulting in an unacceptable landscape impact.

The detailed design of the temporary accommodation is transient in nature and of an inappropriate detailed design, which does not have the benefit of appropriate landscaping making it a prominent feature within the wider landscape setting contrary to Policies DVS1, DVS2 and DVS3 of the adopted North Devon Local Plan and Paragraphs 28, 55 and 64 of the National Planning Policy Framework as it has not been established that the agricultural need outweighs the harm.

The Local Planning Authority considers that the breach of planning control 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.

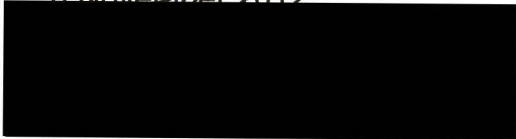
6. WHAT YOU ARE REQUIRED TO DO

1. Remove the Temporary Agricultural Workers Dwelling (Two mobile homes attached at a 90 degree angle incorporating an additional porch area on a concrete base) from the Land shown edged red on the enclosed Location Plan.
2. Remove all debris and other rubbish resulting from complying with Step 1 from the Land shown edged red on the enclosed Location Plan.
3. Cease the residential occupation of the Land shown edged red on the enclosed Location Plan.

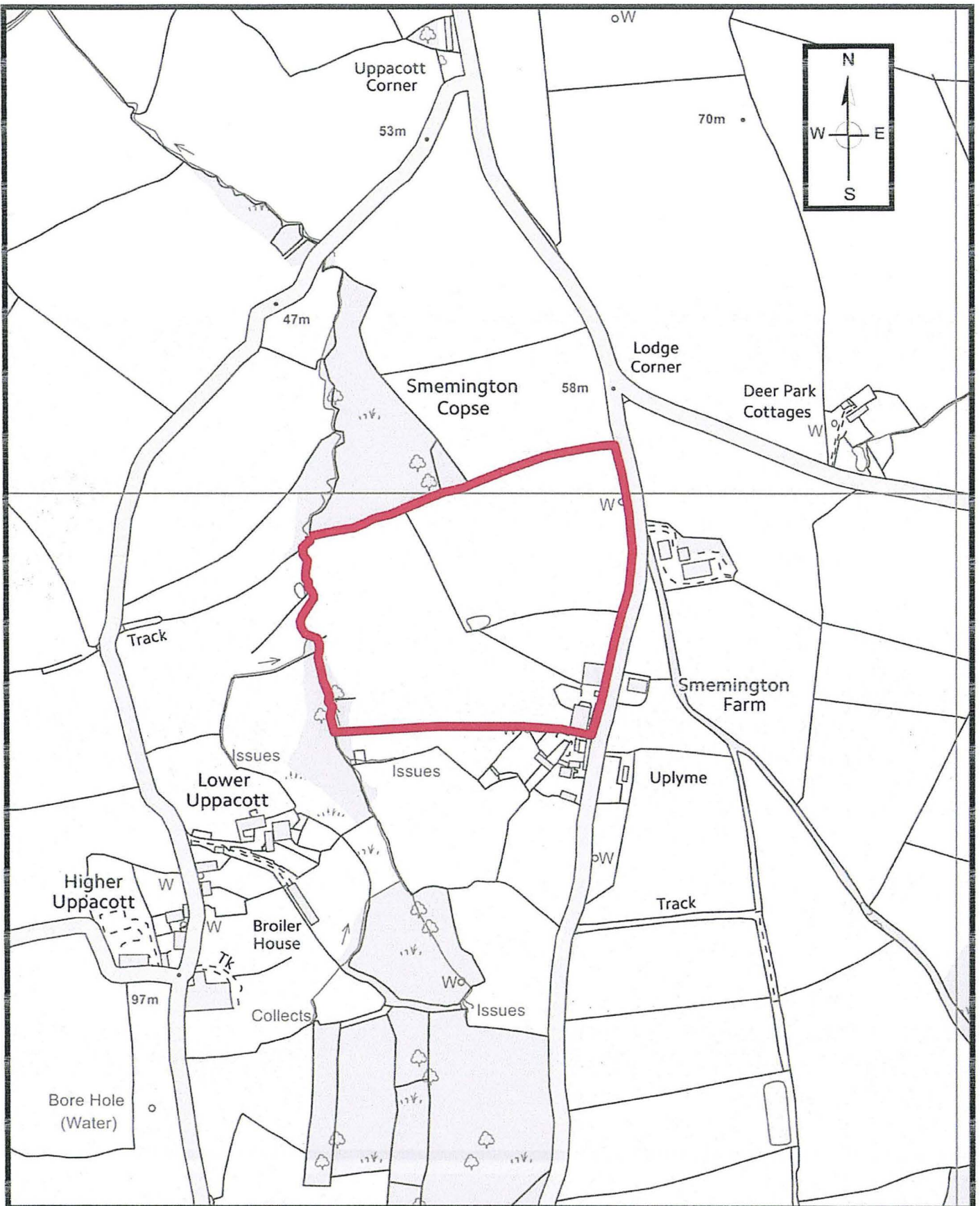
7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 8 December 2012 ("the effective date") unless an appeal is made against it beforehand.

Dated: 8 November 2012

Signed: ... 

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



Civic Centre, Barnstaple.
EX31 1EA

Plan to Accompany Enforcement Notice

ENF 8164 - Oak Farm, Smemington EX31 3JD

SCALE: 1:5000

COPY SUPPLIED TO: Legal Services Unit

DATE 20th September 2012

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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 obtain further information on the appeal process. Read it carefully.

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.