



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**Land at Tidderson Lodge, Tidderson Lane,
Rackenford, North Devon, EX16 8DN
(Land Registry Title No. DN218504)**

**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 Tidderson Lodge, Tidderson Lane, Rackenford, North Devon, EX16 8DN (Land Registry Title No. DN218504) as shown edged red on the enclosed Location Plan. ("The Land")

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

Without Planning Permission and within the last 4 years, the siting and residential occupation of a log cabin, whose approximate position is shown edged 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.

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

The log cabin constitutes isolated residential development in the open countryside, where the Local Planning Authority would only permit development, which is necessary in the interests of agriculture or another established rural enterprise.

National and Local Government planning policies support sustainable development.

Paragraph 55 of the National Planning Policy Framework 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.

Planning Policy HSG10 of the North Devon Local Plan (relating to temporary accommodation) states planning permission will only be granted where there is clear evidence of a functional need, 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 log cabin constitutes isolated residential development in the open countryside, where the Local Planning Authority would only permit development which is necessary in the interests of agriculture or another established rural enterprise. Despite the business having commenced in August 2013 there are no financial accounts or any other evidence, submitted to demonstrate the enterprise is currently financially sound, and has a clear prospect of remaining so. The applicant has failed to demonstrate there are secure plans to develop the business or to provide an income to meet the financial tests set out in Planning Policy HSG10 of the North Devon Local Plan.

Therefore the proposal is contrary to the National Planning Policy Framework, planning policies ENV1 and HSG10 of the adopted North Devon Local Plan and the adopted supplementary planning document 'Agricultural, Forestry and Other Essential Occupational Dwellings Guidance' and results in unacceptable development in the open countryside.

The log cabin 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 objectives set out in the National Planning Policy Framework.

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 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 enclosed Location Plan.
2. Remove the log cabin, whose approximate position is shown edged 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:

[REDACTED]
[REDACTED]
Head of Legal

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

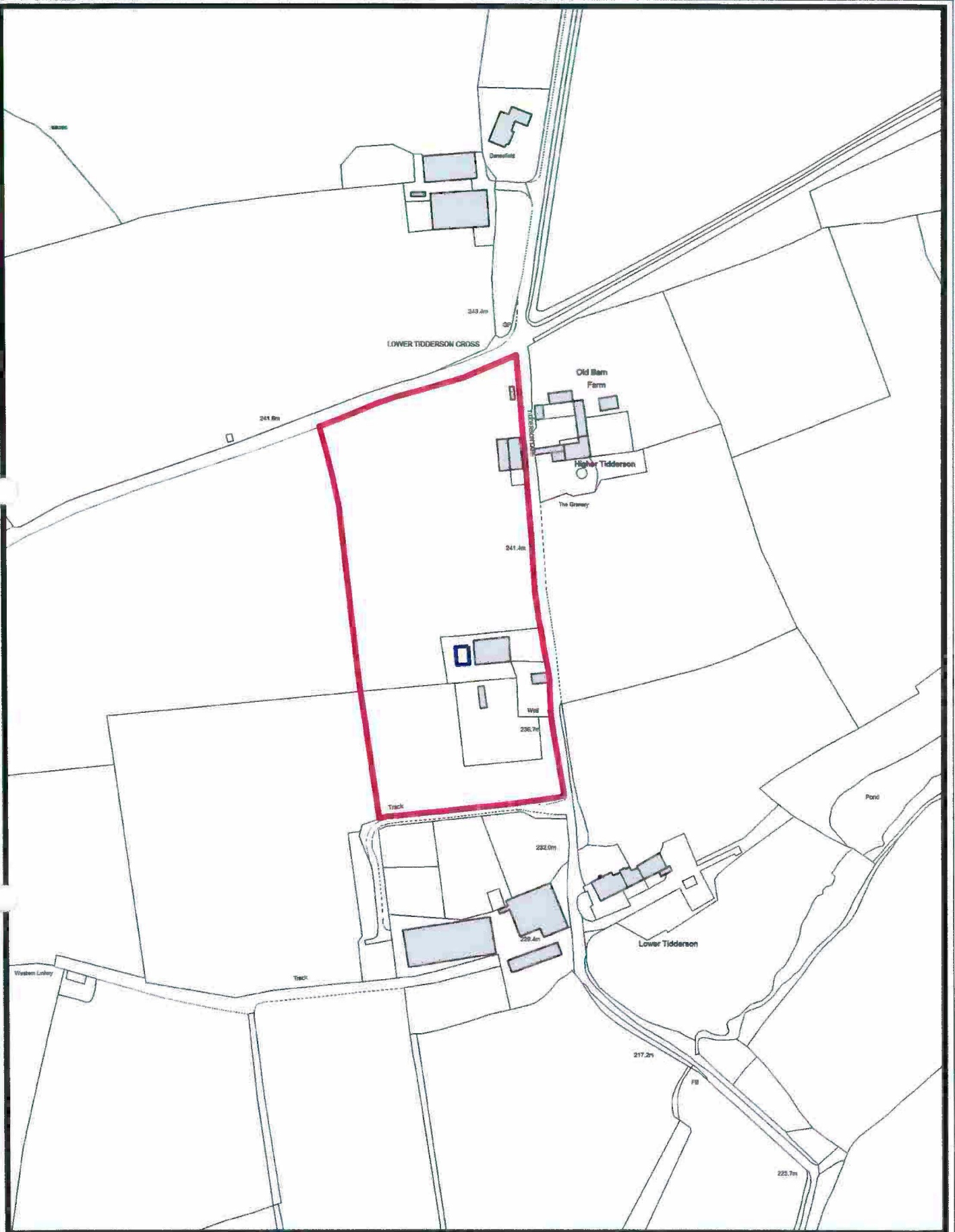
GUIDANCE NOTES FOR YOUR INFORMATION

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 8282: Tidderson Lodge, Rackenford, EX16 8DN



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:2500

COPY SUPPLIED TO: Planning Unit

DATE 19th February 2015

© Crown Copyright and database right 2014 Ordnance Survey Licence No.100021929. NO unauthorised reproduction permitted