



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**

**Oakleigh (Formerly known as Braggamarsh Wood),
Burrington, Umberleigh, North Devon, EX37 9NF
[Land Registry Title Numbers DN407141 and DN598280]**

**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 Oakleigh (Formerly known as Braggamarsh Wood), Burrington, Umberleigh, North Devon, EX37 9NF [Land Registry Title Numbers DN407141 and DN598280] 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 10 years, unauthorised material change of use of the Land under Section 171B(3) from forestry use to a mixed use of forestry use and residential use of the Land

AND

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of the erection of a dwelling house

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 breaches of planning control.

Prior Approval was granted by the Local Planning Authority for a General Purpose Forestry Building on 18 April 2012 under Planning Permission 53802. However, subsequent site visits by the Local Planning Authority on 21st August 2012, 24th January 2013, 5th December 2013 and 26th February 2014 have shown that the building which has been erected does not accord with the Prior Approval insofar as it fails to accord with the submitted plans and is actually being used for residential accommodation.

As a result, the development constitutes a new dwelling in the countryside contrary to the provisions of Policies ENV1 and HSG9 of the adopted North Devon Local Plan. The development does not provide economic or social benefits to the local community and does not protect or enhance the environmental assets of the area. There is no established functional need for an agricultural or forestry worker to live on the holding.

The development is contrary to the provisions of the National Planning Policy Framework at Paragraph 55 as it does not concur with the objective to promote sustainable development in rural areas.

The Local Planning Authority considers that the unauthorised change of use of the Land and 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 12 months from the date when this notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential use of the land outlined in red on the enclosed Location Plan.
2. Remove the unauthorised building (the approximate position of which is outlined in blue on the enclosed Location plan) from the land outlined in red on the enclosed Location Plan.
3. Remove all rubbish, resulting from complying with steps 1 and 2 above from the land outlined in red on the enclosed Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 4 October 2014 ("the effective date") unless an appeal is made against it beforehand.

Dated: 4 September 2014

Signed:


Head of Legal

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

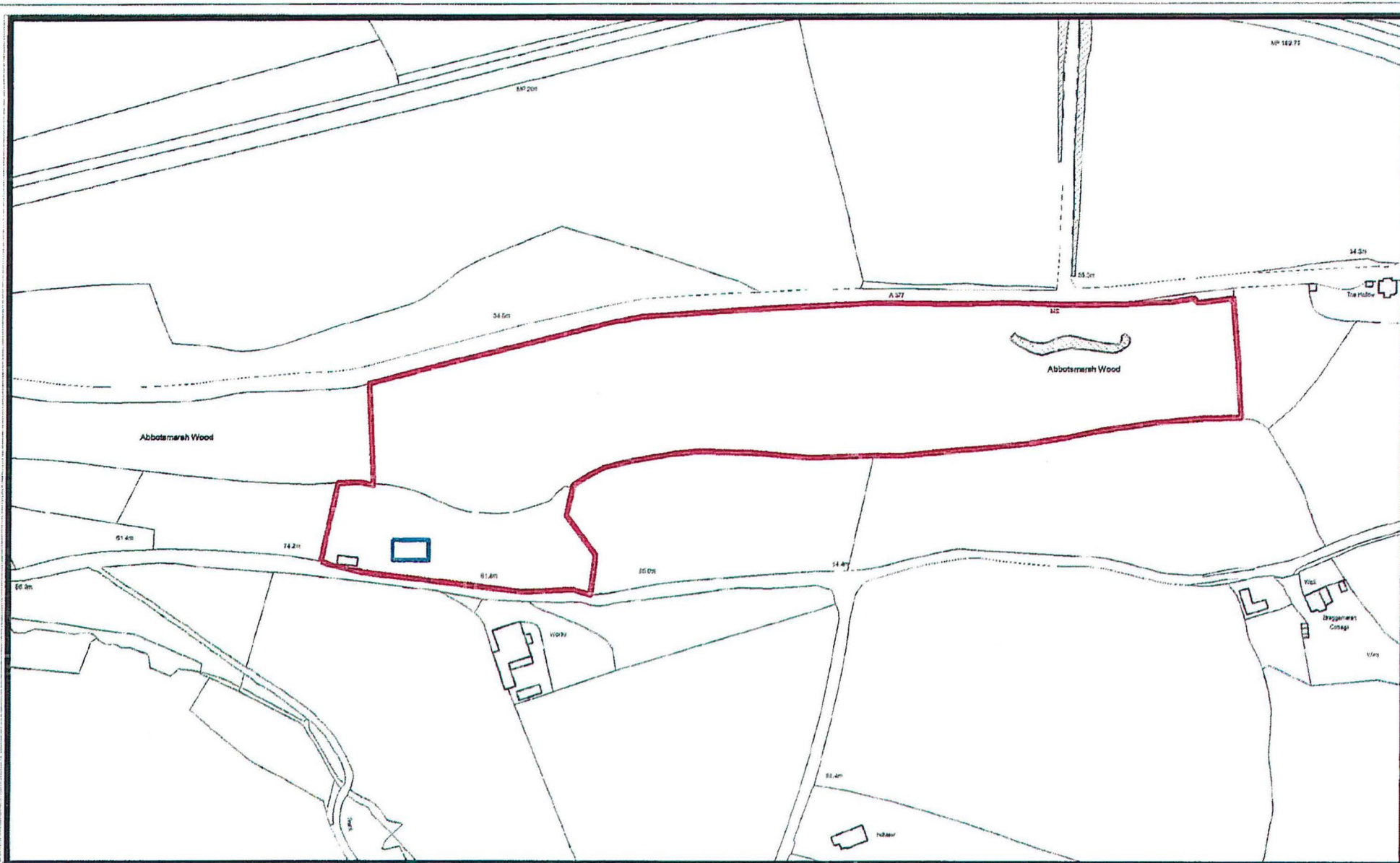
GUIDANCE NOTES FOR YOUR INFORMATION

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.

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.



Plan to Accompany Enforcement Notice - ENF 8362
Braggamarsh Wood, Burrington

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COPY SUPPLIED TO:
 Planning Unit
 Scaled: 2500
 Date: 19th June 2014