



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land at Deerleap, Mogworthy, Rackenford, North
Devon, EX16 8DX (Land Registry Title No. DN257704)**

**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 Deerleap, Mogworthy, Rackenford, North Devon, EX16 8DX (Land Registry Title No. DN257704) 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, the siting and use for human habitation of a mobile home, whose approximate position is shown edged blue on the enclosed Location Plan, within the curtilage of a dwellinghouse, whose approximate position is shown edged green on the enclosed Location Plan, as a separate unit of residential accommodation, which is not used for any purpose incidental to the enjoyment of the dwellinghouse.

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 mobile home 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 14 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development, whilst paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the open countryside unless there is exceptional circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside.

The proposal is also contrary to Planning Policies ENV1 & HSG10 of the adopted North Devon Local Plan, Planning Policies TR2 and TR5 of the Devon Structure Plan and the adopted supplementary planning document Agricultural, Forestry & Other Essential Occupational Dwellings Guidance.

Planning Policy ENV1 of the North Devon Local Plan (relating to development in the Countryside) states that development in the open 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 it beauty. This development does not meet any of these objectives.

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.

No business plan, agricultural appraisal or other evidence has been supplied 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 a functional need for a mobile home on site to support four horses and the essential need for a building business to be in this rural location. It is not considered that there are any exceptional site security issues that would warrant full time residential supervision.

The proposed 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 land is not considered to be highly accessible by walking, cycling or by public transport making its residential use contrary to Devon Structure Plan policies TR2 and TR5.

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 10 months from the date when this notices takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use for human habitation of any mobile home, as a separate unit of residential accommodation, which is not used for any purpose incidental to the enjoyment of the dwellinghouse, on the Land shown edged red on the enclosed Location Plan.
2. Remove the mobile home, 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 16 June 2013 ("the effective date") unless an appeal is made against it beforehand.

Dated: 16 May 2013

Signed:

Interim Head of Legal

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

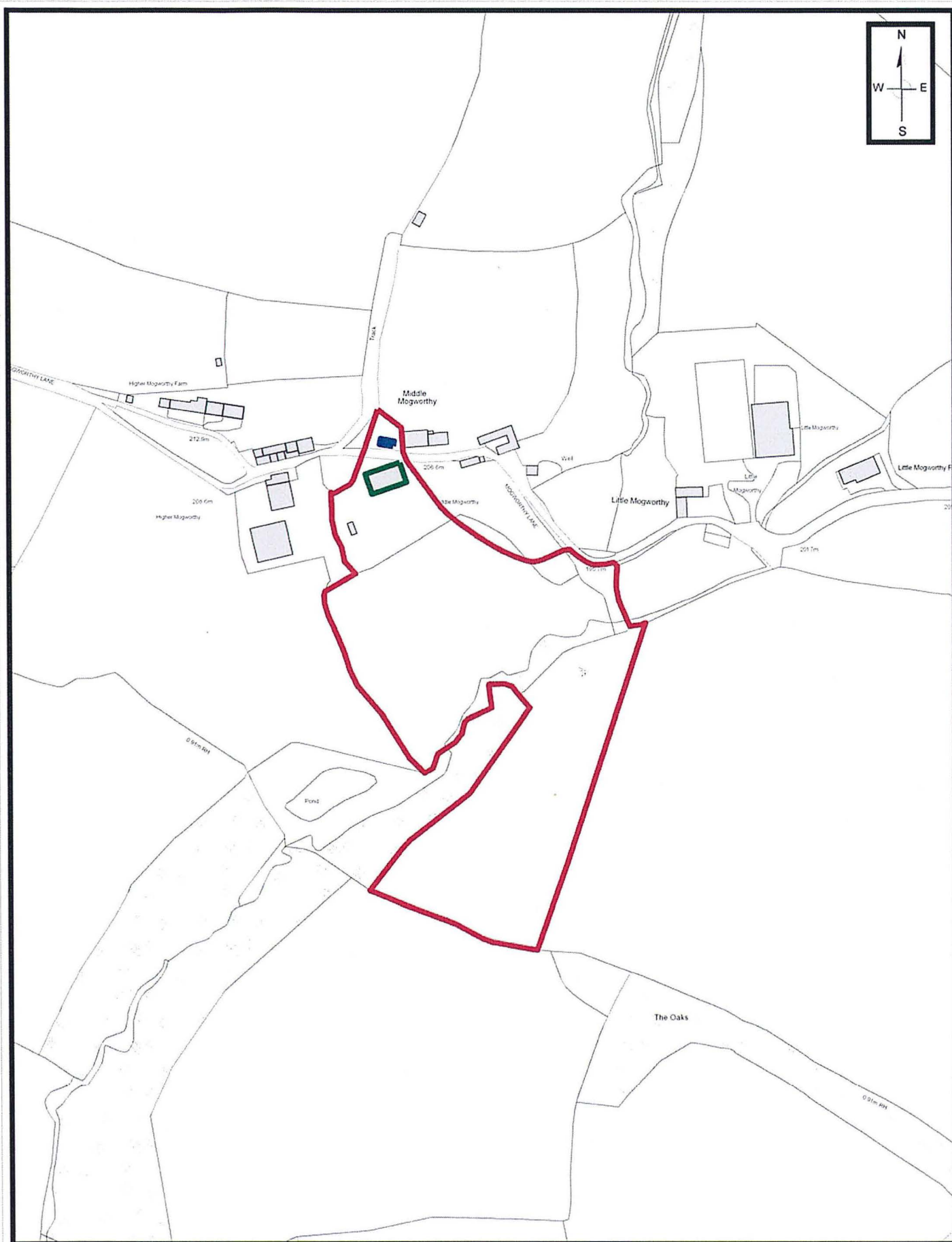
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Civic Centre, Barnstaple.
EX31 1EA

Location Plan to accompany Enforcement Notice - ENF 8032

Deerleap, Mogworthy Lane, Rackenford EX16 8DX

SCALE: 1:2500

COPY SUPPLIED TO: Planning & Dev't Service DATE 23rd April 2013

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