



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**Valle Vue, Burrington, Umberleigh, EX37 9NF  
(Land Registry Title No. DN515110)**

**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 Valle Vue, Burrington, Umpberleigh, EX37 9NF, (Land Registry Title No. DN515110), 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, unauthorised Operational Development under Section 171B(1) of the Act consisting of the erection of an agricultural building, whose approximate position is outlined in 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.

Valle Vue is an agriculturally tied property located in an isolated position to the North of Burrington. The site is made up of approximately 7.2ha of grazing and approx 1.6ha of woodland, which used to be part of Boucheland Farm and is now registered as a separate agricultural holding. The holding consists of the dwelling, one large barn adjacent to the dwelling and the agricultural building, which is subject to this notice.

The agricultural building subject to this enforcement notice is sited in the far north west corner of the holding adjacent to the boundary with Hill House. This is the furthest point from the dwelling, other farm buildings and any access.

Siting:

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The site is within the Area of Great Landscape Value and is within the River Valley Slopes and Combes as defined in the Joint Landscape Character assessment. This is characterised by steep valley slopes with agricultural land interspersed with woodland.

Policy ENV6 states that Areas of Great Landscape Value should be protected to ensure that the special qualities and characteristics which contribute to their '*sense of place*' are not eroded. Policy ENV1 states that new development in the countryside will only be permitted where it provides economic or social benefits to the local community and where it protects the landscape and character. There is no economic or social benefit from the development which is to serve the applicants own needs. Policy ECN7 states that a proposal for an agricultural building will be permitted where it is positioned close to an existing building unless this does not meet the functional needs of the building or holding and its siting, design and landscaping minimises any impact on the countryside.

The agricultural building by virtue of its siting at the furthest point away from any access and other farm buildings creates a sporadic form of development which is harmful to the character of the Area of Great Landscape Value. The surrounding topography is undulating and the top of the building is visible from the adjacent road. There has not been sufficient justification provided as to why the building needs to be sited in this corner of the field and there is space available on land closer to the dwelling and existing buildings that could be used. The development is therefore considered to be contrary to policies ENV1, ENV6 and ECN7 of the Local Plan.

Functional need:

Policy ENC7 states that a proposal for a new agricultural building will only be permitted where there is a functional need that can not be met by any other building and that the size of the building should be related to its functional requirements

The applicants advised they required the agricultural building for the storage of fodder and hay as the land is used by a neighbouring farmer to graze his sheep and it is also used for producing hay. There has not been any evidence that the field is used by the applicants for grazing of sheep or any other agricultural livestock. The only animals that have been present during any site visit have been the applicants' horses. There are other buildings within the holding which can be used for the storage of fodder/hay and there is no evidence of fodder or agricultural machinery being stored in the building. It is also questionable that 850 bales of hay can be produced from the size of the land available particularly since most of it appears to be used by horses most of the time. During recent site visits the building has only been used for the storage of some timber. There has not been sufficient evidence to justify a functional need for the additional building and the development is considered contrary to policy ECN7 of the Local Plan.

It is for these reasons that the agricultural building should be removed in its entirety and that due to the inappropriate siting additional landscaping and/or other conditions would not be sufficient to overcome the fundamental objection to the provision of the agricultural building.

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 three months from the date when this notices takes effect

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

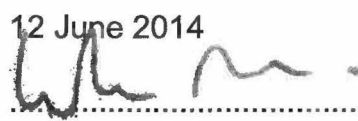
1. Remove the agricultural building from the land shown edged red on the enclosed Location Plan.
2. Remove all rubbish resulting from taking step one from the land shown edged red on the enclosed Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 12 July 2014 ("the effective date") unless an appeal is made against it beforehand.

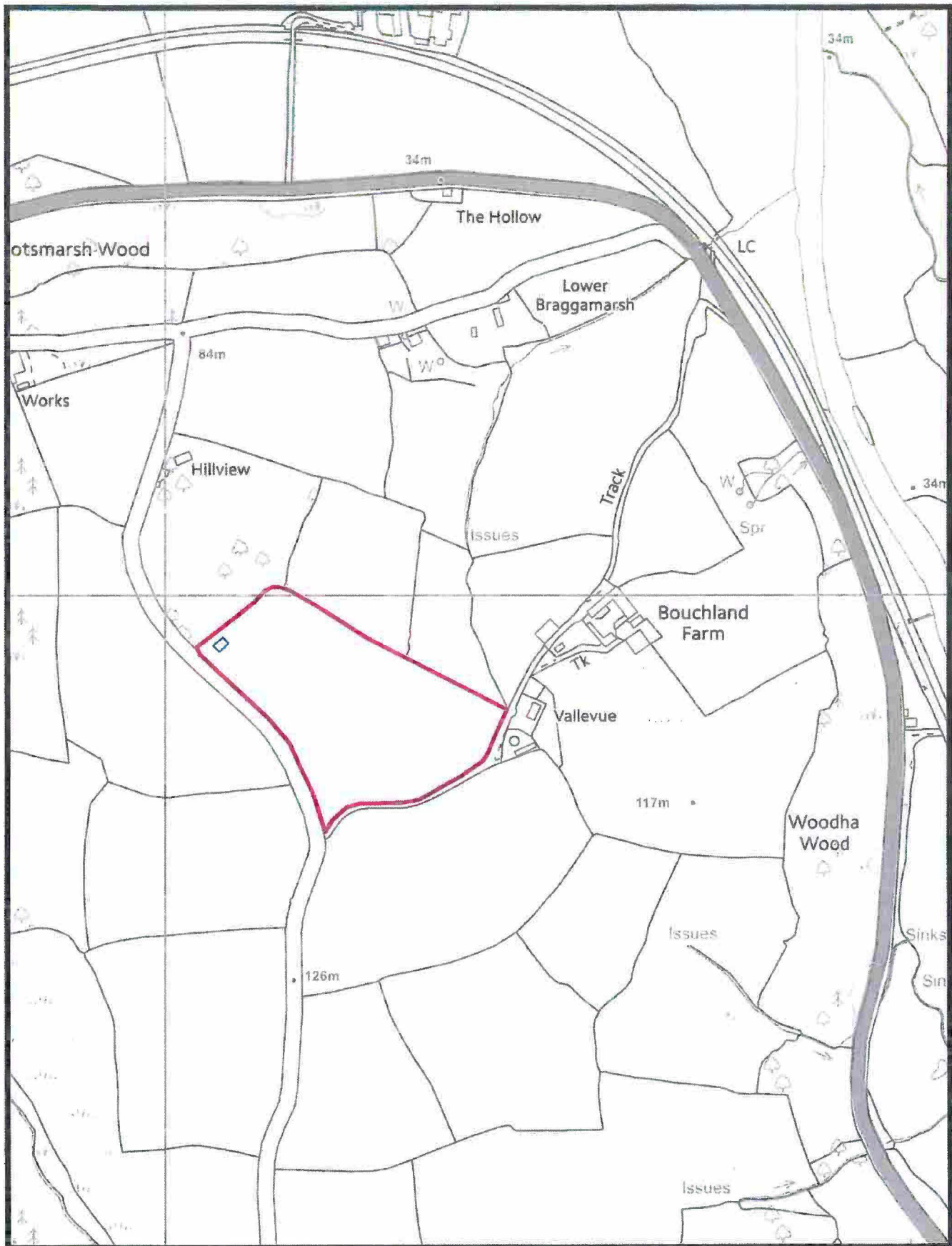
Dated: 12 June 2014

Signed:

  
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Head of Legal

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





Civic Centre, Barnstaple.  
EX31 1EA

## Plan to Accompany Enforcement Notice

### Enf. 8085 - Valle Vue, Burrington EX37 9NF

SCALE: 1:5000

COPY SUPPLIED TO: Planning Unit

DATE 28th May 2014

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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 can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A Appeal is £160.**

### **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.**