



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE &  
OPERATIONAL DEVELOPMENT**

**Land known as Hills View, Ridge Hill, Combe Martin,  
Ilfracombe, North Devon, EX34 0NR  
(HM Land Registry Title No. DN264005)**

**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 known as Hills View, Ridge Hill, Combe Martin, Ilfracombe, North Devon, EX34 0NR (HM Land Registry Title No. DN264005) 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 S.171B(3) of the Act from agriculture to a mixed use of agriculture and residential use by virtue of the siting and residential occupation of a mobile home on the Land whose approximate position is shown edged blue on the enclosed Location Plan.

Without planning permission and within the last 4 years, unauthorised Operational Development under S.171B(1) of the Act consisting of the erection of a wooden porch attached to the mobile home 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.

A mobile home and porch have been sited on the land at Hills View, Ridge Hill, Combe Martin. The site lies in the countryside, outside a development boundary.

Development Plan policies in such locations strictly control residential development in the countryside. The only exceptions to this are where there is a functional need for an agricultural worker to live on a holding.

Policies such as Structure Plan Policy ST1 Sustainable Development and ST5 are applicable and LOCAL Plan Policy HSG9 Permanent Dwellings in the Countryside, HSG9A Permanent Dwellings in the Countryside for Rural Based Industries and HSG10 Temporary Accommodation on New Farm or Forestry Enterprises also apply.



The thrust of all these policies is that development is controlled and restricted to where there is a proven functional and financial requirement to live on the holding. No such requirement has been identified on this site and insofar as the Local Planning Authority are aware, tenants have not been involved in any agricultural activities at Hills View.

Guidance in the National Planning Policy Framework is also relevant, particularly paragraph 14 - the presumption in favour of sustainable development and paragraph 55 - that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

An additional consideration here is that the site lies within a designated landscape, namely the North Devon Area of Outstanding Natural Beauty. Policies such as CO3 of the Structure Plan and ENV2 of the Local Plan require preservation and enhancement of the natural beauty of the landscape. Development conflicting with this principle aim should be avoided.

The siting of the mobile home and Porch are not considered to enhance the visual amenity of the locality and are contrary to the above policies. They are also in conflict with National Planning Policy Framework guidance at paragraph 115 which reiterates the need to conserve landscape and scenic beauty in such areas.

The Local Planning Authority require complete removal of the mobile home and Porch. The breach is of a substantial nature and clearly contrary to long established planning policies on residential development in the countryside and for this reason it is considered to be expedient and in the public interest to take enforcement action.

Attempts have been made to seek removal of the unauthorised mobile home since refusal of the Certification of Lawful Use application to retain the structure, but it remains in position after a number of years.

The Local Planning Authority considers that the unauthorised change of use of the Land has occurred within the last 10 years, whilst the unauthorised incidental 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 occupation of the Land shown edged red on the enclosed Location Plan.
2. Remove the mobile home from the Land shown edged red on the enclosed Location Plan.
3. Remove the wooden porch from the Land shown edged red on the enclosed Location Plan.
4. Remove all debris and other rubbish resulting from complying with Steps 2 and 3 from the Land shown edged red on the enclosed Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 4 May 2013 ("the effective date") unless an appeal is made against it beforehand.

Dated: 4 April 2013

Signed:

Interim Head of Legal

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

## **GUIDANCE NOTES FOR YOUR INFORMATION**

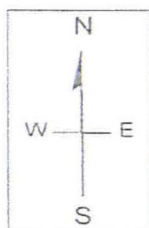
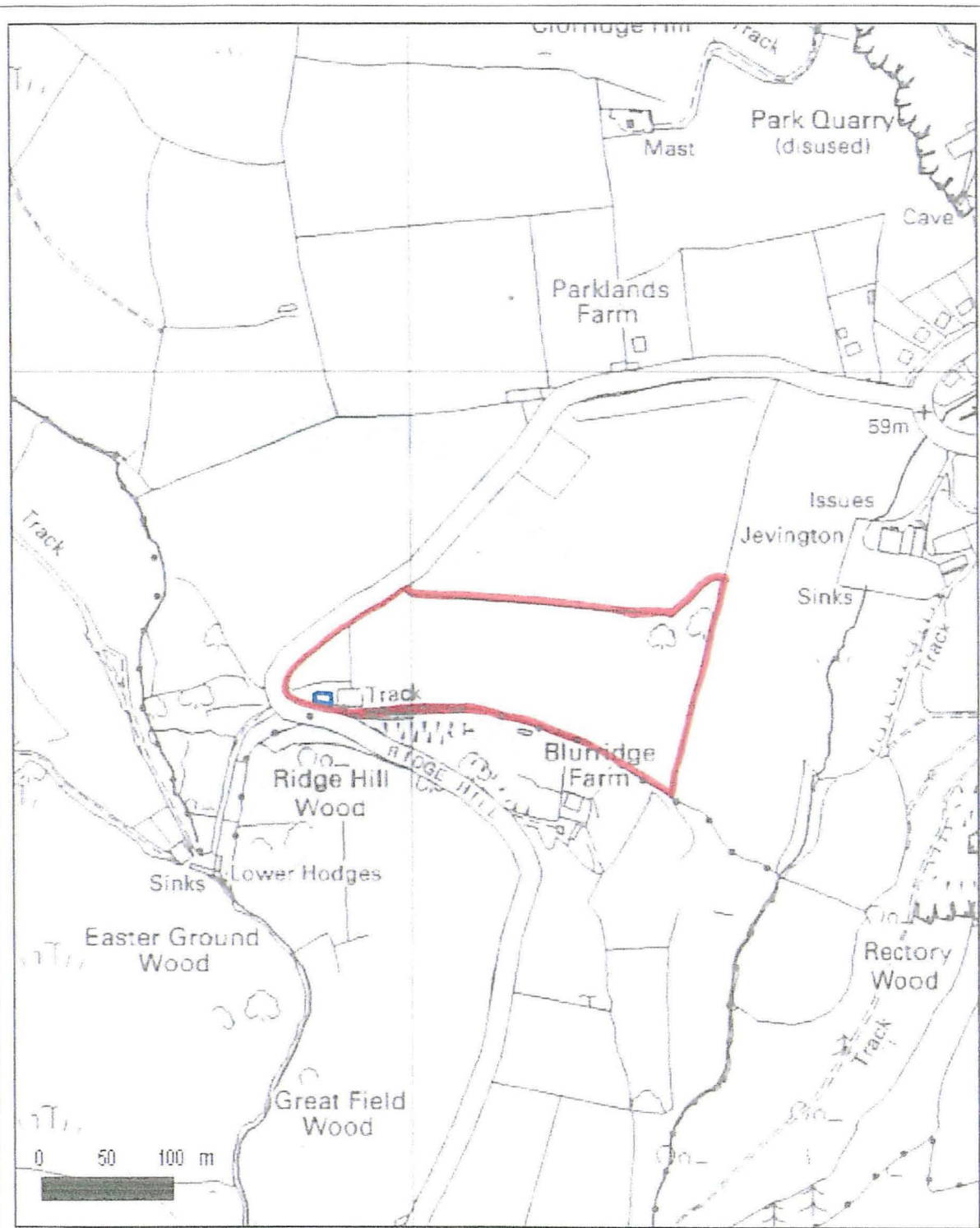
### **YOUR RIGHT OF APPEAL**

**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.**





# Hills View, Combe Martin

Scale 1:4149.81 Date: 02/02/2012

Reproduced from Ordnance Survey mapping by North Devon District Council under Copyright Licence No. 100021329 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



North Devon Council, Civic Centre,  
Barnstaple Devon EX31 1EA