



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**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 14/15 Meadow Way, Tree Beech Rural Enterprise Park, Gunn, Barnstaple, North Devon, EX32 7NZ as shown edged red on the enclosed Location Plan.

("the Land")

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

Without Planning Permission a Material Change of Use of the Land under Section 171B(3) of the Act from storage and distribution to a mixed use of storage and distribution use and residential use within the last 10 years.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this notice for the following reasons:

This site is in the open countryside outside of the defined limits of any town or major village where services are readily available by sustainable means of transport as set out within Policy TRA1A of the North Devon Local Plan and Policy TR2 of the Devon Structure Plan.

The countryside should be safeguarded for its own sake and as set out in Policy ENV1 of the North Devon Local Plan and ST1 of the Devon Structure Plan where the guiding principle is that development should both benefit economic activity and maintain and enhance the environment.

Rural buildings are recognised as an important resource and their conversion to appropriate uses can reduce the need for additional buildings. Policy ECN5 of the North Devon Local Plan sets out the criteria for such conversions. Planning permission was granted in 1997 to convert redundant agricultural buildings into approximately 50 industrial units within use classes B1, B2 and B8. The site comprises a well established industrial complex. There are no known issues with vacancy that would warrant consideration of alternative uses.

The buildings are utilitarian in form being block built with metal wall and roof cladding. The land around the buildings comprises hardened/concreted access, hardstandings, parking areas and storage. The site and buildings are functionally industrial in form and use. At first floor level there are no windows or means of natural ventilation. As an established employment location Policy ECN2 of the North Devon Local Plan requires employment land to be safeguarded. The conversion of part of the unit into a residential unit results in a net loss of employment space.

The strategy for siting new residential dwellings is contained with policies HSG9 of the North Devon Local Plan which indicates that rural dwellings may be exceptionally granted to enable a farm or forestry worker to live at their place of work. The occupier of this unit runs a business known as Barnstaple Removals. The premises appear to be used for storage and the repair of pallets. The business does not warrant full time residential supervision. The occupier has not provided any exceptional reason why this location is required for residential use. Residential supervision is rarely found on industrial estates of this nature. This is not an acceptable form of 'live-work' unit.

The conversion of the first floor into a residential unit of accommodation is not considered to result in an acceptable form or standard of development. There is no ventilation or natural daylight to the property and no amenity area. The use is contrary to the design and amenity policies DVS1 and DVS3 of the North Devon Local Plan and Policy CO16 of the Devon Structure Plan.

The use/conversion of the building has occurred within the last 10 years and its continuation would undermine planning policies for the countryside, employment sites and residential amenity.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 below be undertaken within six months from the date when this notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the unauthorised residential occupation of the Land shown edged in red on the enclosed Location Plan.
2. Store in a manner which will prevent their use all items of furniture used to facilitate the residential occupation of the Land shown edged in red on the enclosed Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 30 August 2010 ("the effective date")* unless an appeal is made against it beforehand.

Dated: 29 July 2010

Signed:

Legal Services Manager

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

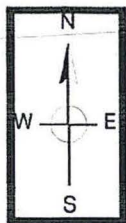
GUIDANCE NOTES FOR YOUR INFORMATION

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 obtain further information on the appeal process. Read it carefully.

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 7225

15 Meadow Way, Tree Beech Enterprise Park, Gunn EX32 7NZ



Civic Centre, Barnstaple,
EX31 1EA

SCALE: 1:1250

COPY SUPPLIED TO:

Planning Unit

DATE 12th July 2010

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