



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Broady Park Farm, Venn Road, Barnstaple, North
Devon, EX32 0HT (Land Registry Title No DN446237)**

**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")**

Legal File Ref No: LS/DH/13870
Planning File Ref No: PD/KW/ENF/7890

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**

Broady Park Farm, Venn Road, Barnstaple, North Devon, EX32 0HT (Land Registry Title No DN446237) as shown edged red on the attached Location Plan.

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

Without Planning Permission and within the last 4 years, the material change of use of the agricultural building (whose approximate position is shown edged blue on the attached Location Plan) to use as a single dwellinghouse.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breach of planning control. The Council considers it expedient to issue the notice for the following reasons:-

The site is within the open countryside where development is strictly controlled in the interest of protecting the intrinsic beauty and character of the landscape and on the grounds of sustainability.

The agricultural building constitutes isolated residential development in the countryside, where the Local Planning Authority would only permit development, which is necessary in the interests of agriculture or another established rural enterprise. A three year temporary permission was granted for the siting of a mobile home on the site.

One of the overarching aims of the National Planning Policy Framework (NPPF) is the presumption for sustainable development as set out in Paragraph 14. In addition to this Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the open countryside unless there are exceptional circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policies ENV1 & HSG10 of the adopted North Devon Local Plan, Policies ST07 and DM28 of the Emerging Local Plan and the adopted supplementary planning document Agricultural, Forestry & Other Essential Occupational Dwellings Guidance also restricts new housing in the countryside to agricultural/rural workers providing there is clear evidence of a functional need and financially sustainable business. 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.

There has not been any business plan, agricultural appraisal or other evidence 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 an essential need for permanent residential supervision on site to support the current stock levels and for the successful running of the holding. A three year temporary permission is in place to provide the opportunity for the applicant and the local planning authority to re-assess the need for a permanent dwelling.

Policy ENV1 of the North Devon Local Plan and ST07 of the Emerging 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 its beauty. There is no evidence that this development meets any of these objectives.

The Local Planning Authority considers that the unauthorised change of use of the agricultural building 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 use of the agricultural building (whose approximate position is shown edged blue on the attached Location Plan).

7. WHEN THIS NOTICE TAKES EFFECT

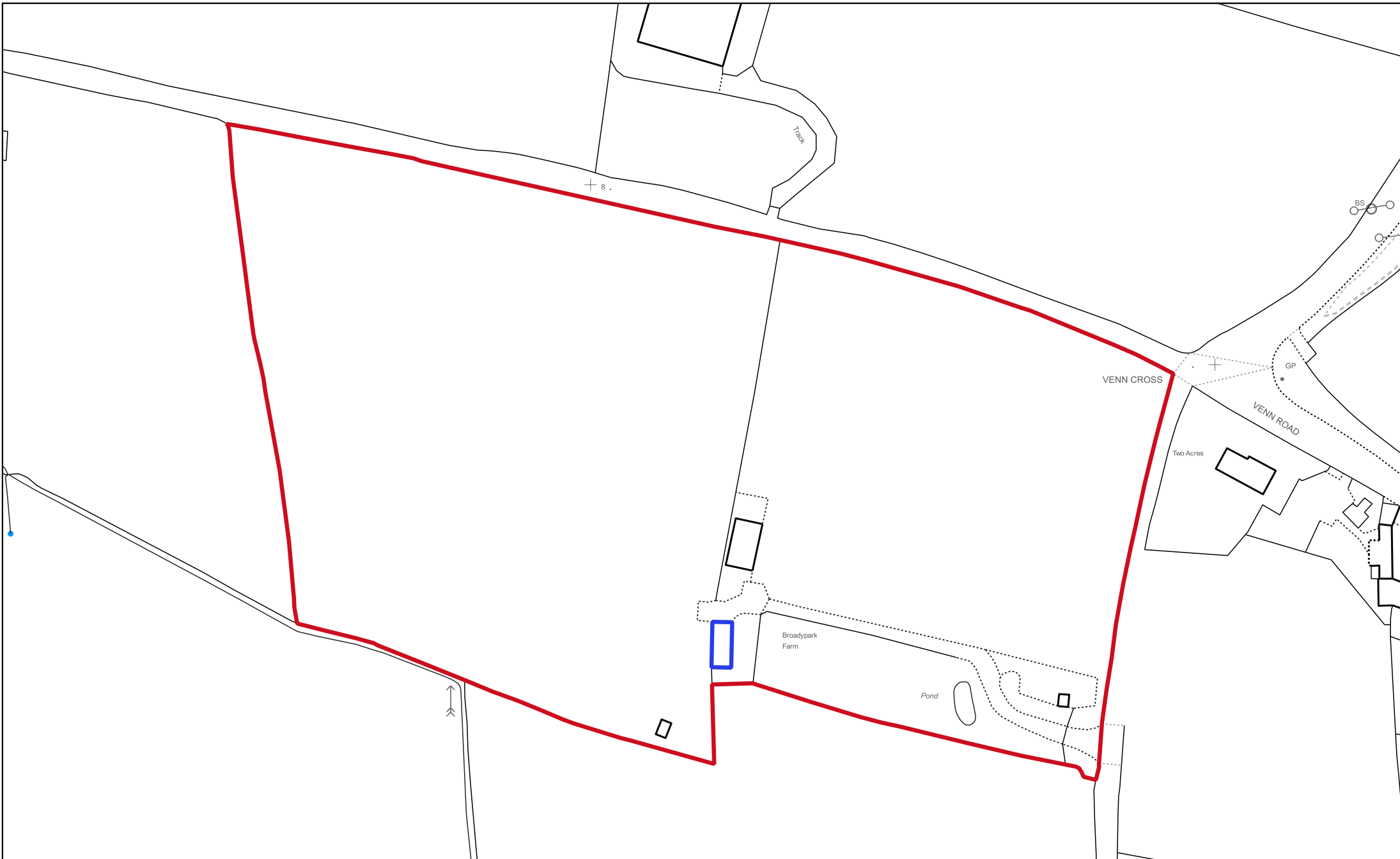
This Notice takes effect on 5 May 2017 ("the effective date") unless an appeal is made against it beforehand.

Dated: 5 April 2017

Signed:

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Solicitor, Head of Corporate & Community

On behalf of: North Devon District Council, Lynton House, Commercial Road, Barnstaple, North Devon, EX31 1DG



**Location Plan to accompany Enforcement Notice
7890: Broadypark Farm, Venn Road, Barnstaple, EX32 0HT**

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Strategic Development &
Planning

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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 £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.