



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**UNAUTHORISED MATERIAL CHANGE OF USE &  
OPERATIONAL DEVELOPMENT.**

**Long Close, Lower Stowford, Bratton Fleming, EX31 4SG  
Title Number DN419315**

**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 Long Close, Lower Stowford, Bratton Fleming, EX31 4SG (HM Land Registry Title Number DN419315) 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 equestrian to a mixed use of equestrian and residential use by virtue of the siting and residential occupation of three mobile homes on the Land whose approximate position are shown marked 'A', 'B' and 'C' and 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 construction of brick, block and timber work, which is attached to the mobile homes whose approximate position are shown marked 'A', 'B' and 'C' and 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.

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. This unauthorised development is contrary to Paragraphs 14 and 55 of the National Planning Policy Framework, Devon Structure Plan Policies ST1 and ST16 and the North Devon Local Plan Policies ENV1 and HSG10.



The site was the subject of an application (42509) which granted planning permission for the siting of a mobile home and erection of two stables blocks on the 18<sup>th</sup> September 2007. Condition 6 of this planning permission required the removal of the mobile home after a period of three years from the decision date. This temporary permission was granted in relation to the charity operation the applicant had stated he was running from this site to attend and care for rescued ponies/horses from the Exmoor area.

A site visit revealed that the mobile home (subject to permission 42509) was not situated in the approved location within this site. The site inspection revealed that two mobile homes had been sited on a solid concrete base, at right angles to one another and a third mobile home is situated behind these two mobile homes.

Planning Policy HSG10 (relating to temporary accommodation on a new farm enterprise) 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.

Having undertaken a site inspection and discussed the nature of the holding with the owner/occupier, the Local Planning Authority is not satisfied there is a genuine need to justify residential accommodation in this location. The appellant's main profession is a self-employed builder, which results in being away from the holding for several hours on a regular basis.

There are 4 ponies on site, however, there is no record or evidence (from the Charity Commission) of a registered charity for rescued ponies/horses being operated at this site. Additionally, there has been no evidence submitted by the owner to demonstrate that a charity is being operated from this site for rescued ponies/horses.

This small 4-acre holding consisting of 6 ponies (4 Shetland, 1, Exmoor and 1 Irish Cob) does not meet functional tests set out in Planning Policy HSG10. As such the three mobile homes and brick, block and timber work represent unsupported development in the open countryside, contrary to Paragraphs 14 and 55 of the National Planning Policy Framework, Devon Structure Plan Policies ST1 and ST16 and North Devon Local Plan Policies ENV1 and HSG10.

The mobile homes are sited in the open countryside remote from services, employment, education, public transport and will increase the journey to be made by private vehicles which is not sustainable and in conflict with Paragraphs 14 and 55 of the National Planning Policy Framework (which replaced Central Government advice provided in Planning Policy Guidance 13 : Transport).

The unauthorised development results in an increased use of the access on to the public highway, which has limited visibility from and of vehicles using the access and as such results in additional danger to all users of the road and interference with the free flow of traffic, contrary to North Devon Local Plan Policy TRA6.

The three mobile homes are located in the open countryside which is a designated Area of Great Landscape Value, the primary objectives set out in planning policies for this protected area is the active conservation and enhancement of this protected landscape. This unauthorised development is not considered to meet these objectives and is therefore contrary to Devon Structure Plan Policy CO4 and North Devon Local Plan Policy ENV6.

The Local Planning Authority considers that the unauthorised change of use of the Land has occurred within the last 10 years, whilst the unauthorised operational development has occurred within the last 4 years, and that the above reasons for issuing the Enforcement Notice cannot be overcome by the use of Planning Conditions. It is therefore expedient to seek the removal of the mobile homes and brick, block and timber work from this area of land.

## **5. WHEN YOU ARE REQUIRED TO ACT**

The Council requires that the steps specified in paragraph 6 below be undertaken within 12 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 three mobile homes marked 'A', 'B' and 'C' from the Land shown edged red on the enclosed Location Plan.
3. Remove the brick, block and timber work, which is attached to the mobile homes marked 'A', 'B' and 'C' 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 17 May 2013 ("the effective date") unless an appeal is made against it beforehand.

Dated: 17 April 2013

Signed:

Interim Head of Legal

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



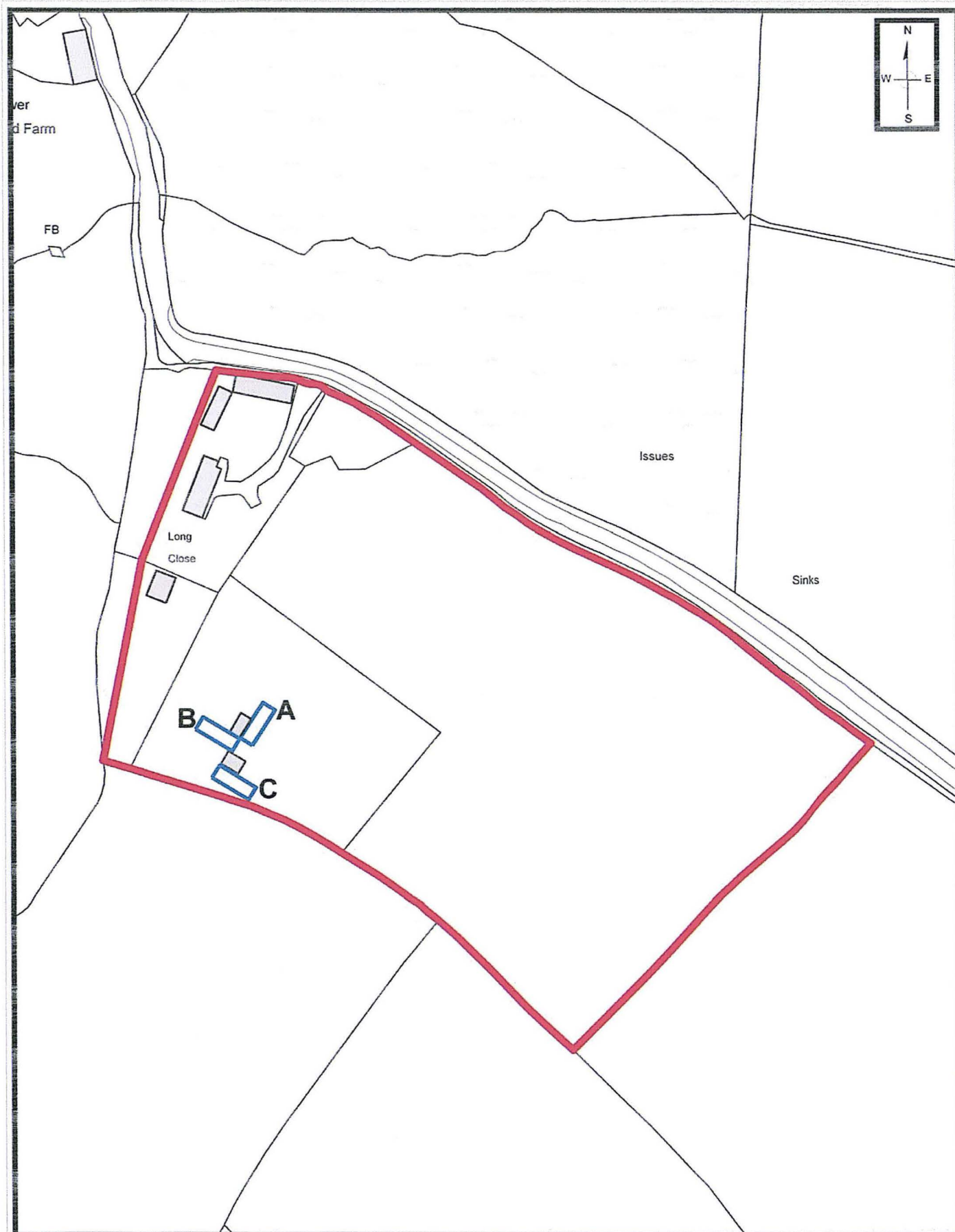
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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.**



Civic Centre, Barnstaple.  
EX31 1EA

## Plan to accompany Enforcement Notice

# ENF 7902 - Longclose, Lower Stowford, EX31 4SG

SCALE: 1:1250

COPY SUPPLIED TO: Planning & Dev't Service DATE 28th March 2013

© Crown Copyright and database right 2012 Ordnance Survey Licence No.100021929. NO unauthorised reproduction permitted