



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

**LAND NORTH OF HIGHER YARNACOTT
YARNACOTT, SWIMBRIDGE
Near BARNSTAPLE
NORTH DEVON
EX32 0QY**

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**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 north of Higher Yarnacott Yarnacott, Swimbridge, Near Barnstaple, North Devon, EX32 0QY as shown edged red on the enclosed Plan 1.

("the Land")

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

Erection of a wooden chalet as shown edged green on the enclosed Plan 1.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Planning permission is required for the erection of the building specified above as it constitutes 'operational development' under the Town & Country Planning Act 1990 (as amended).

The unauthorised building was erected since July 2009 when Mr and Mrs Parry purchased the land and therefore within the 4 year time period for taking enforcement action.

Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas makes it clear that isolated new homes in the countryside requires special justification for planning permission to be granted. Further advice provided in PPS7 and Planning Policy HSG10 of the North Devon Local Plan (relating to temporary accommodation on new farm enterprises) 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.

The wooden chalet does not meet planning policy objectives and as such is considered to be contrary to Planning Policies ENV1, DVS1 and ECN7 of the North Devon Local Plan.

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 the ability to develop the business. There is no proven evidence that this smallholding justifies the siting and use of residential accommodation.

The Local Planning Authority considers that the above reasons for issuing the Enforcement Notice cannot be overcome by the use of Planning Conditions and it is expedient to seek its removal 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 6 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- 1, Demolish and remove the unauthorised wooden chalet including the pillars and footings.
- 2, Remove from the land edged red on the attached plan, all rubbish resulting from carrying out step 1 above.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 07 January 2011 ("the effective date") unless an appeal is made against it beforehand.

Dated: 07 December 2010

Signed:

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.

POLICIES REFERRED TO IN PARAGRAPH 4 ABOVE

Annex A of central government Planning Policy Statement 7: Sustainable Development in Rural Areas can be found at the website of the Department for Communities and Local Government at the following internet address:



North Devon Local Plan Policy HSG10.

Policy HSG10

Temporary accommodation on new farm or forestry enterprises:

1. where accommodation is required for a new or recent farming or forestry activity, it will only be permitted where:-
 - a) the accommodation is of a temporary nature;
 - b) there is clear evidence of a firm intention and ability to develop the enterprise concerned;
 - c) there is a functional need for a worker to live on the holding;
 - d) there is clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - e) there is no alternative accommodation available either on the holding or in the locality; and
 - f) the temporary accommodation is appropriately related to the whole of the holding.
2. Temporary accommodation in the countryside will be subject to a condition restricting its occupation to those people solely or mainly employed or last employed in agriculture or forestry in the locality, a widow or widower of such a person and any resident dependents.

Policy ENV1 (Development in the Countryside)

Development in the countryside will only be permitted where:-

- a) a rural location is required;
- b) it provides economic or social benefits to the local community; and
- c) it protects or enhances its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, recreational and archaeological value.

Policy DVS1 (Design)

A development proposal will be permitted where it applies the aspects of development form to achieve the identified design principles as set out in table 2b.

A proposal which does not use appropriate development forms or would otherwise conflict with the design principles set out in table 2b will not be permitted.

Table 2B : Schedule to Policy DVS1
Design Principles and Aspects of Development Form

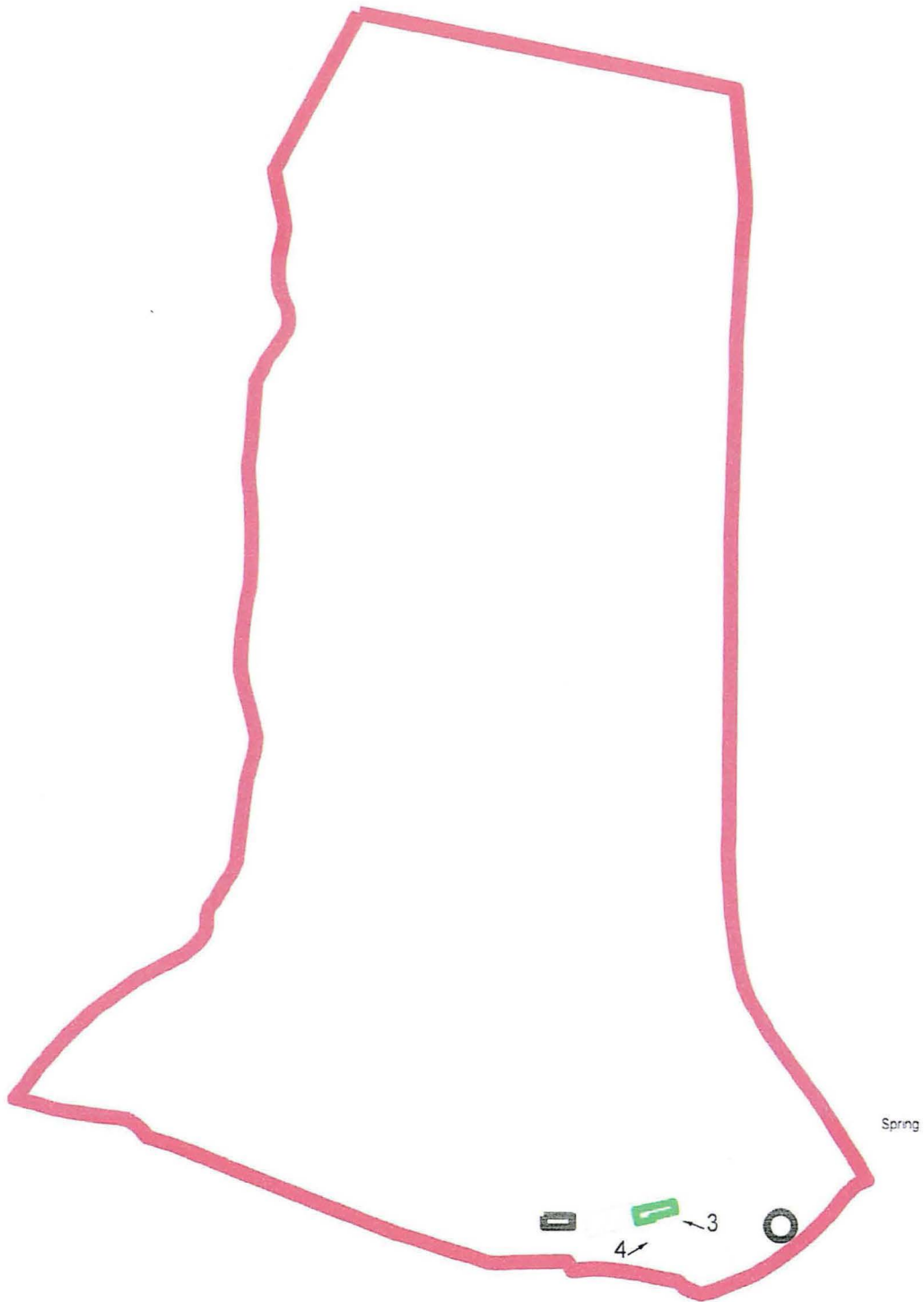
Design Principles	Character Continuity and Enclosure Quality of the Public Realm Ease of Movement Legibility Adaptability Diversity Efficiency Crime Reduction Energy Efficiency
Aspects of Development Form ³	Layout : Urban Structure and Grain Density and Mix Scale : Height and Massing Appearance : Details and Materials

Policy ECN7 (Agricultural Buildings)

A proposal for an agricultural building will be permitted where:-

- a) its functional need cannot be met by any existing building;
- b) it is positioned close to an existing building unless this does not meet the functional needs of the building or holding;
- c) the size of the building does not exceed its functional requirements; and
- d) its siting, design and landscaping minimises any impact on the countryside.

Coombe Copse



Civic Centre, Barnstaple
EX31 1EA

Showing Direction of photograph

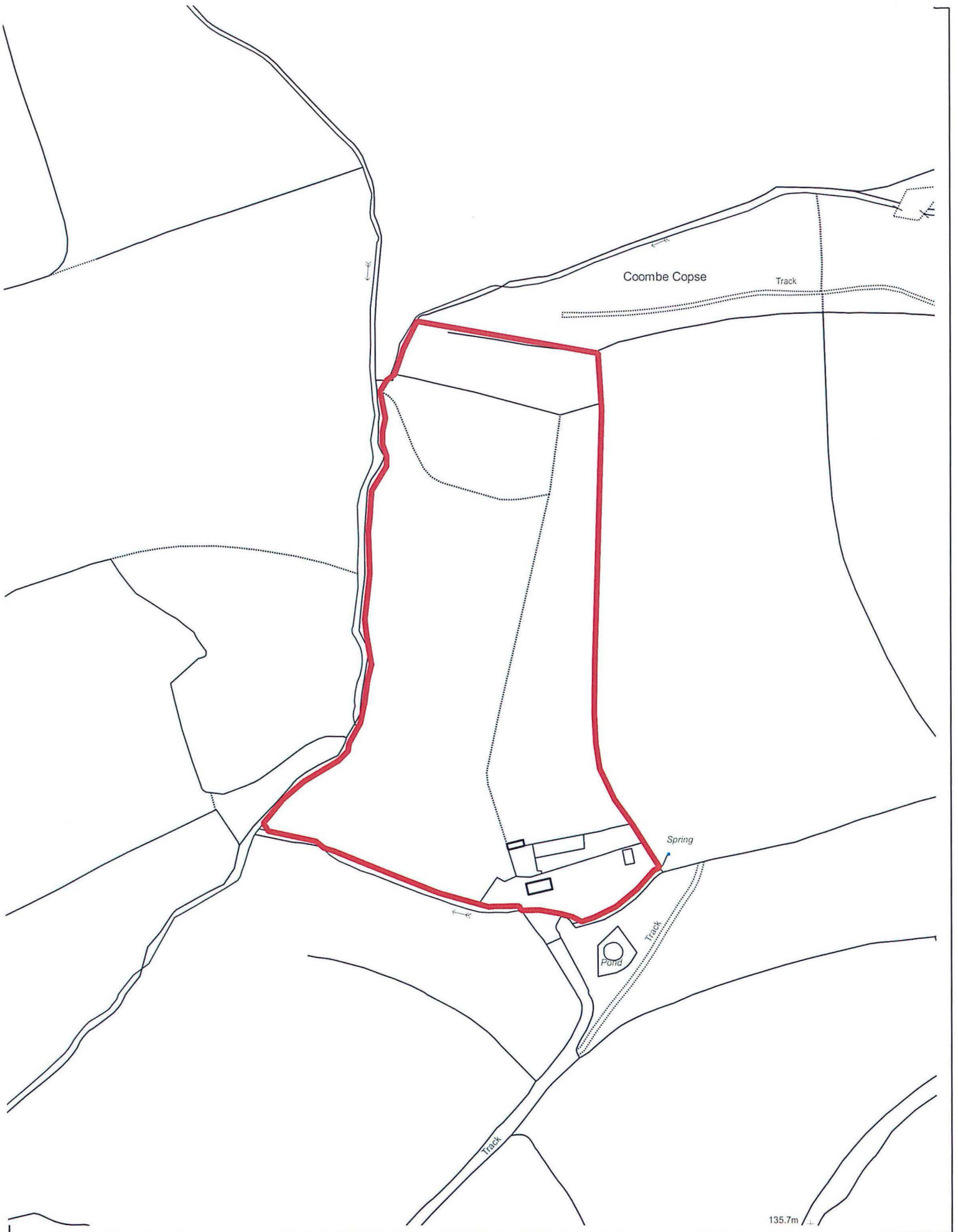
ENF 7073 Land North of Higher Yarnacott

SCALE: 1:1250

COPY SUPPLIED TO:

Planning & Development Service DATE 1st December 2010

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Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Enforcement Notice 7073 Land North of Higher Yarnacott, Swimbridge, EX32 0QY

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