



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

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 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**

- 1, Unauthorised Change of Use of the Land from agricultural use to a mixed use of agricultural use and residential occupation of the land.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The residential occupation of the land is considered to be contrary to Planning Policies ENV1 and ECN7 of the North Devon Local Plan.

The unauthorised residential occupation of the land is within the 10 year time period for taking enforcement action.

The chalet and decking (supported by a toilet and shower building and barbecue area) have been sited, designed and are being used on an unauthorised basis for residential purposes. From undertaking a site inspection, it was evident the chalet contains a bedroom area, living room, equipped kitchen area and bathroom and this is being used by the owners for the purposes of residential accommodation.

The erection of buildings for the stabling of horses is not a permitted agricultural activity but requires planning permission in its own right. The building whilst in the form of a stable is not being used for equestrian purposes.

At the time of inspection two thirds of the building contained domestic property and equipment. The building has been used for domestic storage.

This represents unsupported residential development in the open countryside contrary to Planning Policy Statement 7: Sustainable Development in Rural Areas, Devon Structure Plan Policies ST1 and ST16 and North Devon Local Plan Policies ENV1 and HSG10.

The Local Planning Authority is not satisfied that there is a genuine need to justify residential accommodation in this location. On a site visit carried out 07 October 2010 the livestock on site were noted as comprising: 1 boar, 2 sows, 4 weaners, 2 goats, 6 lambs and a number of geese, chickens, ducks and turkeys. This would not amount to sufficient livestock to meet the functional tests set out in PPS7.

There is no evidence of business planning in place for the holding and no contracts demonstrating clear evidence or a firm intention or ability to develop the enterprise in future.

As such the chalet (and decking area) represent unsupported residential development in 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 contrary to Planning Policy Statement 7: Sustainable Development in Rural Areas, Devon Structure Plan Policies ST1 and ST16 and North Devon Local Plan Policies ENV1, DVS1 and HSG10.

Other material considerations:

The Highway Authority is opposed to a residential use at this location for the following reasons:

1.The road leading to the site is by reason of its inadequate width and horizontal alignment unsuitable to accommodate the additional traffic likely to be generated.

2.The residential use would be likely to result in an increase in traffic entering and leaving the County Road through an existing access that does not provide adequate visibility form and of emerging vehicles with consequent risk of additional danger to all users of the road.

3.The site is located where there is inadequate accessibility to public transport, nor is it located so that significant travel can take place on foot or bicycle and would thus result in an unacceptable increase in journeys made by private vehicles.

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 the cessation of the domestic use and residential occupation of the 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 notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

Step 1.

Cease the residential occupation of the land edged red on the attached plan.

Step 2.

Remove from the land edged red on the attached plan all property associated with the residential occupation of the land not required for agricultural purposes and including but not restricted to the stoves, cooking utensils, pots and pans, plates and dishes, tables and chairs, gas fire, beds and bedding, toilet, wash stand and sink, tin bath, carpets, underlay and gripper.

Step 3.

Remove from the land edged red on the attached plan all rubbish resulting from carrying out steps 1 and 2 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:

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.

POLICIES REFERRED TO IN PARAGRAPH 4 ABOVE

Devon County Council Structure Plan Policies

Sustainable Development

Policy ST1 (new Policy)

In planning for the future of Devon, Local Planning Authorities and other agencies should ensure that sustainable development objectives are achieved by:

- 1) conserving resources - through the efficient use of land, waste minimisation, conservation of mineral resources, energy conservation and the use of renewable resources, and the effective management of water;
- 2) protecting environmental assets – including landscape, the natural, built and historic environment - and ensuring that development proposals are well designed and sympathetic to Devon's distinctive character;
- 3) meeting the needs of the community, including housing, employment, social and cultural needs, in terms of their range and scale - provided for in locations most accessible to those who need to use them;
- 4) developing a sustainable transport system that is accessible, sustainable, integrated, efficient and safe, in both urban and rural areas - including pedestrian, cycle, road, rail, air, waterway and sea networks for work, shopping, leisure, and services;
- 5) assessing the impact of proposals against national and regional indicators of sustainable development - to make positive improvements to quality of life.

Policy ST16 (Policies S2 and S4 revised)

Within the rural areas, Local Plans should identify certain villages as Local Centres, which can complement the role of the Area Centres by acting as a focus for essential facilities within rural communities - including affordable housing, small scale employment and other local services. These Local Centres should therefore:

- 1) be accessible to the community they serve and well related to public transport and the highway network; and
- 2) be defined to ensure that the local needs of all rural areas can be met, taking into account their location relative to other designated Centres, including those in adjoining Districts. Outside of the Local Centres, there may be scope for small scale development which supports the need for local regeneration where it recognises landscape and accessibility constraints and overall spatial strategy.

North Devon Local Plan Policies Policies ENV1, DVS1 and HSG10.

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.

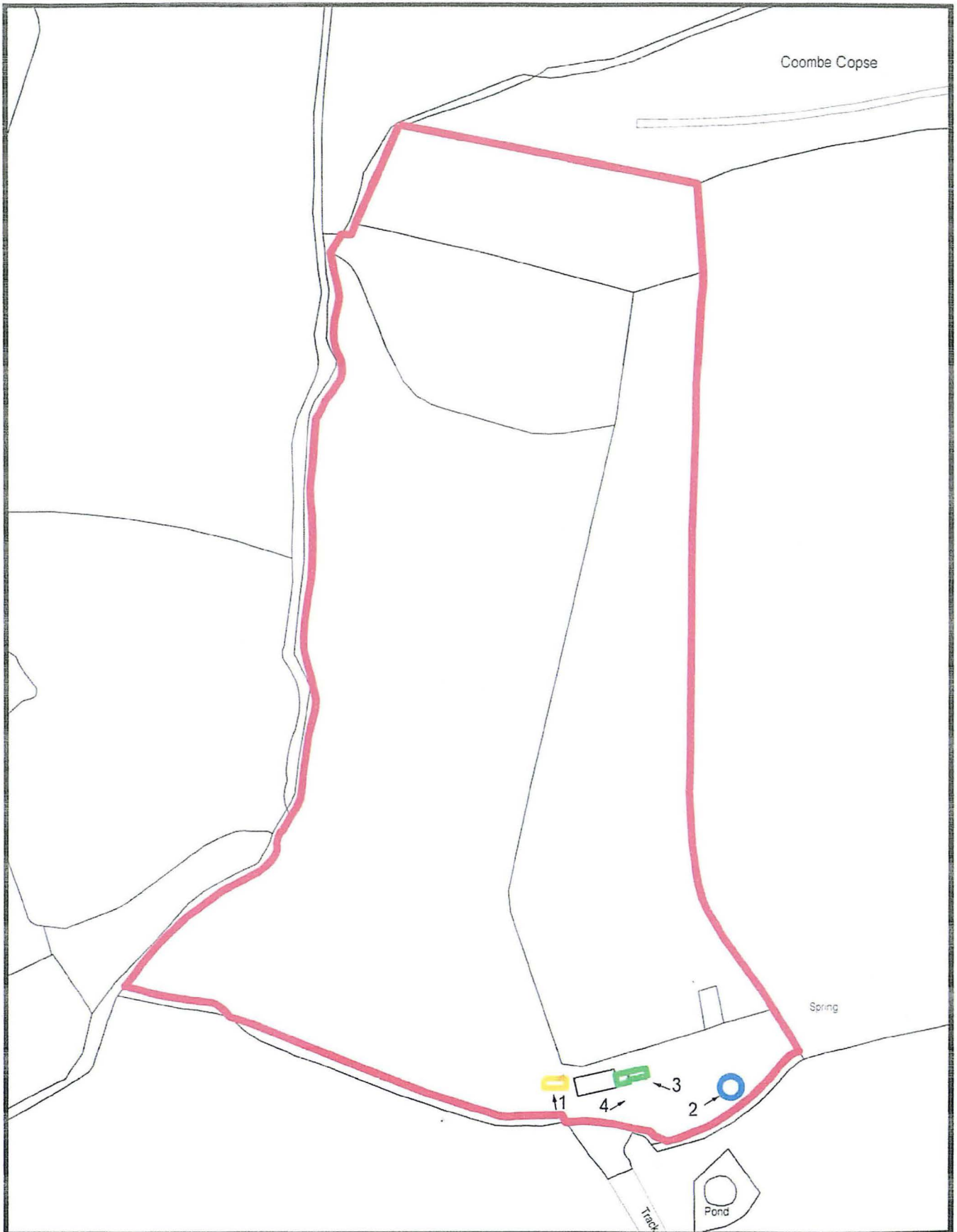
Table 2B : Schedule to Policy DVS1
Design Principles and Aspects of Development Form

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 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.



Civic Centre, Barnstaple.
EX31 1EA

Location Plan showing direction of photographs

Enforcement 7073 Land North of Higher Yarnacott

SCALE: 1:1250

COPY SUPPLIED TO:

Planning & Development Service DATE 1st December 2010

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