



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

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**

Agricultural land on the property known as Hillview Ridge Hill Combe Martin Ilfracombe EX34 0NR. Land is defined by the red outline on plane Plan 1 (enclosed)

("the Land")

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

The unauthorised erection of a building on agricultural land.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The land lies within a designated Area of Outstanding Natural Beauty, Coastal Preservation Area and Heritage Coast. The proposed location of this unauthorised building is visually prominent in an elevated position within the protected countryside. The unauthorised building is not considered to either conserve or preserve the character and natural landscape of the protected countryside.

The local planning authority is not satisfied from the information provided by the site owner that there is a functional or essential need for an agricultural building of this size and height on the "land". Planning Policy ECN7 (Agricultural buildings) states that there has to be a functional need for a new agricultural building.

The "land" amounts to 2.8 hectares in total it is not considered that a building of this size and height is justified to support such a small holding.

The design and construction of the building indicates that it would not meet agricultural purposes in a functional manner. The building is used for the storage of items, which are not related to agricultural activity.

The local planning authority take the view that the building does not fall within the development rights granted by Town and Country Planning (General Permitted Development Order) 1995 Schedule 2, Part 6 Agricultural buildings and operations. Class B. Development on units of less than 5 hectares

. The unauthorised building is contrary to the following planning policies: -

Devon Structure Plan 2001-2016

Policy ST1 Sustainable Development,
Policy CO1 Landscape Character and Local Distinctiveness,
Policy CO5 Coastal Preservation
Policy CO6 Quality of Development
Policy CO14 Conserving Agricultural Land.

North Devon Local Plan adopted 2006

Policy ENV1 Development in the Countryside,
Policy ENV2 The area of Outstanding Natural Beauty
Policy ENV3 The Heritage Coast
Policy ENV5 Coastal Preservation Areas
Policy ENV7 Agricultural Land
Policy ECN7 Agricultural Buildings

Other guidance taken into consideration

PPS1 Delivering Sustainable Development,
PPS7 Sustainable Development in Rural Areas

The Local Planning Authority considers that the Operational Development 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 three months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- 1) Dismantle and remove the unauthorised building shown in the attached photographs HL 1, HL2 whose approximate location is shown coloured blue on the enclosed Plan 1.
- 2) Clear and remove any debris resulting from the above step from the land edged red on the enclosed Plan 1.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28th September 2010 ("the effective date") unless an appeal is made against it beforehand.

Dated: 25th August 2010

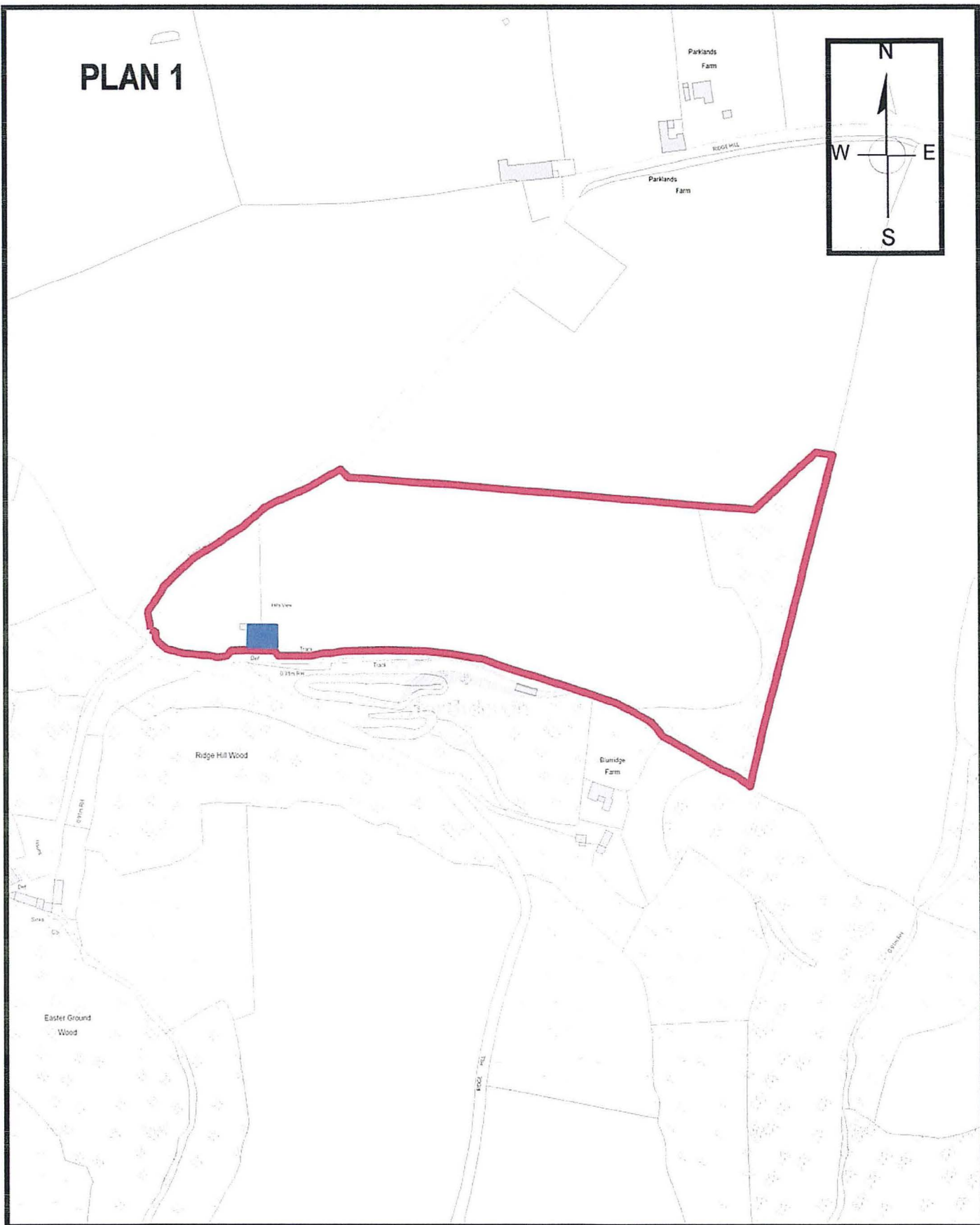
Signed:

Legal Services Manag

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

* specific date, not less than 28 clear days after date of service

PLAN 1



Civic Centre, Barnstaple.
EX31 1EA

Plan 1 to Accompany Enforcement Notice 7090

Hillsview, Ridge Hill, Combe Martin

SCALE: 1:2500

COPY SUPPLIED TO:

Planning Unit

DATE 8th June 2010

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