



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

**FIELD ADJACENT TO BAKERS ELSTONE FARM, FORD  
CROSS, ELSTONE, CHULMLEIGH, NORTH DEVON  
EX18 7AQ (HM LAND REGISTRY TITLE NUMBER  
DN472329)**

**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**

Field adjacent to Bakers Elstone Farm, Ford Cross, Elstone, Chulmleigh, North Devon EX18 7AQ (HM Land Registry Title Number DN472329) shown edged red on the attached Location Plan.

("the Land")

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

Without planning permission and within the last 10 years, the unauthorised material change of use of the Land under Section 171B(3) from an Agricultural use to a mixed use of Agriculture and Builders Yard and Store.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Notice is served to remedy the alleged breach of Planning Control.

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

The site is within a designated Area of Great Landscape Value. The use of the site for a Builders Yard and Store results in visually intrusive, unsightly materials of non-agricultural character with detrimental effect on the visual amenity of the area. The development conflicts with Structure Plan Policy CO4 and Local Plan Policy ENV6 by detracting from the landscape quality of the area.

In the opinion of the Local Planning Authority, this unauthorised development is contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 4: Planning for Sustainable Economic Growth; Devon Structure Plan Policies ST1, CO4: Areas of Great Landscape value and North Devon Local Plan Policies ENV1, ENV6, ECN5 and TRA6.



Government advice in PPS1 and PPS4 advocates the promotion of sustainable economic development in rural areas, including the conversion and reuse of existing buildings in appropriate locations. The advice recognises that the determination of the merits of such development is a balancing act taking account of varying factors. Policy ECN5 of the adopted North Devon Local Plan makes provision for economic reuse subject to criteria that the scale and intensity does not generate a level of travel unacceptable to that location (1E) and that any associated activity does not harm the surrounding countryside (1G).

The roads giving access to the site are by reason of their inadequate width, horizontal alignment and junctions, unsuitable to accommodate the increase in volume and change in character of traffic likely to be generated contrary to North Devon Local Plan Policy TRA6.

Policy ENV1 states that development in the countryside should be permitted only 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".

Having balanced the factors above, the Local Planning Authority is not satisfied that the development represents a sustainable rural activity, or that such use would outweigh the conflict with planning policy in respect of visual harm and highway safety.

The Local Planning Authority considers that the Material Change of Use has occurred within the last 10 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. Cease the use of the Land, shown edged red on the attached Location Plan, as a Builders Yard and Store.
2. Remove all materials from the Land, shown edged red on the attached Location Plan, associated with the use as a Builders Yard and Store, including but not exclusive to the porta cabin, paving slabs, roofing slates, timber, scaffolding, skip, builders rubble and debris and insulating board.
3. Remove from the Land, shown edged red on the attached Location Plan, all debris and other rubbish resulting from carrying out the above Steps 1 and 2.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 12 April 2012 ("the effective date") unless an appeal is made against it beforehand.

Dated: 12 March 2012

Signed: ...

Head of Legal

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

## **GUIDANCE NOTES FOR YOUR INFORMATION**

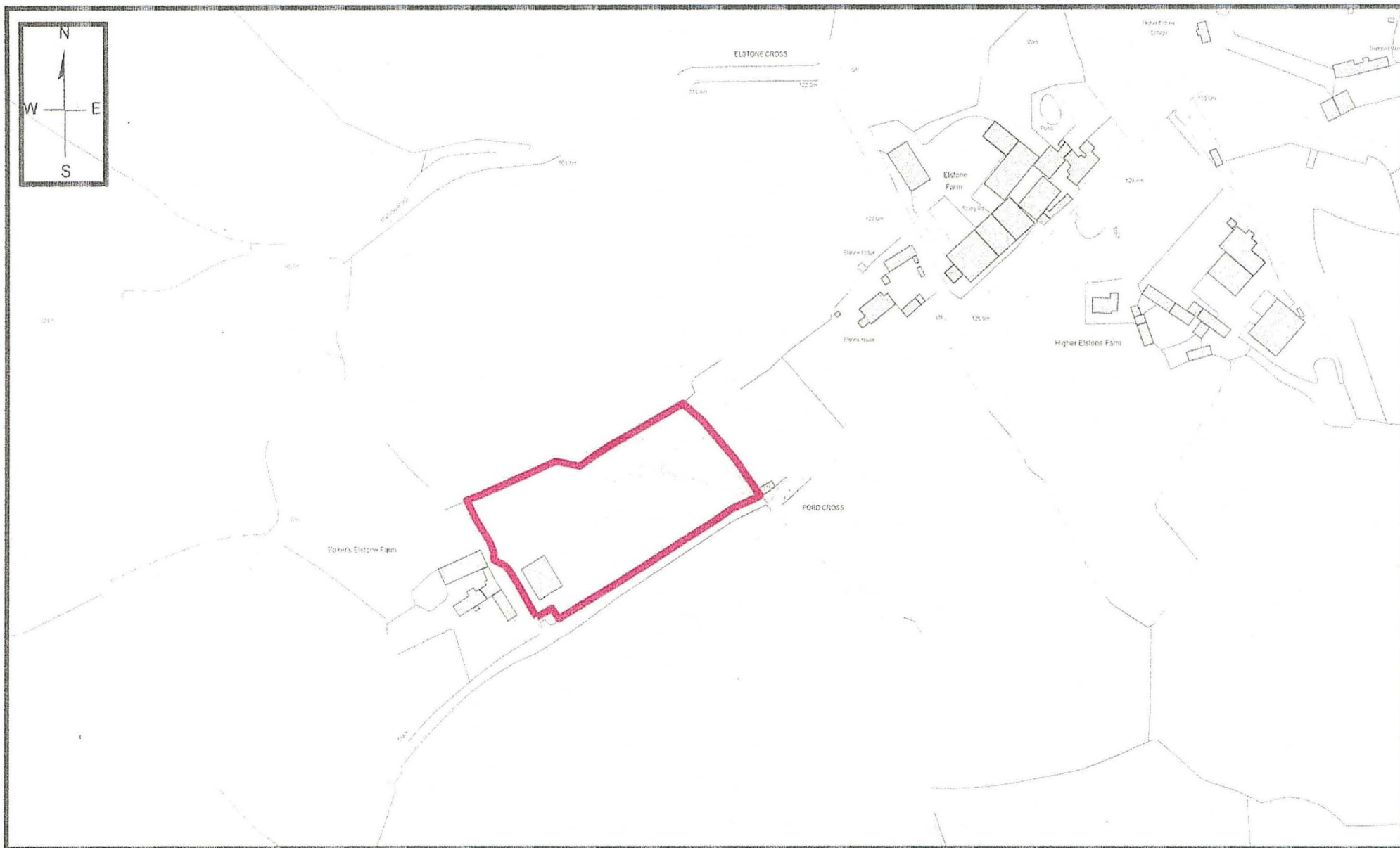
### **YOUR RIGHT OF APPEAL**

**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 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.**





Plan to Accompany Enforcement Notice  
**ENF 7187 - Land adjacent to Baker's Elstone EX18 7AQ**

**COPY SUPPLIED TO:**  
 Planning Unit  
**Scale:** 1:2500  
**Date:** 21st February 2012