



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**BREACH OF CONDITION**

**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 Roborough Barns (a.k.a. Twinmoor View), Pilton West, Roborough, Barnstaple, North Devon, EX31 4JG shown edged in red on the enclosed Plan 1.

("the Land")

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

The Use of part of the Barn shown edged in blue on the enclosed Plan 1 for permanent residential occupation in breach of Conditions 3 and 4 of Planning Permission 46859 issued by the Council on 29 April 2009.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Use of part of the Barn shown edged in blue on the enclosed Plan 1 for permanent residential occupation is in breach of the following conditions attached to Planning Permission 46859 issued by the Council on 29 April 2009: -

Condition (3) - The use of the barn hereby permitted to be converted to workshop use shall be restricted to uses within use Class B1 of the Use Classes Order 1987 (as amended) unless specific application is made to the Local Planning Authority and for no other purpose including any residential or holiday/seasonal accommodation.

Condition (4) - The caravan currently occupied on the site shall be removed from the site by 01 April 2010 and thereafter no permanent residential use of the site shall take place. (N.B. The caravan was removed by the due date).

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 change of use is 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.

Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas makes it clear that new homes in the countryside require special justification for planning permission to be granted.

As such the change of use represents unsupported and unsustainable development in the open countryside and is therefore 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.



The domestic activity associated with the development will erode the character and appearance of the open countryside contrary to Policy ENV1 of the North Devon Local Plan.

The proposal does not meet the criteria set out in Policy ECN5 of the North Devon Local Plan relating to the re-use of rural buildings.

The use is 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 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 without significant improvement (which in itself would compromise established hedgerow features, which is contrary to North Devon Local Plan Policy DVS2), 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 Devon Structure Plan Policy TR10 North Devon Local Plan Policy TRA6.

Other material considerations:-

PPS1 Delivering Sustainable Development: The site, in the open countryside, is not considered to be appropriate for residential development and associated works

PPS3 Housing: Inappropriate location for residential development.

**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. Cease the permanent residential occupation of the land shown edged in red on the enclosed Plan 1.
2. Remove from the Barn shown edged in blue on the enclosed Plan 1 all structures, fittings and fixtures associated with the unauthorised residential use of that building. Examples of the types of structures, fittings and fixtures that are to be removed are listed in the attached Appendix 1.
3. Remove from the Barn shown edged in blue on the enclosed Plan 1 all of the goods and chattels associated with the unauthorised residential use of the land, wherever fixed, stored or placed thereon. Examples of the types of goods and chattels that are to be removed are listed in the attached Appendix 2

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 05 July 2010 ("the effective date") unless an appeal is made against it beforehand.

Dated: 08 June 2010

Signed: .....  
Legal Services Manager

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

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## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **YOUR RIGHT OF APPEAL**

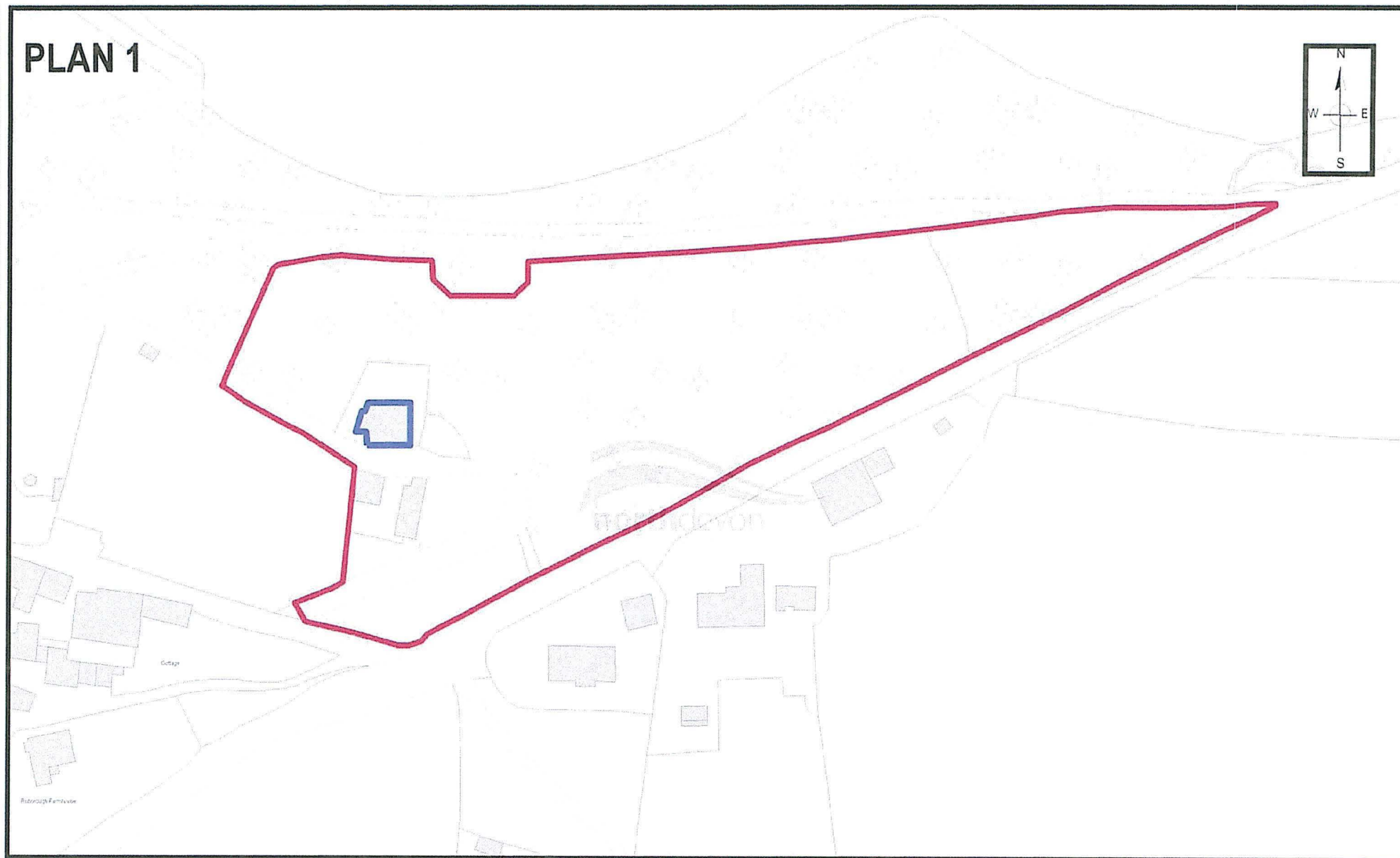
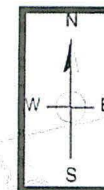
**You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet “Enforcement Appeals - A Guide to Procedure” sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice, which is enclosed.**

### **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 1



Plan 1 to Accompany Enforcement Notice - ENF 6893

**Twinmoor View (also known as Roborough Barns), Barnstaple**

**COPY SUPPLIED TO:**  
Planning Unit  
**Scale:** 1:1250  
**Date:** 13th May 2010

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## **APPENDIX 1**

### **TO ACCOMPANY ENFORCEMENT NOTICE**

**EXAMPLES OF STRUCTURES, FITTINGS AND FIXTURES ASSOCIATED WITH THE UNAUTHORISED USE AND WHICH ARE TO BE REMOVED FROM THE BARN OUTLINED IN BLUE ON THE PLAN ANNEXED PLAN 1**

Partitions/panels within the upper level of the workshop barn that create the rooms for residential occupation.

Wood and other materials associated with the above partitions/panels.

Shower cubicles and baths together with associated pipework and sanitaryware (taps, handles, showerhead and supports) and surrounding wall tiles.

Kitchen units and worktops.

Doors and door furniture.

Wooden flooring and underlay, skirting boards, architraves.

## **APPENDIX 2**

### **TO ACCOMPANY ENFORCEMENT NOTICE**

**EXAMPLES OF GOODS AND CHATTELS ASSOCIATED WITH THE UNAUTHORISED USE AND WHICH ARE REQUIRED TO BE REMOVED FROM THE BARN OUTLINED IN BLUE ON THE PLAN ANNEXED PLAN 1**

Domestic furniture (eg dining chairs and tables, sofas, armchairs, occasional tables, beds, bedside tables, televisions, music systems stands/units), rugs.

Curtains and curtain rails.

Cooking hobs and ovens.

Fridges and fridge freezers, washing machines, tumble dryer machines.

Domestic electrical appliances eg toasters.

Cutlery and crockery, cooking equipment and utensils, bedlinen, ironing boards and clothes airers.

Clothes and personal belongings/ toiletries.