



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

**Grattons, Patchole, Kentisbury Ford, Barnstaple,  
North Devon, EX31 4NB (which forms part of HM Land  
Registry No. DN 292878)**

**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 Grattons, Patchole, Kentisbury Ford, Barnstaple, North Devon, EX31 4NB (which forms part of HM Land Registry No. DN 292878), as shown edged red on the enclosed Plan 1.

("The Land")

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

Without planning permission and within the last ten years, the unauthorised material change of use of the Land under Section 171B(3) from agricultural use to a mixed use of agricultural and residential use by virtue of the siting and residential occupation of a mobile home (marked Mobile Home A, whose approximate position is shown edged green, within an agricultural building shown edged blue, on the enclosed Plan 2) on the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this Enforcement Notice to remedy the alleged breach of planning control for the following reasons: -

The site lies in the countryside, well outside of any settlement boundary. In such locations, residential development is strictly controlled and only allowed where there is a justified functional requirement e.g. for an agricultural workers dwelling.

There appears to be permanent residential occupation of a mobile home (Mobile Home A), sited within an agricultural building. Due to the siting of the mobile home within an existing (authorised) agricultural building, and the lack of payment of Council Tax, it appears to the Local Planning Authority (LPA) that there has been an effort to conceal the breach in planning control.

The Development Plan for this area comprises the Devon Structure Plan 2001-2016 and the North Devon Local Plan 2006.

The siting of the mobile home in this unsustainable location divorced from local services, is contrary to the following Development Plan Policies:-



Devon Structure Plan – ST1, ST5, TR1, TR3

North Devon Local Plan – ENV1, HSG9, HSG10, HSG11, TRA1A.

The LPA has also produced a Supplementary Planning Document (SPD) Agricultural, Forestry & Other Essential Occupational Dwellings Guidance – Adopted 2009. This document relates to the criteria for considering the merits of proposals for essential rural workers dwellings. Such proposals should satisfy both 'functional' and 'financial' tests.

The following paragraphs of the National Planning Policy Framework (NPPF) are also particularly relevant to this case: -

Paragraph 55 makes it clear that isolated new homes in the countryside require special justification for planning permission to be granted. Further advice provided in paragraph 55 states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances. Examples are where the residential occupation meets an essential need for a rural worker to live permanently at or near their place of work in the countryside. Additionally, the development fails to represent sustainable development in terms of the NPPF as it encourages additional private vehicular travel contrary to paragraph 37, and conflicts with the integration of community facilities and services, paragraph 70.

There is not considered to be any justification for the residential occupancy of Mobile Home A in the countryside when assessed against the above policies. Without a functional agricultural need (which has not been proven, or established by the applicant) for residential occupancy in this location, such development should be directed to established centres within the settlement hierarchy, where there is access to a range of local services and facilities.

In view of the above, the Council considers that there are substantial grounds to pursue enforcement in this case. The Council considers that the unauthorised change of use of the land (by way of permanent residential occupation of Mobile Home A) has occurred within the last 10 years and that the above reasons for issuing the 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 6 months from the date when this notice takes effect

**6. WHAT YOU ARE REQUIRED TO DO**

1. Cease the residential occupation of the Land shown edged red on the enclosed Plan 1.
2. Remove 'Mobile Home A' from the Land shown edged red on the enclosed Plan 1.
3. Remove any personal belongings and domestic paraphernalia associated with the residential occupation and not reasonably necessary for the purposes of agriculture from the Land shown edged red on the enclosed Plan 1.
4. Remove all debris and other rubbish resulting from complying with Steps 2 and 3 from the Land shown edged red on the enclosed Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 04 March 2013 ("the effective date") unless an appeal is made against it beforehand.

Dated:

04 March 2013

[Redacted]

[Redacted]  
Head of Legal

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

## **GUIDANCE NOTES FOR YOUR INFORMATION**

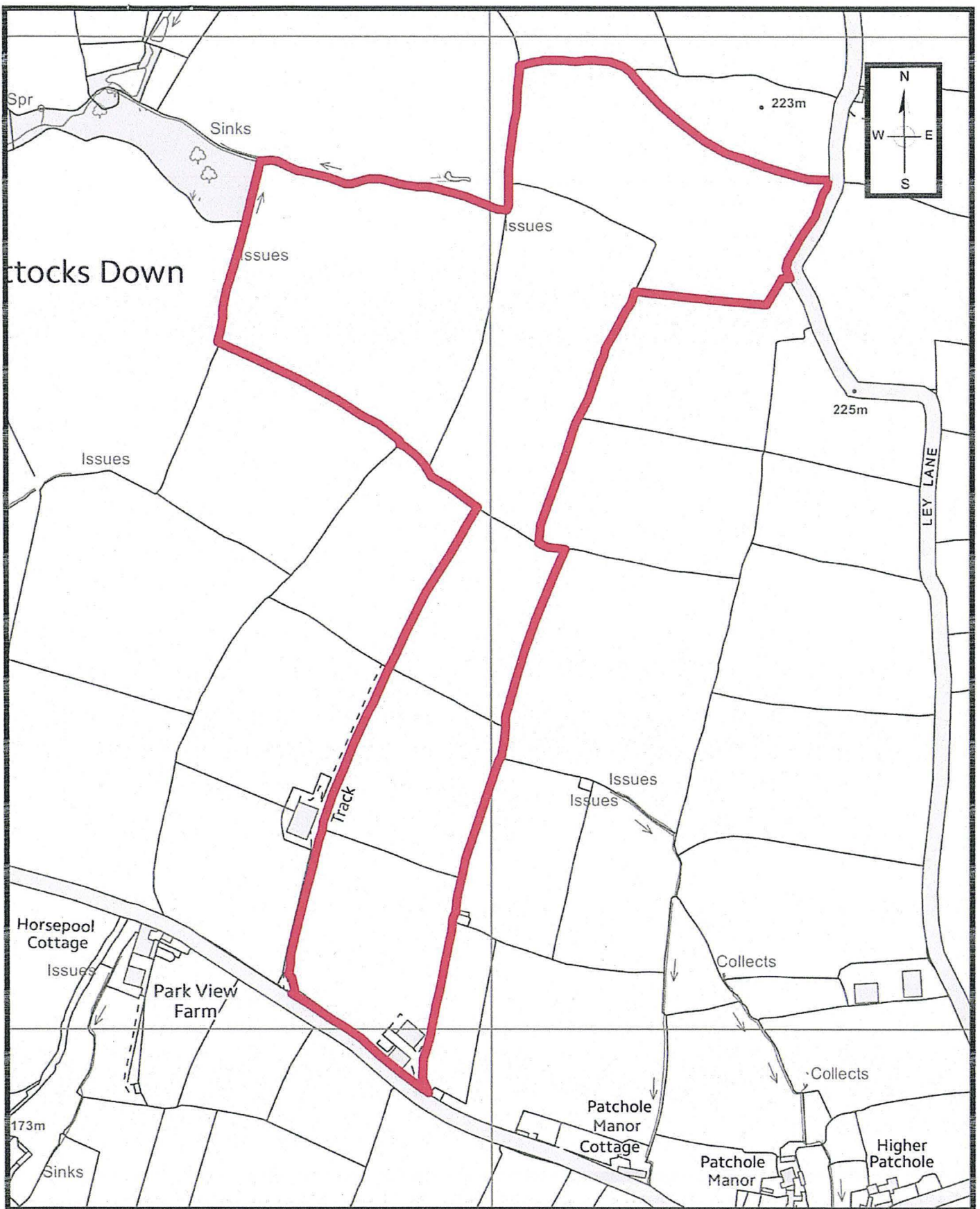
### **YOUR RIGHT OF APPEAL**

**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 can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A appeal is £385.00.**

### **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 to Accompany Enforcement Notice - ENF 7024**

## **Grattons, Patchole, Kentisbury Ford**



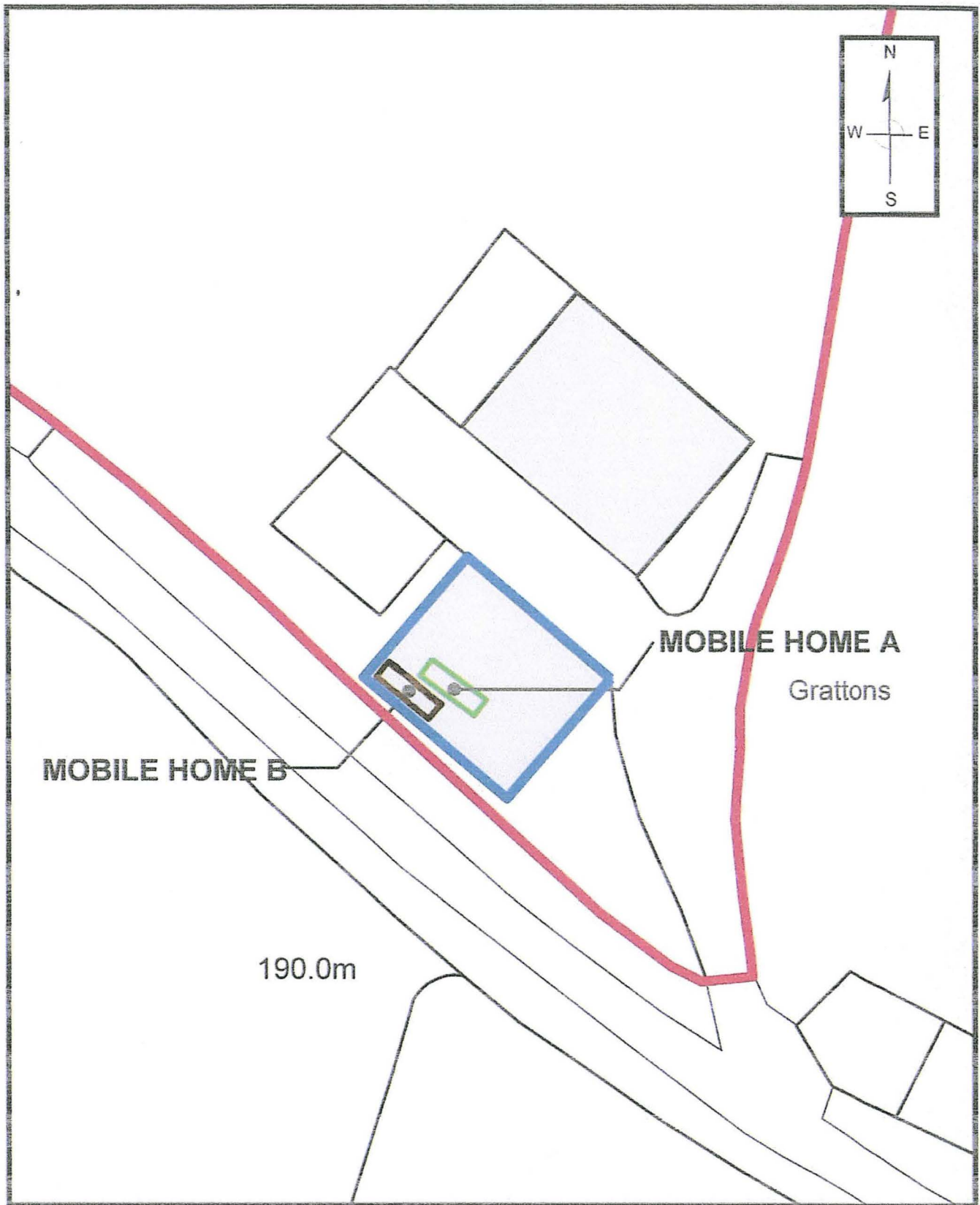
Civic Centre, Barnstaple.  
EX31 1EA

SCALE: 1:5000

COPY SUPPLIED TO: Legal Services Unit

DATE 21st November 2012

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Civic Centre, Barnstaple.  
EX31 1EA

**Plan 2 to Accompany Enforcement Notice - ENF 7024**  
**Grattons, Patchole, Kentisbury Ford**

SCALE: 1:500

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DATE 21st November 2012

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