



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

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 lying to the North of Gratton Lane (Field SS6242NW), Kentisbury Ford, Barnstaple, Ex31 4ND (HM Land Registry Title Number DN207343) as shown edged red on the enclosed Location Plan.
(“the Land”)

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

Unauthorised Change of Use of the Land under Section 171B(3) from Agricultural/Forestry Use to a mixed use of Agricultural/Forestry Use and Residential Use by virtue of the Siting and Residential Occupation of a Touring Caravan and use of the attached awning whose approximate position is marked in blue on the enclosed Location Plan.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The site lies in the countryside, well outside of a 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. It is also within the Area of Great Landscape Value where new development must be limited in its visual impact.

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

Devon Structure Plan 2001 to 2016 (Adopted October 2004) – ST1, ST5, CO4, TR1, TR3

North Devon Local Plan 1995 to 2011 (Adopted July 2006) – ENV1, ENV6, TRA1A, HSG8, HSG9A

There is not considered to be any justification for the residential occupancy of this touring caravan in the country side when assessed against the above policies. Such development should be directed to established centres within the settlement hierarchy, where there is access to a range of local services and facilities. The siting of the caravan and attached awning and associated domestic paraphernalia downgrades the unspoilt visual quality of the surroundings

Other material considerations: -

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPG13 – Transport

PPG18 – Enforcing Planning Control

The Local Planning Authority considers that the unauthorised change of use of the land 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 six months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- 1) Cease the unauthorised residential occupation of the land edged red on the attached Location Plan
- 2) Remove the touring caravan (approximate location marked in blue), together with the attached awning from the land edged red on the attached Location plan
- 3) Collect & remove all rubbish & debris that may have resulted in taking the above steps from the land edged red on the attached Location Plan

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 7 October 2010 ("the effective date") unless an appeal is made against it beforehand.

Dated: 7 September 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.

