



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**The Folly, Higher Stentaway, Croyde, Braunton,  
EX33 1NH (HM Land Registry Title Number DN517110)**

**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 The Folly, Higher Stentaway, Croyde, Braunton, EX33 1NH (HM Land Registry Title Number DN517110) as shown edged red on the enclosed Location Plan

(“The Land”)

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

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of the erection of decking and the creation of an earth bank as identified on the enclosed Location Plan.

4. **REASONS FOR ISSUING THIS NOTICE**

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

This Enforcement Notice has been issued to remedy the alleged breach of planning control.

A retrospective planning application for erection of decking and associated earth bank at this site was submitted in October 2009 (Reference no: 49261/28).

The application was subsequently refused on 11 December 2009 and a subsequent appeal (Appeal Decision Ref: APP/X1118/D/10/2123885) was dismissed on 29 April 2010.

The main issue is the appearance of the structure and its effect upon the character of the Area of Outstanding Natural Beauty and Coastal Preservation Area. The effect of the works was considered to increase the suburban appearance of the site, encroaching on the unspoilt character of the countryside and the protected landscape contrary to a number of Development Plan policies which seek to preserve and enhance the natural beauty of the locality.

Relevant development Plan policies are: -

Devon Structure Plan 2001 – 2006

ST1: Sustainable Development  
ST5: Development Priority 2001 to 2016  
CO3: Areas of Outstanding Natural Beauty  
CO5: Coastal Preservation Area  
CO7: Historic Settlements and Buildings

North Devon Local Plan 2006

DVS1: Design  
DVS2: Landscaping  
ENV1: Development in the Countryside  
ENV2: The Area of Outstanding Natural Beauty  
ENV3: The Heritage Coast  
ENV5: Coastal Preservation Area

NPPF

The guidance clarifies that there are 3 dimensions to sustainable development; economic, social and environmental. In relation to the latter the planning system should contribute to protecting and enhancing the natural environment. This aim is amplified in Section 11 'Conserving and enhancing the natural environment'. Specifically, Para. 115 states that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty".

The alleged operational development by virtue of its size and appearance and siting within a protected landscape is an incongruous development which does not protect or enhance the natural beauty of the locality. It adds to the suburban appearance of this field already created by the siting of the large mobile.

There are not considered to be any mitigating measures such as Landscaping that would in the LPA's view overcome the alleged breach of planning control. Planting, on the contrary, would further emphasise the presence of the decking and increase the suburban appearance of the site. This was a concern raised by the Planning Inspector in para 5 of the Appeal Decision Ref: APP/X1118/D/10/2123885 dated 29 April 2010.

The Local Planning Authority considers that the unauthorised 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 3 months from the date when this notice takes effect

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

1. Dismantle and remove the decking from the Land edged red on the enclosed Location Plan.
2. Remove the earthbank and restore the Land to its condition before the development took place (Lipson v SSE [1996] 33 P&CR 95)
3. Remove all rubbish and debris resulting from taking steps 1 and 2 from the land edged red on the enclosed Location Plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 15 December 2012 ("the effective date") unless an appeal is made against it beforehand.

Dated: 15 November 2012

Signed:  .....

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.**

### **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.**

0m 1m 2m 0m 2m 4m 0m 4m 8m 0m 10m 20m  
1:50 1:100 1:200 1:500

SCANNED  
PLANNING

**RGP**  
Architects Ltd

22 OCT 2009

FILE # **49261**  
RECEPTION

Median House  
Fishleigh Court  
Barnstaple  
Devon  
EX31 3UD

Tel: 01271 345304  
Fax: 01271 372151  
Website: www.rgparchitects.co.uk  
Email: rgp@rgparchitects.co.uk



PROJECT:

Decking and  
Landscaping  
The Folly  
Broadway Lane  
Croyde

CLIENT:

Mrs C Smith

DRAWING TITLE:

Location Plan

Only written dimensions to be worked from. All dimensions to be checked on site by the contractor and any reported to the Architect before any work proceeds. Responsibility is taken for the consequential loss or damage or any other matters arising out of defects or omission in this drawing where the Architect is not employed for the 'basic services' as defined in the RIBA Conditions of Engagement.

DATE: Oct 2009

DRAWN: JE

SCALE: 1 : 1250

DRAWING NUMBER: 09074/L1

THIS DRAWING IS COPYRIGHT OF RGP ARCHITECTS