



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE
AND OPERATIONAL DEVELOPMENT**

**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 consider 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 off Grange Hill (6538SW), Bratton Fleming, Barnstaple, North Devon,
EX32 7JL 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 from agricultural use to mixed use of residential and agricultural use by virtue of the siting and residential occupation of two mobile homes, namely Mobile Home 2 and Mobile Home 3, whose approximate positions are marked on the enclosed Location Plan, together with unauthorised operational development consisting of the installation of an associated septic tank.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Development Plan Policies

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 development 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 and HSG10.

Annex A of Planning Policy Statement 7: Sustainable Development In Rural Areas makes it clear that isolated new homes in the countryside requires special justification for planning permission to be granted. Further advice provided in PPS7 and Planning Policy HSG10 of the North Devon Local Plan (relating to temporary accommodation on new farm enterprises) states planning permission will only be granted where there is clear evidence of a functional need, for example, where it is essential for the time proper functioning of the enterprise for a worker to be readily available at most times, day or night. Additionally, a financial test has to be met whereby the enterprise has to be planned on a sound financial basis and there is a firm intention and ability to develop the business.

Having undertaken a site inspection and discussed the nature of the holding with the owner/occupier, the Local Planning Authority is not satisfied there is a genuine need to justify residential accommodation in this location. The appellant's main profession is a self employed landscape gardener, which results in being away from the holding for several hours on a regular basis. The 10 acre holding consisting of 36 chickens and small amount of crops does not meet the functional tests set out in PPS7.

Further to the above, the appellant has confirmed to the Local Planning Authority that the holding is not being run as a financially viable agricultural business. There is no business plan in place for the holding and no contract demonstrating clear evidence or a firm intention or ability to develop the enterprise in the future. There are no agricultural buildings on this holding. As such, the two mobile homes represent unsupported development in the open countryside and are, 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 and HSG10.

The mobile homes are sited in the open countryside removed 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 onto 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 free flow of traffic, contrary to North Devon Local Plan Policy TRA6.

The two mobile homes are located in the open countryside which is a designated area of great landscape value, the primary objectives set out in planning policies for this protected area is the active conservation and enhancement of this protected landscape. This unauthorised development is not considered to meet these objectives and is, therefore, contrary to Devon Structure Plan Policy CO4 and North Devon Local Plan Policy ENV6.

The Local Planning Authority considers that the above reasons for issuing the Enforcement Notice cannot be overcome by the use of Planning Conditions and it is expedient to seek the removal of the two mobile homes and the associated septic tank from this area of land.

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 residential use of the land edged red on the attached Location Plan.
2. Remove the two mobile homes (Mobile Home 2 and Mobile Home 3) from the land edged red on the attached Location Plan.
3. Remove the septic tank from the land edged red on the attached Location Plan.
4. Collect and remove all rubbish and debris which may have resulted in taking the above steps from the land edged red on the attached Location Plan.
5. Return the land edged red on the attached Location Plan to agricultural use.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 9 November 2009 ("the effective date") unless an appeal is made against it beforehand.

Dated: 8 October 2009.....

Signed:


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

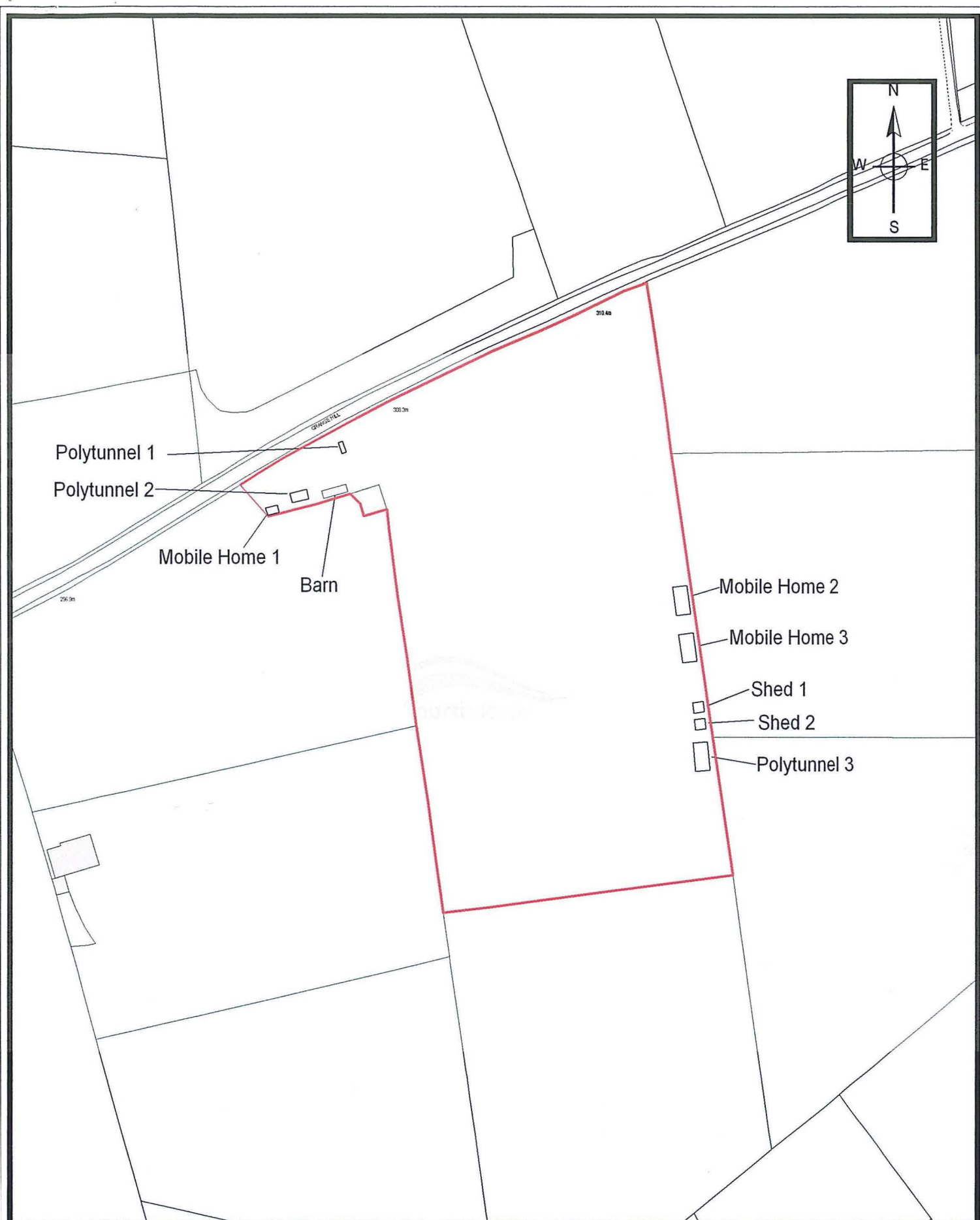
GUIDANCE NOTES FOR YOUR INFORMATION

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 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.



ENF 6588 Location Plan

Land at Grange Hill Bratton Fleming



Civic Centre, Barnstaple.
EX31 1EA

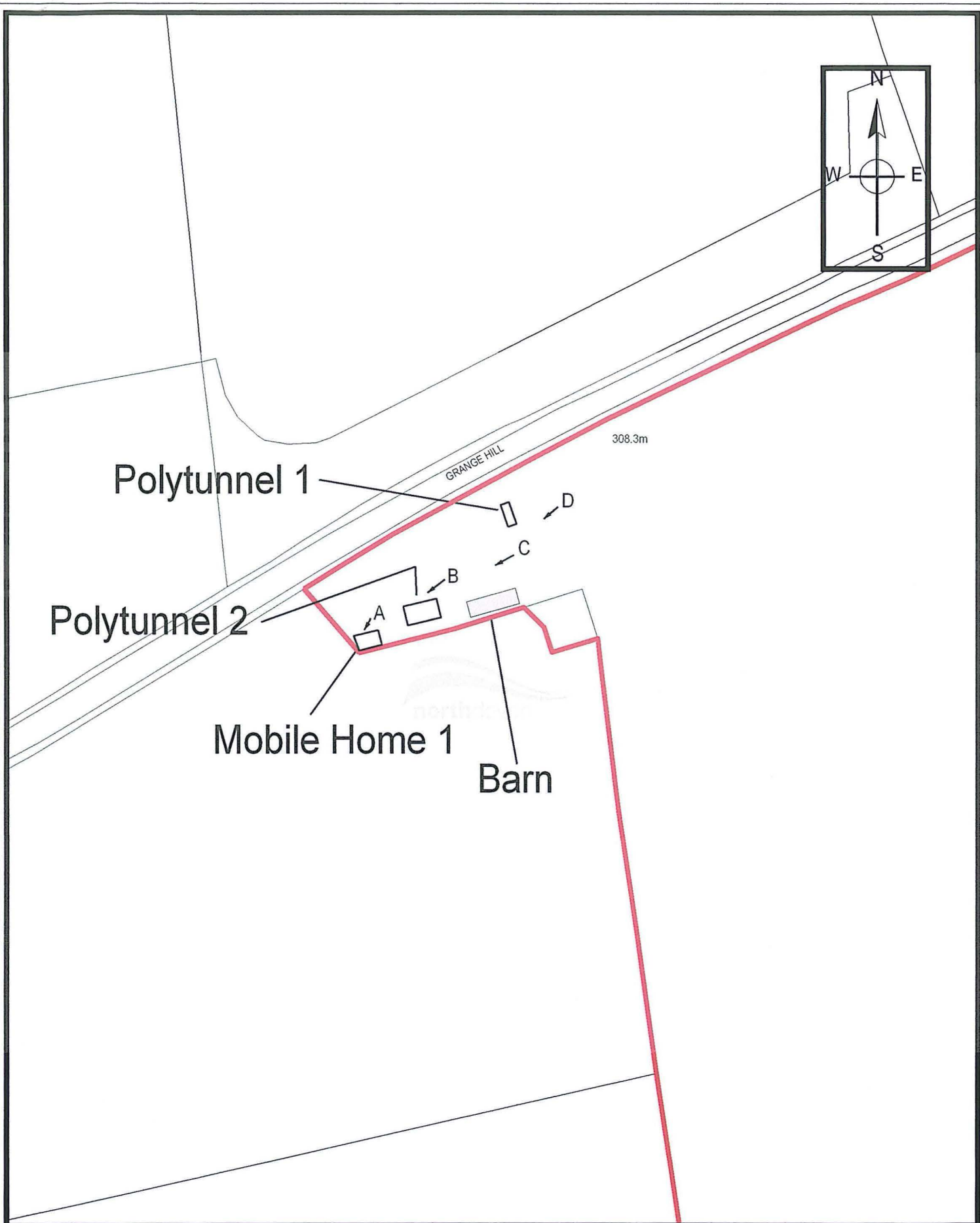
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COPY SUPPLIED TO:

Planning Unit

DATE 4th August 2009

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ENF 6588 Location Plan

Land at Grange Hill Bratton Fleming



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:1250

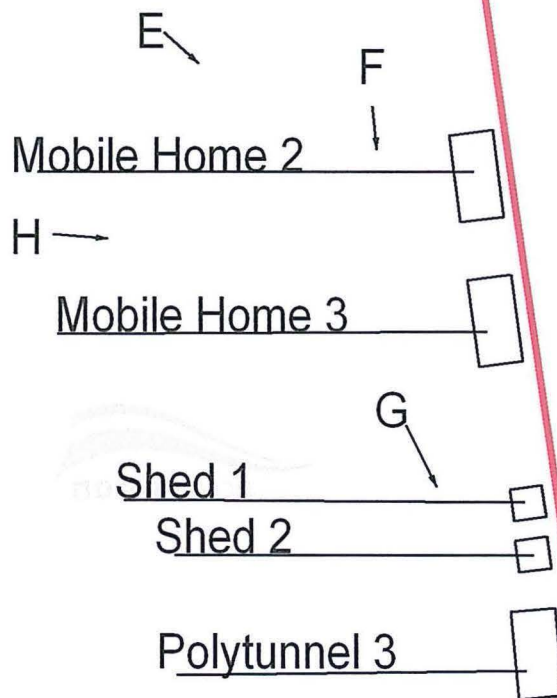
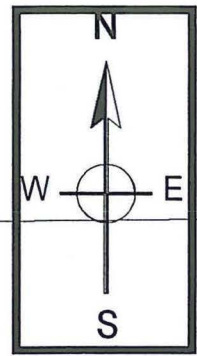
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308.3m



Civic Centre, Barnstaple.
EX31 1EA

ENF 6588 Location Plan

Land at Grange Hill Bratton Fleming

SCALE: 1:1250

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