



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**OPERATIONAL DEVELOPMENT &
MATERIAL CHANGE OF USE**

**LAND OR PREMISES KNOWN AS: STEPSFORD HOLDING, BIRCH ROAD,
LANDKEY, BARNSTAPLE, EX32 7PE (HM LAND REGISTRY NUMBER
DN283539)**

**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**

Stepsford Holding, Birch Road, Landkey, Barnstaple, EX32 7PE (HM Land Registry Number DN283539) as shown edged red on the enclosed Plan 1.

("The Land")

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

Unauthorised Operational Development under Section 171B(1) of the Act consisting of the following works which have been carried out within the last 4 years without planning permission: -

- Erection of a store/workshop as identified marked **A** on the attached Plan 2 showing the direction of the photographs
- Erection of a tearoom as identified marked **B** on the attached Plan 2
- Erection of shower room and toilet as identified marked **C** on the attached Plan 2.
- Erection of raised hard platform and walling as identified marked **D** on the attached Plan 2.
- Erection of a wooden decking area as identified edged green on the attached Plan 2

Unauthorised Material Change of Use under Section 171B(2) of the Act consisting of the conversion of the agricultural building identified marked **G** on the attached Plan 2 to the intended use as a single dwellinghouse within the last 4 years without planning permission.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Planning permission is required for the erection of the buildings, hard standing, walling and wooden decking listed below, as they constitute 'operational development' under the Act. The conversion of the agricultural building for domestic use as a single dwellinghouse is a 'change of use' under the Act.

A retrospective planning application was refused in October 2009 for these buildings and for the siting of one caravan, as the Local Planning Authority were not satisfied from the information provided that there was an essential or functional agricultural need for these buildings and the caravan to serve the agricultural needs of the land holding. This retrospective application was considered to be contrary to Planning Policies ENV1 and ECN7 of the North Devon Local Plan.

The unauthorised buildings, hard standing, walling and wooden decking were erected in 2008 and therefore within the 4 year time period for taking enforcement action. The conversion of the agricultural building has occurred since 2008, which is well within the 4 year time period for taking enforcement action.

Erection of store/workshop - The Local Planning authority is not satisfied from the information provided by the site owner that there is an essential or functional need for an additional agricultural building of this size in this specific location in connection with this small holding of 5-hectares. The building is not being used for agriculture purposes. Instead it is being used to store domestic items, for example chairs, shelving, ladders, paint etc unrelated to the agricultural needs of the small holding. Planning Policy ECN7 (agricultural buildings) states there has to be a functional need for a new agricultural building and this functional need cannot be met by any existing building on the holding. There are a number of existing buildings on this site, which are currently not being used for agricultural purposes, which could accommodate agricultural storage/workshop uses. Planning Policy ENV1 of the North Devon Local Plan states that development in the countryside will only be permitted where it provides economic or social benefits to the local community and it protects or enhances the beauty of the countryside and diversity of its landscape. This store/workshop represents unnecessary and unjustified development in the open countryside contrary to policies ENV1 and ECN7 of the North Devon Local Plan.

Erection of a Tearoom -The Local Planning Authority is not satisfied from the information provided by the site owner that there is an essential or functional need for this building within the open countryside. It has not been demonstrated that the business is any more than a sporadic part time enterprise. On site rest/tea room for agricultural workers is not essential. The scale of this smallholding of 5-hectares is no different from other smallholdings, which are adequately operated without such domestic structures. The building is therefore not essential to the running of this small agricultural holding. This building is not considered to be designed for agricultural purposes and has a domesticated appearance and character, which is not sympathetic to the rural character of this area of open countryside. As such, this building is considered to be contrary to policies ENV1, DVS1, and ECN7 of the North Devon Local Plan.

Erection of a shower room and toilet - There has been no evidence submitted to demonstrate that there are any agricultural activities on the site that, for bio-security reasons, require on site shower facilities to be provided. The scale of this smallholding and enterprise is no different from other smallholdings, which are adequately operated without such structures. The shower room and toilet building is therefore not essential to the running of this agricultural smallholding. This building is not considered to be designed for agricultural purposes and has a domesticated appearance, which is not sympathetic to the rural character of this area of open countryside. The shower room and toilet building does not meet planning policy objectives and as such is considered to be contrary to Planning Policies ENV1, DVS1 and ECN7 of the North Devon Local Plan.

Erection of raised platform and walling - The Local Planning Authority is not satisfied from the information provided by the site owner that there is an essential or functional need for the provision of the raised platform and walling within the open countryside. The platform with its steps brick edging and walling has a domesticated appearance to detriment of the rural character of this site within the open countryside. The platform at the time of inspection was being used to store clay/ceramic plant pots for which there is no demonstrable agricultural use. There is no established horticultural business on the site. This raised area of hard standing does not meet planning policy objectives and as such is considered to be contrary to Planning Policies ENV1, ECN7 and DVS1 of the North Devon Local Plan

Erection of wooden decking area - The decking area originally surrounded a caravan, which has since been removed from the Land. 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 Policies ENV1 and DVS1 of the North Devon Local Plan.

Conversion of agricultural building to domestic use - The building is not being used for agricultural purposes. The structure has been fitted with a domestic door leading into an enclosed lobby. The structure has been internally clad preventing the use of the barn doors. A first floor mezzanine with staircase has been installed. Behind the outer Perspex cladding domestic windows and door openings have been installed. The building has been install with domestic power sockets, telephone points and a television aerial. At the time of inspection the building contained domestic furniture/weight lifting equipment. The building has been converted to accommodate a domestic use. This represents unsupported residential development in the open countryside 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 Local Planning Authority considers that the Operational Development and the Material Change of Use to the intended use as a single dwelling house 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 three months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Demolish the unauthorised store/workshop as identified marked **A** on the attached Plan 2.
2. Demolish the Tearoom as identified marked **B** on the attached Plan 2.
3. Demolish the shower room and toilet as identified marked **C** on the attached Plan 2.
4. Demolish the raised platform and walling as identified marked **D** on the attached Plan 2.
5. Dismantle the wooden decking as identified edged green on the attached Plan 2.
6. Remove from within the agricultural building as identified marked **G** on the attached Plan 2 all domestic items, internal fixtures and fittings including, but not exclusive to, telephone and television aerial cabling, windows, the internal lobby, wall cladding, the first floor and staircase.
7. Clear up and remove all debris and other rubbish created as a result of steps 1 to 6 from the land
8. Cease the residential use of the land edged red on the attached Plan 1.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 23 May 2011 ("the effective date") unless an appeal is made against it beforehand.

Dated: 21 April 2011

Signed:
Joint Acting Legal Services Manager

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

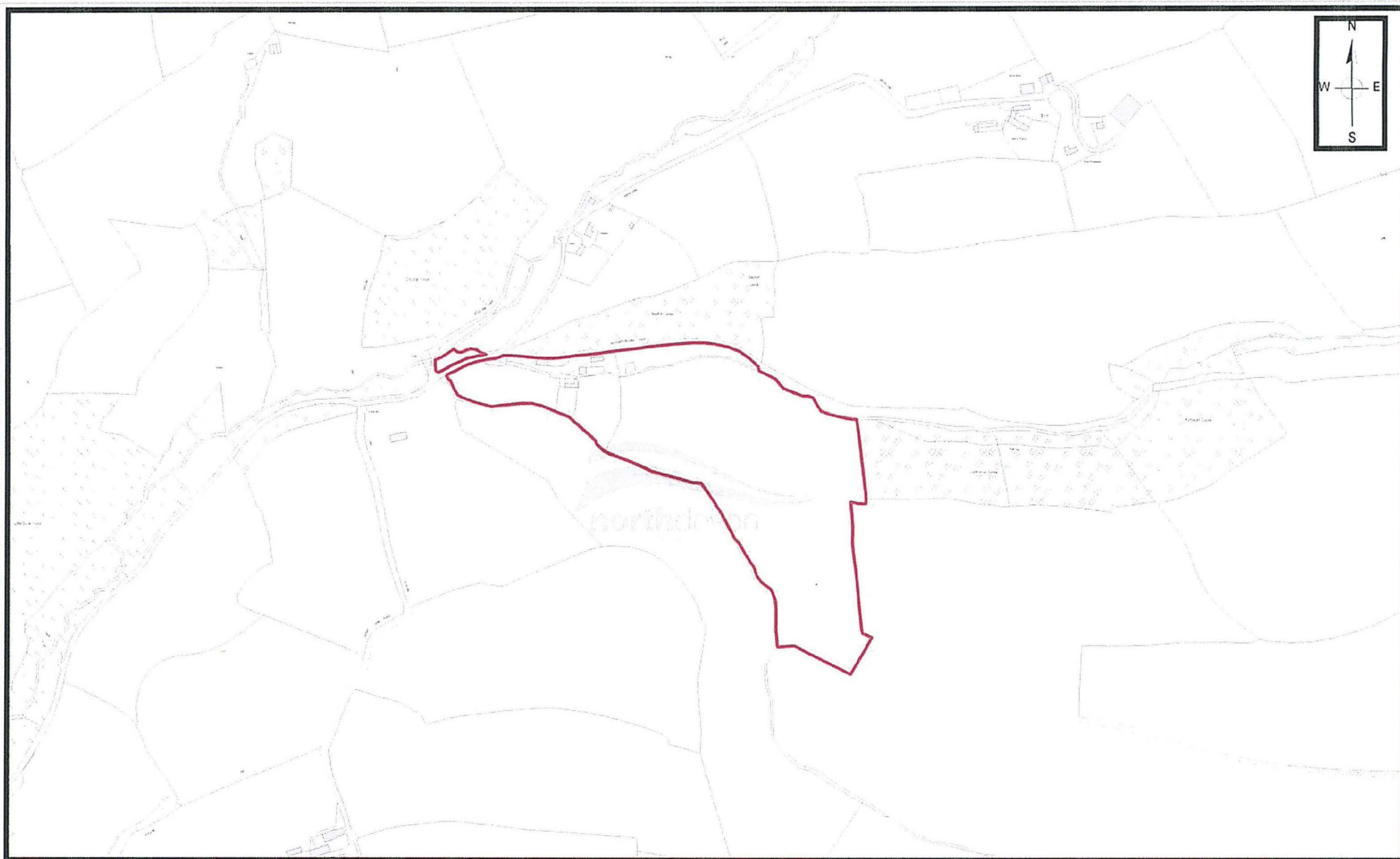
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Enforcement 6677

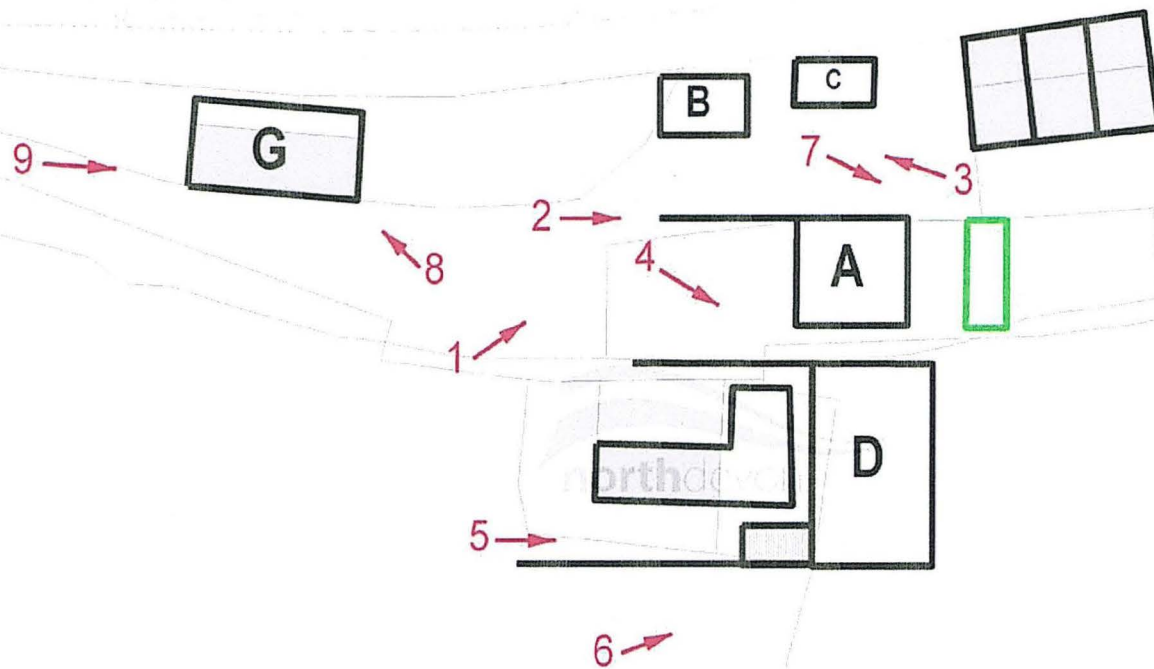
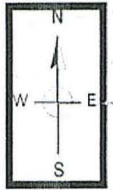
PLAN 1.

Plan showing Land edged in red. Stepsford Holding Birch Road Landkey EX32 7PE

COPY SUPPLIED TO:
Planning & Development Services
Scale: 1:5000
Date: 26th August 2010

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HUTCHERTON LANE (Tra



Location Plan
ENF 6677 Stepsford Holding

PLAN 2.

COPY SUPPLIED TO:
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Date: 3rd November 2010

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