



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land on the south side of Shute Lane, Combe Martin,
North Devon (HM Land Registry Title Number
DN376960)**

**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 on the south side of Shute Lane, Combe Martin, North Devon (HM Land Registry Title Number DN376960) 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 10 years, unauthorised material change of use of the Land under Section 171B(3) from agricultural to a mixed use of agricultural and storage use by virtue of the stationing of a mobile home which is not used for an agricultural purpose on the Land.

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.

The siting / storage of a mobile home at this site is considered to represent an incongruous and visually unacceptable development in the open countryside detracting from the natural beauty and character of the Area of Outstanding Natural Beauty, Heritage Coast and Coastal Preservation Area protected landscape and within close proximity to the Exmoor National Park. Furthermore, the mobile home does not appear to be used for any agricultural purpose and due to an existing agricultural storage building being in near proximity to the north, there does not appear to be a functional agricultural need for the siting of a mobile home in this location. The proposal is therefore contrary to Policies ENV1, ENV2, ENV3, ENV4 and ENV5, of the adopted North Devon Local Plan 2006 and paras 109 and 115 of the National Planning Policy Framework.

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. Cease the non-agricultural storage use of the land shown edged red on the enclosed Location Plan.
2. Remove the mobile home from the land shown edged red on the enclosed Location Plan.
3. Remove all rubbish and debris arising from compliance with step 2 above from the land shown edged red on the enclosed Location Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 7 January 2016 ("the effective date") unless an appeal is made against it beforehand.

Dated: 3 December 2015

 

Head of Legal

On behalf of: North Devon District Council,
Lynton House,
Commercial Road
Barnstaple, North Devon,
EX31 1DG.

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 £770.00 (2 x £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 to accompany Enforcement Notice-ENF/6674 & LS/DH/13532

Land to south side of Shute Lane, Combe Martin

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 172

**MATERIAL CHANGE OF USE ENFORCEMENT NOTICE
DATED: 3 DECEMBER 2015**

**LAND OR PREMISES KNOWN AS: LAND ON THE SOUTH SIDE OF SHUTE
LANE, COMBE MARTIN, NORTH DEVON (HM LAND REGISTRY TITLE
NUMBER DN376960)**

The Enforcement Notice relating to the above has been served on the following parties:

The Landowner

Mr Paul Geoffrey Nicholas of Patchole Manor, Kentisbury, Barnstaple, North Devon, EX31 4NB

Ms Lesley Nicholas of Patchole Manor, Kentisbury, Barnstaple, North Devon, EX31 4NB

Other Interested Parties

The Owner/Occupiers of Land on the South Side of Shute Lane, Combe Martin, North Devon