



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 consider expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED** (shown edged red on the plan attached)

Lee Meadow Farm (formerly known as Carrick Farm) Shaftesborough Lane, Lee, Ilfracombe, EX34 8LS

(“the land”)

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

Unauthorised change of use - Land used for non-agricultural activity for a period of more than 28 days in total in a Calendar year

4. **REASONS FOR ISSUING THIS NOTICE**

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

The site lies in the open countryside, in a landscape designated Area of Outstanding Natural Beauty, Heritage Coast and Coastal Preservation Area because of its high scenic qualities.

In such areas development is strictly controlled and Development Plan policies prohibit activities which fail to protect and enhance that natural beauty.

The unauthorised uses conflict with the above objective and do not provide such economic or social benefits to the local community to outweigh the normal presumption against development in the countryside.

In particular also the motorcycle scrambling has resulted in noise nuisance to the detriment of the residential amenities of neighbours.

Development Plan relevant policies

Devon Structure Plan 2001-2016

ST1: Sustainable Development

ST5: Development Priority 2001 to 2016

CO3 Areas of Outstanding Natural Beauty

CO5: Coastal Preservation Area

North Devon Local Plan 1995-2011

DVS3: Amenity Considerations

ENV1: Development in the Countryside

ENV2: The Area of Outstanding Natural Beauty

ENV3: The Heritage Coast

ENV5: Coastal Preservation Areas

ECN10: Caravanning and camping

Other material considerations:
Government guidance as contained in:
PPS1: Delivering sustainable government
PPS7: Sustainable Development in Rural Areas
Good practice Guide on Planning Tourism (2006)
PPG24: Planning and Noise

Policy ST1

Sustainable Development

In planning for the future of Devon, Local Planning Authorities and other agencies should ensure that sustainable development objectives are achieved by:

- 1) conserving resources - through the efficient use of land, waste minimisation, conservation of mineral resources, energy conservation and the use of renewable resources, and the effective management of water;
- 2) protecting environmental assets - including landscape, the natural, built and historic environment - and ensuring that development proposals are well designed and sympathetic to Devon's distinctive character;
- 3) meeting the needs of the community, including housing, employment, social and cultural needs, in terms of their range and scale - provided for in locations most accessible to those who need to use them;
- 4) developing a sustainable transport system that is accessible, sustainable, integrated, efficient and safe, in both urban and rural areas - including pedestrian, cycle, road, rail, air, waterway and sea networks for work, shopping, leisure, and services;
- 5) assessing the impact of proposals against national and regional indicators of sustainable development - to make positive improvements to quality of life.

Policy ST5

Development Priority 2001 to 2016 The Principal Urban Areas of Plymouth, Exeter, and Torbay will be the primary focus for strategic development, while the Sub Regional Centres of Newton Abbot and Barnstaple should be a focus for balanced development to meet sub regional needs. Area Centres in Devon should seek to achieve a balance of economic, housing and other development which will promote a high degree of self containment and vitality while helping to meet the needs of the wider rural community. In Local Centres development should be limited to that required to meet local needs and promote rural regeneration, where this can be accommodated without generating unnecessary travel. In the open countryside, development should be strictly controlled.

Policy CO3

Areas of Outstanding Natural Beauty In designated Areas of Outstanding Natural Beauty, the conservation and enhancement of their natural beauty will be given priority over other considerations. Within these areas, development will only be provided for where it would support their conservation or enhancement or would foster their social and economic well-being provided that such development is compatible with their conservation. Particular care will also be taken to ensure that any development proposed adjacent to such areas does not damage their natural beauty.

Policy CO5

Coastal Preservation Areas Within the Coastal Preservation Area, development, other than that of a minor nature, will not be provided for except where it is required: for the benefit of the community at large, in connection with public access for informal recreation, or for the purposes of agriculture or forestry and only when such development cannot reasonably be accommodated outside the protected areas. Such development will only be provided for when it would not detract from the unspoilt character and appearance of the coastal area.

POLICY DVS3 (AMENITY CONSIDERATIONS)

DEVELOPMENT WILL NOT BE PERMITTED WHERE:-

- A) IT WOULD HARM THE AMENITIES OF ANY NEIGHBOURING USES OR THE SURROUNDING AREA; OR
- B) THE INTENDED OCCUPANTS OF THE PROPOSED DEVELOPMENT WOULD RESULT OF EXISTING OR ALLOCATED USES; BY VIRTUE OF ANY OF THE FOLLOWING:- LOSS OF PRIVACY OR DAYLIGHT, INTRUSION, NOISE AND VIBRATION OR UNPLEASANT EMISSIONS.

POLICY ENV1 (DEVELOPMENT IN THE COUNTRYSIDE)

DEVELOPMENT IN THE COUNTRYSIDE WILL ONLY BE PERMITTED WHERE:-

- A) A RURAL LOCATION IS REQUIRED;
- B) IT PROVIDES ECONOMIC OR SOCIAL BENEFITS TO THE LOCAL COMMUNITY; AND
- C) IT PROTECTS OR ENHANCES ITS BEAUTY, THE DIVERSITY OF ITS LANDSCAPE AND HISTORIC CHARACTER, THE WEALTH OF ITS NATURAL RESOURCES AND ITS ECOLOGICAL, RECREATIONAL AND ARCHAEOLOGICAL VALUE.

POLICY ENV2 (THE AREA OF OUTSTANDING NATURAL BEAUTY)

IN THE AREA OF OUTSTANDING NATURAL BEAUTY, AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT THAT CONFLICTS WITH THE CONSERVATION AND ENHANCEMENT OF ITS NATURAL BEAUTY, WILDLIFE AND CULTURAL HERITAGE WILL NOT BE PERMITTED. PARTICULAR CARE WILL ALSO BE TAKEN TO ENSURE THAT ANY DEVELOPMENT PROPOSED ADJACENT TO SUCH AREAS DOES NOT DAMAGE THEIR NATURAL BEAUTY.

POLICY ENV3 (THE HERITAGE COAST)

WITHIN THE HERITAGE COAST, AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT:-

- A) IS CONSISTENT WITH THE CONSERVATION, PROTECTION AND ENHANCEMENT OF ITS NATURAL BEAUTY; AND
- B) FACILITATES AND ENHANCES THE ENJOYMENT, UNDERSTANDING AND APPRECIATION OF THE HERITAGE COAST BY THE PUBLIC; OR
- C) PROVIDES A SOCIAL AND ECONOMIC BENEFIT TO THE COMMUNITIES WITHIN THE HERITAGE COAST; OR
- D) IMPROVES THE ENVIRONMENTAL HEALTH OF INSHORE WATERS AND THE BEACHES WITHIN THE AREA.

POLICY ENV5 (COASTAL PRESERVATION AREAS)

WITHIN THE COASTAL PRESERVATION AREA DEFINED ON THE PROPOSALS MAP, DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT DOES NOT DETRACT FROM THE UNSPOILT CHARACTER AND APPEARANCE OF THE AREA. ANY SUCH DEVELOPMENT SHOULD:-

- A) BE REQUIRED FOR THE BENEFIT OF THE COMMUNITY AT LARGE, OR FOR THE PURPOSES OF AGRICULTURE OR FORESTRY; OR
- B) BE IN CONNECTION WITH PUBLIC ACCESS FOR INFORMAL RECREATIONAL; OR
- C) REQUIRE A COASTAL LOCATION AND CANNOT BE REASONABLY LOCATED OUTSIDE THE PROTECTED AREA.

POLICY ENV10 (SITES OF SPECIAL SCIENTIFIC INTEREST)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD HARM THE WILDLIFE,

POLICY ECN10 (CARAVANNING AND CAMPING)

1. A PROPOSAL FOR A NEW, OR THE EXPANSION OF AN EXISTING STATIC OR TOURING HOLIDAY CARAVAN AND CAMPING SITE WITHIN OR VISIBLE FROM THE AONB, HERITAGE COAST AND COASTAL PRESERVATION AREA WILL NOT BE PERMITTED UNLESS IT IS IN ACCORDANCE WITH POLICY ECN11.

2. ELSEWHERE A PROPOSAL FOR A NEW, OR THE EXPANSION OF AN EXISTING STATIC OR TOURING CARAVAN AND CAMPING SITE WILL ONLY BE PERMITTED WHERE:-

- A) THERE IS A PROVEN NEED FOR INCREASED CAPACITY;
 - B) THE DEVELOPMENT DOES NOT HARM THE CHARACTER OF THE SURROUNDING AREA;
- AND
- C) ROADS LINKING THE DEVELOPMENT WITH THE COAST OR HIGH QUALITY ROAD NETWORK ARE ADEQUATE FOR THE VOLUME AND TYPE OF TRAFFIC LIKELY TO BE GENERATED.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within 28 days from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

Cease the use of the land for any non-agricultural activity aside from what is permitted by Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 2008 (or as amended).

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on "the effective date")* unless an appeal is made against it beforehand.

Dated : [date of issue]

Signed :

Solicitor

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

* specific date, not less than 28 clear days after date of service

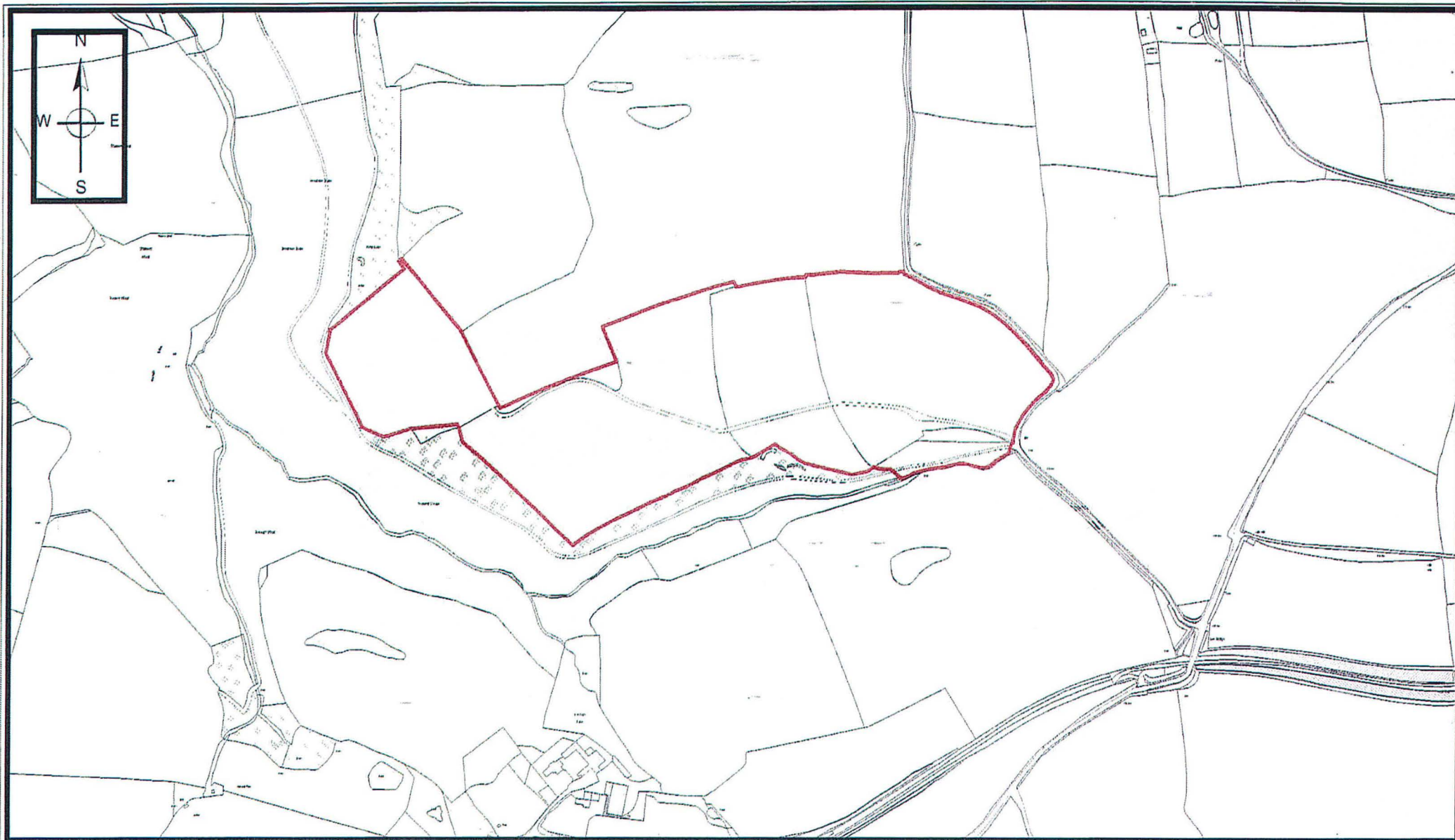
GUIDANCE NOTES FOR YOUR INFORMATION

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.



Plan to Accompany Enforcement Notice

Lee Meadow Farm (formerly Carrick Farm), Shaftesborough Lane, Lee, Ilfracombe

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Planning & Development Services
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