



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 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 Combe Martin Wildlife & Dinosaur Park, & Jurassic Hotel, Combe Martin, Ilfracombe EX34 0NG as shown edged red on the enclosed Plan 1.

("the Land")

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

Unauthorised Change of Use of the Land under Section 171B(3) from a Car Park to a mixed Use of Residential Use and Car Park by virtue of the Siting and Residential Occupation of Two Mobile Homes, namely Mobile Home 1 and Mobile Home 2, whose approximate positions are marked in blue on the enclosed Plan 1.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Development is considered contrary to the following Planning Policies and Guidance: -

Devon Structure Plan 2001 – 2016

Policy ST1: Sustainable Development
Policy ST5: Development Priority
Policy CO3: Areas of Outstanding Natural Beauty
Policy CO5: Coastal Preservation Area

North Devon Local Plan 2006

Policy ENV1: Development in the Countryside
Policy ENV2: The Area of Outstanding Natural Beauty
Policy ENV3: The Heritage Coast
Policy ENV5: Coastal Preservation Areas
Policy HSG2: Development Boundaries

Other Guidance/Material Considerations

PPG3: Housing
PPG13: Transport
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

The site lies outside the development boundary of Combe Martin in the countryside and within a protected landscape, designated Area of Outstanding Natural Beauty, Heritage Coast and Coastal Preservation Area.

In such locations, residential development is strictly controlled, the rare exceptions being where there is a justified functional and financial need for persons to live in the countryside, for example, an agricultural workers dwelling.

The thrust of landscape policies is to protect and enhance the natural beauty of the area and development contrary to this is not normally permitted.

This is an unsustainable location for a residential use; it is well outside a settlement boundary and siting of the mobile home structure conflicts with the preservation of the natural beauty of the area. There are additionally no wider social or economic benefits to the wider community, which might override the normal presumption against new residential development in such locations.

The Local Planning Authority considers that the unauthorised change of use of the land has occurred within the last 10 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 six months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the Unauthorised Residential Occupation of the land edged red on the attached Plan.
2. Remove the Two Mobile Homes from the land edged red on the attached Plan.
3. Collect and remove all rubbish and debris, which may have resulted in taking the above steps from the land edged red on the attached Plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15 February 2010 ("the effective date") unless an appeal is made against it beforehand.

Dated: 14 January 2010

Signed:
Legal Services Manager

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

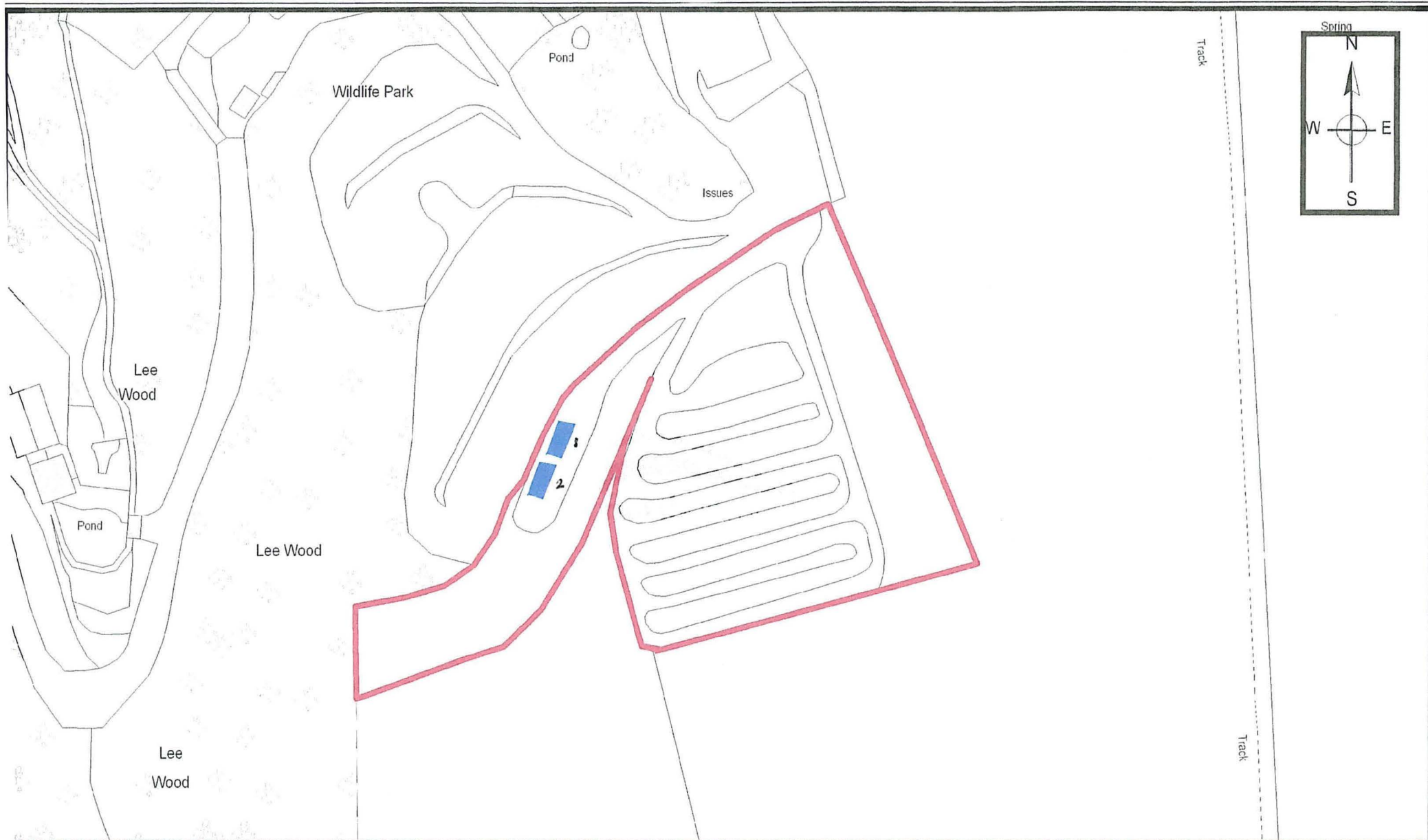
GUIDANCE NOTES FOR YOUR INFORMATION

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 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.



Location Plan

Plan to accompany Enforcement Notice, Combe Martin Wildlife & Dinosaur Park, Combe Martin EX34 0NG



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Planning & Development Services
Scale: 1:1250
Date: 19th November 2009