



**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 Workshop and Car Park by virtue of the Siting and Use as a Workshop of Two Steel Containers, 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 DVS1: Design  
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 ECN3: Employment Within or Adjoining a Rural Settlement

**Other Guidance/Material Considerations**

PPG4: Industrial and Commercial Development and Small Firms  
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, new industrial uses are discouraged. Most of the land proposed for economic development is directed towards the towns of Barnstaple, South Molton and Ilfracombe; sustainable locations and more suitable because of their accessibility to the principle road network, lack of significant physical and environmental constraints and the capacity of existing and potential infrastructure. Employment development is also supported within or adjoining a rural settlement where the scale/type is appropriate and it does not harm the rural character and setting of the settlement and the surrounding area.

These two containers are in an unsustainable countryside location, not allocated for employment use. Their physical characteristics are incongruous and do not blend in with the rural character of the locality and are considered to conflict with landscape protection policies seeking to preserve and enhance the natural beauty of the area.

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 three months from the date when this notices takes effect.

**6. WHAT YOU ARE REQUIRED TO DO**

1. Cease the Unauthorised Workshop Use of the land edged red on the attached Plan.
2. Remove the Two Steel Containers 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.

-----

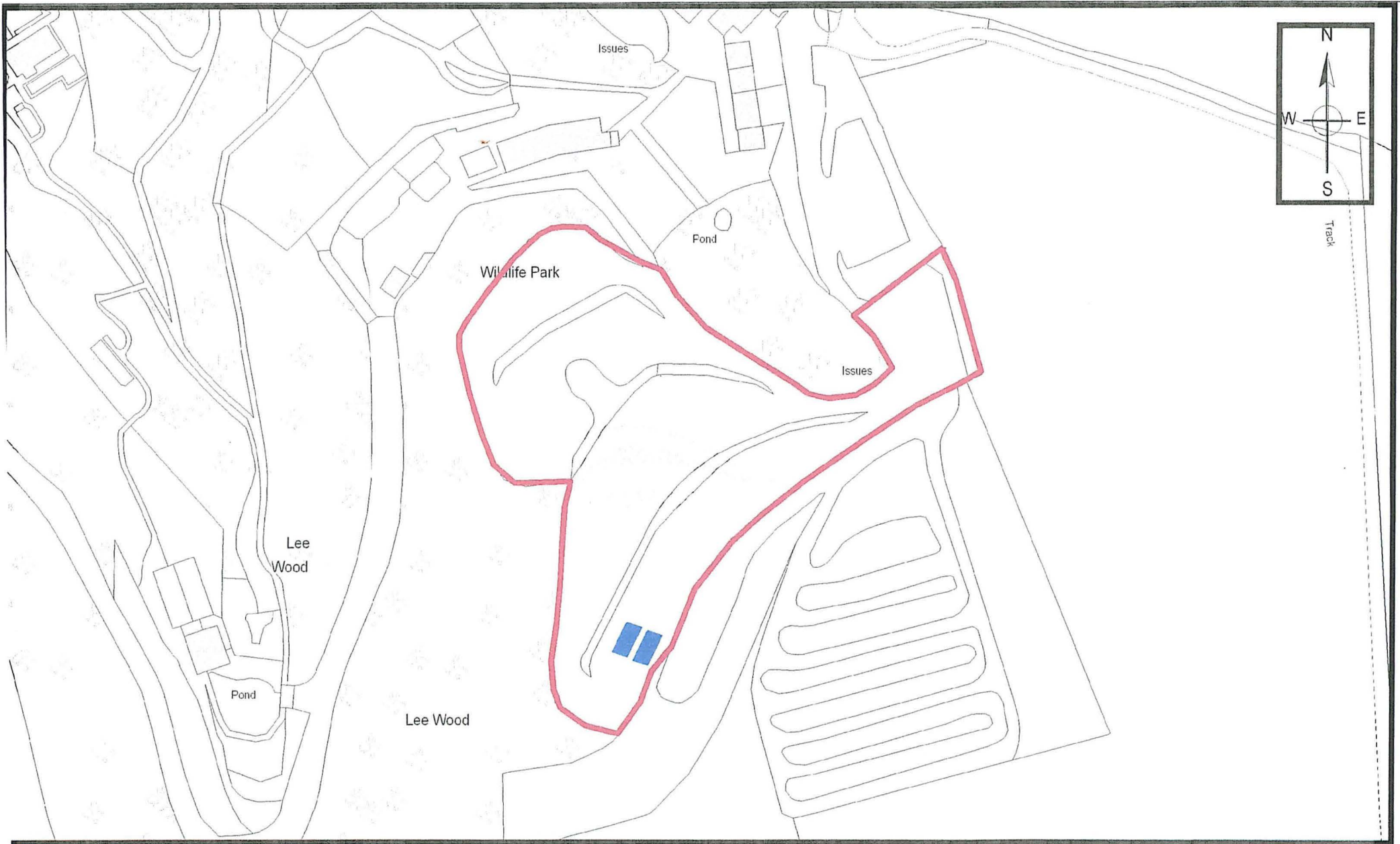
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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.**



Civic Centre, Barnstaple  
EX31 1EA

#### Location Plan

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

SCALE:

1:1250

COPY SUPPLIED TO:

Planning & Development Services

DATE

19 November 2009

Reproduced from Ordnance Survey mapping by North Devon District Council under Copyright Licence No 100021929 © Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.