



**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 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 Deer Park Nurseries, Deer Park Road, Barnstaple, Devon, a.k.a. Land Lying to the North East of Chestwood House, Hammetts Lane, Bishops Tawton, EX32 0BA 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) of the Act from agricultural use to mixed use of residential and agricultural use by virtue of the siting and residential occupation of a Mobile Home whose approximate position is marked in blue on the enclosed Plan 1.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The development is in a location where the Local Planning Authority would only permit development which is essential to meet the needs of a rural enterprise. The Local Planning Authority is not satisfied that there is any need demonstrated for the residential occupation such as to override the presumption against residential development in rural areas. In such circumstances, the unauthorised development is contrary to policy TRANs1 of the draft Regional Spatial Strategy; Policies ST1, ST16 and CO1 of the Devon Structure Plan 2001 – 2016; and Policies DVS1A, ENV1, HSG9 and TRA6 of the adopted North Devon Local Plan 2006.

The proposal is located outside a recognised development boundary, within the open countryside and it is considered that the development detracts from the character and setting of the countryside contrary to Policy C2 of the draft Regional Spatial Strategy; Policies ST1 and ST16 of the Devon Structure Plan 2006 – 2016; and Policy ENV1 of the North Devon Local Plan.

The roads giving access to the site are, by reason of their inadequate width, unsuitable to accommodate the increase in traffic likely to be generated contrary to Policy TR10 of the Devon Structure Plan.

The increased use of the access onto the public highway, resulting from the development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to Policy TR10 of the Devon Structure Plan.

The development is located where it is remote from adequate services, education, public transport etc. and, therefore, increases the need for travel by private vehicles contrary to Policies TR2 and TR5 of the Devon Structure Plan.

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 residential use of the land edged red on the attached Plan 1.
2. Remove the Mobile Home from the land edged red on the attached Plan 1.
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 1.
4. Return the land edged red on the attached Plan 1 to agricultural use.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 10 November 2009 ("the effective date") unless an appeal is made against it beforehand.

Dated: 9 October 2009

Signed: ..   
Solicitor

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

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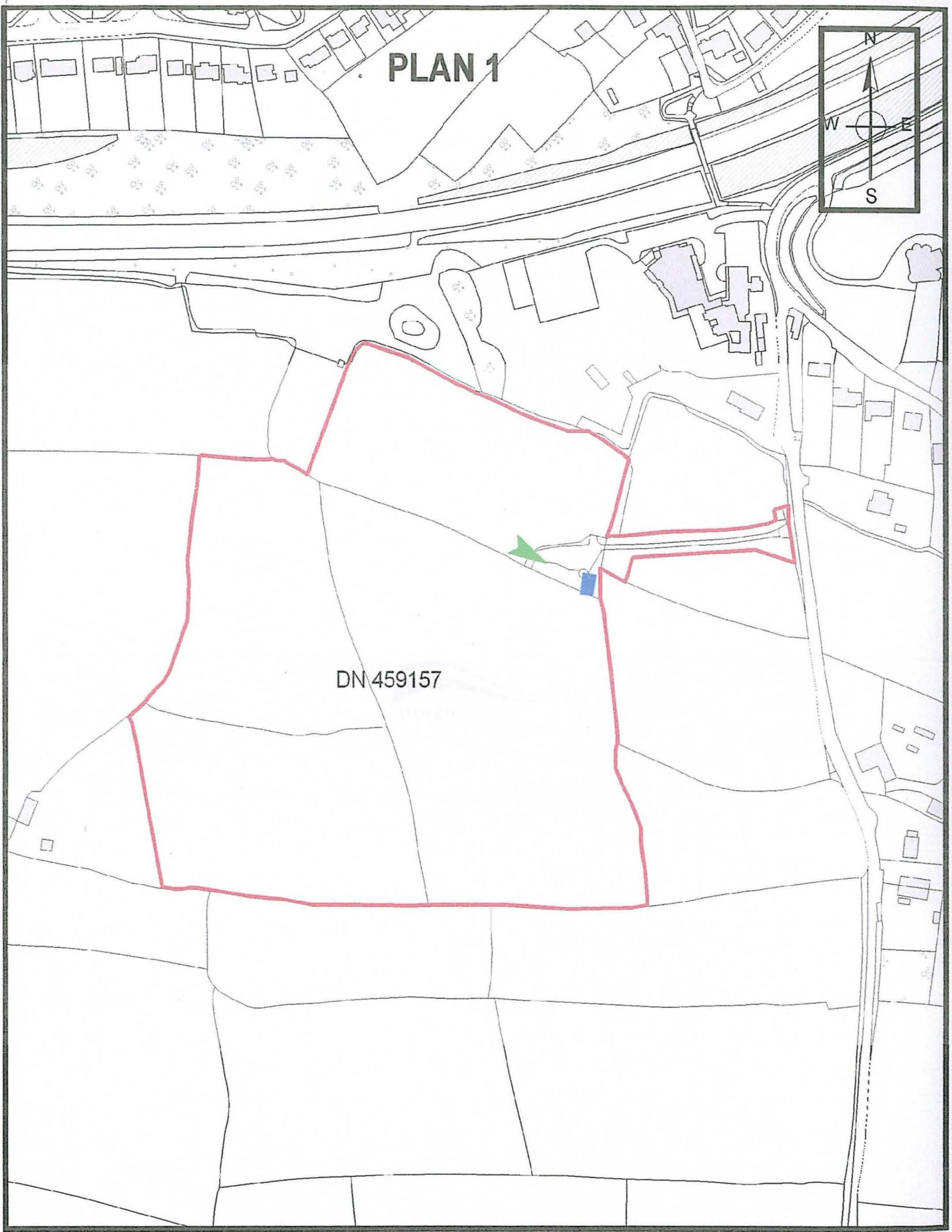
## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **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 1 to Accompany Notice ENF 6112 - Read in conjunction with Annex 1(Photograph)**

**Land adjacent Deer Park, Rumsam, Barnstaple**



Civic Centre, Barnstaple.  
EX31 1EA

SCALE: 1:2500      COPY SUPPLIED TO: Planning Unit      DATE 1st October 2009

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