

**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 The Quarry, Burrington, Umberleigh, North Devon, EX37 9JN as shown edged red on the enclosed Plan 1.

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

Unauthorised Change of Use of the Land under Section 171B(3) from agricultural to a mixed use of agricultural and siting and residential use of a mobile home.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The mobile home is sited in the open countryside where development should be strictly controlled in the interest of protecting the character and appearance of the landscape and on the grounds of sustainability.

The siting and occupation of this mobile home represents an unsustainable use having regard to the lack of agricultural justification and as such is contrary to the provisions of saved Devon County Structure Plans Policies ST1 (Sustainable Developments) and ST5 (Development Priority 2001 to 2016) adopted North Devon Local Plan saved Policy ENV1 (Development in the Countryside) and national advice given in Planning Policy Statement 7, Sustainable Development in Rural Areas (PPS7).

The roads giving access to the site are by reason of their inadequate width, poor vertical alignment and gradient unsuitable to accommodate the increase in traffic that the use may generate contrary to saved Policy TR10 of the Devon Country Structure Plan.

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

The development was the subject of a dismissed planning appeal ref. App/X1118/A/09/2096581/NWF against the refusal of planning application 47547 and in the opinion of the Local Planning Authority it is expedient to issue an enforcement notice in order to maintain planning control and promote the adopted policies of the Development Plan in the public interest.

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 6 months from the date when this notice takes effect.

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

- 1, Cease the residential occupation of the land outlined in red on the enclosed Plan 1.
- 2, Remove the mobile home shown coloured blue for identification purposes only from the land outlined in red on the enclosed Plan 1.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 19<sup>th</sup> November 2010 ("the effective date") unless an appeal is made against it beforehand.

Dated: 19<sup>th</sup> October 2010

Signed: .....  
Legal Services Manager

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.**

## **POLICIES REFERRED TO IN PARAGRAPH 4 ABOVE**

### **Policy ST1 (new Policy)**

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 (Policy S1c revised)**

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 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.

## **INCREASE EFFICIENCY IN TRAVEL**

### **Co-ordinating Land Use / Travel Planning**

#### **Policy TR2 (New Policy)**

Patterns of land use, in terms of its mix, location, density and layout should reduce the need to travel and optimise the potential for the most sustainable forms of travel.

New development should be provided for where it will be well related to other land uses with which it needs to interact. Development that would require a high level of accessibility should only be located where it can be effectively and conveniently accessed by public transport.

## **PROMOTING EFFECTIVE AND SUSTAINABLE MODES OF TRAVEL**

### **Hierarchy of Modes**

#### **Policy TR5 (Policy T2 revised)**

In co-ordinating land use and transportation planning and the management of traffic demand all development should make provision for and promote the safe use of the most sustainable and environmentally acceptable modes of travel, having regard to the following hierarchy:

- 1) Walking;
- 2) Cycling;
- 3) Public Transport;
- 4) Private Vehicles.

All significant development proposals should be accompanied by a Transport Assessment indicating, as part of a sequential approach, how the potential for the most sustainable modes in the hierarchy has been fully realised in meeting overall travel needs.

**STRATEGIC ROAD NETWORK AND ROADSIDE SERVICE AREAS**  
**Policy TR10 (Policy T10, T11 and T15 revised)**

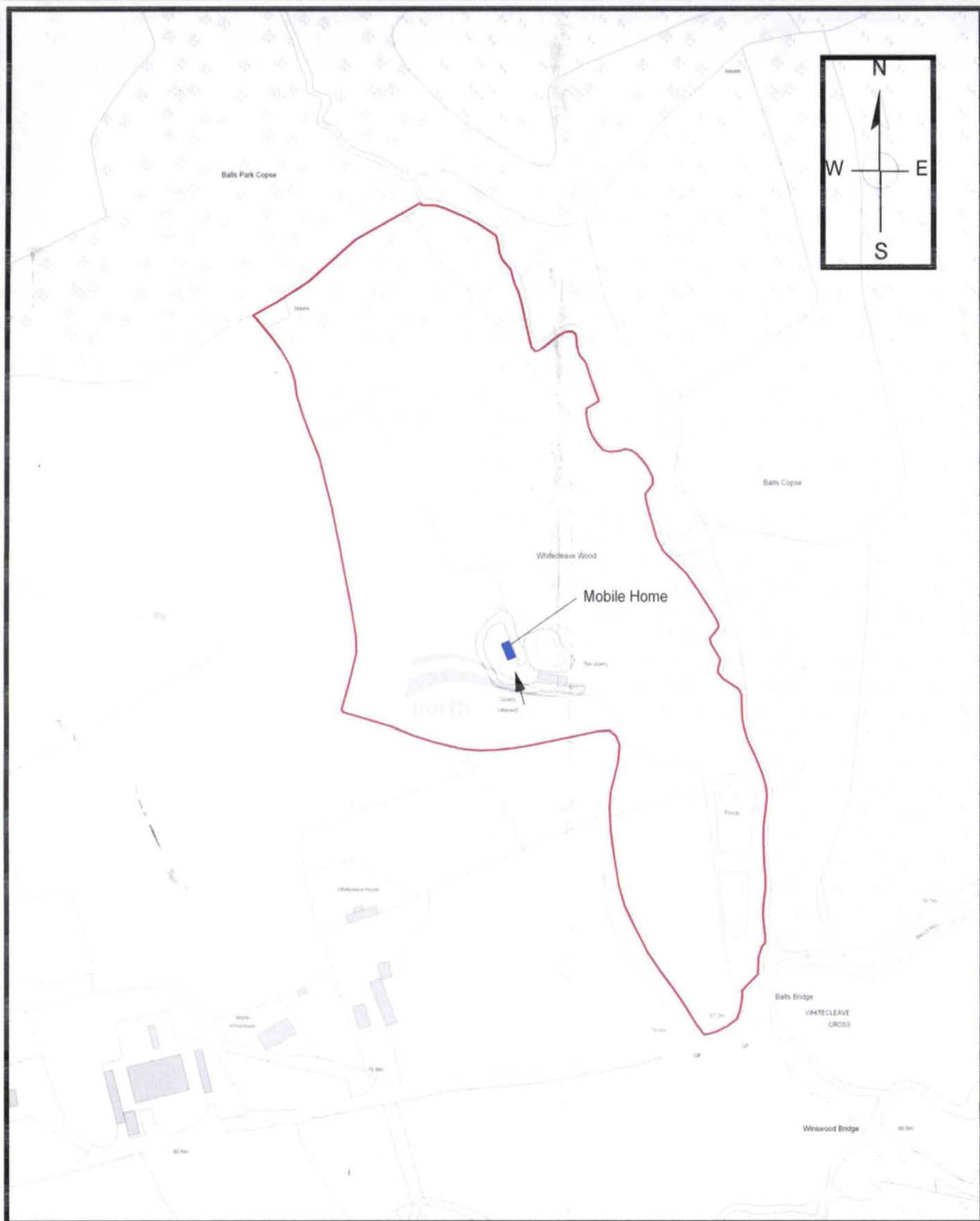
Devon's road network will be maintained and enhanced in such a way as to minimise the impact of traffic, reduce congestion, improve safety, promote environmental and economic enhancement and maximise operational efficiency.

Priority will be given to maintaining and developing the Strategic Road Network (SRN), as defined on the Key Diagram, to a high standard. The SRN will support the overall development strategy by providing strategic road links:

- 1) through Devon, and between Devon and other parts of the South West, Britain and Europe;
- 2) between the Principal Urban Areas and Sub Regional Centres;  
and
- 3) to Area Centres.

In doing so the SRN will be the main road network for inter urban travel, strategic road based freight movement (including port and airport access) and for road based tourist travel.

Where a need has been established, provision should be made for new and improved roadside service areas on the Trunk Routes and National Primary Routes of the SRN identified on the Key Diagram.



Civic Centre, Barnstaple.  
EX31 1EA

**Enforcement 6141 The Quarry, Burrington Umlerleigh EX37 9JN**

**Plan showing site and direction of photo**

**SCALE:** 1:2500

**COPY SUPPLIED TO:**

Location Plan

**DATE** 12th October 2010

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