



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**

Malson Farm, Rackenford, Tiverton, Devon, EX16 8ED 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 by virtue of the siting and residential occupation of a Log Cabin Style Chalet, which falls within the Statutory Definition of a Caravan set out in Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968, whose approximate position is marked in blue on the enclosed Plans 1 and 2.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Development Plan Policies/Government Guidance

Policy ST1 of the Devon Structure Plan, Policy ENV1 of the North Devon Local Plan and advice contained in of PPS7 requires development in the open countryside to be strictly controlled and that it should be safeguarded for its own sake and on the grounds of sustainability. The Log Cabin Style Chalet is not required for the purposes of agriculture and no 'need' other than that personal to the applicant, has been demonstrated. The Log Cabin Style Chalet is being used independently from the main farmhouse and is not considered to be within its domestic curtilage.

The Local Planning Authority is not persuaded that the use is essential to the rural economy or provides any social benefit to the rural community and it therefore fails to satisfy the requirements of Policies ENV1, ECN6 or ECN10 of the North Devon Local Plan. The Log Cabin Style Chalet is being used as a separate unit of accommodation from the main farmhouse and there are no perceived economic benefits in that it does not provide a source of employment; is remote and unrelated to existing farm buildings and would result in the provision of a new dwelling in the countryside on agricultural land.

Having had regard to advice contained in PPS 7 Sustainable Development in Rural Areas (2004) the siting and use of a Log Cabin Style Chalet on agricultural land for residential purposes represents a material change of use of the land resulting in the domestication of the open countryside which is considered contrary to North Devon Local Plan policy ENV1 and Devon Structure Plan policy ST1.

The Local Planning Authority considers that the Log Cabin Style Chalet, hardstanding, fencing and raised decking represents a visual intrusion into the rural landscape. The existing vegetation is, in the main, deciduous and although a degree of screening could be obtained by additional landscaping, the nature of the Log Cabin Style Chalet does not have the external appearance of an agricultural building, albeit otherwise constructed using timber, and would be out of character with the local distinctiveness of the area, the landscape quality and visual amenity of the area.

Policies DVS1 and DVS2 of the North Devon Local Plan and CO1 of the Devon Structure Plan seek to minimise the effect of development in the countryside thereby conserving its character and landscape. There are no exceptional arguments which can be put forward in support of this use of the land which do not conflict with well established principles of protecting the countryside for its own sake and in the interests of sustainability.

Other Material Considerations

The Applicant has stated that the Log Cabin Style Chalet is for his personal use on the Planning Contravention Notice but the investigation indicates a separate residential use.

The Local Planning Authority considers that the above reasons for issuing the Enforcement Notice cannot be overcome by the use of Planning Conditions and it is expedient to seek the removal of the Log Cabin Style Chalet, hardstanding, ancillary fencing and raised decking from this area of land.

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 Log Cabin Style Chalet from the land edged red on the attached Plan 1.
3. Remove the associated hardstanding, ancillary fencing and raised decking from the land edged red on the attached Plan 1.
4. 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.
5. Return the land edged red on the attached Plan 1 to agricultural use.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28 October 2009 ("the effective date") unless an appeal is made against it beforehand.

Dated: 25 September 2009

Signed: ..
Solicitor

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.

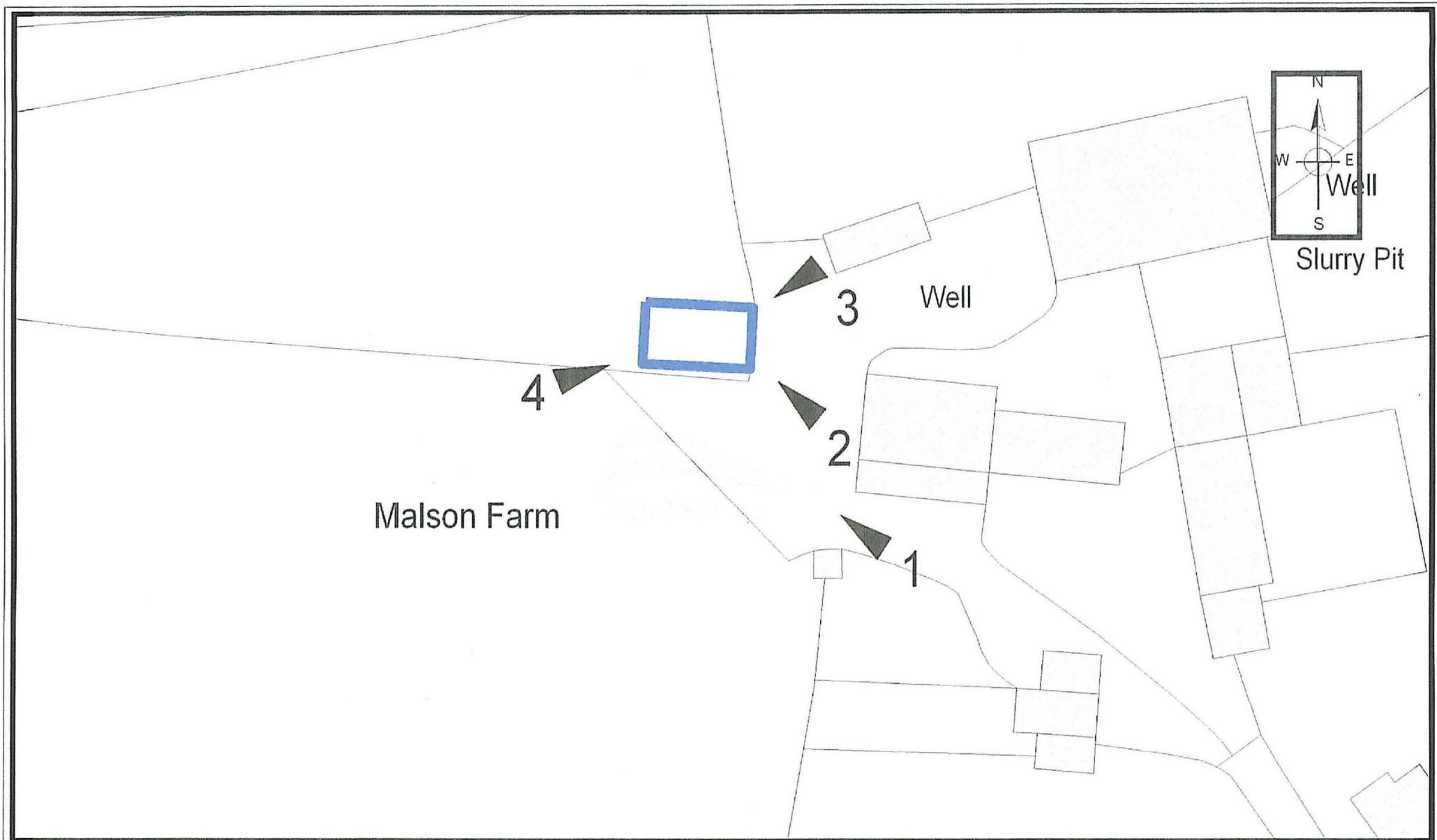


Plan to Accompany Enforcement Notice
Malson Farm, Rackenford, Tiverton EX16 8ED

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COPY SUPPLIED TO:
 Planning Unit
 Scale: 1:2500
 Date: 22nd September 2009

Plan 1



Malson Farm Rackenford Tiverton EX16 8ED

Plan showing directional photographs - Plan 2.

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Planning Unit
Scale: 1:500
Date: 13th July 2009