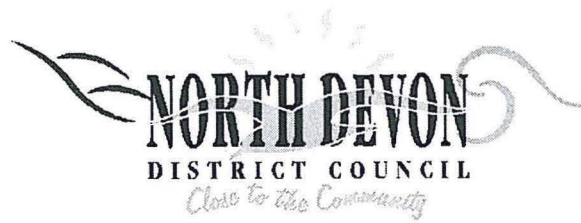


CF/10763

30.5.2007



WILLOW BRIDGE  
WILSON LANE  
RACKENFORD

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE  
And  
OPERATIONAL DEVELOPMENT**

**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** (shown edged red on the plan attached)

Willow Bridge, Wilson Lane, Rackenford, North Devon.

(“the land”)

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

Siting of a caravan for residential purposes on agricultural land, storage of non-agricultural items on the land and construction of a pole barn.

**4.**      **REASONS FOR ISSUING THIS NOTICE**

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

The site is 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, having had regard to advice contained within Annex A of PPS7 Sustainable Development in Rural Areas (2004). The siting of a mobile home represents unsupported development in the open countryside contrary to North Devon Local Plan policy ENV1 and Devon Structure Plan policy ST1. 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 creating new residential development in sustainable locations and protecting the countryside for its own sake. The caravans, vehicles and associated domestic paraphernalia are inappropriate in the open countryside setting and as such detract from the landscape quality and visual amenity of the area and are contrary to policy ENV1 and DVS2 of the North Devon Local Plan and CO1 of the Devon Structure Plan.

The unauthorised development results in an increased use of the access onto the public highway, which without significant improvement, (which in itself would compromise established hedgerow features) has limited visibility from and of vehicles using the access and as such results in additional danger to all users of the road and interference with the free flow of traffic. Combined with the fact that the roads leading to the site are of inadequate width, vertical alignment, horizontal alignment, gradient, junctions and condition make them unsuitable for unjustified development in the open countryside in that the infrastructure cannot support the additional traffic to be generated, contrary to policy TRA6 of the North Devon Local Plan. The caravan and vehicles are sited in the open countryside, remote from services, employment, education, public transport and will increase the need for journeys to be made by private vehicles which is unsustainable and in conflict with the advice in PPG13.

The Local Planning Authority considers that the unauthorised material change of use has occurred within the last 10 years and that the above reasons for issuing the Notice cannot be overcome by the use of Planning Conditions.



**5. WHEN YOU ARE REQUIRED TO ACT**

The Council require that the steps specified in paragraph 6 be undertaken within the period of 6 months from the date when this notices takes effect

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

1. Cease the use of the land edged red on the attached plan for residential purposes.
2. Remove the caravan/mobile home from the land edged red on the attached plan 1 where so ever placed, stored or fixed.
3. Remove Vehicle (A) [white van (Snap-on)] from the land edged red on the attached plan 1 where so ever stored or parked.
4. Remove Vehicle (B) [white transit van under tarpaulin] from the land edged red on the attached plan 1 where so ever placed, stored or parked.
5. Remove Vehicle (C) [Black Daihatsu E946 KPY] from the land edged red on the attached plan 1 where so ever placed, stored or parked.
6. Remove Vehicle (D) [black off-road vehicle] from the land edged red on the attached plan 1 where so ever placed, stored or parked.
7. Remove Vehicle (E) [white Jeep like vehicle] from the land edged red on the attached plan 1 where so ever placed, stored or parked.
8. Remove Vehicle (F) [blue people carrier] from the land edged red on the attached plan 1 where so ever placed, stored or parked.
9. Remove Trailers (G, G1 and G2) from the land edged red on the attached plan 1 where so ever placed, stored or parked.
10. Remove the timber pole structure (H) from the land edged red on the attached plan 1 where so ever placed, stored or fixed.
11. Remove any other structures, vehicles, caravans, buildings or non-agricultural paraphernalia connected to the site edged red on the attached plan 1 which have not been specifically listed at 1 – 11 above.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 1<sup>st</sup> July 2007 (“the effective date”)\* unless an appeal is made against it beforehand.

Dated : 30 May 2007

Signed : .....

Solicitor

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

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\* specific date, not less than 28 clear days after date of service

## **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.**

