

**N.D.C.  
PLANNING**

**- 9 OCT 2009**

**FILE**

**RECEPTION**

**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**BREACH OF CONDITION**

**TOWN AND COUNTRY PLANNING ACT 1990  
("the Act")**

**(as amended by the Planning and Compensation Act 1991)**

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

South Ford Farm, Exeter Road South Molton, North Devon, EX36 4HX

("the land")

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

Breach of Condition consisting of permanent residential occupation of unit restricted to use solely for the purposes of holiday accommodation by virtue of condition 4 of Planning Consent reference 28026 issued by North Devon District Council 23.11.1999.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Planning permission 28026 granted consent for the conversion and use of this outbuilding for holiday accommodation. Such forms of development comply with Policies ECN5, ECN6, ECN9 and ECN12 (all as appended below) of the North Devon Local Plan. Restrictions over occupancy are there to control the future use of the property and recognise the open countryside location of South Ford Farm where the creation of permanent dwellings would be contrary to established principles governing the countryside which direct housing development to the towns and larger settlements where services and facilities are available in the interests of sustainability and in order to protect the character and appearance of the countryside for its own sake. The use of this holiday accommodation for unrestricted residential use would be contrary to Policies ST1 of the Devon Structure Plan and ENV1 of the North Devon Local Plan. No exceptional argument has been advocated to indicate that this holiday accommodation is no longer required for the intended purpose and even if such a case were made the Local Planning Authority would consider that any alternative use should be judged against Policy HSG13. In this instance no identified local housing need for affordable accommodation has been demonstrated.

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

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

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

Cease the unauthorised permanent residential occupation of the building outlined in red on the attached plan.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on the 6<sup>th</sup> of November 2009 (“the effective date”)\* unless an appeal is made against it beforehand.

Dated : 6<sup>th</sup> of October 2009 .....

Signed : ..

Solicitor, Legal Services Manager

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

---

\* 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 attached sheet provides details of where you obtain further information on the appeal process.**

### **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 ECN5 (The reuse of buildings in the countryside)**

1. The reuse of a building in the countryside will only be permitted where:-
  - (a) It is for employment, tourism, recreation or community uses; or
  - (b) It is a residential conversion subordinate to a business reuse, or for an agricultural worker; or
  - (c) It is a residential conversion which meets an identified housing need in the local community;and in all cases:-
  - (d) The building is of a permanent and substantial construction, is capable of conversion without major reconstruction, and its form, bulk and design are in keeping with its surroundings;
  - (e) The scale and intensity of the development does not generate a level of travel unacceptable to that location;
  - (f) In the case of an historic building it does not damage its fabric and character; and
  - (g) Any associated activity does not harm the surrounding countryside.
2. A residential conversion will be subject to secure arrangements to ensure it is subordinate to a business reuse, or is occupied by an agricultural or forestry worker or remains available to meet the affordable housing needs of the community both initially and in the long term provided the need exists.

**Policy ECN6 (Farm diversification schemes)**

A proposal for a farm diversification scheme will be permitted where:-

- (a) It does not prejudice existing agricultural operations on the farm;
- (b) The scale of activities associated with the development is appropriate to the rural character of the area and does not undermine the viability of uses in the surrounding settlements;
- (c) Existing buildings are used where possible; and
- (d) Any new building that is justified is well related to an existing group of buildings where practicable with its siting, design and landscaping minimising any impact on the countryside.

**Policy ECN9 (Self catering accommodation)**

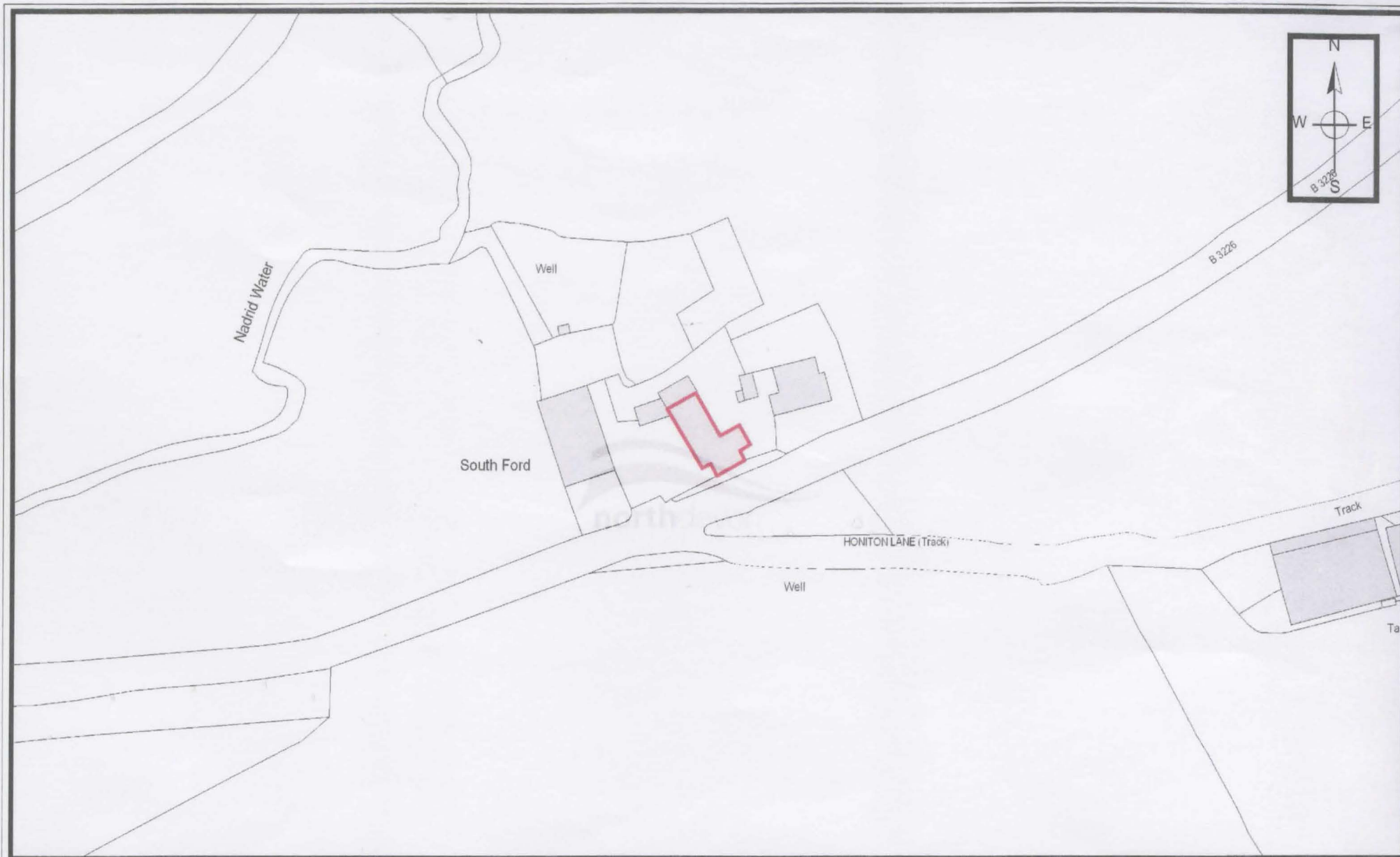
A proposal for new or additional purpose built self catering accommodation will only be permitted where:-

- (a) It is located within the development boundary of Ilfracombe, Combe Martin or Woolacombe; or
- (b) It is directly associated and compatible in scale with an existing recreational facility; or
- (c) It is in connection with a farm diversification scheme in accordance with policy ecn6; and in all cases:-
- (d) The development does not harm the character of a settlement or the surrounding area; and
- (e) Roads linking the development with the coast or high quality road network are adequate for the volume and type of traffic likely to be generated.

**Policy ECN12 (Holiday occupancy conditions)**

Tourist accommodation will be subject to a condition:-

- (a) To ensure the accommodation is restricted to holiday use only where it is not acceptable or suitable for permanent residential use; and
- (b) To prevent year round occupation where there is a need to protect nature conservation within an area for a period of the year.



## Plan to accompany ENF Notice 5695 in respect of South Ford Farm Clapworthy Mill EX36 4HX

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.

COPY SUPPLIED TO:  
Planning & Development Services  
Scale: 1:1250  
Date: 8th July 2009