



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 Brinscott Farm, Combe Martin, Ilfracombe, EX34 0PA shown edged red on the enclosed Plan 1
(“the land”)

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

Unauthorised change of use of the land from agricultural use to mixed use of agriculture, residential/holiday accommodation and caravan storage, by virtue of the siting, residential/holiday use of the static mobile homes A, B & C whose approximate positions are marked in blue on the enclosed Plan 2 and the storage of touring caravans on the land.

4. **REASONS FOR ISSUING THIS NOTICE**

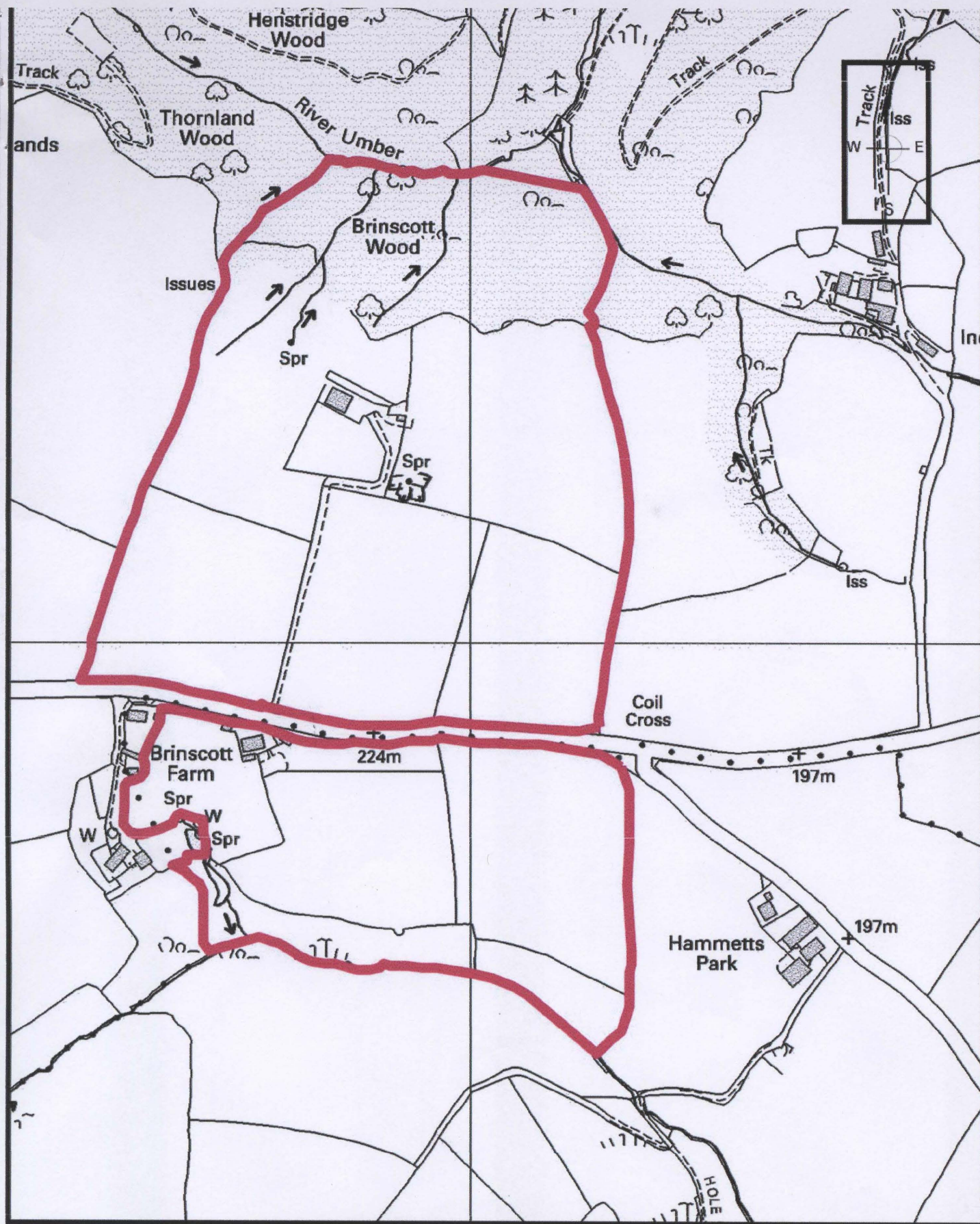
The Council consider it expedient to issue this notice for the following reasons:

Development Plan Policies

Devon Structure Plan - ST1, ST5, C03, C05, TR10, T03, T04

North Devon Local Plan – DVS3, ENV1, ENV2, ENV3, ENV5, TRA1A, TRA6, HSG9, ECN6, ECN10.

The site lies in the countryside, divorced from any settlement and adjacent to a protected landscape, designated an Area of Outstanding Natural Beauty (AONB), Heritage Coast (HC) and Coastal Preservation Area (CPA). In such locations, development is strictly controlled and the thrust of the various Development Plan policies is that the conservation and enhancement of the natural beauty of the landscape is of the highest priority. Proposals should also be required for the social and economic benefit of the wider community and be incapable of siting outside the protected area. Schemes likely to generate significant quantities of vehicular traffic should be directed to established centres wherein a range of services can be accessed without sole reliance on journeys by private car.



Plan 1 to Accompany Enforcement Notice

Land at Brinscott Farm, Combe Martin



Civic Centre, Barnstaple.
EX31 1EA

SCALE: 1:5000

COPY SUPPLIED TO:

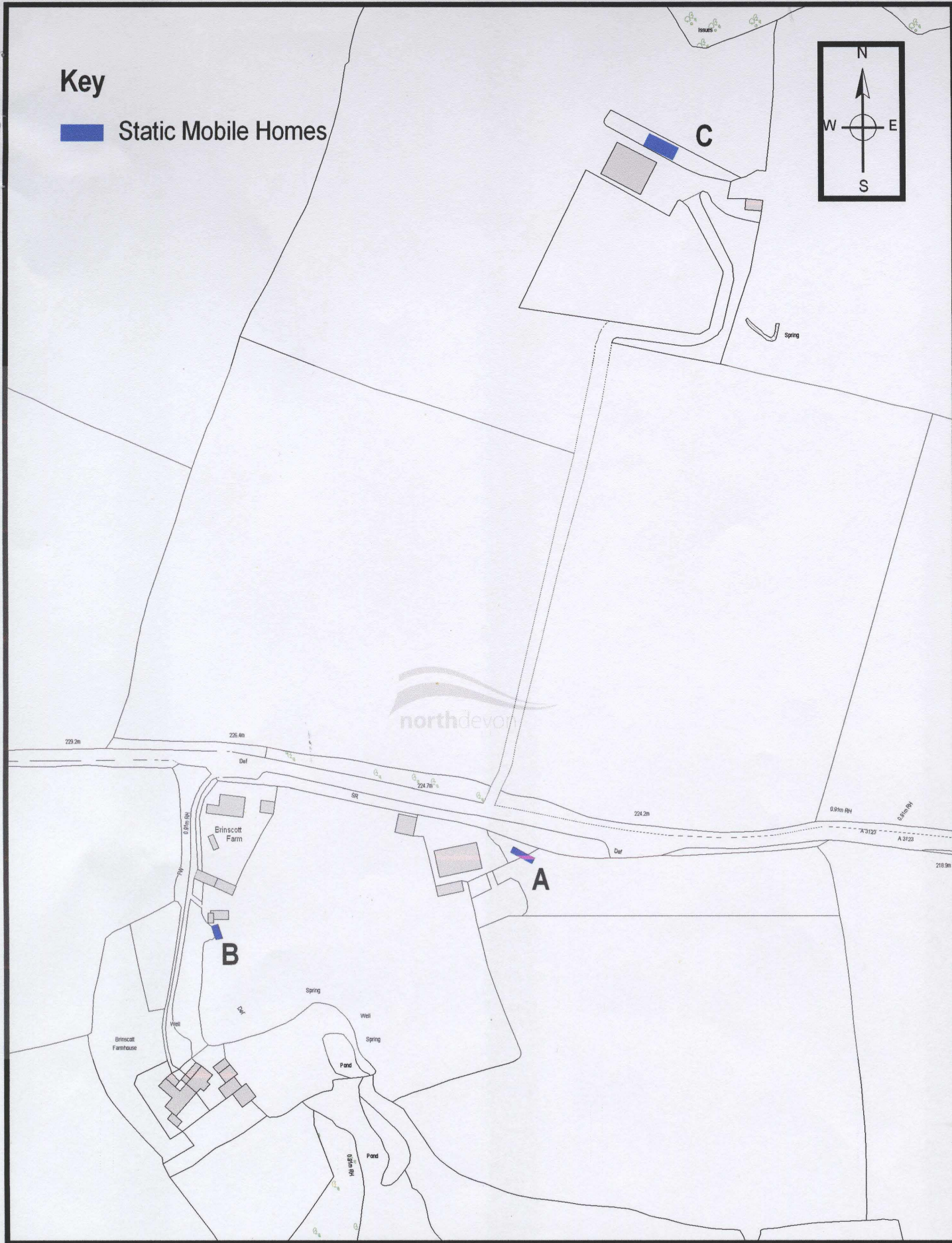
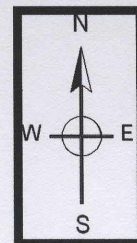
Planning Unit

DATE 15th April 2009

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Key

 Static Mobile Homes



Civic Centre, Barnstaple.
EX31 1EA

Plan 2 to Accompany Enforcement Notice

Land at Brinscott Farm, Combe Martin

SCALE: 1:2500 COPY SUPPLIED TO: Planning Unit DATE 30th June 2009

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The only exceptions to the strict control of housing in the countryside is where for example such accommodation is needed to house an agricultural worker. Even then strict functional and financial tests must be passed. In terms of the provision of caravan sites if visible from the AONB, HC and CPA they will not be permitted.

Assessed against these policies this site is in the countryside, in an unsustainable location and adjacent to protected landscape. Residential and tourism uses are contrary to the long-established Development Plan policies in such locations. Uses like this should be directed to established settlements. The uses provide no wider economic and social benefits to the community. Significant quantities of traffic will be generated accessing the site off the A3123 road at a point where it is of inadequate width and is considered to result in danger to road users/interference with the free flow of traffic.

The continued presence of the various mobile homes detracts from the natural beauty of the locality and is thus unacceptable in the countryside.

Other material considerations:-

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport
Good Practice Guide on Planning for Tourism (2006)

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 notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land edged red on the attached Plan 1 for the siting, residential and holiday occupation of the static mobile homes A, B & C that are not being used in conjunction with the authorised agricultural use of the land or any other use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order.
2. Cease the use of the land edged red on the attached Plan 1 for the storage of the touring caravans not being used in conjunction with the authorised agricultural use of the land or any use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent order.
3. Remove all mobile homes and touring caravans wheresoever placed, stored or fixed from the land edged in red on the attached Plan 1 that are not being used in conjunction with the authorised agricultural use of the land or any use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent order.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3 August 2009 ("the effective date") unless an appeal is made against it beforehand.

Dated: 3 July 2009 

Signed:
Solid 

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.