



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**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 opposite Greenacres Farm, Lower Stowford, Bratton Fleming, Barnstaple, EX31 4SG as shown edged red on the enclosed Plan 1.

("the land")

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

Unauthorised material change of use of the land within the last ten years from agricultural use to mixed use of residential and agricultural use by virtue of the siting and residential occupation of a mobile home, the approximate position of which is marked blue on the enclosed Plan 1, together with unauthorised operational development within the last four years consisting of the installation of an associated septic tank.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The site is within the open countryside where development is strictly controlled in the interest of protecting the intrinsic beauty and character of the landscape and on the grounds of sustainability. This unauthorised development is contrary to Planning Policy Statement 7: Sustainable Development In Rural Areas; Devon Structure Plan Policies ST1 and ST16 and North Devon Local Plan Policies ENV1 and HSG10.

Annex A of Planning Policy Statement 7: Sustainable Development In Rural Areas makes it clear that isolated new homes in the countryside require special justification for planning permission to be granted. Further advice provided in PPS7 and Planning Policy HSG10 of the North Devon Local Plan (relating to temporary accommodation on new farm enterprises) states planning permission will only be granted where there is clear evidence of a functional need, for example, where it is essential for the proper functioning of the enterprise for a worker to be readily available at most times, day or night. Additionally, a financial test has to be met whereby the enterprise has to be planned on a sound financial basis and there is a firm intention and ability to develop the business.

The mobile home represents unsupported development in the open countryside and is therefore, contrary to Planning Policy Statement 7 Sustainable Development In Rural Areas; Devon Structure Plan Policies ST1 and ST16 and North Devon Local Plan Policies ENV1 and HSG10.

The mobile home is sited in the open countryside remote from services, employment, education, public transport and will increase the journey to be made by private vehicles which is not sustainable and in conflict with central Government advice provided in Planning Policy Guidance 13: Transport.

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 mobile home and the associated septic tank 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 notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

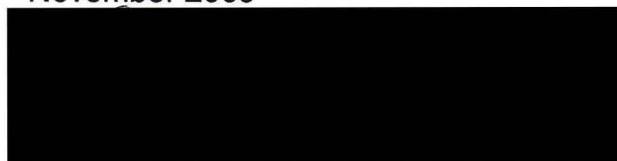
1. Cease the use of the land edged red on the attached plan 1 for the siting and residential occupation of the mobile home that is not being used in conjunction with the authorised agricultural use of the land or any other use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order.
2. Remove the mobile home from the land edged red on the attached Plan 1.
3. Remove the septic tank from the land edged red on the attached Plan 1.
4. Remove all rubbish and debris which may have resulted in taking the above steps from the land edged red on the attached Plan 1.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 7th December 2009 ("the effective date") unless an appeal is made against it beforehand.

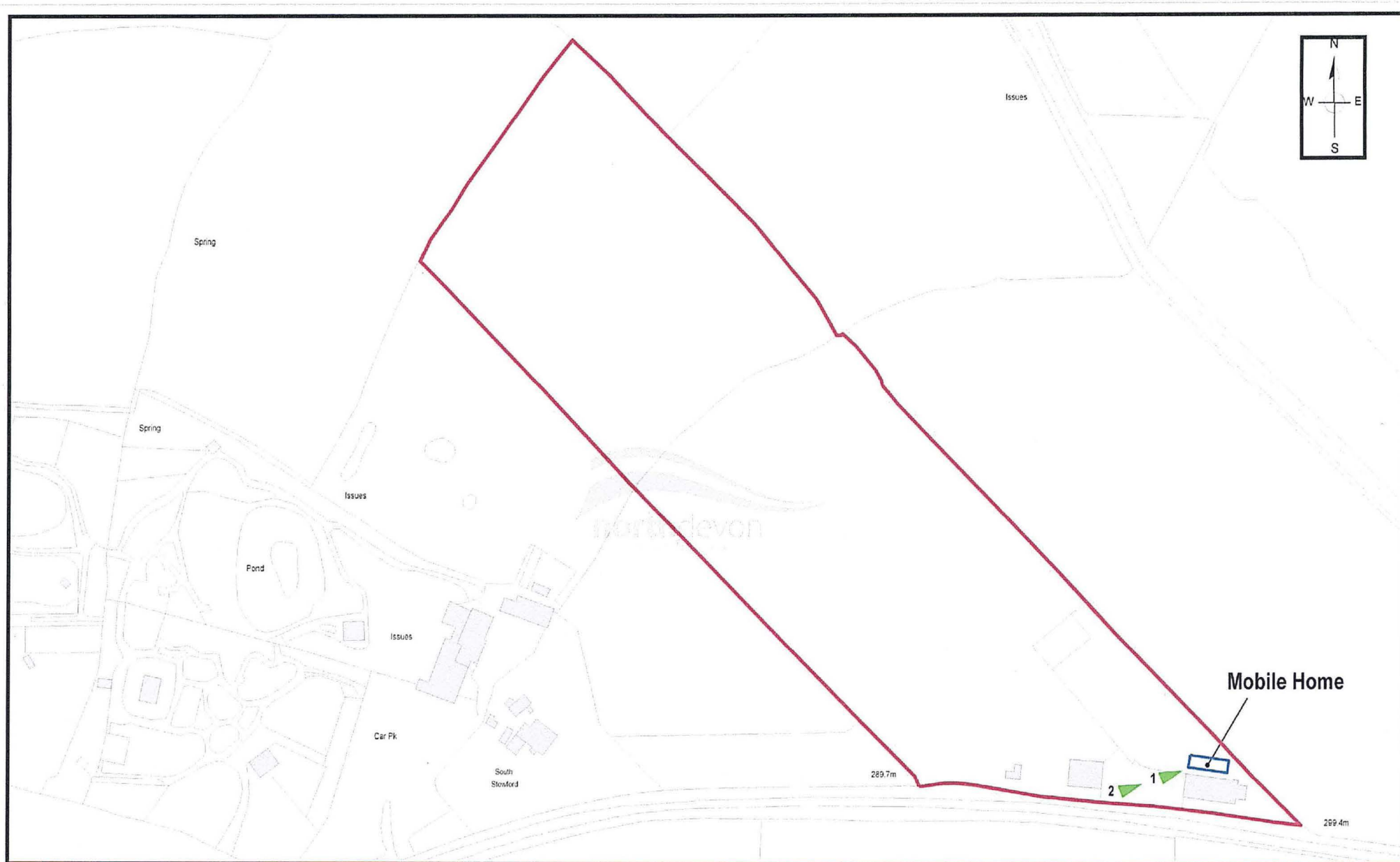
Dated 4th November 2009

Signed:



Solicitor, Legal Services Manager

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



Plan to Accompany Enforcement Notice ENF 5887 - Site in Red; Direction of Photographs in Green & Mobile Home in Blue
Land opposite Greenacres Farm, Lower Stowford

COPY SUPPLIED TO:
 Planning Unit
 Scale: 1:1250
 Date: 29th September 2009

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Plan 1

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.