



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**UNAUTHORISED MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**

**The Meadow, Near Upper Gorwell House, Goodleigh
Road, Gorwell, Barnstaple, EX32 7JP
(HM Land Registry Title Number DN479782)**

**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**

Land at The Meadow, near Upper Gorwell House, Goodleigh Road, Gorwell, Barnstaple EX32 7JP (HM Land Registry Title Number DN479782) as shown edged red on the enclosed Location Plan.

("The Land")

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

Without planning permission and within the last 10 years, unauthorised material change of use of the Land under Section 171B(3) from agricultural use to residential use by virtue of the stationing and residential occupation of a caravan on the Land.

AND

Without planning permission and within the last 4 years, unauthorised Operational Development under Section 171B(1) of the Act consisting of the erection of a structure surrounding the caravan.

4. **REASONS FOR ISSUING THIS NOTICE**

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

This Enforcement Notice has been issued to remedy the alleged breach of planning control.

The site relates to a plot of land in the development boundary of Barnstaple where a caravan has been sited and used for residential purposes and enclosed by a structure. The site is abutting the historic access to a listed building. This drive is considered to be curtilage for the listed building. There are a number of trees within the site that are the subject of a Tree Preservation Order (TPO). Access is off Goodleigh Road via a substandard access.

The design of the structure is not in keeping with the locality with an inappropriate scale and massing and materials impacting on the approach to a listed building contrary to Policies HSG2, DVS1, DVS1a and ENV17 of the adopted North Devon Local Plan and the National Planning Policy Framework.

The works would seem to be within the root protection areas of the trees that are the subject of a TPO and the presence of such a structure and mobile home could result in pressure for the removal of trees that are the subject of a TPO, and damage thereof and ultimately result in impacts on biodiversity and amenity contrary to Policies DVS2, DVS3 and ENV8 of the adopted North Devon Local Plan.

The use of the substandard access to access the site results in an increased danger to users of the public highway contrary to Policy TRA6 of the adopted North Devon Local Plan.

The Local Planning Authority consider it is necessary to remedy the whole breach of planning control by removal of the caravan and enclosing structure and that lesser steps cannot deal with the issue.

It is necessary and in the public interest to take enforcement action since otherwise the use could become lawful with the passage of time which as stated above is contrary to long established planning policies seeking to protect the character of the area, protect highway safety and the trees which add to the amenity of the locality.

The Local Planning Authority considers that the unauthorised change of use of the Land has occurred within the last 10 years and the unauthorised development has occurred within the last 4 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 12 months from the date when this notice takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential occupation of the land shown edged red on the enclosed Location Plan.
2. Remove the caravan and all associated domestic paraphernalia from the land edged red on the enclosed Location Plan.
3. Remove the structure surrounding the caravan from the land edged red on the enclosed Location Plan
4. Remove all debris and other rubbish resulting from complying with Steps 2 and 3 above from the land edged red on the enclosed Location Plan

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 5 April 2014 ("the effective date") unless an appeal is made against it beforehand.

Dated: 5 March 2014

Signed: 
Head of Legal

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

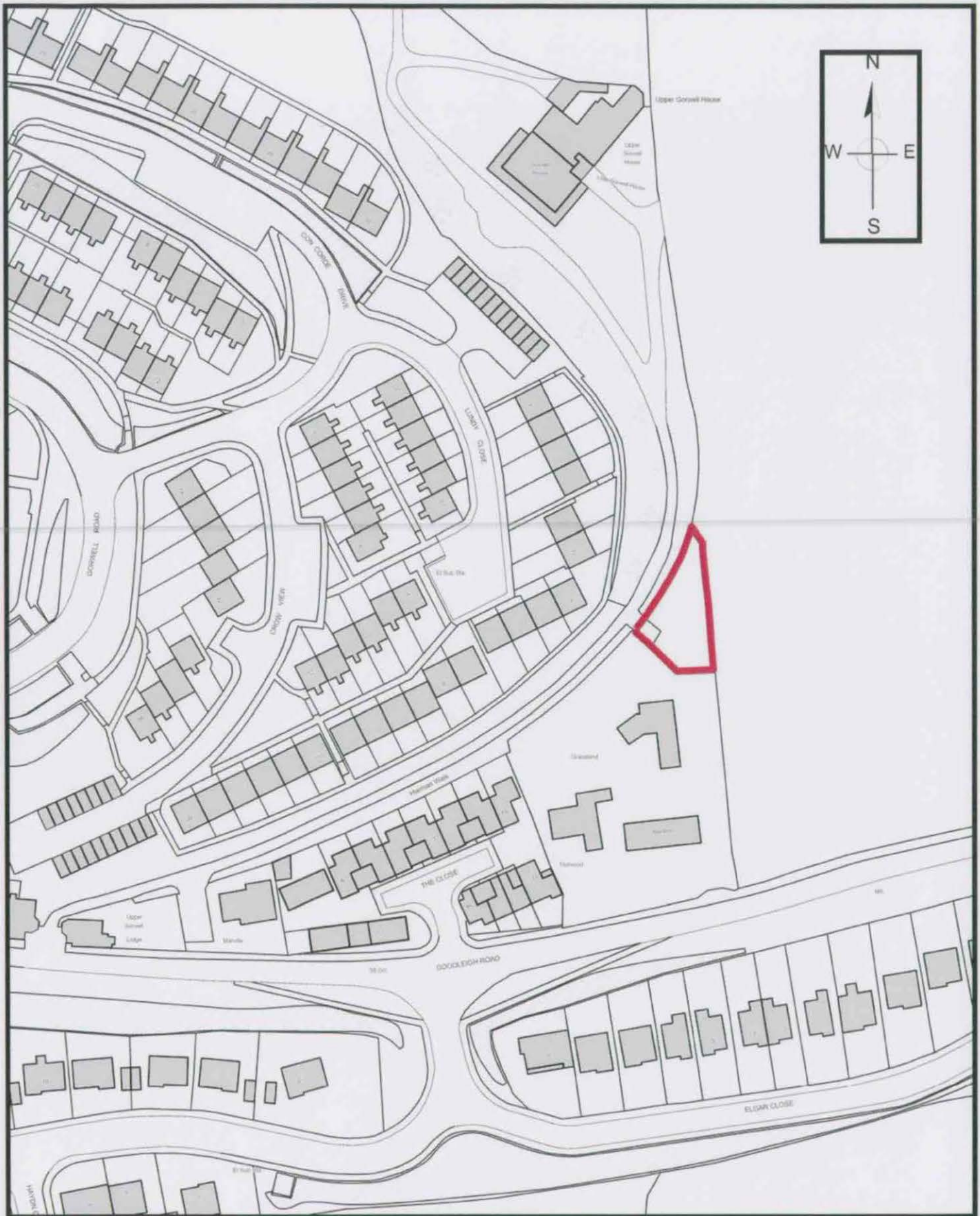
GUIDANCE NOTES FOR YOUR INFORMATION

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 attached Planning Inspectorate Guidance Sheet provides details of where you can obtain further information on the appeal process. Read it carefully. Please note that the fee payable for a Ground A Appeal is £770.00 (2x £385.00)

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.



Civic Centre, Barnstaple.
EX31 1EA

Location Plan to Accompany Enforcement Notice

The Meadow, Goodleigh Road, Barnstaple EX32 7JP

SCALE: 1:1250

COPY SUPPLIED TO: Planning Unit

DATE 19th November 2013

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