



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**

**Land lying south of Halsinger Farm, Halsinger,
Braunton, Devon EX33 2NL**

**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 171(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 lying south of Halsinger Farm, Halsinger, Braunton, Devon EX33 2NL 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 by virtue of the storage of non-agricultural items (including caravans, various vehicles, boats, building materials and other paraphernalia).

Without planning permission and within the last 4 years unauthorised operational development consisting of the erection of a shed.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:

The site is located in the countryside where the 'Development Plan'; the Joint North Devon and Torridge Local Plan (NDTLP), and National Planning Policy Framework (NPPF) seeks to restrict certain forms of development in the interests of sustainable development.

The land is currently being used for storage of touring caravans, boats, building materials, and various vehicles, some of which appear to be agricultural. However others appear to be redundant or used for other purposes. There is also a timber shed which constitutes operational development.

The use of the land for storage of caravans, boats, building materials and other items, not linked to agricultural use, as well as the shed erected, falls to be considered against strategic Policies ST07, ST14 of the NDTLP. ST07 states of development in the countryside;

'...development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location'.

ST14 relates to protecting landscape and biodiversity interests. In terms of the use and development which has occurred, this does not

appear to provide for any of the above criteria of ST07 nor does it conserve landscape character or biodiversity interests given it is not development which justifies a remote rural location.

In terms of wider development management policies; the breaches identified would not represent appropriate development in terms of design and locational contrary to Policies DM04 and DM08A of the NDTLP. Its location is remote from any settlement and accessed by narrow, unlit roads with limited passing opportunities and no access to alternative modes. As such, users of the site are reliant of private transport to access it, which is contrary to both sustainability aims and safety aims of Policies DM05 and DM06 of the NDTLP. In terms of the type of use of the site, it would also not appear to fall within any of the rural economy criteria outlined in policy DM14 given the uses do not appear to have strong links to agriculture.

The Local Planning Authority consider it is necessary to remedy the whole breach of planning control by removal of the caravans, boats, building materials, shed, and all other vehicles and paraphernalia not used in connection to agriculture and that lesser steps cannot deal with the issue. It is also 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.

The Local Planning Authority considers that the unauthorised development and change of use has occurred within the last 4 and 10 years, respectively, 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 requires that the steps specified in paragraph 6 below be undertaken within 6 months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land for the storage of non-agricultural items.
2. Remove all caravans and boats from the land.
3. Remove all non-agricultural vehicles and other non-agricultural paraphernalia and building materials from the land.
4. Dismantle and remove the shed from the land .
5. Remove all debris and other rubbish resulting from the removal of the shed from the land.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18th February 2019 unless an appeal is made against it beforehand.

Dated: 18th January 2019 ,

Signed: 

Head of Place J C

On behalf of: North Devon District Council
Lynton House
Commercial Road
Barnstaple, Devon
EX31 1DG



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

10953 Land South of Halsinger Farm EX33 2NL

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