



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

**Cheglinch Rise, West Down,
Ilfracombe, Devon EX33 8NW**

(HM Land Registry Title Number DN235643)

**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**

Cheglinch Rise, West Down, Ilfracombe, Devon EX34 8NW (HM Land Registry Title Number DN235643) 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 4 year, unauthorised operational development consisting of the erection of a single dwellinghouse whose approximate position is shown edged blue on the attached location plan.

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 outside of any development boundary of a settlement, constituting a new permanent residential unit of accommodation in the countryside including separate ancillary building, which is contrary to Local Plan Policies ST07 and DM28 and the National Planning Policy Framework, representing unjustified sporadic development in the countryside to the detriment of the character of the area.

Development is strictly controlled within the countryside in the interest of protecting intrinsic beauty and character of the landscape and on the grounds of sustainability. The dwelling created constitutes residential development in the open countryside, where the Local Planning Authority would only permit development, which is necessary in the interests of agriculture or another established rural enterprise.

National and Local Government planning policies support sustainable development. Paragraph 11 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development, whilst paragraph 79 states that Local Planning Authorities should avoid new isolated homes in the open countryside unless there is exceptional circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside, along with other exceptions. None of which would apply to this case.

Planning Policies DM28 of the Joint North Devon and Torridge Local Plan (relating to Rural Worker accommodation) states that 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. Planning permission has been granted under application 61554 for the demolition of an existing outbuilding and erection of an extension to create additional living accommodation. However, the development that has taken place is the erection of a single dwellinghouse.

In addition the development has not been completed in accordance with the approved finished elevation materials of painted render. The building is finished with wood clad elevations. Local Plan Policy DMO4 Design Principles seeks amongst other matters to guide the appearance and materials of new development. They should be appropriate and sympathetic to the buildings in the locality and the setting. The attached property is of rendered hanging tiles. The cladding therefore represents an incongruous elevation material within the street scene.

The Local Planning Authority considers it is necessary to remedy the whole breach of planning control by removal of the residential accommodation and that lesser steps cannot deal with the issue. It is also necessary and in the public interest to take enforcement action to prevent the use from becoming 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 has occurred within the last 4 years 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 building shown edged blue on the attached location plan as a single dwellinghouse.
2. Remove the kitchen and cooking facilities relating to the residential accommodation within the building shown edged blue on the attached location plan.

3. Remove the wood cladding to all the exterior elevations of the building (including the front porch) and finish with painted render.
4. Remove all debris and other rubbish resulting from complying with steps 2 and 3.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 25th March 2019 unless an appeal is made against it beforehand.

Dated: 25th February 2019

Signed:

[Redacted Signature]

Head of Place

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

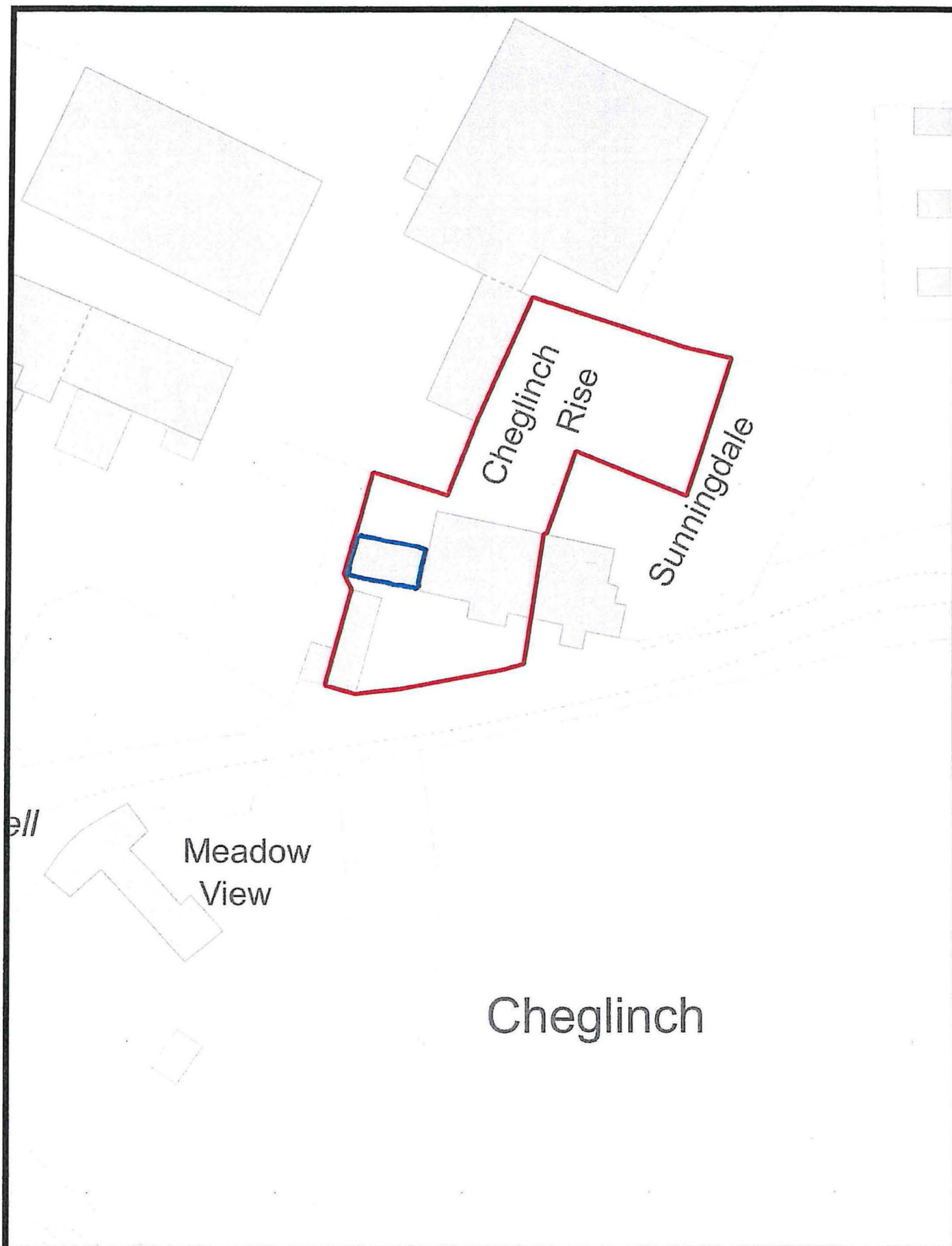
GUIDANCE NOTES FOR YOUR INFORMATION

THE 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 £924.00 (2 x £462.00).

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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

10977 - Cheglinch Rise, West Down

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Enforcement

Scale: 1:500 at A4
Date: December 2018