



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**

**Westleigh Farm, Combe Martin,
Ilfracombe, Devon EX34 0NG
(HM Land Registry title number DN447861)**

**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")**

LEGAL FILE NO. 14324
PLANNING NO. 10883

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**

Westleigh Farm, Combe Martin, Ilfracombe EX34 0NG 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 the storage of shipping containers, storage & residential use and occupation of vehicles and the use of agricultural buildings for vehicle repair (B2 use) and storage (B8 use).

Without planning permission and within the last 4 years unauthorised operational development consisting of the erection of sheds used in conjunction with residential use.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Storage containers and vehicles not used in connection with agriculture

In the past 10 years, evident from site visit photographic evidence and aerial photography, a number of shipping containers have been brought onto the site. Access was gained to many of these during a site visit on 23rd May 2018 and evidence obtained indicated that they were not in use for agricultural purposes, but for uses varying from domestic storage, and in some instances residential accommodation. Policy DM14 of the NDTLP seeks to provide small scale rural business uses in the countryside subject to certain criteria, being:

- (a) change of use or conversion of a permanent and soundly constructed building; or
- (b) sites or buildings adjoining or well related to a defined settlement or a rural settlement; or
- (c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity.

The use of shipping containers for the purposes that are present on site would not fulfil any of the above criteria and there is no other provision within the development plan for such uses in the countryside.

Furthermore the residential use of these structures would be contrary to Policy ST07 of the NDTLP, not requiring a rural location, nor being reuse of any existing building. Whilst accepting housing provides a social function, the standard of living accommodation in these units is not considered to hold any positive social outcome for its occupants. The structures are not justified for rural workers accommodation in regard to Policy DM28 of the NDTLP or any of the exceptions contained in paragraph 79 of the NPPF.

The presence of these structures, which are highly visible from public vantage points of landscape and visual sensitivity, with the designated AONB Landscape, significantly detract from the landscape qualities of the area. They can be seen from public vantage points on the adjacent side of the valley to the north, such that they neither preserve nor enhance the special qualities of the landscape contrary to Policy ST14 and DM08A of the NDTLP and objectives of Paragraphs 170, 172 and 173 of the NPPF.

Operational development consisting of sheds and other structure used in connection with residential uses

The operational works constituting the erection of sheds and other structures used in connection with the residential occupation of caravans on agricultural land, would not meet the requirements of Policy ST07 of the NDTLP in that they do not require the rural location, as many of the caravans are in breach of a pre-existing enforcement notice, furthermore they do not provide for local economic and social needs and do not involved re-use of existing buildings. Furthermore, the proliferation of the agricultural land with operational development used in connection with residential uses, would not preserve or enhance local landscape character, but introducing alien structures in the landscape which detract from its intrinsic character and beauty which governs its highly designation status. As such this would be contrary to Policies ST14 and DM08A of the NDTLP and objectives of Paragraphs 170, 172 and 173 of the NPPF.

Change of use of large agricultural building to car repair workshop (B2 use) and part use of ground floor of agricultural building for storage (B8 use).

The use of agricultural buildings in the open countryside for the above purposes is not considered to comply with Policy ST07 of the NDTLP in that this would not readily require a countryside location; being best placed on an industrial estate, away from residential properties, but in close proximity to a sustainable settlement where users could access the site. It also would not meet the rural economy objectives of DM14 of the NDTLP.

The proximity of the car repair workshop use to residential units is such that it would conflict with the amenity enjoyed by these residents, where they benefit from a Lawful Development or Personal Permission Granted by an Enforcement Appeal in relation to 5076. This would conflict with Policy DM01 of the NDTLP.

Both uses would also attract sustainable travel movements to the site which is remote from the village of Combe Martin and provides limited access by alternative modes and as such would be contrary to Policy DM05 of the NDTLP and transport objectives of the NPPF.

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 shipping containers and for vehicles used and/or occupied as residential use.
2. Remove all shipping containers and all vehicles used and/or occupied as residential use from the land.
3. Cease the use of the barn coloured blue on the attached location plan for vehicle repair.
4. Cease the use of the barn coloured blue on the attached location plan for the storage on non-agricultural items and paraphernalia.
5. Remove all non-agricultural vehicles, items and paraphernalia from the barn coloured blue on the attached location plan.
6. Cease the use of the ground floor of the barn coloured green on the attached location plan for storage use.
7. Remove all non-agricultural items and paraphernalia from the barn coloured green on the attached location plan.
8. Dismantle and remove all sheds used in conjunction with residential use.
9. Remove all domestic paraphernalia, debris and any rubbish resulting from compliance with steps 1 to 8.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 5th May 2019 ("the effective date") unless an appeal is made against it beforehand.

Dated: 5th April 2019,

Signed:

Head of Place

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

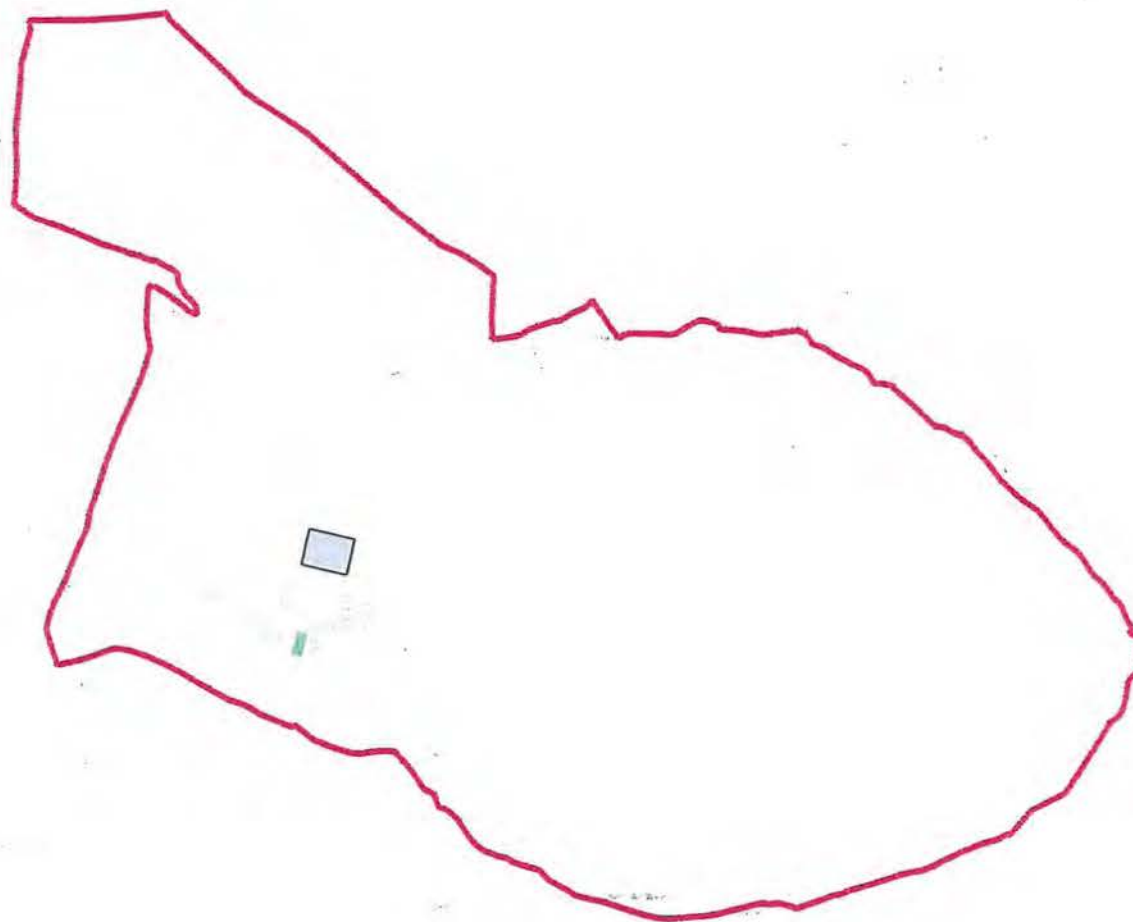
GUIDANCE NOTES FOR YOUR INFORMATION

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 1DG

10883 - Westleigh Farm, Combe Martin

Copy Supplied to:
Enforcement

Scale: 1:5000 at A4
Date: December 2018