



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**OPERATIONAL DEVELOPMENT AND
MATERIAL CHANGE OF USE**

**Land on the north side of Rock House Farm, Castle Street and
the west side of Bowhay Lane, Combe Martin,
Ilfracombe, Devon EX34 0JG**

(HM Land Registry title numbers DN339848 and DN342952)

**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: LS/DH/14134
PLANNING FILE NO: 9752

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 on the north side of Rock House Farm, Castle Street and the west side of Bowhay Lane, Combe Martin, Ilfracombe, Devon EX34 0JG (HM Lane Registry title numbers DN339848 and DN342952) as shown edged red on the attached 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 caravans and non-agricultural vehicles.

Without planning permission and within the last 4 years, unauthorised operational development consisting of engineering works to terrace the Land along with the erection of retaining walls and a timber fence.

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 change of use, engineering operations and the erection of retaining walls and a timber fence has occurred on agricultural land outside of the development boundary. The site lies within a designated Area of Outstanding Natural Beauty, Heritage Coast and Coastal and Estuarine Zone, and the land North of Rock House Farm is also within a designated Conservation Area.

The works which have taken place are not considered to be justified in respect of Policy ST07 of the North Devon and Torridge Local Plan, constituting unjustified development in the countryside demonstrating no social or economic benefits or reason for a countryside location.

The use and development has changed the visual appearance of the site. The man-made terracing neither conserves nor enhances the landscape qualities of the AONB or Heritage Coast contrary to Policies ST14 and DM08A of the NDTLP and paragraph 172 and 173 of the National Planning Policy Framework.

Furthermore the engineering works which has removed the natural slope of the field appears as an alien feature adversely affecting the setting of the historic landscape part of the Combe Martin Medieval Strip Field System subject of Policy CMA04 and the setting of the Conservation Area. The use and development which has taken place would therefore not comply with Policy DM07 of the NDTLP or the objectives of paragraph 196 of the NPPF or Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The storage of caravans and non-agricultural items on the land also has a highway implication with vehicles being brought to the site and visitors to the site, which is not in agricultural use, resulting in a material increase in the volume and nature of traffic accessing Comers Lane from a substandard access at the junction with the A399. The access onto the A399 provides limited visibility due to the presence of a building at the South-west side of the access and the frequency of movements from this access would result in danger to users of the Highway. In addition the width and alignment of Comers Lane and Bohay Lane accessing the site, is unsuitable for the increase in volume of movements and the type of vehicles being attracted to the site. This is therefore contrary to Policy DM05 of the NDTLP and paragraph 109 of the NPPF.

The Local Planning Authority considers that the unauthorised change of use has occurred within the last 10 years and the unauthorised operational 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 3 months from the date when this notice takes effect

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the Land for the storage of caravans and non-agricultural vehicles.
2. Remove all caravans and non-agricultural vehicles from the Land.
3. Remove all retaining walls and the timber fence from the Land.
4. Restore that part of the Land which has been terraced to its condition before the development took place.

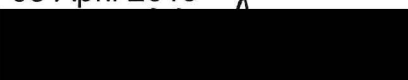
5. Remove all debris and other rubbish resulting from complying with Steps 1 to 4 from the Land.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 05 May 2019 ("the effective date") unless an appeal is made against it beforehand.

Dated: 05 April 2019

Signed:



Head of Place

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

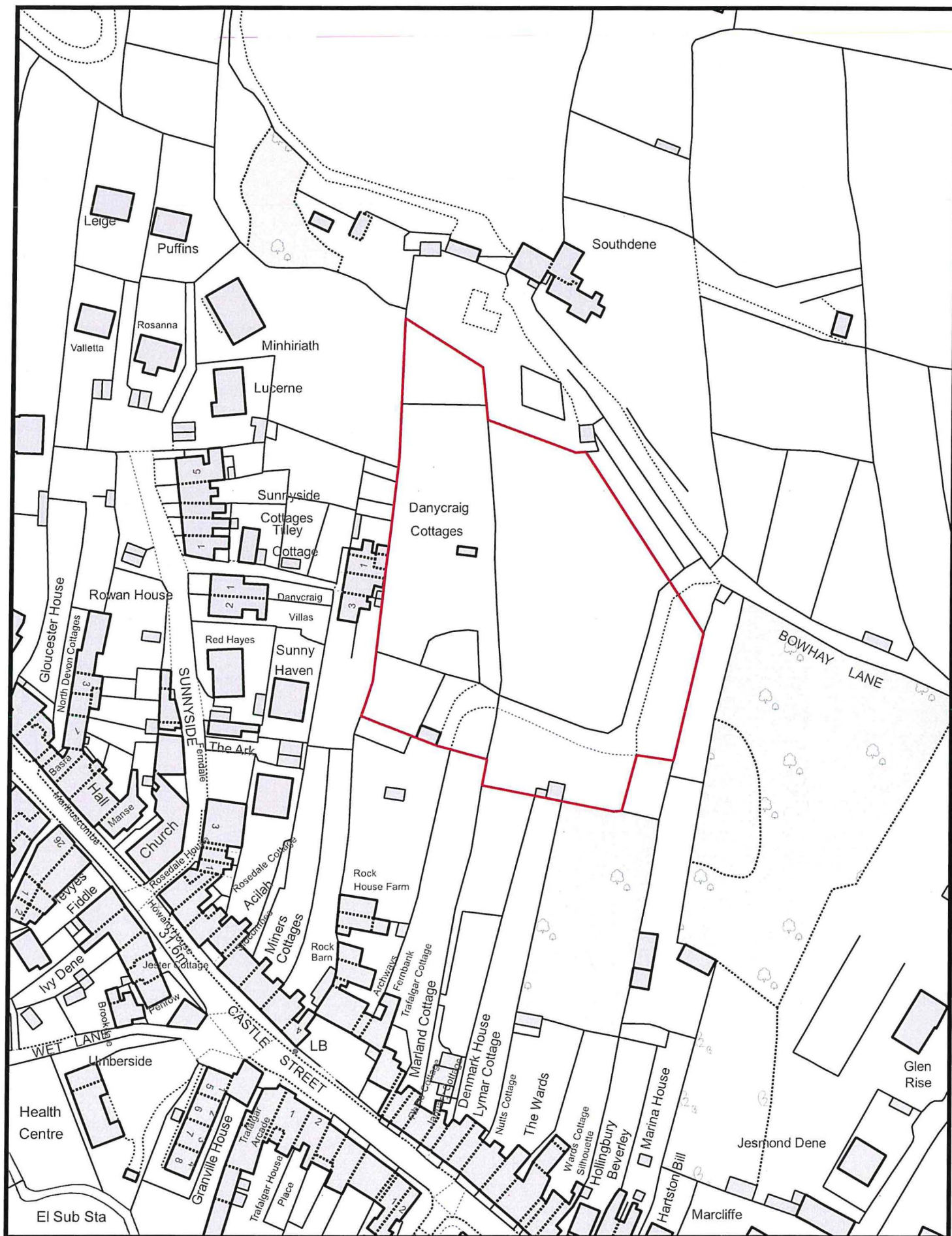
GUIDANCE NOTES FOR YOUR INFORMATION

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 (2 x £462)

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

9752 Land Rear of Rock House Farm, Castle Street, Combe Martin EX34 0JG

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Enforcement

Scale: 1:1250 at A4
Date: April 2019