



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

**1 Europa Park, Woolacombe Station Road,
Woolacombe EX34 7AN
HM Land Registry title number DN446262**

**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. 14323
PLANNING NO. 10661

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**

1 Europa Park, Woolacombe Station Road, Woolacombe EX34 7AN as shown edged red on the enclosed location plan.

("The Land")

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

Within the last 10 years, occupation of the chalet for permanent residential accommodation in breach of Condition 2 of planning permission 26875 which provides that 'the chalet shall be occupied for holiday occupation only and not for permanent residential accommodation'.

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 outside of the development boundary on an established holiday park where, given its economic contribution to the area, development for holiday purposes and purposes ancillary to that has been supported.

In terms of the permanent occupation of units, the site is outside of the development boundary for Woolacombe within the countryside and within a protected landscape where the adopted North Devon and Torridge Local Plan policies and the NPPF strictly control new residential uses to that which are required for a rural worker close to their place of work or where conversions are involved where it improves the immediate setting or conserves a heritage asset.

Neither would apply in this case, given it is an existing holiday chalet. The accommodation is not required for a rural worker with a demonstrable functional requirement to live at the site and no conversion works have taken place. In addition, the use as a permanent residential unit would have economic implications in removing tourist spend from potential holiday occupancy.

As such, the occupation of the chalet as a permanent residential unit would be contrary to Policies DM18 and DM28 of the NDTLP and the requirements of paragraph 79 of the NPPF.

5. WHEN YOU ARE REQUIRED TO ACT

The Council requires that the steps specified in paragraph 6 below be undertaken within 9 months from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the permanent residential occupation of the chalet edged red on the attached location plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 10th June 2019 ("the effective date") unless an appeal is made against it beforehand.

Dated: 10th May 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 £232.00 (2 x £116.00).

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

10661 - 1 Europa Park, Woolacombe EX34 7AN

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