



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE AND  
OPERATIONAL DEVELOPMENT**

**Land at Corilhead Road Braunton Devon  
HM Land Registry title number DN615543**

**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")**

Enforcement reference number: 10531

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 at Corilhead Road Braunton Devon EX33 2EW as shown edged red on the enclosed location plan.

("The Land")

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

Within the last 10 years unauthorised material change of use consisting of the storage of a non-agricultural vehicle and within the last 4 years unauthorised operational development consisting of the laying of hardstanding, erection of a building, erection of fences and gates and provision of a wooden seating area.

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 was originally part of a larger area of mature woodland. The area has now been cleared of all trees and other vegetation, the ground has been levelled and hard surface laid. Various areas of terracing and a seating area have been created around the boundaries of the former quarry. A timber shed affixed to a flatbed trailer has been positioned on the land. At the site entrance fencing with double gates has been erected.

All these works have harmed the original verdant quality the site formerly enjoyed and present a very urbanising aspect over this land which lies in the countryside outside the settlement of Braunton.

The development is contrary to Local Plan Policy DMO8 Biodiversity and Geodiversity which states there should be conservation, protection and where possible biodiversity enhancement of sites and contrary to Policy DMO8A Landscape and Seascape Character which confirms that development should avoid adverse landscape impacts and seek to enhance landscape assets where possible. It does not represent sustainable development under Policy STO1 Principles of Sustainable Development and as defined at paragraph 8 of the National Planning Policy Framework given the significant environmental detriments which have resulted without any economic or social gain.

**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 notices takes effect.


**6. WHAT YOU ARE REQUIRED TO DO**

1. Remove the non-agricultural vehicle and flatbed trailer from the land outlined in red on the attached location plan
2. Cease the use of the land outlined in red on the attached location plan for the storage of the non-agricultural vehicle.
3. Remove the hardstanding, double gates, fencing and seating area from the land outlined in red on the attached location plan
4. Remove all rubbish resulting from complying with steps 1-3 above from the land outlined in red on the attached location plan

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 12 October 2019 unless an appeal is made against it beforehand.

Dated: 12 September 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**

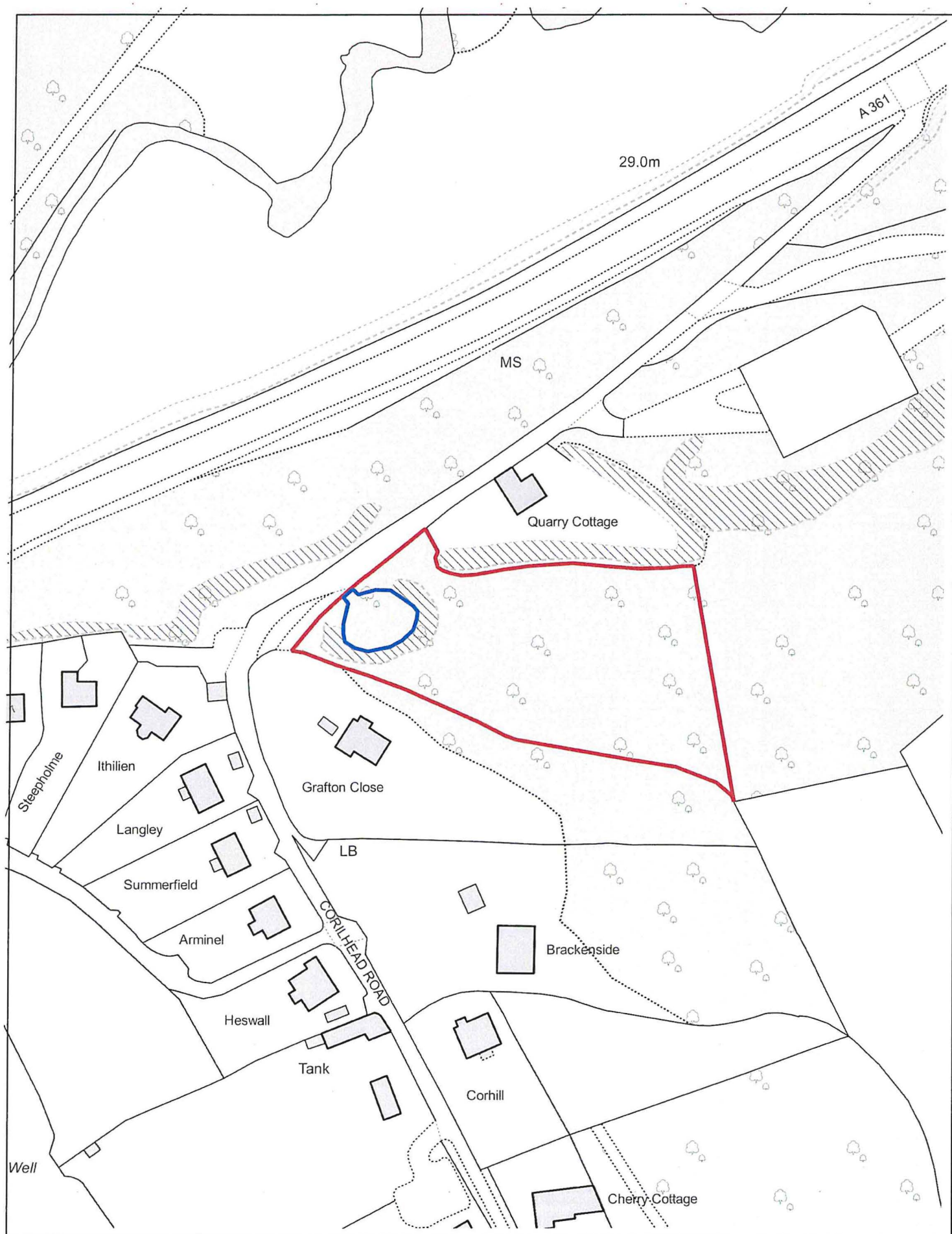
### **THE RIGHT OF APPEAL**

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 1EA

**Enforcement 10531**  
**HM Land registry title number DN615543**  
**The Quarry, Corilhead Road, Branton EX33 2EW**

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**TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL PERMISSION FOR DEVELOPMENT**

THOMAS CUSTOM ARCHITECTURAL SERVICES  
27 OLD BIDEFORD ROAD  
STICKLEPATH  
BARNSTAPLE  
EX312DE

**APPLICATION No.: 65667**

**DATE REGISTERED: 13-MAR-19  
DECISION DATE: 15-MAY-19**

The North Devon District Council in pursuance of powers under the above mentioned Act hereby refuse to grant planning permission for

**ERECTION OF ONE DWELLING AT LAND AT CORILHEAD ROAD BRAUNTON**

For the following reasons:

- (1) The proposal comprises the construction of an open market residential development in the countryside without any functional and financial justification or with a requirement to be situated within a countryside location. The proposal is therefore contrary to the provisions of Policy STO7 (4) of the North Devon & Torridge Local Plan 2018 and the guidance at paragraph 79 of the National Planning Policy Framework.
- (2) Vehicular access and egress from the property would necessitate use by the occupiers of the sub-standard junction of Corilhead Road with the A361 road with consequent additional risks to all road users and interference with the free flow of traffic contrary to the provisions of Policy DMO5 (1) of the North Devon & Torridge Local Plan 2018.
- (3) The proposed development on this cleared site has resulted in harm to the existing undeveloped verdant landscape character and fails to protect and enhance biodiversity interests over the site contrary to the provisions of Policy DMO8 and DMO8A of the North Devon & Torridge Local Plan, 2018.
- (4) The road leading to the application site by reason of its inadequate width, vertical and horizontal alignment and lack of footway provision is unsuitable to serve the likely increase in traffic generated by this proposal contrary to the provisions of Policy DMO5 (1) of the North Devon & Torridge Local Plan, 2018.

**Michael Tichford MRTPI**  
**Head of Place**

**Refusal (no negotiation)**

**Statement of Engagement**

In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This has included a site visit and dealing with the application in a timely manner. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

**End of Decision.**

**Please remove any site notice relating to this application from your property as the decision has now been made.**



Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303-444 5000  
Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

**You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.**

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.