



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **ENFORCEMENT NOTICE**

**Material Change of Use**

**The Ring O' Bells Prixford  
Barnstaple Devon EX31 4DX  
HM Land Registry title number DN307345**

**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: 11072

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**

The Ring O' Bells, Prixford, Barnstaple, Devon EX31 4DX as shown edged red on the enclosed location plan.

("The Land")

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

Within the last 4 years, unauthorised material change of use consisting of the residential use of a public house.

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:

A change of use of part of the building has occurred with the formation of two independent C3 units of accommodation along with use of part of the ground floor of the building ancillary to these units.

The site is located in the rural settlement of Prixford where policy ST07 (3) would apply. This policy is only supportive of new residential uses for locally generated needs in such areas where the village contains one of the prescribed service or community facilities of which the public house is the only prescribed service or community facility. A change of use of part of the redundant public house would significantly impact on its ability to trade viably in the future and therefore, whilst policy is supported of re-use of redundant buildings in the countryside; there is nothing to suggest in this instance that the public house use is redundant and therefore policy ST22 applies. This states that:

*'(3) Development that involves the loss of community services and facilities will not be supported unless there is compelling evidence to demonstrate:*

*(a) the existing use is no longer commercially viable or could not be made commercially viable; or*

*(b) there is alternative local provision that is accessible to the local community by walking or cycling; and in either case*

*(c) the premises are no longer required to meet the needs of the local community.'*

The change of use which has occurred would remove the ancillary function of the owner's accommodation and letting rooms to the wider public house for which there is not considered to be any evidence that this is justified. The loss of this to a rural public house would have a significant implication for its future financial viability. This change of use would result in the loss of the community facility for which there is no evidence that it is no longer commercially viable, with the current owner having made no attempt to re-establish the public house use. The nearest public house to the site is some distance from the village and only accessed by unlit single track roads and no public transport. Not therefore an accessible alternative provision.

Furthermore, the public house is the only facility serving Prixford and as demonstrated by its registration as an ACV, the community consider it is still required to meet their needs. The use that has occurred would therefore be contrary to ST22 above.

The occupation of third party accommodation over a public house would also result in a conflict in uses, whereby residents of the upper floors, where not associated with the running of the public house below, would be likely to suffer a significant reduction in amenity from noise generated by trading and functions which may be held in the public house.

The ground floor of the building hosts a skittle alley and a larger function room off of the kitchen both of which add to the year round viability of such a premises. Use of these rooms for functions as well of the rest of the day to day functioning of the public house would be significantly prejudiced by third party occupied living accommodation at first floor level and would therefore reduce the viable function of the public house contrary to Policy ST22 of the NDTLP. This use would be likely to give rise to noise complaints therefore contrary to Policies DM01 and DM02 of the NDTLP.

## **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 use of the residential use of the public house buildings and the land edged red on the attached location plan.
2. Remove the kitchen and cooking facilities from the residential unit known as The Apartment.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 23 September 2019 unless an appeal is made against it beforehand.

Dated: 23 August 2019

Signed:

.....  
Chief Executive

On behalf of:

North Devon District Council  
Lynton House  
Commercial Road  
Barnstaple  
Devon  
EX31 1DG

## **GUIDANCE NOTES FOR YOUR INFORMATION**

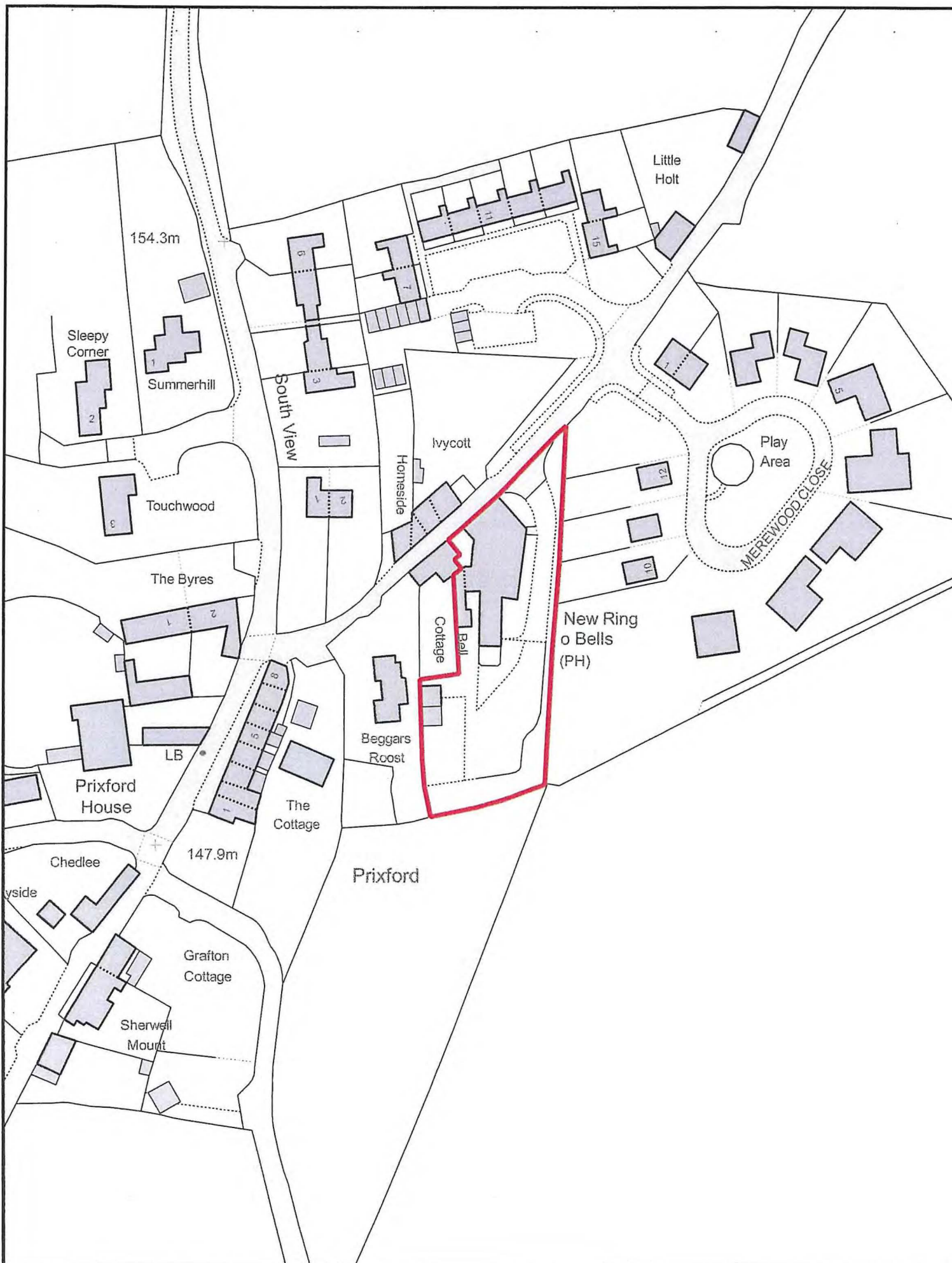
### **THE RIGHT OF APPEAL**

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.







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.