



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE

**Land at Porte Farm Kentisbury Barnstaple Devon
EX31 4NL**

HM Land Registry title number DN457819

**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: 11214

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 Porte Farm, Kentisbury, Barnstaple, Devon EX31 4NL as shown edged red on the enclosed location plan.

(“The Land”)

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

Within the last 10 years, an unauthorised material change of use consisting of the residential occupation and storage of caravans.

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 storage of the caravans in this location in the open countryside and their permanent residential use would not be justified under Policy ST07 of the North Devon and Torridge Local Plan, which seeks to restrict new development in the countryside to that which requires a rural location and provides for local social or economic needs. This policy is further supported by Policy DM28 relating to rural workers dwellings and paragraph 79 of the NPPF. These provide exceptional circumstances for residential development in the countryside. In this case none of these exceptions would apply. As whilst the occupants of the caravans are employed locally there is not an ‘essential’ need for them to reside close to their place of work, other than for convenience. Supervisory accommodation exists at the site in the form of a chalet benefitting from a lawful development certificate for residential occupation all in control of the landowner and there are other dwellings on adjacent land in part control of the owner.

The units are remote from other facilities required on a daily basis and would be accessed from a substandard junction from the A39. The development would have highway implications in that the provision of 7 units of permanent residential accommodation would generate an additional 42-56 movements per day onto an A class road from a

substandard junction. The absence of a right turn lane into the site coupled with the increase in vehicle movements from 7 permanent residential units would interrupt the free-flow of traffic travelling at the national speed limit along the A39 and therefore would be likely to result in a serious collision. As such it is considered that the change of use that has taken place would result in severe impacts to the safety of road users and is in an unsustainable location therefore contrary to Policy DM05 of the North Devon and Torridge Local Plan and paragraph 109 of the National Planning Policy Framework.

Furthermore the presence of 7 caravans whether inhabited or stored would detract from the setting of the Grade II Listed Farmhouse and curtilage listed barns and would neither preserve nor enhance the setting of these buildings therefore contrary to Policy DM07 of the North Devon and Torridge Local Plan and would not meet the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

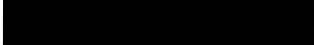
6. WHAT YOU ARE REQUIRED TO DO

1. Remove the caravans 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 residential occupation and storage of caravans

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 29 September 2019 unless an appeal is made against it beforehand.

Dated: 29 August 2019

Signed: 
Head of Place

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

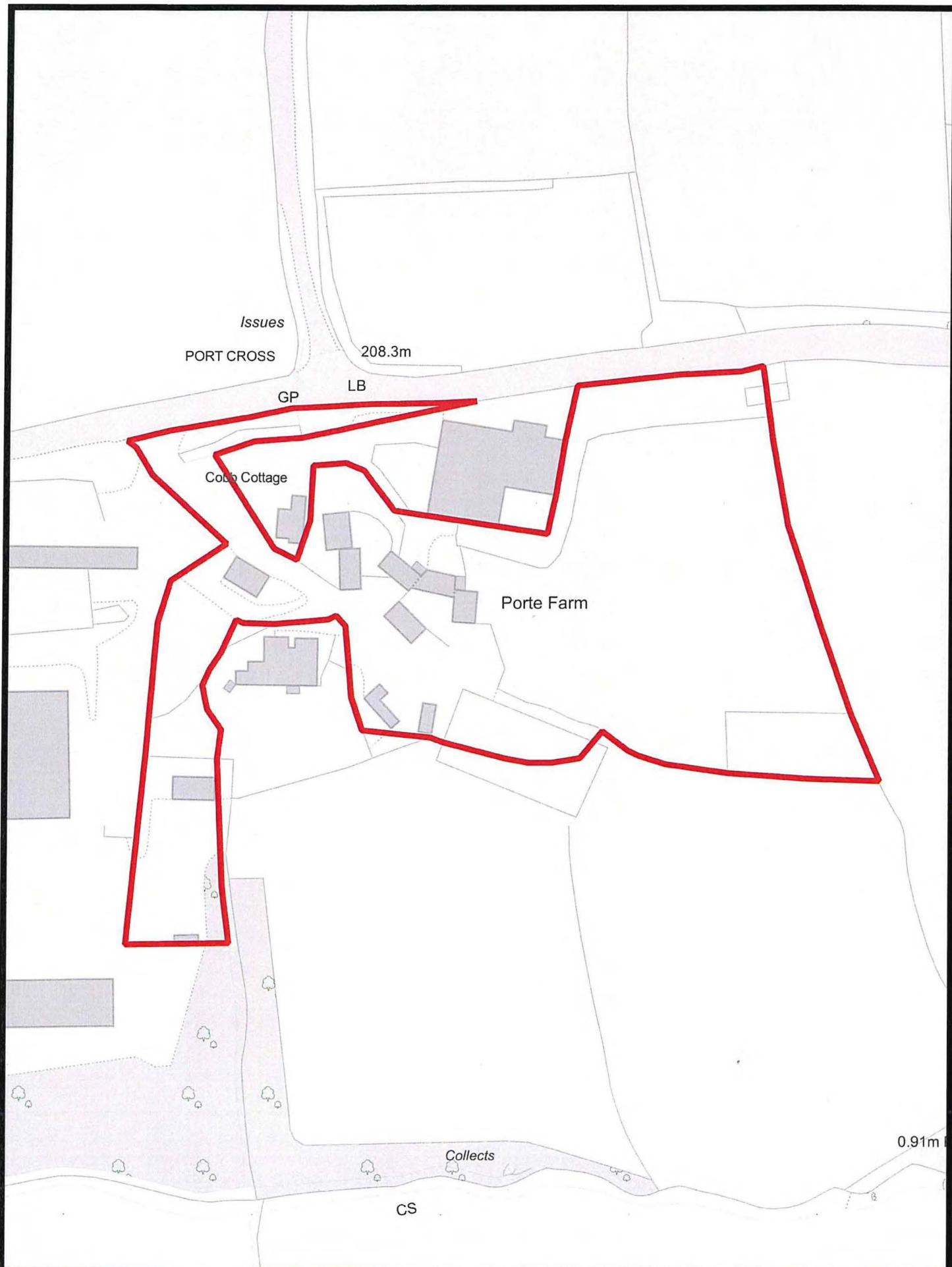
GUIDANCE NOTES FOR YOUR INFORMATION

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

11214 - Porte Farm, Kentisbury EX31 4NL

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Copy Supplied to:
Enforcement

Scale: 1:1250 at A4
Date: June 2019

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

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.