



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE AND  
OPERATIONAL DEVELOPMENT**

**Land at Porte Farm Kentisbury Barnstaple Devon  
EX31 4NL  
HM Land Registry title number DN521096**

**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: 11418

**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 unauthorised material change of use consisting of the storage of machinery and within the last 4 years unauthorised operational development consisting of the creation of hardstanding.

**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 machinery constitutes a material change of use. The area hatched blue on the attached plan is used for the storage of machinery used in conjunction with an agricultural contracting business, operating from the adjacent land, therefore falling within a B8 use. The formation of hardstanding constitutes operational development.

The existing agricultural contracting business operates on a 2.5 hectare site to the east and north-east of the site which is an extensive site area with both indoor and outdoor storage facilities and large areas of hardstanding, the latter not all of which benefits from planning permission but is now immune from enforcement action. The additional area hatched blue is not considered to be required for the business, given its already expansive site area and its B8 use. The further expansion of the site is not considered to be justified economic development in the countryside contrary to Policy ST07 and DM12 of the North Devon and Torridge Local Plan.

Furthermore the extensive hardstanding and proliferation with machinery is of a scale and appearance that it would detract from the landscape qualities of the area as defined in the Landscape Character Assessment contrary to the requirements of Policies ST14 and DM08A of the North Devon and Torridge Local Plan.

The development also has highway implications as the expansion into this area facilitates intensification of the B8 activities taking place on the site therefore generating additional movements 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 expanding the size of the site by a further 0.8ha 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 use which has taken place would result in severe impacts to the safety of road users therefore contrary to Policy DM05 of the North Devon and Torridge Local Plan and paragraph 109 of the National Planning Policy Framework.

## **5. WHEN YOU ARE REQUIRED TO ACT**

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


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

1. Remove the hardstanding and stored machinery from the area hatched blue within the land outlined in red on the attached location plan and seed the area with grass.
2. Cease the use of the area hatched blue within the land outlined in red on the attached location plan for the storage of machinery.
3. Remove any debris or rubble from the land when undertaking steps 1-2 from the land outlined in red on the attached location plan.

## **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

## 11418 - Porte Farm, Kentisbury EX31 4NL

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Copy Supplied to:  
Enforcement

Scale: 1:2000 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](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.