



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**Material Change of Use**

**The White Hart Inn Bratton Fleming  
Barnstaple Devon EX31 4SA  
HM Land Registry title number DN267396**

**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: 10625

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 White Hart Inn, Bratton Fleming, Barnstaple, Devon EX31 4SA 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:

The authorised use of the building as a whole is as a public house falling within an A4 use class with integral owner's accommodation. It is considered that a change of use of part of building has occurred with formation of two independent C3 units of accommodation resulting in a mixed use building.

The site is located in the centre of Bratton Fleming which is an identified Local Centre to which Policy ST07 (1) of the North Devon and Torridge Local Plan (NDTLP) applies. New residential development is permitted in this location where it enhances the sustainability of the locally important service centres and to enable wider than local needs to be met.

Policy ST22 of the NDTLP 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 pub has been closed since 2012 with the current owner having made no attempt to re-establish the public house. There have been two recent appeal decisions at the site which both state that there has not been any evidence to demonstrate that the pub is not viable when in operation. It also highlights the fact that the removal of the ancillary function of the owner's accommodation would have a significant impact on the future financial viability of the pub. The loss of the additional space used by the apartment would offer valuable function space in association with the pub.

The White Hart is the only pub in the village with no other pub within walking or cycling distance. The property has been registered as an Asset of Community Value with the local community keen to see it returned to a functioning pub. It is therefore considered to provide an important function to this rural community and is still in demand.

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 building hosts a bar, pool room, restaurant, beer garden and car park all of which add to the year round viability of such a premises. Use of these rooms for functions as well as the day to day functioning of the public house would be significantly prejudiced by third part 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 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 nine 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 building 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.
3. Remove any rubbish or debris resulting from complying with steps 1-2

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 10 November 2019 unless an appeal is made against it beforehand.

Dated: 10 October 2019

Signed:

A black rectangular box redacting the signature of the Head of Place.

Head of Place

On behalf of:

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

## **GUIDANCE NOTES FOR YOUR INFORMATION**

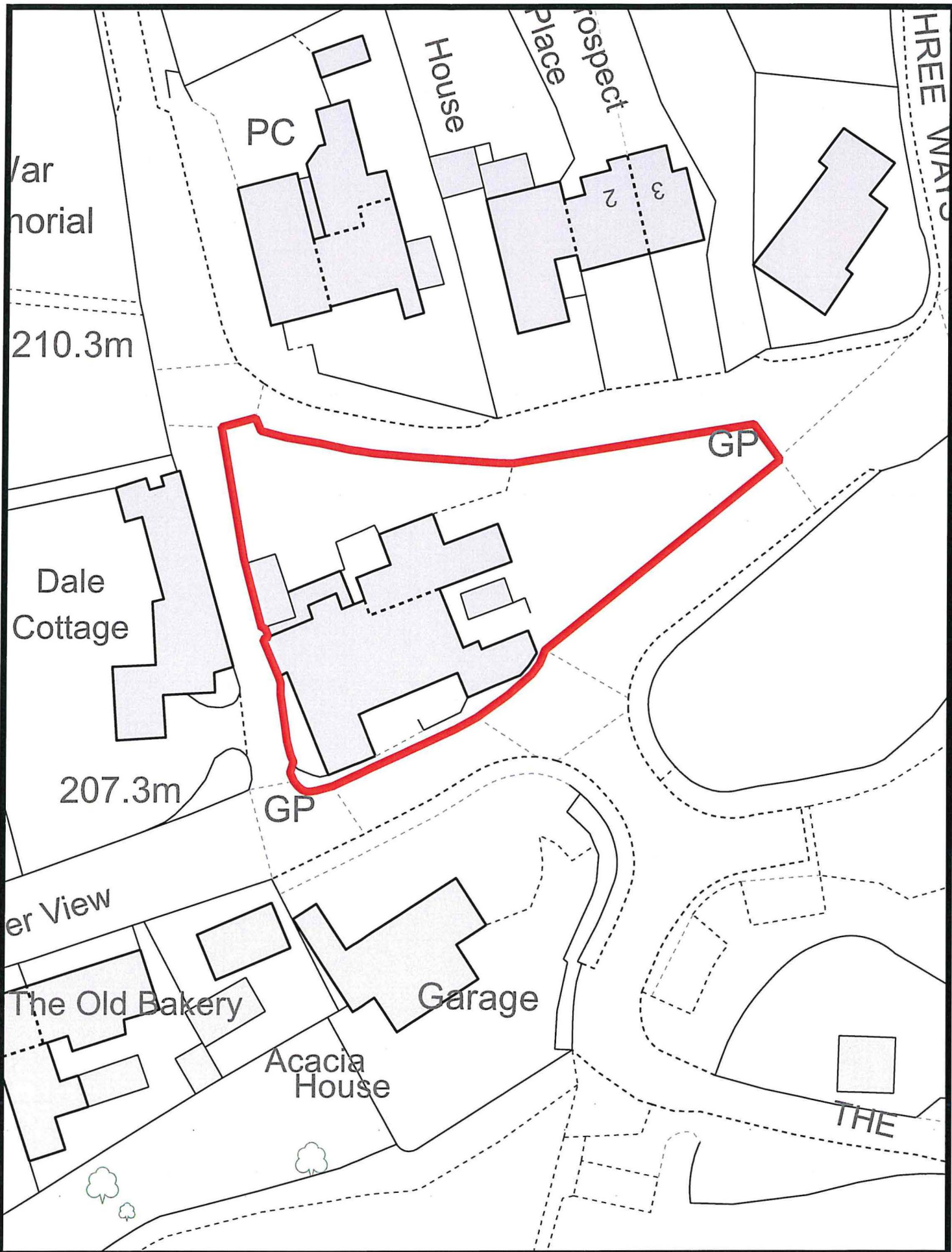
### **THE RIGHT OF APPEAL**

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

**10625 - The White Hart Inn, Bratton Fleming,  
Barnstaple. EX31 4SA**

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Copy Supplied to:  
Enforcement

Scale: 1:500 at A4  
Date: September 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.



Dear Resident,

## **PLANNING ENFORCEMENT**

We have been made aware that a notification has been delivered to you re potential planning enforcement action.

If you wish to discuss your housing circumstances with a member of the Housing Options Service you can do this in the following ways:

**[www.northdevon.gov.uk](http://www.northdevon.gov.uk)**

**Housing**

**Housing Advice**

On this site you will be able to access a 'General Housing Advice' website, where you will be able to access some general advice:

- How to solve problems that are affecting your housing situation.
- What to do if you have been asked to leave your property.
- How you can find somewhere else to live.
- How North Devon Council may be able to help you.

If you wish to register a request for a housing case to be opened as you are at risk of homelessness within 56 days then you will need to go to:

**[www.northdevon.gov.uk](http://www.northdevon.gov.uk)**

**Housing**

**Housing Advice**

**Apply here for help**

If you wish to make an application to be added to the Housing Register:

**[www.northdevon.gov.uk](http://www.northdevon.gov.uk)**

**Housing**

**Apply for housing through Devon Home Choice**

Please note that if you do not have access to the internet you can also call Customer Services on 01271 388870.

Yours sincerely

Service Lead Housing Options & Homelessness Service