



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Unauthorised material change of use

**Land known as The Bolthole
lying north of Jarrah Milltown Muddiford
Barnstaple Devon EX31 4HG
HM Land Registry title number DN660046**

**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: 11071

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 known as Bolthole Milltown Muddiford Barnstaple Devon EX31 4HG 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 conversion of a stable to an events venue.

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 breach alleges the change of use of the buildings, which appears to be a stable block to an events venue. The site visit identified sleeping accommodation, wash facilities and a bar in the building.

The site lies outside of the main built form of the settlement of Milltown therefore its location is considered as countryside.

Policy ST07 facilitates development in the countryside where a rural location is required, provides social or economic benefits and involves building reuse. It is reasonable to expect an events venue, particularly where there is an intention to host weddings, to be somewhere more remote from built up areas and this would also provide economic benefits as well as re-using an existing building.

Policy DM14 of the North Devon & Torridge Local Plan (NDTLP) is supportive of economic development in rural areas subject to certain criteria and states:

‘To support the rural economy, new small scale economic development at Rural Settlements and in the Countryside will be supported on the following basis:

- (a) change of use or conversion of a permanent and soundly constructed building; or
- (b) sites or buildings adjoining or well related to a defined settlement or a Rural Settlement; or
- (c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity;

provided that:

- (d) there is no adverse impact on the living conditions of local residents;
- (e) the scale of employment is appropriate to the accessibility of the site and the standard of the local highway network; and
- (f) proposals respect the character and qualities of the landscape and the setting of any affected settlement or protected landscape or historic assets and their settings and include effective mitigation measures to avoid adverse effects or minimise them to acceptable levels.'

In terms of the above criteria, it is considered (a) is likely to be met, however in terms of (d) and (e) there are fundamental concerns in respect of the suitability of the highway access for such a use. Whilst visibility can be achieved using the access to The Bolthole and closing off the existing access, there is little information around parking availability. This, therefore, is likely to present adverse impacts to highway safety from on-road parking on a classified road.

Furthermore, the Council's Environmental Health Service has identified unknowns in terms of noise generation which could result in adverse impacts to nearby third party properties. The potential parking arrangements within the curtilage of The Bolthole would also harm the amenity of any future occupier of The Bolthole which could end up in third party ownership from multiple movements at unsociable hours.

As such the negative impact on neighbouring amenity from noise generated from the site and vehicle movements *and* the adverse impact on highway safety from potential for parking on a classified highway due to insufficient on-site parking are such that it is not considered that the development complies with Policies DM14, DM01, DM02, DM05 and DM06 of the NDTLP as well as conflicting with objectives of the National Planning Policy Framework at paragraphs 108 and 127.

5. WHEN YOU ARE REQUIRED TO ACT

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


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the stables edged in blue on the on the attached location plan as an events venue
2. Remove all domestic furniture, including the bed from the building edged in blue
3. Remove the toilet, shower, sinks, and bar from the building edged in blue
4. Remove from the land any rubbish or debris resulting from compliance with steps 1-3.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 07 December 2019 unless an appeal is made against it beforehand.

Dated: 07 November 2019

Signed: 
Head of Place

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

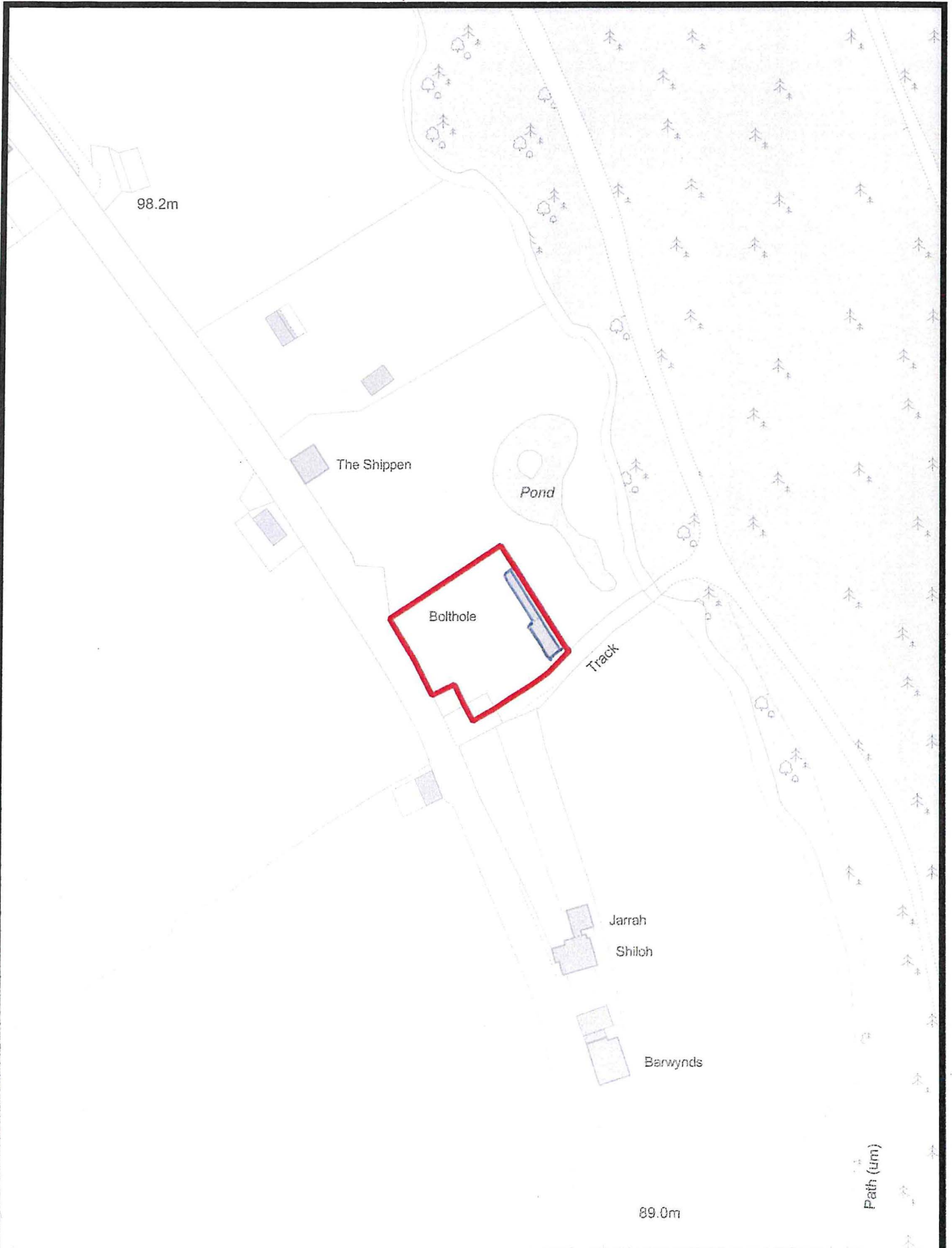
GUIDANCE NOTES FOR YOUR INFORMATION

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

11071 - Bolthole, Milltown, Muddiford, Barnstaple. EX31 4HG

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Copy Supplied to:
Enforcement

Scale: 1:1250 at A4
Date: October 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.