



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Breach of Condition

Molland Cross Farm South Molton Devon EX36 3EU

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: 11188

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**

Molland Cross Farm South Molton Devon EX36 3EU as shown edged red on the enclosed location plan. ("The Land")

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

Within the last 10 years, breach of condition 4 of planning permission 56287 consisting of the independent use of the outbuilding.

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:

Condition 4 attached to planning permission 56287 states that the ancillary accommodation shall not be used independently from the main dwelling and shall not be provided with any self-contained facilities including a kitchen. The annex has been fitted with a kitchen and has been converted into a self-contained unit in breach of the above condition. The permission was granted in October 2013 and as such the Council considers that the alleged breach of planning control is within the last 10 years and therefore within the time limit allowed to take enforcement action.

Policy ST07 states that development will be supported in the local centres and villages as identified in the North Devon & Torridge Local Plan. In the countryside beyond this, development will be limited to that which is enabled to meet local economic and social needs which are necessarily restricted to a countryside location. Molland Cross Farm is in a rural location outside of any identified settlement where new residential development is restricted. There has not been any justification provided to demonstrate there is an exceptional need for an additional dwelling on the site and as such the creation of a new residential unit in the countryside is considered to be contrary to this policy.

Policy DM27 supports the conversion of the redundant rural buildings into various uses including residential, however the building is currently

being lived in and cannot be considered to be redundant. The development would therefore not be in accordance with this policy either.

It is therefore considered that the kitchen and cooking facilities should be removed from the outbuilding and its use returned to ancillary domestic accommodation to the main dwelling house.

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 notice takes effect.


6. WHAT YOU ARE REQUIRED TO DO

1. Cease the independent use of the outbuilding coloured blue on the attached location plan
2. Remove the kitchen and cooking facilities from the outbuilding coloured blue
3. Remove from the land edged red on the attached location plan any rubbish and/or debris resulting from compliance with steps 1-2.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15 December 2019 unless an appeal is made against it beforehand.

Dated: 15 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.

Agents should note that if ground (a) is not pleaded at the very beginning the Inspectorate will not delay the processing of the appeal.

Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

It is important that if the appellant wants the planning merits of the development to be considered – known as the “deemed planning application” – they must plead ground (a) and pay the fee for that application to the local planning authority when making their appeal. If this is not done, the planning merits and any subsequent ground (a) appeal (Ground (a) – that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed) cannot be considered by the Inspector. The appeal will only be determined on the grounds of appeal as submitted on the appeal form.

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.

MOLLAND
CROSS

259.8m

GP

The Old Chapel

258.4m

Issues

Molland
Cross Farm

255.1m



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

**11188 - Molland Cross Farm, North Molton,
South Molton, EX36 3EU**

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Enforcement

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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.