



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Unauthorised material change of use

**Land on the west side of Haxton Lane
Bratton Fleming Devon EX31 4RY
HM Land Registry title number DN392852**

**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: 11239

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 on the west side of Haxton Lane Bratton Fleming Devon EX31 4RY as shown edged red on the enclosed location plan.

(“The Land”)

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

Within the last 10 years unauthorised change of use consisting of the storage of caravans and residential use of the land.

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 land is located in the countryside where the North Devon and Torridge Local Plan (NDTLP), and National Planning Policy Framework (NPPF) seek to restrict certain forms of development in the interests of sustainable development. The land is currently being used for the storage and residential use of two caravans, non-agricultural vehicles and other items not linked to an agricultural use.

The change of use of land is controlled and limited to that which meets local economic and social needs, rural building reuse and use that is necessarily restricted to a countryside location in accordance with Policy ST01: Principles of Sustainable Development and Policy ST07 (4): Spatial Development Strategy for Northern Devon’s Rural Area of the North Devon and Torridge Local Plan adopted in October 2018.

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 NDTLP 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: Rural Worker Accommodation of the NDTLP relating to rural workers dwellings and paragraph 79 of the NPPF. These provide exceptional circumstances for residential development in the countryside. The residential use of the caravans is not justified for rural workers accommodation in regard to Policy DM28 or any of the

exceptions contained in paragraph 79 of the National Planning Policy Framework.

In addition the current use of the land would not appear to fall within any of the rural economy criteria outlined in policy DM14: Rural Economy, given that the use does not appear to have strong links to agriculture.

Whilst the occupant of the caravans works locally and goes back to Surrey at weekends there is not an 'essential' need for him to reside on the land to look after the domestic animals and limited livestock, other than for convenience.

The land is accessed from a substandard junction and so the development would have highway implications. Paragraph 109 of the National Planning Policy Framework states that applications should be refused on transport grounds where the residual cumulative impacts of the development are severe and Policy DM05: Highways states that all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

The development would result in increased use of the junction onto the public highway. There is limited visibility from and of vehicles using the junction. This increased use would result in additional danger to all road users and a loss of amenity along the designated public right of way. This is contrary to policy DM05 of the NDTLP.

The use of the land for the storage and residential use of the caravans, vehicles and other items, not linked to an agricultural use, nor requiring a rural location, is considered against strategic policies ST01, ST07, DM14 and DM28 of the NDTLP. Furthermore 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 contrary to Policy DM05: Highways of the NDTLP and Paragraph 109 of the NPPF.

The Council considers it is necessary to remedy the breach of planning control by the removal of the caravans and all other vehicles and paraphernalia not used in connection with agriculture and that lesser steps cannot deal with the issue. There is no functional requirement for the retention and storage of the caravans on the land insofar as it does not meet any of the criteria listed under Policies ST07 or DM28. It is also necessary and in the public interest to take enforcement action since otherwise the use could become lawful with the passage of time which as stated above is contrary to long established planning policies seeking to protect the character of the area.

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 residential use of the land
2. Cease the use of the land for the storage of caravans and all non-agricultural vehicles and items
3. Remove the caravans from the land
4. Remove all other non-agricultural items and vehicles from the land
5. Remove from the land any rubbish or debris resulting from compliance with steps1-4.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 12 December 2019 unless an appeal is made against it beforehand.

Dated: 12 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.

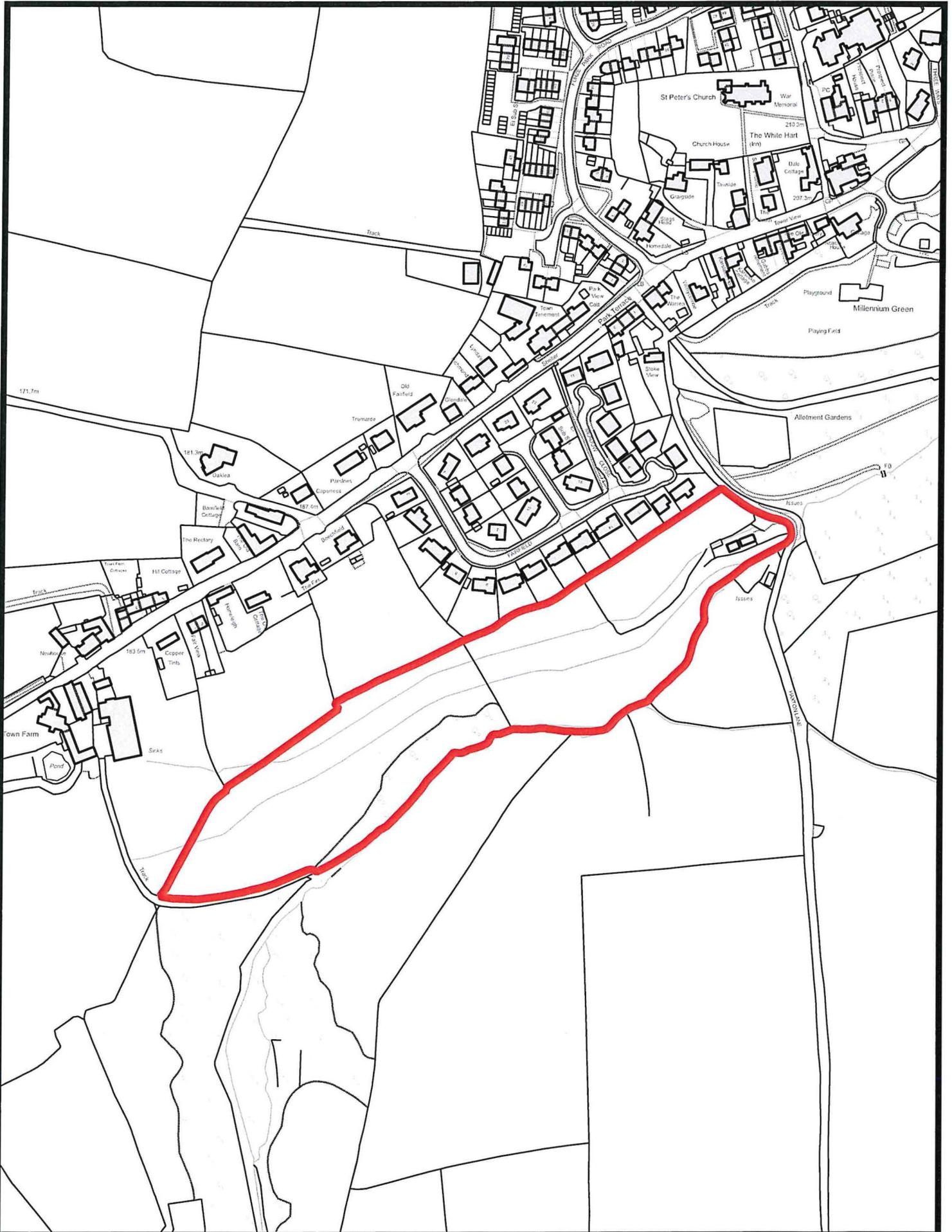
Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

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.



**11239 - Land off Haxton Lane, Bratton Fleming,
EX31 4RH**

Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Copy Supplied to:
Enforcement

Scale: 1:3000 at A4
Date: September 2019

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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.