



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

**9 Europa Park Woolacombe Station Road
Woolacombe Devon EX34 7AN
HM Land Registry title number DN534246**

**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: 10665

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**

9 Europa Park, Woolacombe Station Road, Woolacombe, Devon
EX34 7AN as shown edged red on the enclosed location plan.

(“The Land”)

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

Within the last 10 years a breach of condition 2 of planning permission 28132 consisting of the permanent residential occupation of the holiday chalet.

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 site is located outside of the development boundary on an established holiday park where, given its economic contribution to the area, development for holiday purposes and purposes ancillary to that has been supported.

In terms of the permanent occupation of units, the site is outside of the development boundary for Woolacombe within the countryside and within a protected landscape where the adopted North Devon and Torridge Local Plan (NDTLP) policies and the National Planning Policy Framework (NPPF) strictly control new residential uses to that which are required for a rural worker close to their place of work or where conversions are involved where it improves the immediate setting or conserves a heritage asset.

Neither would apply in this case, given it is an existing holiday chalet. The accommodation is not required for a rural worker with a demonstrable functional requirement to live at the site and no conversion works have taken place. In addition, the use as a permanent residential unit would have economic implications in removing tourist spend from potential holiday occupancy and no marketing of the unit has taken place consistent with the requirements of Policy DM18 of the NDTLP.

As such, the occupation of the chalet as a permanent residential unit would be contrary to Policies ST07, DM18 and DM28 of the NDTLP and the requirements of paragraph 79 of the NPPF.

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 permanent residential occupation of the holiday chalet edged red on the attached location plan.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20 March 2020 unless an appeal is made against it beforehand.

Dated: 20 February 2020

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.

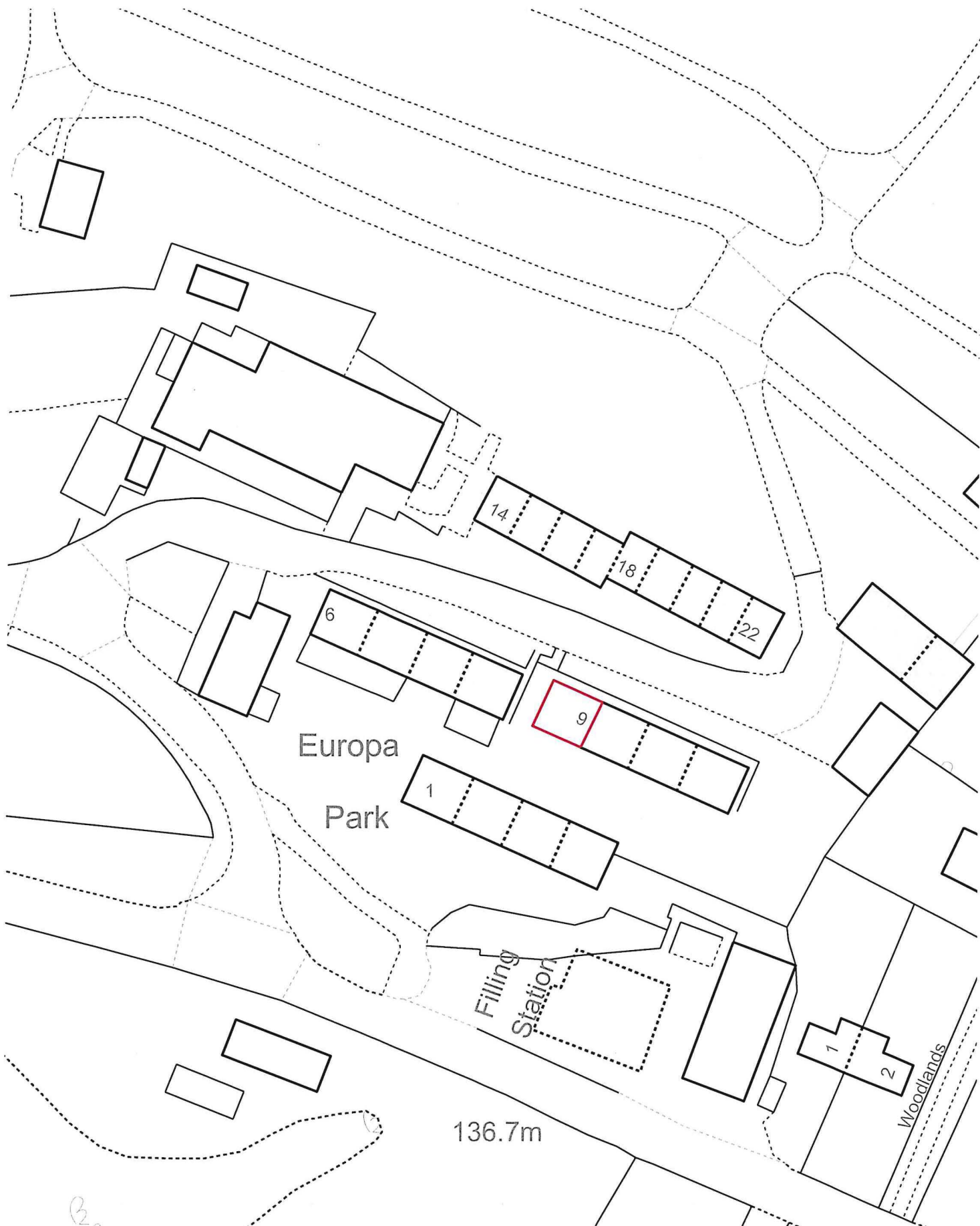
Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

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 £468.00 (2 x £234.00).

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

10665, Chalet 9 Europa Park Woolacombe EX34 7AN

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North Devon District Council
Planning Unit, Civic Centre
Barnstaple. EX31 1EA

M. J. Easton DipTP, MRTPI Planning Manager

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

MR M BAIN
EUROPA PARK
STATION ROAD
WOOLACOMBE
EX34 7AN

APPLICATION No.: 28132 DATE REGISTERED: 25/10/99 DECISION DATE: 23/11/99

The North Devon District Council in pursuance of powers under the above mentioned Act hereby grant planning permission for

VARIATION OF HOLIDAY OCCUPANCY CONDITIONS ATTACHED TO PLANNING CONSENTS 2/75/110/47/3 & 2/77/538/47/3 TO ALLOW ALL YEAR ROUND HOLIDAY OCCUPANCY AT 9, 10, 12, 21 & 22 EUROPA PARK WOOLACOMBE STATION ROAD WOOLACOMBE

in accordance with the accompanying plans and details, subject to the conditions specified hereunder:-

(1) The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The chalet shall be occupied for holiday occupation only and not for permanent residential accommodation.

Reason:

The chalet is located where permanent residential accommodation would be contrary to national and Development Plan policies and the associated domestic paraphernalia would have an adverse visual impact on the Area of Outstanding Natural Beauty and Coastal Preservation Area.

End of Decision.



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.