



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Unauthorised Material Change of Use

**Land at Toll House Colleton Mill
Umberleigh Devon EX37 9ET
HM Land Registry title number DN609162**

**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: 11380

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 at Toll House Colleton Mill Umberleigh Devon EX37 9ET as shown edged red on the enclosed location plan.

(“The Land”)

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

Within the last 10 years the unauthorised change of use consisting of the storage of a caravan 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 caravan is stored on a parcel of land to the south of the dwelling outside of the residential curtilage. Although it is unclear what the planning history to this land is there is a stable block on it.

The site is in the countryside outside of any settlement or defined development boundary where residential development would be permitted under policy ST07 of the North Devon & Torridge Local Plan (NDTLP). The NDTLP seeks to control dispersed development in the countryside to guard against development in unsustainable locations. The character of the countryside should be conserved and enhanced and new development should not detract from this.

Policies ST07 and DM28 of the NDTLP state that residential development will only be permitted in the countryside where it meets local economic and social needs, reuses rural buildings and for which a countryside location is required. Support is provided for rural employment and farm and rural business diversification schemes.

However there is no evidence that this residential unit is required for any of these purposes. The harm to the countryside following the provision of a residential unit on the land is not outweighed by the reasons given for the use of the storage of the caravan and residential use of the land.

As there is no justification for a new residential unit under policies ST07 of DM28 of the NDTLP the caravan should be removed and the residential use of the land should cease.

5. WHEN YOU ARE REQUIRED TO ACT

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

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the residential use of the land edged in red on the attached location plan.
2. Remove the caravan from the land.
3. Remove from the land any rubbish or debris resulting from compliance with steps 1 and 2.

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:
Chief Executive

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.

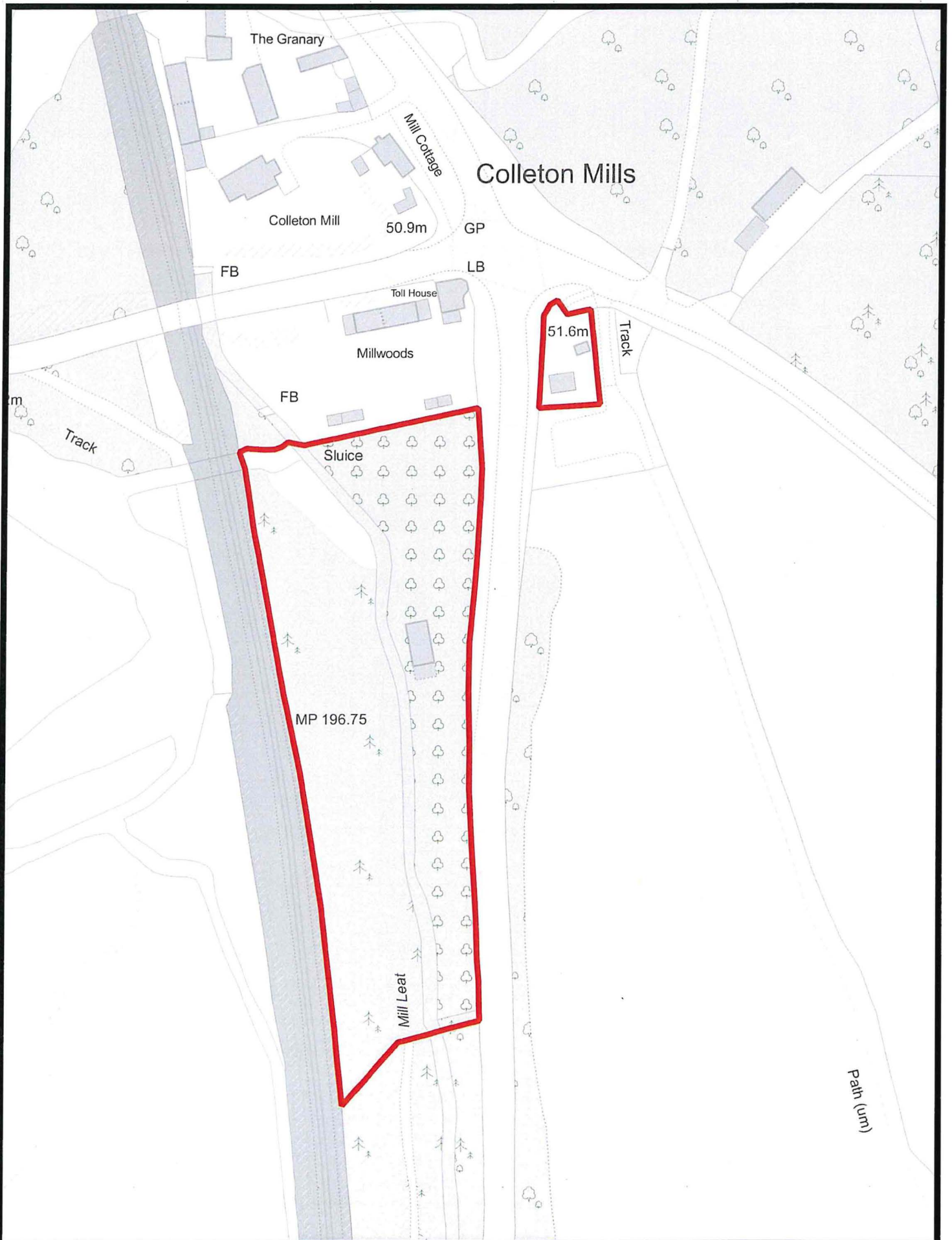
Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

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.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

11380 - Toll House, Umberleigh. EX37 9ET

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Enforcement

Scale: 1:1250 at A4
Date: December 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.