



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Unauthorised Material Change of Use

**Pinetree Lodge Thornlands Combe Martin
Ilfracombe Devon EX34 0NT
HM Land Registry title number DN498393**

**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: 10191

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**

Pinetree Lodge, Thornlands, Combe Martin, Ilfracombe, Devon EX34 0NT 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 industrial (B2) use of a porta cabin.

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 within the countryside where Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) requires development to provide local social/economic benefits, re-use existing building and necessarily require a rural location.

The site is also within an area of Undeveloped Coast. NDTLP policy ST09 states that 'development within the Undeveloped Coast and estuary will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coasts, and it is required because it cannot reasonably be located outside the Undeveloped Coast and estuary.'

The provision of a B2 use in the open countryside is not considered to be justified in the context of the above policies as it would affect the tranquillity of the area, result in social detriment to living conditions of neighbouring occupiers and could reasonably be located on an industrial estate in a nearby settlement such as Ilfracombe or Combe Martin. This is further enforced by the provisions of NDTLP policy DM12 which actively encourages such uses in existing settlements.

The temporary building is also in close proximity to neighbouring dwellings in third party ownership. The noise emissions from the B2 use result in an unacceptable loss of amenity to the neighbouring dwellings and has wider impacts on the general tranquillity of the area, contrary to Policies ST14, DM01, DM02, and DM08A of the NDTLP.

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 porta cabin as B2 use (approximate position coloured blue 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: 
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.

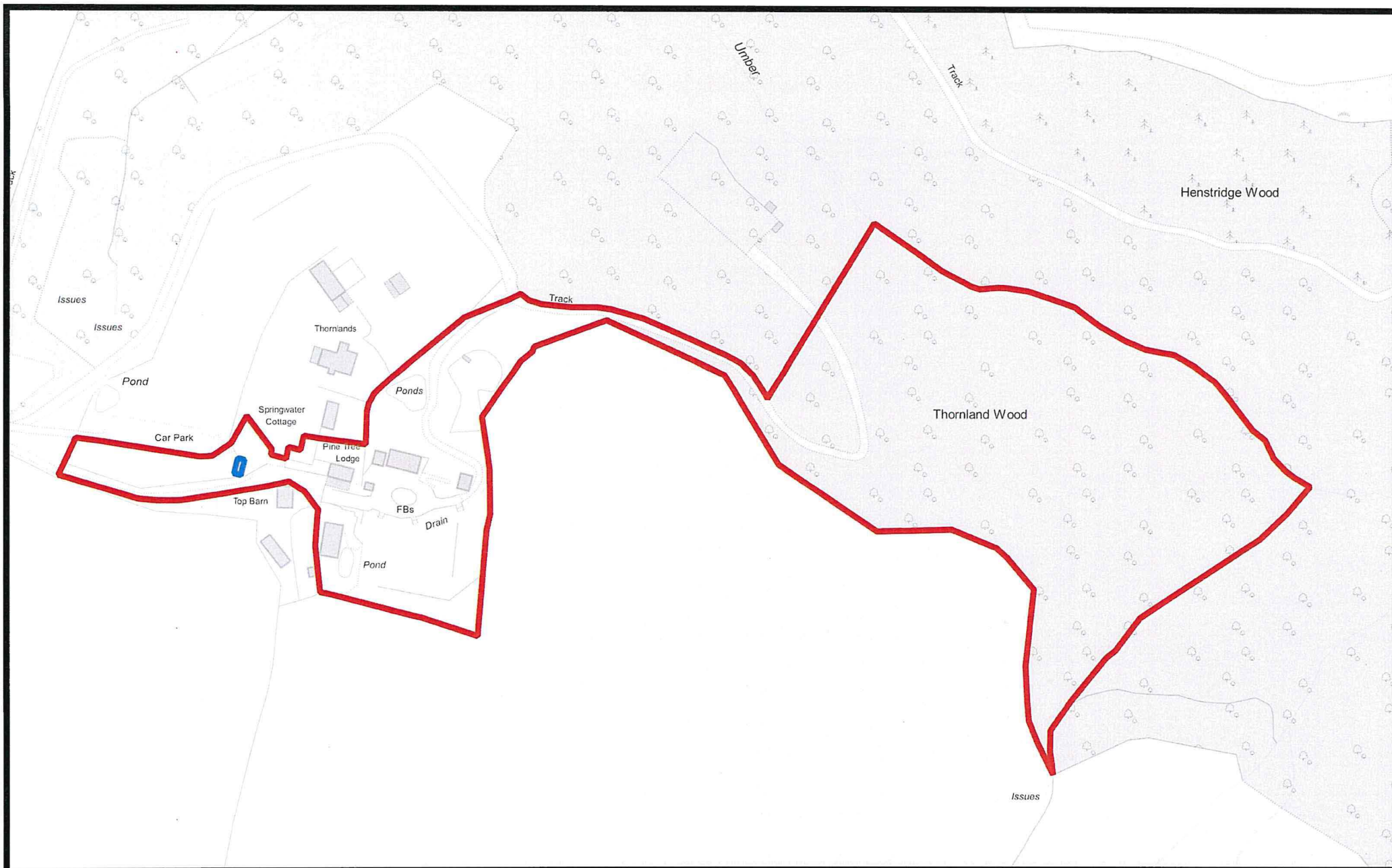
Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

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

10191 - Pinetree Lodge, Thornlands, Combe Martin EX34 0NT

© Copyright and database right 2019 Ordnance Survey Licence No. 100021929. No unauthorised reproduction permitted.

Copy Supplied to:
Enforcement
Scale: 1:2000 at A4
Date: February 2020



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.