



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

Unauthorised change of use

**Whitemoor Stables East Anstey
Tiverton Devon EX16 9JS
HM Land Registry title number DN437665**

**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: 11015

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

Whitemoor Stables East Anstey Tiverton Devon EX16 9JS as shown edged red on the enclosed location plan.

("The Land")

3. THE BREACH OF PLANNING CONTROL ALLEGED

Within the last 10 years, material change of use consisting of the storage and residential use of a caravan.

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 in a countryside location divorced from any defined settlement or amenities. Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) seeks to restrict new development in the countryside to that which requires a rural location and provides for social or economic needs.

This policy is supported by DM28 of the NDTLP relating to rural workers dwellings and paragraph 79 of the National Planning Policy Framework (NPPF). Policy DM28 states that new residential development will only be permitted where there is a functional or operational need for a rural worker to live at or near to their place of work and where it can be sustained by the scale of the operation.

There is an established equine business at the site and planning permission was granted on 22 February 2018 under application 62498 for the continued siting of a timber chalet to provide permanent managers accommodation connected to equestrian use. However there has been no evidence that there is a functional or operational need for an additional residential unit for a stable hand to live.

Substantial justification for the creation of an additional dwelling at this site has not been demonstrated and the development would not comply with policies ST07, DM28 of the NDTLP or Paragraph 79 of the NPPF. The residential use of the caravan should therefore cease.

The caravan is not required for any lawful purpose and its storage on the land is contrary to ST07, DM28 of the NDTLP and 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 residential use of the caravan
2. Remove the caravan from the land edged red on the attached location plan
3. Remove from the land any rubbish and/or debris resulting from compliance with steps 1 and 2.

7. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 20 March 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.

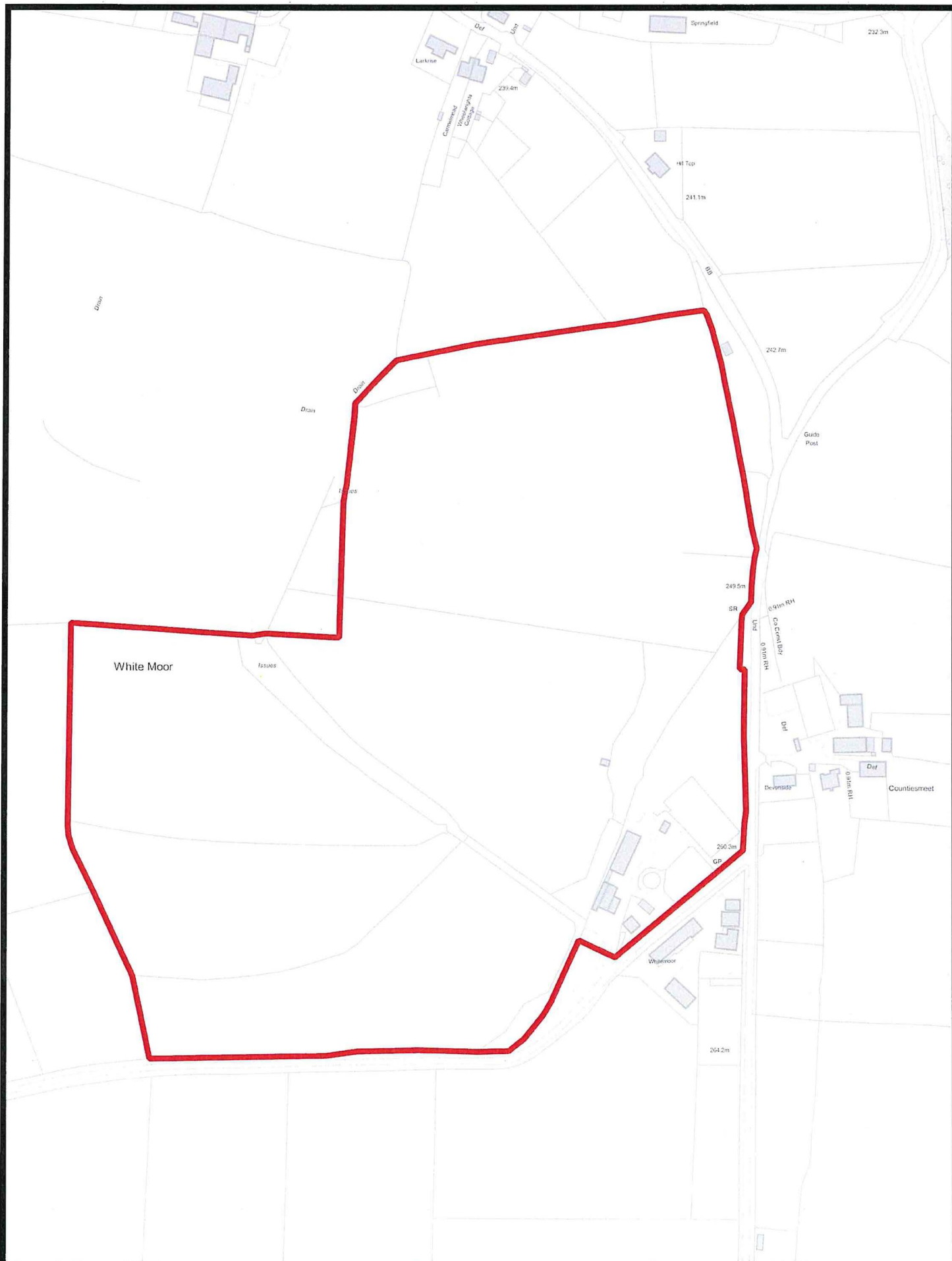
Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.

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 £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

**11015 - Whitemoor Stables, East Anstey,
Tiverton, Devon, EX16 9JS**

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Enforcement

Scale: 1:3000 at A4
Date: February 2020