



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**Breach of condition**

**Greenwoods Farm West Anstey  
South Molton Devon EX36 3PE  
HM Land Registry title number DN619887**

**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: 10233

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**

Greenwoods Farm West Anstey South Molton Devon EX36 3PE as shown edged red on the enclosed location plan.

("The Land")

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

Within the last 10 years, breach of condition 4 of temporary planning permission 52233 consisting of the continual permanent siting of 1 temporary agricultural workers dwelling.

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:

Planning permission was granted under application 52233 on 22 September 2011 for the siting of 1 temporary agricultural workers dwelling. Condition 4 states that the residential use should be discontinued on or before the 30 September 2014. No further planning application has been received and the applicants have continued to live in the static caravan.

The site is in countryside where residential use is only permitted in exceptional circumstances, such as to support a rural worker. Policy DM28 of the North Devon & Torridge Local Plan states that proposals for the provision of accommodation in the countryside for a rural worker will be supported where it can be demonstrated that there is an essential operational need for a full time worker to be resident at or near the place of work.

The applicants have not provided any evidence to demonstrate that there is a proven functional need for the permanent residential use of the caravan in association with any rural business.

The property is a static caravan and as such is not classed as a building. In this instance, the LPA can take enforcement action up to 10 years from the start of the breach. This time period has not lapsed and such the breach of condition should cease. The Council refused to grant a certificate of lawful use under application 70648 on 10 January 2020 due to the 10 year period being applicable.

**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 land edged red on the attached location plan.
2. Cease the residential use of the agricultural workers dwelling, approximate position is coloured blue on the attached location plan.
3. Remove the temporary agricultural workers dwelling from the land.
4. Remove any rubbish and or debris resulting from compliance with steps 1 and 2 from the land.

**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.

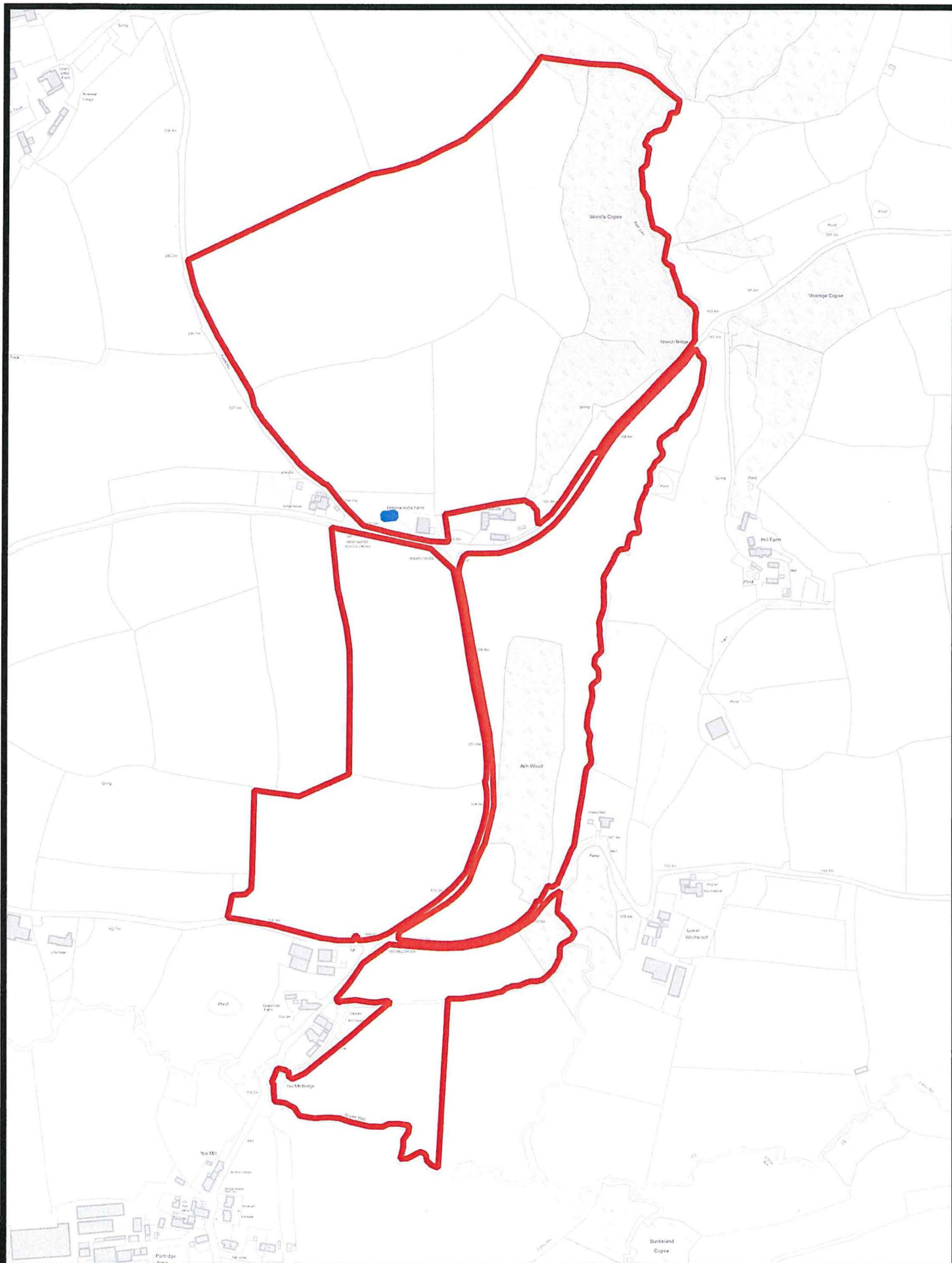
It is important that if the appellant wants the planning merits of the development to be considered – known as the “deemed planning application” - they must plead ground (a) and pay the fee for that application to the local planning authority when making their appeal. If this is not done, the planning 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

## 10233 - Greenwoods Farm, West Anstey, South Molton EX36 3PE

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Enforcement

Scale: 1:5000 at A4  
Date: March 2020