



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**Breach of Condition, Unauthorised Material Change of  
Use and Unauthorised Operational Development**

**Land at Little Brayford  
Little Bray Lane Brayford  
Barnstaple Devon EX32 7QF  
HM Land Registry title numbers  
DN527284 and DN676396**

**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")**

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 Little Brayford, Little Bray Lane, Brayford, Barnstaple, Devon EX32 7QF 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 3 of planning permission 61307 consisting of the residential use of the workshop and a material change of use of the land consisting of the storage of a shipping container.

Within the last 4 years unauthorised material change of use of the workshop to a dwelling and operational development consisting of the erection of a corrugated arched structure and the erection of a porch structure connected to the caravan called The 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:

Brayford is a rural settlement where ST07 of the North Devon & Torridge Local Plan (NDTLP) states in sub section (3) In Rural Settlements which contain at least one prescribed service or community facility, appropriately located development of a modest scale will be enabled to meet locally generated needs. Brayford therefore qualifies for development to meet a locally generated need.

Policy DM24 of the NDTLP states that in qualifying Rural Settlements, proposals for local occupancy dwellings to meet a locally identified housing need will be supported where:

- (a) the development site forms part of a small closely grouped or contiguous built form of housing that is physically separate from urban areas of other defined settlements;

- (b) the scale is proportionate to the settlement's size, form and character;
  - (c) the site is within or directly adjoining the built form of the settlement;
  - (d) the size of the dwellings are no larger than can be justified by the established need;
  - (e) it would not harm the settlement's rural character and setting;
- and
- (f) secure arrangements are made to ensure the dwellings remain available to meet the locally identified housing needs of the local community both initially and in the long term provided the need exists.

Planning permission has been granted for a Local Needs Dwelling (Nuttywood Cottage) on this site along with a workshop. The use and occupation of the workshop (called Nuttywood Lodge) for residential purposes is in breach of condition 3 of planning permission 61307 and is also a material change of use. The use of the workshop for residential purposes would be contrary to DM24 of the NDTLP as the needs of the applicant have already been met by the approved dwelling (Nuttywood Cottage) which has not been built. It is not a 'Disused or Redundant Building' where DM27 would apply. The use of the workshop for residential purposes is also not acceptable on amenity grounds as it is positioned to the rear of the approved dwelling and adjoining properties akin to backland development and is without adequate access, parking, amenity space contrary to DM01, DM04, DM06. Its residential use results in no environmental benefit or enhancement of the immediate setting as set out within paragraph 79 of the National Planning Policy Framework.

The additional structures used for workshop/storage do not meet local plan policies which support rural employment where buildings are being reused. There is no reasonable argument to site unauthorised structures in addition to that which has been granted planning permission for a lawful workshop purposes in association with the Local Needs dwelling (akin to a life/work use). The result is the spread of uncontrolled employment activities of an unacceptable scale and appearance within the residential curtilage of and close to other residential properties to the detriment of amenity and contrary to DM01, DM02, DM04, DM05, DM06 of the NDTLP.

## **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 workshop edged in blue on the attached location plan
2. Remove the kitchen and cooking facilities from the workshop
3. Remove all washing facilities including toilet, shower, sinks and taps from the workshop
4. Remove all domestic items and paraphernalia from the workshop including but not exclusively furniture, bed and sofa
5. Remove the shipping container from the land edged in red on the attached location plan
6. Remove the corrugated arched structure from the land
7. Remove the porch structure from the caravan (mobile home)
8. Remove any rubbish and or debris resulting from compliance with steps 1 to 7 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.

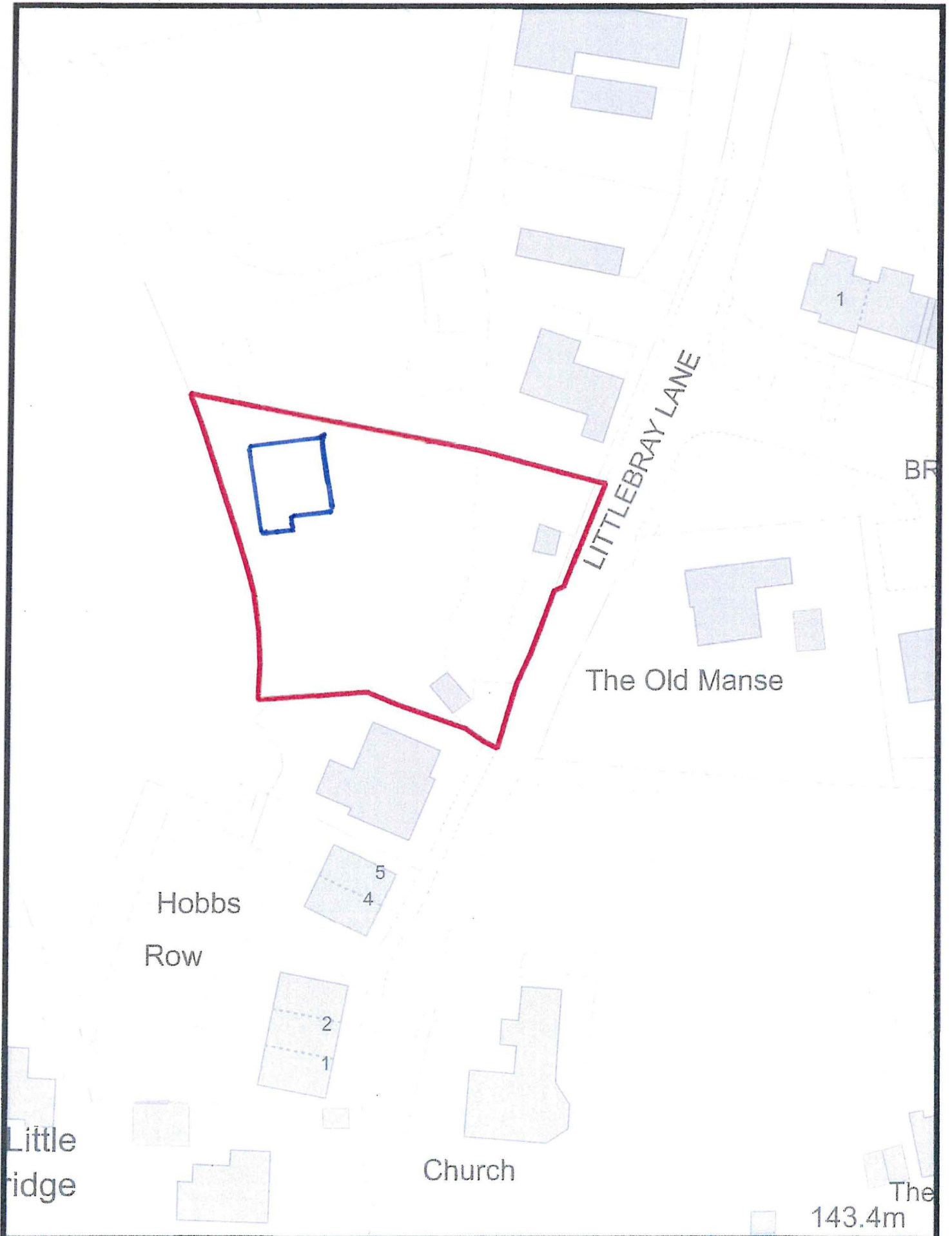
It is important that if the appellant wants the planning merits of the development to be considered – known as the “deemed planning application” - they must plead ground (a) and pay the fee for that application to the local planning authority when making their appeal. If this is not done, the planning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

**12100 - Land at Little Brayford, Little Bray Lane,  
Brayford, Barnstaple EX32 7QF**

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Enforcement

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