



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**

**Manleighs, Kiln Lane,
Combe Martin, Devon EX34 0LY
(HM Land Registry title number DN429210)**

**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**

Manleighs, Kiln Lane, Combe Martin, Devon EX34 0LY as shown edged red on the enclosed location plan.

(“The Land”)

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

Without planning permission and within the last 4 years unauthorised material change of use consisting of the subdivision of a single dwelling house into 3 separate residential flats and the conversion of a garage/workshop/store to create a new dwelling house.

Without planning permission and within the last 4 years operational development consisting of engineering works to remove an earth bank, form a hard standing area & a track and the level the land.

4. **REASONS FOR ISSUING THIS NOTICE**

This Enforcement Notice has been issued to remedy the alleged breaches of planning control. The Council considers it expedient to issue this notice for the following reasons:

1) The subdivision of the single dwellinghouse (formerly known as Manleighs into 3 separate residential flats (known as Manleighs, Flat 2 and Flat 3 (also known as East Winds)). The planning history for Manleighs indicates that it formerly operated as a care home. However, planning permission was granted under application 32048 for the building to revert to a single dwelling in 2002 and has been rated for council tax as such since 2000.

The site is located outside of the development boundary for Combe Martin and is therefore open countryside, where development is restricted. Paragraph 79 of the National Planning Policy Framework (NPPF) provides some other exceptions for development in the countryside. One of which is the subdivision of larger properties which this development would represent. However, a key consideration is highway access to the site onto the A399, which is considered poor as it provides substandard visibility from a sloping junction. It is considered likely that there would be a substantial increase in traffic movements to and from the site given the number of independent units now formed within the building.

The Highway Authority has stated that the following objections are likely to be raised should formal applications be submitted in due course or proceed to appeal as enforcement matters:

- The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class I County Road, the A399, through junctions that do not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic.
- The horizontal alignment and gradient of the junctions onto the A399 are likely to result in excessive manoeuvring on the highway, with consequent risk of additional danger to all users of the road.
- The road providing access to the site is, by reason of its inadequate width, horizontal alignment, gradient, junctions and lack of footway provision, unsuitable to accommodate the increase in traffic likely to be generated contrary to Policy TRA6 of the adopted North Devon Local Plan 2006.'

Following this advice, it is concluded the subdivision of the single dwelling house is considered unacceptable because safe and suitable access to the highway cannot be achieved. In addition, the highway impact from the development is considered severe and therefore contrary to Policies DM05 of the North Devon and Torridge Local Plan (NDTLP) and paragraphs 108 and 109 NPPF.

2) The conversion of the garage/workshop/store to create a new dwelling house (known as Manleigh Lodge). The change in use results in a new residential unit in the open countryside for which there is no justification in relation to Policies ST07 or DM28 of the NDTLP and does not fall within any the special circumstances described in paragraph 79 of the NPPF.

The building was approved and built as an ancillary building to Manleighs under reference 40120. It is not considered to be a redundant or disused rural building of which its conversion would enhance its immediate setting.

In addition to the above, this further residential use, which is not acceptable in principle, would add a further 6-8 vehicle movements per day from the substandard access onto the A399 from Kiln Lane and therefore would be of severe detriment to highway safety, contrary to DM05 of the NDTLP and the NPPF highway objectives at paragraphs 108 and 109. This unit was also subject of the advice provided by the Highway Authority as referred above.

3) Engineering works consisting of the removal of an earth bank, formation of hard standing area, and levelling of the land. The engineering operations have removed a large amount of earth to the south of the unauthorised Manleigh Lodge, regrading of the land levels to the north, introducing large hardstanding areas to the north, east and west of the site and provision of tracks between the hardstanding around Manleigh Lodge and new track to the northern boundary of the site. These works are unsightly in the immediate context of the site and when viewed from the opposite side of the valley and other viewpoints within the Area of Outstanding Natural Beauty (AONB). The works result in a detrimental impact on the character of the area and harm the special landscape qualities of the AONB, Heritage Coast and Undeveloped Coast contrary to ST09, ST14, and DM08A of the NDTLP and the objectives of NPPF in terms protected landscape.

In addition, the engineering works carried out around the converted building result in significant detriment to its setting. It would therefore not fall within the parameters of DM27 of the NDTLP or paragraph 79 of the NPPF as the conversion works and the engineering operations do not enhance the immediate setting of the building.

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 notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

1. Cease the use the flat known as Flat 2, Manleighs shown edged in blue on the attached location plan (Council tax reference 18029033712) as a separate unit of residential accommodation and reinstate Manleighs as a single dwelling house
2. Remove from Flat 2 all kitchen units (fitted or free-standing), ovens/cookers, kitchen sink, taps, worktops, breakfast bar and kitchen appliances, including fridges, tumble dryers, washing machines, dish washers & cooker hoods
3. Cease the use of the flat known as Flat 3 (or East Winds) shown edged in blue on the attached location plan (Council tax reference 18029033715) as a separate unit of residential accommodation and reinstate Manleighs as a single dwelling house
4. Remove from Flat 3 all kitchen units (fitted or free-standing), ovens/cookers, kitchen sink, taps, worktops, breakfast bar and kitchen appliances, including fridges, tumble dryers, washing machines, dish washers & cooker hoods

5. Cease the use of the building known as Manleigh Lodge shown green on the attached location plan as a separate unit of residential accommodation
6. Remove from Manleigh Lodge all toilets, showers, baths, kitchen units (fitted or free-standing), ovens/cookers, sink, taps, worktops, breakfast bar and kitchen appliances, including fridges, tumble dryers, washing machines, dish washers & cooker hoods
7. Restore the earth bank to its condition before the development took place and reseed with grass. The approximate position of the earth bank is shown hatched in blue on the attached location plan.
8. Remove the hard standing, restore the land to its condition before the development took place and reseed with grass. The approximate position of the hard standing is shown hatched in red on the attached location plan.
9. Reinststate the land to the north of the site to its condition before the development took place and reseed with grass, including the removal of the track linking the hardstanding area to the track to the north of the site. The approximate area is shown hatched purple on the attached location plan.
10. Remove all debris and rubbish resulting from complying with steps 1 to 9.

7. WHEN THIS NOTICE TAKES EFFECT

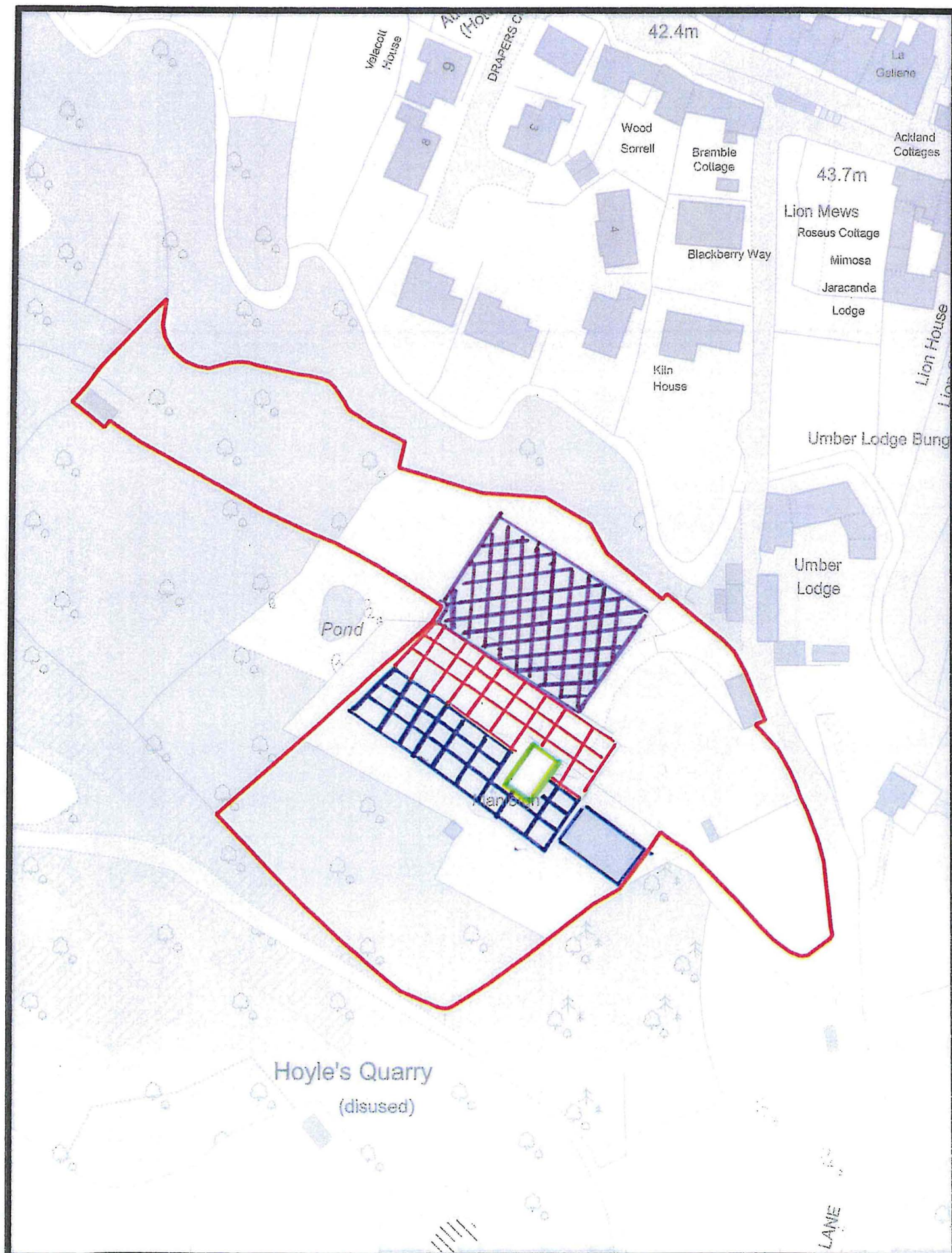
This Notice takes effect on 17 April 2020 unless an appeal is made against it beforehand.

Dated: 17 March 2020

Signed:

Head of Place

On behalf of: North Devon District Council
Lynton House
Commercial Road
Barnstaple
Devon
EX31 1DG



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

10878 - Manleigh, Combe Martin

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Enforcement

Scale: 1:1250
Date: December 2018