



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**Unauthorised change of use**

**The Workshop, Westleigh Farm Combe Martin  
Ilfracombe Devon EX34 0NG  
HM Land Registry title number DN447861**

**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: 12432

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 171A(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**

The Workshop, Westleigh Farm Combe Martin Ilfracombe Devon  
EX34 0NG as shown edged red on the enclosed location plan.  
("The Land")

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

Within the last 10 years unauthorised change of use consisting of the use of the building as a workshop falling within a B2 use for works to vehicles.

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 enforcement action relates to the unauthorised use of the building for B2 purposes. A recent application for a lawful development certificate was withdrawn invalid as the applicant did not supply the necessary information or fee for it to be valid and considered. Within the application, the applicant/tenant stated that the building had been tenanted following a verbal agreement on 01 October 2010. The local planning authority (LPA) considers that the breach of planning control has not been continuous for a 10 year period.

The applicant/tenant also asserts that his use of the building is as follows and that it constitutes a B1(c) use:

*'Workshop occupied since 2010 for special Mercedes-Benz engine conversion projects, research, development and prototype part making. Projects are all experimenting with new ideas for sponsors or clients. Depending on the complexity, each project can take from a few months to several years to complete.'*

*Additional contracts are specialist design, research and prototyping systems to assist large companies with projects built elsewhere. 50% of the current work is writing new programmes for control systems.'*

The Town and Country Planning (Use Classes Order) 1987 defines B1 use as:

*'Use for all or any of the following purposes –  
(a) as an office other than a use within class A2 (financial and professional services),  
(b) for research and development of products or processes, or  
(c) for any industrial process,  
being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. '*

The LPA does not agree with the tenant's view that the building is in B1 use. The use described by the tenant, above, and that observed on site are considered to clearly accord with a B2 general industrial use of the site, and a use, which is not compatible with the surrounding C3 residential occupation of caravans. This is also evidenced from the Land Use Gazetteer description of the uses being carried out where it states that akin uses to the above such as a vehicle repair place, vehicle engineering place, engine testing or engine tuning place are all B2 uses.

The tenant asserts that the building was constructed without planning consent in 2005 and therefore has no restrictive conditions, given that the operational development works have been immune from enforcement action since 2009. The tenant has stated that the building has been used for storage and equestrian use since 2005. This is a mixed use and therefore is not interchangeable without the benefit of planning consent.

Equestrian use is maintained to the northern part of the building, with the southern workshop area used in a B2 use, since 01 October 2010 as advised by the tenant. The equestrian use has existed in excess of 10 years and is within a subdivided part of the building that the LPA considers a separate planning unit. Policy DM16 of the North Devon and Torridge Local Plan (NDTLP) supports equestrian use. Given the length of time that has elapsed the LPA does not consider it expedient to take enforcement action to control the equestrian use of the northern part of the building and it has been excluded from this notice.

The use of the building as a B2 workshop in the open countryside is not considered to comply with Policy ST07 of the NDTLP. This is because it would not readily require a countryside location; being best placed on an industrial estate, away from residential properties, but in close proximity to a sustainable settlement where users could access the site. It also would not meet the rural economy objectives of DM14 of the NDTLP as it would contravene (d) and (e) of the policy.

The proximity of the vehicle workshop use to residential units with the associated noise, vibration and odour emissions is such that it would

conflict with the amenity enjoyed by these residents, where they benefit from a Lawful Development Certificate or personal planning permissions granted by an enforcement appeal in relation to 5076. This would conflict with Policies DM01 and DM02 of the NDTLP.

The use would also attract unsustainable travel movements to the site, which is remote from the village of Combe Martin and provides limited access by alternative modes. This would be contrary to Policy DM05 of the NDTLP and transport objectives of the National Planning Policy Framework ( 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 use of the building edged in blue on the attached location plan for any works to vehicles falling within a B2 use
2. Remove all vehicles, vehicle parts, tools, machinery, equipment and all other items and paraphernalia associated with the B2 use for work to vehicles from the building edged in blue on the attached location plan
3. Remove all rubbish and debris resulting from compliance with steps 1 to 2 from the land edged in red on the attached location plan.

## **7. WHEN THIS NOTICE TAKES EFFECT**

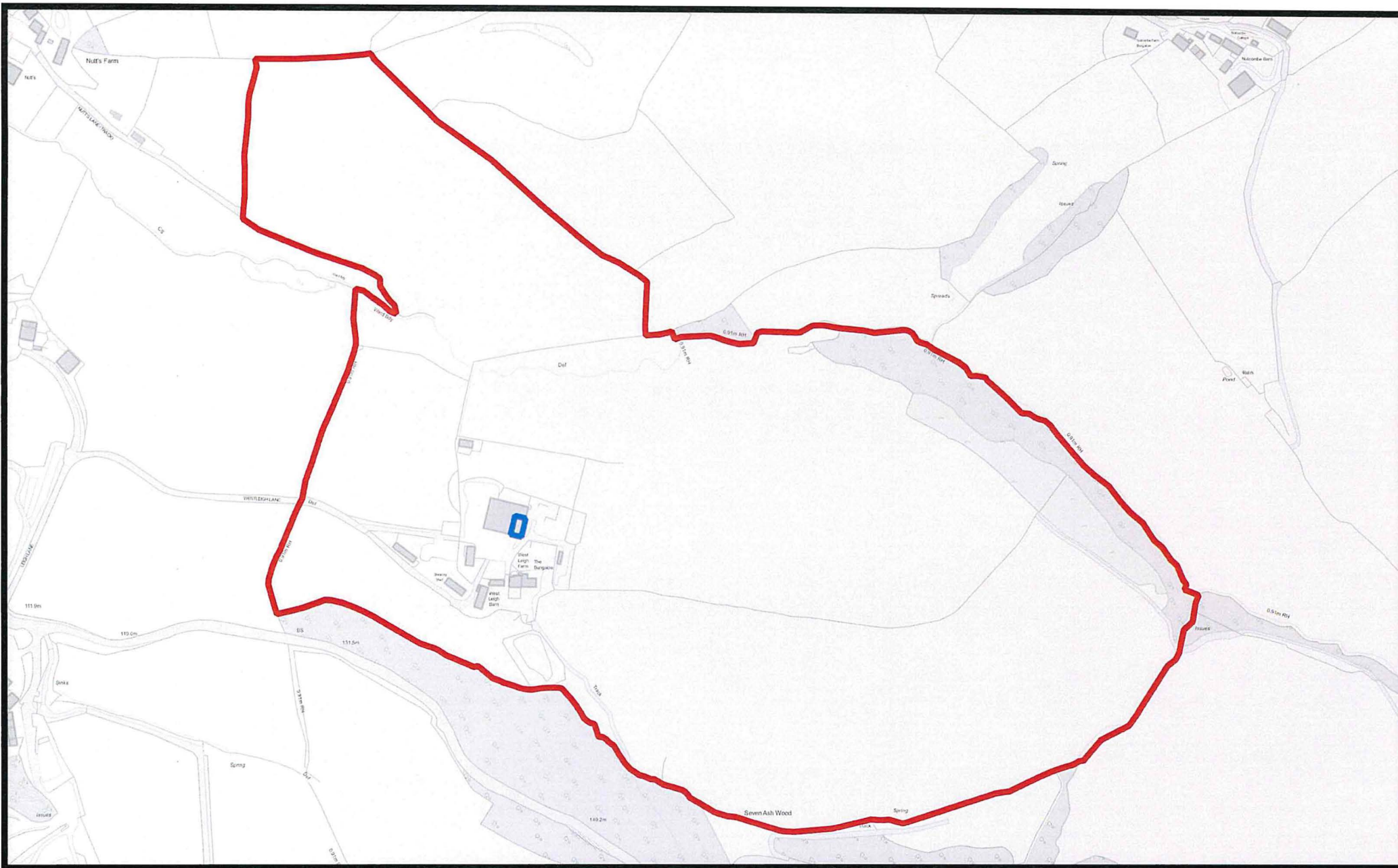
This Notice takes effect on 23 August 2020 unless an appeal is made against it beforehand.

Dated: 23 July 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

## 12432 - The Workshop, Westleigh Farm, Combe Martin, Ilfracombe EX34 0NG

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Enforcement

Scale: 1:4000 at A4  
Date: July 2020