

From: Jenni Meakins <[REDACTED].uk>
Sent: 21 March 2023 14:28
To: Licensing <licensing@northdevon.gov.uk>
Cc: Dave M <[REDACTED].com>; Planning Enforcement
<[REDACTED].uk>
Subject: LPA ref ENQ/0182/2023 - Woodpecker Barn and Kitchen Licensing Review

Dear Shirley

Thank you for your email received on the 10 March 2023 regarding the licencing review request made in relation to the above site.

Having looked back at the history of the site there is no formal planning permission for use as a café (use class E (b) Sale of food and drink from consumption on the premises) independent from Foxhunters Inn however it appears that it may have been used independently for a period exceeding 10 years as a café and therefore could be immune from enforcement action.

However at present, with the current licence and the information which has been shared with the Local Planning Authority by Licencing, Environmental Health, the Police and from information seen on social media, in its current use it appears to be functioning as a café with a primary food offer during the day, and in the evenings appears to be a more 'wet led' enterprise, constituting a public house, which would fall within a Sui Generis category making the current use a mixed use and one which is not covered by any planning permission. This use would extend throughout the planning unit which I take to include any areas being used outdoor ancillary to the business for more than 28 days in any calendar year, or enclosed by permanent structures such as the canopy which has been erected on the south elevation of the buildings.

We are in the process of assessing the planning enforcement investigation as to whether we will need to invite a formal planning application, where conditions and further information on operation of the business and flood risk could make the development acceptable, or whether we wish to serve an enforcement notice where we consider the use to unacceptable in planning terms.

We will update you of any conclusions at the earliest opportunity and would ask that the outcome of any licensing hearing is shared with the LPA to assist in us taking a comprehensive and consistent approach as a Council towards the business operating from the site.

Please feel free to contact me should you require any further information.

Kind Regards

Jenni Meakins MRTPI | Lead Officer (Majors) Development Management
(Working days: Tuesday – Thursday)
Strategic Development & Planning | Place Services | North Devon Council |
Barnstaple
Tel: 01271 388411 (for typetalk precede with 18001)