



North Devon Council

Title of Decision Requested: Enforcement Notice for Land at Snapdown ref 13650

Decision requested by decision maker: Approval to serve Enforcement Notice to remedy the alleged breach of planning control. The breach of planning control alleged is within the last 4 years there has been unauthorised development consisting of operational development comprising:

1. The siting of timber stable type buildings on the land and storage of non-agricultural items and domestic paraphernalia;
2. The formation of an access track to the southeast of the site, the construction of soil bank/earth bunds, and creation of foundation holes;

An Enforcement Notice should be issued to remedy the alleged breach of planning control.

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

1.1. An Enforcement Notice should be issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this notice for the following reasons:

1.2. The land is located within the countryside where the North Devon and Torridge Local Plan (NDTLP) and National Planning Policy Framework seek to restrict certain forms of development in the interests of sustainable development. The land is currently being used for the stationing of 3 timber stable type buildings whilst a further timber stable type building is under construction (the base is currently in situ). Whilst one of the stable type buildings is empty the other two are being used for storing items not linked to an agricultural use.

1.3. The works which have taken place are not considered to be justified in respect of Policy ST07 of the North Devon and Torridge Local Plan, constituting unjustified development in the countryside demonstrating no local, social needs or economic benefits or reason for a countryside location.

1.4. In addition the current use of the land would not appear to fall within any of the rural economy criteria outlined in policy DM14: Rural Economy, given that the use does not appear to have strong links to agriculture.

1.5. The use has changed the visual appearance of the site. The provision of these timber structures and access track on elevated land (approximately 90-100 metres Above Ordnance Datum) is visible from the public realm and neither conserves nor enhances the landscape qualities of this rural area and is contrary to Policies ST14 and DM08A of the NDTLP and paragraph 180 of the National Planning Policy Framework.

1.6. It is considered the erection of these buildings are not justified in this isolated rural location in the open countryside and is contrary to Policies ST01, ST07 and DM14 of the North Devon and Torridge Local Plan.

1.7. The Council considers it is necessary to remedy the breach of planning control by the removal of the buildings and paraphernalia not used in connection with agriculture and that lesser steps cannot deal with the issue. There is no functional requirement for the retention of the buildings on the land insofar as they do not meet any of the criteria listed under Policies ST07 or DM14. It is also necessary and in the public interest to take enforcement action since otherwise the development could become lawful with the passage of time which as stated above is contrary to long established planning policies seeking to protect the character of the area.

2. FINANCIAL IMPLICATIONS:

2.1. There are no immediate cost implications to issuing the Notice. However should the Notice not be complied with, a further decision has to be made as to whether the Council prosecutes for non-compliance and/or carry out the works in default which will incur a cost.

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.1. The owner of the site has been advised that the retention of the works and development is not likely to receive Officer support therefore submitting an application for their retention is not likely to be successful. They have been requested to remove the development but there has been no compliance to date.

4. ANY CONFLICT OF INTEREST DECLARED

4.1. None

5. DISPENSATION IF GRANTED

5.1. Not applicable

6. BACKGROUND PAPERS

6.1. The initial complaint was received on 6 March 2023 relating to earthworks and excavation works, tracks, soil banks and foundations being dug. An initial site visit was carried out on 14 March 2023. A Land Registry search was completed on 15 August 2023.

6.2. Due to staffing and resource issues the case was not pursued until a second site visit was carried out with the owner of the site on 16 October 2023. At this site visit it was found a number of breaches of planning control had occurred. These were set out in a letter emailed to the owner on 13 November 2023. That letter requested the owner to:

- Cease the use of the land for the siting of the timber stable type buildings and non-agricultural items and remove the buildings that have been constructed and the fourth one under construction from the land;
- Permanently remove from the site the access track to the southeast of the site, the soil bank/earth bunds, reinstating the ground to its original ground levels and fill in foundation holes;
- Remove all non-agricultural items from the land including the stonechips/hardcore access, stone walls fronting the northern most bunds nearest to the timber stable type buildings;
- Remove from the land any rubbish or debris resulting from compliance with steps 1-3 and on completion of steps 1-4, grade the land so that the contours of the land are restored to their former natural levels and cultivate the land leaving it in a condition suitable for agricultural use within 3 months and no later than 13 February 2024.

6.3. A compliance site visit on 21 February 2024 found no compliance and the site remained the same as the visit on 16 October 2023.

7. CONSULTATION UNDERTAKEN

7.1 The Planning Officer Sarah May has been consulted and they have instructed the Planning Enforcement Officer to issue the Notice.

8. **OFFICER REQUESTING DECISION TO BE TAKEN:** Stacey Salter, Planning Enforcement Officer

9. **NAME OF DECISION TAKER:** Tracey Blackmore (Service Manager): Head of Planning, Housing and Health



10. DATE DECISION TAKEN: 4 June 2024

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS: