



North Devon Council

Title of Decision Requested: Enforcement Notice for Little Whitstone, South Molton ref 10290

Decision requested by decision maker: Approval to serve Enforcement Notice to remedy the alleged breach of planning control. The breach of planning control alleged that is the siting of a mobile home (shown edged blue on the plan annexed to the Notice) as a permanent dwelling in breach of Condition 03 of planning permission reference 56825, which states,

“(3) The siting of the mobile home hereby permitted, shall be discontinued and the land restored to agricultural use, including removal of the mobile home, on or before 3 years from the date of this permission.

Reason: To enable both the applicant and the Authority to re-assess the need for an agricultural dwelling in relation to operations on the farm holding and maintain long term control over development in the countryside.”

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. On the 17th February 2014, the Council granted temporary planning permission (REF 56825) for the siting of one mobile home to be used as an agricultural workers dwelling, this was subject to the following temporary time condition, whereby the siting of the mobile home had to be discontinued and removed from the land, on or before 3 years from the date of the permission. This required the residential use and mobile home to be removed from the site by the 17th February 2017.
- 1.3. The mobile home still remains on the land and is being lived in as a dwelling, at the time of the Council’s site visit, on the 21st February 2024.
- 1.4. The site comprises of approximately 9.25 hectares. The land is located in the countryside where the North Devon and Torridge Local Plan (NDTLP) and National Planning Policy Framework (NPPF) seeks to restrict certain forms of development in the interests of sustainable development. The land is currently being used for the stationing of a mobile home, touring caravan,

greenhouse, chicken shed and barn. It is also evident that there is an array of domestic paraphernalia on site including various planting containers (including flower pots, tyres and suitcase), domestic furniture, hutch and fridge-freezer.

- 1.5. The change of use of land is controlled and limited to that which meets local economic and social needs, rural building reuse and use that is necessarily restricted to a countryside location in accordance with Policy ST01: Principles of Sustainable Development and Policy ST07 (4): Spatial Development Strategy for Northern Devon's Rural Area of the North Devon and Torridge Local Plan.
- 1.6. The siting and residential use of a mobile home in this location in the countryside would not be justified under Policy ST07 of the NDTLP which seeks to restrict new development in the countryside to that which requires a rural location and provides for local, social or economic needs. This policy is further supported by Policy DM28: Rural Workers Accommodation of the NDTLP or any the exceptions contained in paragraph 84 of the National Planning Policy Framework.
- 1.7. Policy DM28 of the NDTLP provides that rural workers accommodation would be supported where it was demonstrated that there is an essential need for the worker to be resident at the site, and that such accommodation needs could not be met through the conversion of existing buildings or by accommodation located in a nearby settlement.
- 1.8. Policy DM28 of the NDTLP also confirms that where the rural enterprise is well established and has a clear prospect of remaining financially viable, support would be given to the provision of a permanent dwelling and that, where the enterprise is not well established, consideration of providing temporary accommodation, initially for three years, would be given. This reflects the guidance contained with the Council's Rural Workers' Dwelling Supplementary Planning Document (the SPD) regarding temporary rural dwellings, and which stipulates that the operational need for a temporary dwelling will need to be demonstrated on the same basis as a permanent dwelling.
- 1.9. There has not been an updated business plan, agricultural appraisal or other evidence to demonstrate the enterprise is currently financially sound, and has a clear prospect of remaining so. There is a lack of evidence to demonstrate there is an essential need for residential supervision on site to support the current stock levels and for the successful running of the holding. It is

therefore not considered there are any exceptional circumstances that would outweigh the harm from this unsustainable development.

There is no functional requirement for the sitting and residential use of the mobile home on the land insofar as it does not meet any of the criteria listed under planning policies ST07 or DM28 of the NDTLP or the guidance contained within the Council's Rural workers Dwelling Supplement Planning Document.

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

3.1. The owner of the site has been advised they are able to submit an application to justify the need for the mobile home on the land. No application has been submitted and the mobile home remains on the land.

4. ANY CONFLICT OF INTEREST DECLARED

4.1. None

5. DISPENSATION IF GRANTED

5.1. Not applicable

6. BACKGROUND PAPERS

6.1. An enforcement case was opened on 22 February 2017 for the breach of Condition 3 to planning permission ref 56825. Condition 3 states,

“(3) The siting of the mobile home hereby permitted, shall be discontinued and the land restored to agricultural use, including removal of the mobile home, on or before 3 years from the date of this permission.

Reason: To enable both the applicant and the Authority to re-assess the need for an agricultural dwelling in relation to operations on the farm holding and maintain long term control over development in the countryside.”

6.2. On 7 June 2017 a site visit was carried out and photo taken which found the mobile home still on the land. At that point no further planning applications had been submitted to the Council to regularise the situation.

6.3. On 11 July 2017 the owner was sent a letter requesting they remove the mobile home within 28 days. The owner responded to this by email on 19 July 2017 confirming they would submit an application.

6.4. On 21 July 2017 the owner came to the Council Offices and confirmed they would submit a planning application for a permanent dwelling on the site.

6.5. A further site visit carried out on 23 November 2017 found the mobile home still on the land and the owner stated the planning application was almost complete. The Council emailed the owner on 2 January 2018 and requested the application be submitted by 1 February 2018.

6.6. On 1 October 2018 an application (ref 65637) was submitted but is was invalid and remained invalid until it was withdrawn in 2021.

6.7. Due to staffing and resource issues, no further action was taken to secure compliance until a letter was sent to the owner on 2 January 2024 requesting they contact the Council for a site meeting. No response was received. A further letter was sent to the owner on 16 January 2024 requesting a site meeting. No response was received. A third letter was sent to the owner on 2 February 2024 requesting a site meeting. No response was received.

6.8. A site visit was carried out to the site and photographs taken on 21 February 2024. The visit was unannounced. It was found that the mobile home was still on site and was being occupied on a permanent basis by the owner and her partner.

6.9. On 14 March 2024 an email was sent to the owner stating the Council were now taking more formal enforcement action and serving an Enforcement Notice for the ongoing breach at the site.

7. CONSULTATION UNDERTAKEN

7.1 The Planning Officer Sarah May have 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: 17th June 2024

11. APPROVED BY DECISION TAKER: Yes /

12. DECISION TAKER'S COMMENTS: