



North Devon Council

Title of Decision Requested: Enforcement Notices for Slade Meadow Ilfracombe, Devon (HM Land Registry Title DN735984) and Land Lying to the South of Park Cottage, Lee, Ilfracombe, EX34 8LN (HM Land Registry Title DN734724)

Decision requested by decision maker: Agreement to issue two Enforcement Notices for:

- Slade Meadow Ilfracombe, Devon (HM Land Registry Title DN735984);
- Land Lying to the South of Park Cottage, Lee, Ilfracombe, EX34 8LN (HM Land Registry Title DN734724)

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

1.1. The site is located within the rural landscape and with the designated North Devon Coast National Landscape (formally known as the Area of Outstanding Natural Beauty – AONB). The sites are also located within the undeveloped Coast and Estuary Zone.

1.2. The investigation originally related to several different matters as set out in para 6.11 below. For some of those matters it is not considered expedient to pursue due to the fact they result in limited harm to the protected area (National Landscape) in which they are situated. However for two plots of land, Slade Meadow and Land Lying to South of Park Cottage, it is considered expedient and necessary to pursue removal of the structures and one remaining caravan on the land.

1.3. Slade Meadow (Storage of touring caravan and construction of shed). The stationing of a caravan and the development of other structures or features on the land is considered to be an unacceptable breach of planning control because they do not support an agricultural purpose and they harm the specific character and qualities of the National Landscape in which they are sited.

1.4. The site is located in the Countryside wherein Policy ST07 of the North Devon and Torridge Local Plan (the Local Plan) states that development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

- 1.5. The land has an agricultural use and there is no evidence the development on the site supports such a need. As such, the development does not meet a local economic and social need, is not the re-use of a rural building and does not constitute a development that is necessary restricted to a Countryside location. The development therefore does not comply with policy ST07 of the Local Plan. The site is also located with the National Landscape and the undeveloped Coast and Estuary Zone. The site, due to its undeveloped character and simple agricultural appearance has particular landscape value that contributes to the significance and beauty of this part of the protected area.
- 1.6. Both the National Planning Policy Framework and the Local Plan gives great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues (para 182 of the NPPF and policies ST14 and DM08A of the Local Plan). The Local Planning Authority (LPA) consider that the siting of any caravan and development of other structures does not further the conservation or enhancement of the scenic beauty of this part of the National Landscape, but instead, due to their size, scale, siting and design, results in harm to the agricultural character of the landscape. There is no identified need for such development that would significantly and demonstrably outweigh this harm. The development therefore is not supported in principle by the LPA. In having regard to the above, the LPA is unlikely to support a retrospective planning application.
- 1.7. Land Lying to South of Park Cottage (construction of building - compost toilet). The stationing of a building on the land is an unacceptable breach of planning control because it does not support an agricultural purpose and they harm the specific character and qualities of the National Landscape in which they are sited. The site is located in the Countryside wherein Policy ST07 of the North Devon and Torridge Local Plan (the Local Plan) states that development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.
- 1.8. The owner states that the compostable toilet building is required to support afforestation/ forestry works on the site. It is noted that Class E, Part 6, Schedule 2 of the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) permits the erection of a building that is reasonably necessary for forestry, including afforestation. However, a condition of 'permitted development' is that prior to development commencing, the developer must gain determination from the LPA whether prior approval is required as to the siting, design and external appearance of

the building or the siting and means of construction of the private way (Condition E.2 (1)(a)). Given that that building has been developed, prior approval cannot be applied for and therefore the regularisation of such a building is needed. However, it is reasonable that the requirements for the determination of permitted development (siting, design and external appearance) as material in determining the expediency of an Enforcement Notice. In having regard to the principle of development, the land has an agricultural use and there is no evidence the development on the site supports such a need. Whilst it is noted that the owner has planted numerous trees (approximately 3000) on the site, the scale of the operation is not large approximately 2.73 hectares (6.75 acres). Although it is noted that the planting of trees falls outside of the scope of 'development' (s55 of the Town and Country Planning Act 1990), the LPA are not satisfied that an operation of this scale requires a permanent building on site. It is considered that the extent or regularity of any management activities, any associated travel movements, or requirement for on-going storage of forestry equipment has not been clearly demonstrated.

1.9. In light of the above, the development does not meet a local economic and social need, is not the re-use of a rural building and does not constitute a development that is necessary restricted to a Countryside location. In the absence of a clear need, it has not been demonstrated that a countryside location is required for this building. Accordingly, the proposal is contrary to Policy ST07. As stated, the site is also located with the National Landscape and the undeveloped Coast and Estuary Zone. The site, due to its undeveloped character and simple agricultural appearance has particular landscape value that contributes to the significance and beauty of this part of the protected area. Both the National Planning Policy Framework and the Local Plan gives great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues (para 182 of the NPPF and policies ST14 and DM08A of the Local Plan).

1.10. The Local Planning Authority (LPA) consider that the siting of the building does not further the conservation or enhancement of the scenic beauty of this part of the National Landscape, but instead, due to its size, scale, siting and design, results in harm to the agricultural character of the landscape. There is no identified need for such development that would significantly and demonstrably outweigh this harm.

1.11. The development therefore is not supported in principle by the LPA. In having regard to the above, the LPA is unlikely to support a retrospective planning application.

- 1.12. Slade Meadow, Ilfracombe, Devon (Land Registry Title DN735984) without planning permission, within the last 4 years, unauthorised operational development consisting of the construction of a timber building as outlined in green on the attached plan.
- 1.13. Slade Meadow, Ilfracombe, Devon (Land Registry Title DN735984) without planning permission within the last 10 years unauthorised change of use consisting of the storage and residential use of a caravan.
- 1.14. An Enforcement Notice should be issued to remedy the alleged breaches of planning control. The Council considers it expedient to issue this notice for the following reasons:
- 1.15. The touring caravan and the shed, as located on the site known as Slade Meadow (Land Registry Title DN735984), are located within the countryside, and results in development that would not meet an identified local economic and social need, or constitute the re-use of a rural building, or constitute development that is necessarily restricted to a Countryside location. The development therefore is contrary to policy ST07 of the North Devon and Torridge Local Plan.
- 1.16. The touring caravan and shed, as located on the site known as Slade Meadow, due to their appearance, form and siting, appear incoherent with the existing rural landscape and given their siting within the North Devon Coast National Landscape and the undeveloped Coast and Estuary Zone, does not conserve and enhance the landscape and scenic beauty of their setting, and detracts from the unspoilt character, appearance and tranquillity of the area. The development is thereby contrary to policies ST04, ST09, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.
- 1.17. For Land Lying to the South of Park Cottage, Lee, Ilfracombe, EX34 8LN (Land Registry Title DN734724) without planning permission, within the last 4 years, unauthorised operational development consisting of the construction of a timber building outlined in green on the attached plan.
- 1.18. 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:
- 1.19. The timber building, as located on land lying to the South of Park Cottage, Lee, Ilfracombe, EX34 8LN (Land Registry Title DN734724), is located within the countryside, and results in development that would not



meet an identified local economic and social need, or constitute the re-use of a rural building, or constitute development that is necessarily restricted to a Countryside location. The development therefore is contrary to policy ST07 of the North Devon and Torridge Local Plan.

1.20. The timber building, as located on land lying to the South of Park Cottage, Lee, Ilfracombe, EX34 8LN (Land Registry Title DN734724), due to its appearance, form and siting, appears incoherent with the existing rural landscape and given its siting within the North Devon Coast National Landscape and the undeveloped Coast and Estuary Zone, does not conserve and enhance the landscape and scenic beauty of its setting, and detracts from the unspoilt character, appearance and tranquillity of the area. The development is thereby contrary to policies ST04, ST09, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

2. FINANCIAL IMPLICATIONS

2.1. There are no immediate financial costs involved with this action. Should the owners not comply with the Notice served, there may be cost involved with taking prosecution action for non-compliance with the Notice or direct action, but this is a decision which can be made later and will only occur if the owner does not comply.

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.1. There are no other actions the Council can take to remedy these breaches of planning control. The owner has not willingly complied with requests to remedy the breaches. One invalid planning application was submitted in August 2024 for Land Lying to the South of Park Cottage, but this has not been made valid and sits unregistered with the Planning team.

4. ANY CONFLICT OF INTEREST DECLARED

4.1. None

5. DISPENSATION IF GRANTED

5.1. Not applicable

6. BACKGROUND PAPERS

6.1. The enforcement case was opened on 3 May 2022 when the complainant noted a number of caravans had been brought to the site. It was alleged these were being occupied and this was causing a noise nuisance.

6.2. A site visit was carried out on 12 May 2022 and photos taken. This visit found 5 caravans spread over the numerous plots, 2 sheds and a toilet building. A

pond was also found to have been created and was still under construction but not finished.

6.3. Between May and August 2022 further complaints were received about the site.

6.4. A Land Registry Search was completed on 8 August 2022 and a further site visit was carried out on 9 August 2022 and photos taken. Another visit was carried out and photos taken on 20 January 2023.

6.5. On 2 February 2023 letters were sent to the owners of the plots with items on the land and they were requested that the caravans and items be removed from the land within 3 months. The letter advised that a site visit was going to be carried out after 5 May 2023 to check compliance.

6.6. Further complaints were received in February 2023 and April 2023.

6.7. Some of the owners made contact with the Council in February 2023 and some made pre-apps. One owner made contact on 21 April 2023 and asked for an extension of time to comply until June 2023. Another owner made contact on 26 April 2023 confirming they will comply.

6.8. A site visit was carried out on 17 May 2023 and photos taken however due to staffing and resourcing issue the case was not progressed.

6.9. The current Planning Enforcement Officer visited the site and took photos on 1 December 2023. Letters were sent to the owners of the plots who had not complied on 14 December 2023 requesting they comply and remove the items from the land by 31 January 2024. A further letter was sent to another owner on 2 January 2024 requesting the same.

6.10. Between January and February 2024 the Council entered into email correspondence with one owner about the merits of taking formal action. The Council made it clear to the owner and his agent that it considered it expedient to pursue formal enforcement action if there was no compliance.

6.11. A compliance visit was completed on 12 June 2024 and photos were taken. A summary of the remaining breaches found on the land are set out below:

- Formation of a track with hard surface – still in situ but not considered expedient to pursue;

- Storage of touring caravan and construction of shed still insitu and considered expedient to pursue (DN735984);
- Storage of touring caravan now removed;
- Engineering operations associated with formation of a pond – still insitu but it is not considered expedient to pursue;
- Storage of trailer, construction of building (compost toilet) - still in situ, trailer not considered a breach as it contains tools to maintain the land. The building which contains a compostable toilet, sink and gas bottle is a breach and it is considered expedient to pursue removal of this. (DN734724);
- Storage of small amount of hardcore, still insitu not considered expedient to pursue.

6.12. On 14 June 2024 letters were sent to the two remaining owners of the two plots where breaches remain outstanding. These letters advised that the Council were now serving formal Notices for the breaches against which there was a right of appeal.

7. CONSULTATION UNDERTAKEN

7.1 Steve Emery the Planning Officer for this site has been consulted as has Matthew Brown the Lead Planning Officer. Steve Emery has instructed the Planning Enforcement Officer to proceed with formal Notices and has drafted the reasons for doing so.

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

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

10. DATE DECISION TAKEN: 11.11.2024

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS: