



North Devon Council

Title of Decision Requested: Enforcement Notice report for The Hide Out, Forda, Braunton EX33 1JG ref 13182

Decision requested by decision maker: Agreement to issue Enforcement Notice for The Hide Out, Forda, Braunton, EX33 1JG

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

- 1.1. The breach of planning control alleged is within the last 10 years unauthorised change of use of land to a storage use consisting of the siting of railway carriage, railway track and associated railway items in addition to other stored items including but not only a red van, scaffolding, windows, timber platform structure on agricultural land.
- 1.2. 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:
- 1.3. The site is located within the Countryside, beyond an identified Local Centre, Village and Rural Settlement. The storage use at the site in this location is not considered to meet local economic and social needs, constitute rural building re-use or development which is necessarily restricted to a Countryside location. The principle of development therefore does not accord with policy ST07 of the North Devon and Torridge Local Plan.
- 1.4. The placement of the railway carriage, railway track and associated railway items in addition to other large items stored on the land – vehicle and building materials, by virtue of the visible siting within the landscape, the man made appearance and haphazard placement are considered to result in harm to the character and appearance of the surrounding rural landscape, which is an Area of Outstanding Natural Beauty. This is contrary to the duty relating to Protected Landscapes (LURA 2023 s245), NPPF para. 189 and Local Plan policies ST09, ST14, DM14, DM04 and DM08A

2. FINANCIAL IMPLICATIONS

- 2.1. There are no immediate financial costs involved with this action. Should the owner 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 at a later time 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 this breach of planning control. The owner has not willingly complied with requests to remedy the breaches.

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 in December 2021 after a complaint was received that a railway carriage had been placed on the agricultural land at the site without planning permission. Two further complaints were received that same month for the same alleged breach.

6.2. A site visit was carried out on 19 January 2022 and photographs taken of the railway carriage and small section of track. It appears that the above breach of planning control has occurred within the last ten years – unauthorised change of use.

6.3. A telephone call with the owner of the land on 21 January 2022 established that the train carriage was there to replace the static caravan that still sits on the land in a different location to the carriage. On 15 August 2023 the Planning Officer requested the Enforcement Officer seek removal of the carriage and track and the land be restored to its former condition within 6 months. Unfortunately, due to staffing and resourcing issues the case was not pursued until the current Planning Enforcement Officer came to post.

6.4. A site visit on 16 October 2024 established the mobile home still on site, railway carriage and track and other stored items were also still on the land including a vehicle.

6.5. A Land Registry Search was completed on 21 October 2024 to establish the owner of the land and a letter was sent out the same day to the owners stating the matter had been passed to the Planning Officer for a decision.

6.6. A further letter was sent to the owners on 28 October 2024 stating that to remedy the breach of planning control they needed to either remove the railway carriage and the associated stored items around the carriage currently on the land or remove the mobile home and relocate the train carriage to the site of the mobile home within two months and no later than 28 December 2024.

- 6.7. A site visit was carried out on 2 January 2025 which found the railway carriage and other stored items still on the land and the mobile home still on the land. There had been no change to the site and the breach of planning control still remains outstanding. Furthermore, no planning applications have been submitted to regularise the breach and the breach is not considered to constitute permitted development.
- 6.8. The train carriage and associated track has been in situ with no specific use apparent for a period exceeding 3 years and no limit on the length of time that it would remain. As such, it is considered that a material change of use of the land to a storage use has taken place for which planning permission is required. No such planning permission has been granted.
- 6.9. The long term siting of other large items found on the land i.e. building materials and vehicle is also considered to be a material change in use of the land to a storage use.
- 6.10. In this case, it has been confirmed to the owner of the land that if the train carriage was moved to replace the mobile home on the site i.e. sited in the same location and for the same use - then planning permission would not be required for the train carriage. The owner has not complied, and both the mobile home and train carriage remain on the land.
- 6.11. A material change of use of the land to a storage use for the siting of the railway carriage, associated track, vehicle and building materials is considered contrary to the NPPF para. 189 and Local Plan Policies ST07, ST09, ST14, DM14, DM04 and DM08A because: The development site is located within the Countryside, beyond an identified Local Centre, Village and Rural Settlement. The permanent storage of the train carriage and other identified objects at the site in this location is not considered to meet local economic and social needs, constitute rural building re-use or development which is necessarily restricted to a Countryside location.
- 6.12. The placement of the train carriage and other identified objects are, by virtue of the visible siting within the landscape, the man made appearance and haphazard placement are considered to result in an adverse visual impact to the character and appearance of the surrounding rural landscape, which is an Area of Outstanding Natural Beauty ('AONB').
- 6.13. The harm caused to the character and appearance of the AONB is also considered to be contrary to the duty on Local Authorities to further the statutory purposes of the area by way of conserving and enhancing the



natural beauty of the AONB under Section 245 of the Levelling Up and Regeneration Act 2023.

6.14. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

7. CONSULTATION UNDERTAKEN (Please note all who have been consulted on this decision):

7.1 The Planning Officer Marnie Kaneko has instructed the Planning Enforcement Officer to serve a Notice and drafted the reasons for doing

8. OFFICER REQUESTING DECISION TO BE TAKEN: (please insert name and job title): Stacey Salter, Planning Enforcement Officer

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

10. DATE DECISION TAKEN: 17 February 2025

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS: