

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

# **NOTICE UNDER SECTION 173A**

**TOWN & COUNTRY PLANNING ACT 1990**

(AS AMENDED BY THE PLANNING & COMPENSATION ACT 1991)

**ISSUED BY DARTMOOR NATIONAL PARK AUTHORITY**

**TO:** **Blackdown Care Limited** of the Coach House, Beech Lawn, Higher Lux Street, Liskeard, Cornwall. PL14 3JX.

**Whitchurch Care Limited** of Kings Worthy Court, Court Road, Kings Worthy, Winchester, Hants. SO23 7QA

**Care Homes Properties Limited** of the Coach House, Beech Lawn, Higher Lux Street, Liskeard, Cornwall. PL14 3JX

**Royal Bank of Scotland** of 600 Gorgie Road, Edinburgh, Scotland. EH11 3XP.

**The Land Charges Officer** of West Devon Borough Council, Kilworthy Park, Tavistock, Devon. PL19 0BZ.

**Mr. Paul Stratton** of Blackdown Nursing Home, Mary Tavy, Tavistock, Devon. PL3 5AT.

## **TAKE NOTICE THAT:**

Dartmoor National Park Authority hereby varies the requirements of the Enforcement Notices issued on 29 November 2006 in respect of land at Blackdown Nursing Home, Mary Tavy, Tavistock in the County of Devon.

## **AND FURTHER TAKE NOTICE THAT:**

Dartmoor National Park Authority has this day served re-dated copies of each Enforcement Notice, specifying the revised requirements and the new period for compliance (true copies enclosed herewith).

Dated this 26<sup>th</sup> day of June 2007



.....  
**DIRECTOR OF PLANNING &  
SUSTAINABLE DEVELOPMENT**

Dartmoor National Park Authority  
Parke, Bovey Tracey,  
Newton Abbot, Devon. TQ13 9JQ

# **ENFORCEMENT NOTICE**

## **TOWN AND COUNTRY PLANNING ACT 1990**

*(as amended by the Planning and Compensation Act 1991)*

### **ISSUED BY DARTMOOR NATIONAL PARK AUTHORITY**

**1. THIS REVISED NOTICE** is issued by the Authority under s.173A of the above Act in respect of the Notice issued on 29<sup>th</sup> November 2006 because it appears to it that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Authority considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

### **2. THE LAND TO WHICH THE NOTICE RELATES**

Land at Blackdown Nursing Home, Mary Tavy, Tavistock in the County of Devon, as is more particularly shown edged red on the attached plan "A".

### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, operational development on the Land, in the approximate position between the points shown marked with "X" and "Y" on the attached plan, using heavy plant and machinery to deposit soil, subsoil and other materials to raise the level of the ground by up to 1.5 metres over a width of between 7.5 and 10.0 metres and a length of approximately 118 metres and create a level and compacted surface on the site of the King Way, a road dating back at least to the medieval period and a historic site of considerable local and archaeological importance.

### **4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Authority that the above breach of planning control has occurred within the last four years. The Development is contrary to the Dartmoor National Park Local Plan First Review Policies GP2, AH1, AH2 & AH3 and also contrary to the Devon Structure Plan Policy C02. There are no special circumstances justifying these engineering operations on the Land and it is considered that the unauthorised development is contrary to the statutory purposes of National Park designation as it damages a locally important archaeological site of considerable historic interest.

### **5. WHAT YOU ARE REQUIRED TO DO**

Permanently remove all deposited materials from that part of the Land shown shaded in pink on the attached plan "B" and reinstate that part of the Land to its former profile and levels, in particular:

1. to a depth of 246.4 metres AOD at point X (i.e. to the base of the northern boundary wall) and to a width from the eastern boundary as shown on the attached plan "B"; **AND**

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2. to a depth of 243.7 metres AOD at a point 31 metres south-south-west of X (i.e. to the base of telegraph pole TP.1) and to a width from the eastern boundary as shown on the attached plan "B"; **AND**
3. to a depth of 242.3 metres AOD at a point 58.7 metres south-south-west of X (i.e. to the base of the Western Power Distribution Cabinet no. 33 2024) and to a width from the eastern boundary as shown on the attached plan "B"; **AND**
4. to a depth of 240.9 metres AOD at a point 77.4 metres south-south-west of X (i.e. to the base of telegraph pole TP.9) and to a width from the eastern boundary as shown on the attached plan "B";

**6. TIME FOR COMPLIANCE**

You must comply by 31 August 2007.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice took effect on the date that the statutory appeal against the original Notice dated 29 November 2006 was withdrawn, namely 21 May 2007.

Dated this 26<sup>th</sup> day of June 2007



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**DIRECTOR OF PLANNING & SUSTAINABLE DEVELOPMENT**

Dartmoor National Park Authority  
Parke, Bovey Tracey,  
Newton Abbot, Devon. TQ13 9JQ

**NOTES**

THIS REVISED NOTICE TAKES EFFECT *IMMEDIATELY* IT IS SERVED

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS REVISED NOTICE.

If you contravene the requirements stated in this Notice, you will be at risk of **immediate** prosecution in the Magistrates' Court. The maximum penalty upon conviction for failure to comply with this Notice is a fine not exceeding £20,000 or an unlimited fine in the Crown Court.

If you are in any doubt about what this Notice requires you to do, or if you require independent advice about this Notice, you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters without delay.

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### **2. THE LAND TO WHICH THE NOTICE RELATES**

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### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the change of use of the Land from a use as the curtilage of a residential care home to a mixed use as the curtilage of a residential care home and the deposit and tipping of waste materials including soil, subsoil, rubble and waste building materials, in the approximate position between the points shown marked with "X" and "Y" on the attached plan, raising the level of the ground by up to 1.5 metres over a width of between 7.5 and 10.0 metres and a length of approximately 118 metres, filling in a section of the King Way "cutting" - a road dating back at least to the medieval period and a historic site of considerable local and archaeological importance.

### **4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Authority that the above breach of planning control has occurred within the last ten years. The Development is contrary to the Dartmoor National Park Local Plan First Review Policies GP2, AH1, AH2 & AH3 and also contrary to the Devon Structure Plan Policy C02. There are no special circumstances justifying these engineering operations on the Land and it is considered that the unauthorised development is contrary to the statutory purposes of National Park designation as it damages a locally important archaeological site of considerable historic interest.

### **5. WHAT YOU ARE REQUIRED TO DO**

(a) Stop using the Land between the points shown marked with "X" and "Y" on the attached plan for the deposit and tipping of waste materials including soil, subsoil, rubble and waste building materials ; **AND**

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(b) Permanently remove all deposited materials from that part of the Land shown shaded in pink on the attached plan "B" and reinstate that part of the Land to its former profile and levels, in particular:

1. to a depth of 246.4 metres AOD at point X (i.e. to the base of the northern boundary wall) and to a width from the eastern boundary as shown on the attached plan "B"; **AND**
2. to a depth of 243.7 metres AOD at a point 31 metres south-south-west of X (i.e. to the base of telegraph pole TP.1) and to a width from the eastern boundary as shown on the attached plan "B"; **AND**
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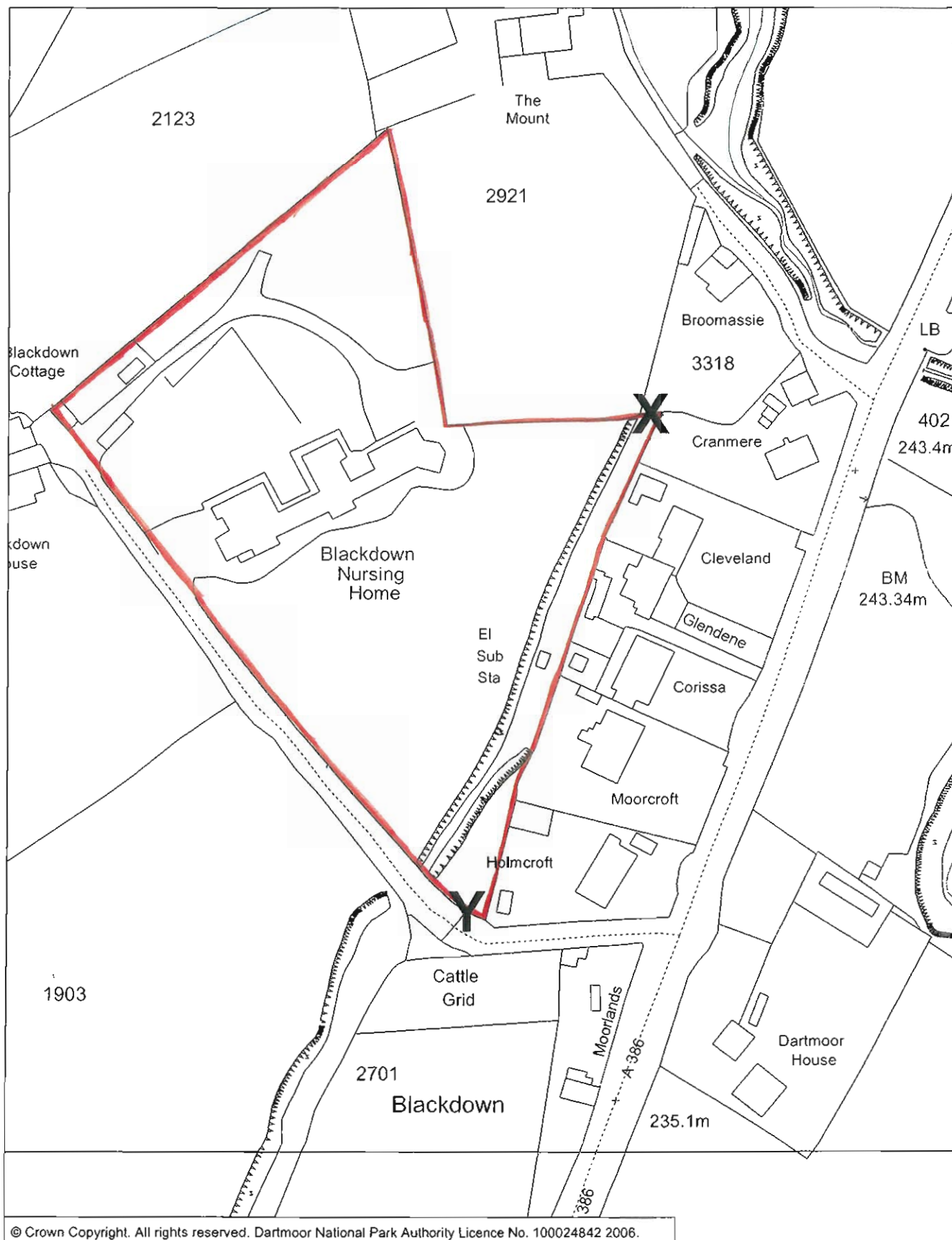
# Dartmoor National Park Authority

ENF/0182/05 - Blackdown Nursing Home, Mary Tavy



Scale 1:1250

Compiled by J Aven on 15 September 2006



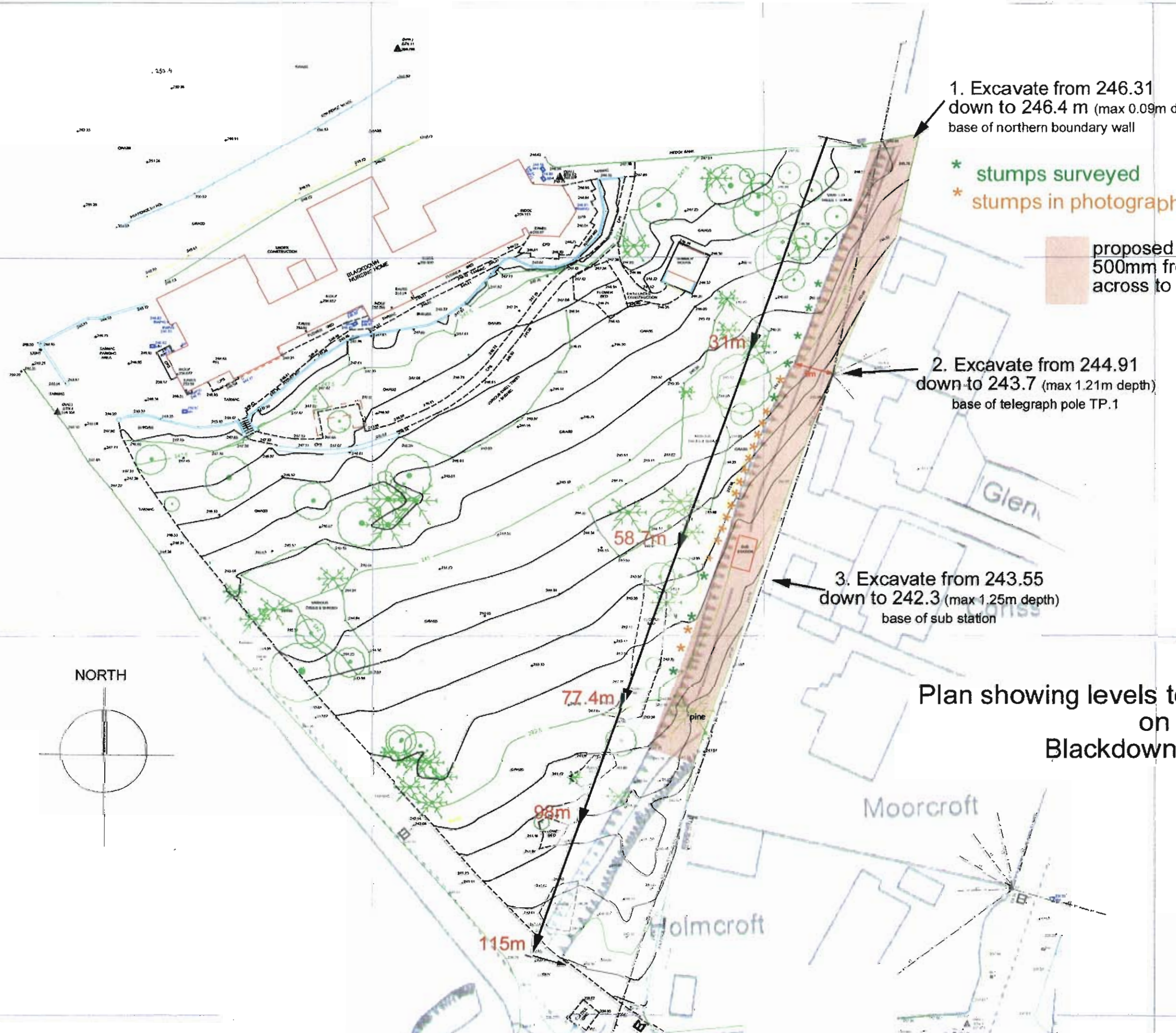


rowan  
edwards

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1. Excavate from 246.31  
down to 246.4 m (max 0.09m depth)  
base of northern boundary wall

\* stumps surveyed  
\* stumps in photograph

proposed area of excavation  
500mm from line of tree stumps  
across to boundary hedge

2. Excavate from 244.91  
down to 243.7 (max 1.21m depth)  
base of telegraph pole TP.1

3. Excavate from 243.55  
down to 242.3 (max 1.25m depth)  
base of sub station

Plan showing levels to be excavated  
on the King's Way  
Blackdown Nursing Home  
Mary Tavy  
ENF/0182/05

scale 1:500  
Datum OS Newlyn

RECEIVED  
20 JUN 2007  
DARTMOOR NATIONAL  
PARK AUTHORITY