

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

BREACH OF CONDITION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ISSUED BY DARTMOOR NATIONAL PARK AUTHORITY

To: Mr M Amos & Mr M Totterdell of Poole Farm Bridford Exeter EX6 7HY

1 THIS NOTICE is served by Dartmoor National Park Authority, under Section 187A of the Town & Country Planning Act 1990 (as amended), because it considers that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Authority considers that you should be required to comply with the condition specified in this Notice. The Annex at the end of this Notice contains important additional information.

2 THE LAND TO WHICH THIS NOTICE RELATES

Land at Poole Farm Bridford in the County of Devon, as shown edged in red on the attached plan ("the Land").

3 THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this Notice relates is the permission, reference 0917/07, granted subject to conditions on 10th January 2008 by the Authority for the temporary siting on the Land of a mobile home for use as residential accommodation for an agricultural worker, a copy of which is attached.

4 BREACH OF CONDITION

It appears to the Authority that the following condition has not been complied with:

"2. This permission shall be limited to a period of time expiring on 10 January 2011, upon the expiry of which the mobile home shall be permanently removed from the land and the land restored to its former condition and contour, unless in the meantime a new permission has been granted."

No extension of time has been agreed by the Authority and no further planning permission has been granted, yet a mobile home used for residential purposes remains sited on the Land; the use has not ceased and the Land has not been re-instated as required.

The planning permission (ref 0917/07) contains the relevant condition because it was granted as an exception to policy and on a temporary basis only, having regard to the needs of the agricultural unit. In the absence of any overriding justification, the permanent retention of the mobile home on the land as a unit of residential accommodation is contrary to:

- (i) the Authority's adopted Core Strategy DPD and in particular policies COR2 settlements, COR15 housing & COR18 local employment; and
- (ii) the Authority's Development Management & Delivery DPD and in particular policies DMD23 residential development outside Local Centres and Rural Settlements; DMD28 residential caravans
- (iii) Devon Structure Plan policy CO2 National Parks (saved policy)

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- (iv) government advice in Circular 2010 English National Parks and paragraphs 55 and 115 of the National Planning Policy Framework.

The said condition was imposed to prevent an unjustified residential use of land in the open countryside of the National Park. There are no special circumstances justifying the continued siting and residential use of the mobile home on the Land, and it is considered that the unauthorised retention of the mobile home on the Land adversely affects the character and appearance of this part of the National Park.

5 WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this Notice, you are now required to comply with the stated condition. You must:

- (a) Stop using the Land for the siting of a mobile home used for residential purposes; and
- (b) Permanently remove the mobile home from the Land; and
- (c) Restore the land to its former condition

6 PERIOD FOR COMPLIANCE

You must comply with requirements of this Notice within **12 months** of this Notice taking effect.

Dated this 17th day of April 2013



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

**THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU
IN PERSON, OR ON THE DAY YOU RECEIVED IT BY POST**

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is a criminal offence to contravene paragraph 5 of this Notice after the end of the compliance period stated in paragraph 6.

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 £2,500.

If you wish to contest the validity of this Notice, you may only do so by an application to the High Court for Judicial Review.

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. You may also contact an Enforcement Officer - Tel: (01626) 832093; email hq@dartmoor.gov.uk

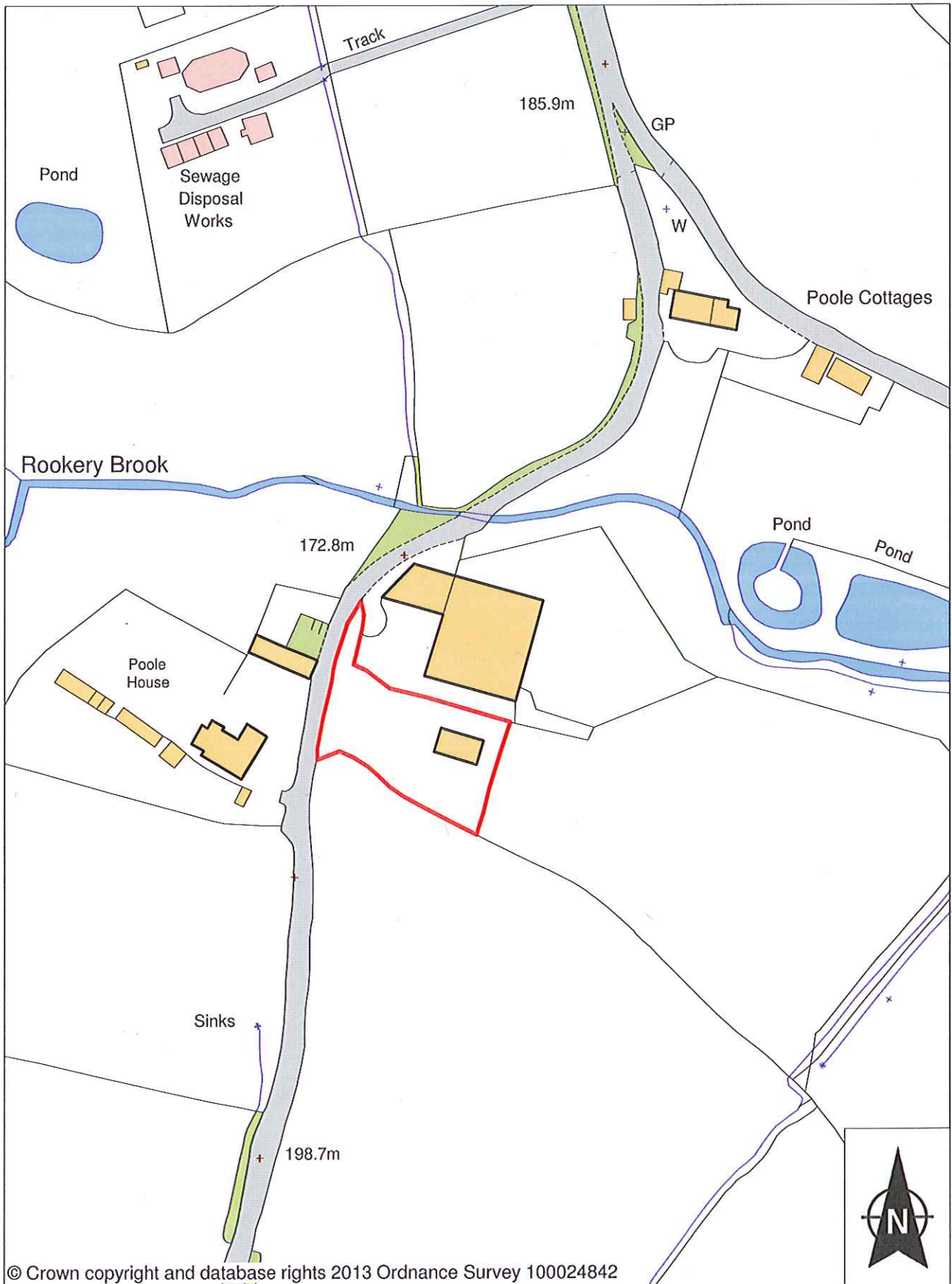
Dartmoor National Park Authority

Poole Farm, Bridford



Scale 1:1250

Compiled by cfairhall on 11 April 2013





Grant of Conditional Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (General Development Procedure) Order 1995

In correspondence please quote Application No: 0917/07

To Mr M Willis, Willis & Co
of 30 The Causeway, Chippenham SN15 3DB
Agent for Messrs M & M Amos & Totterdell
of Poole Farm, Bridford, Exeter EX6 7HY

The Dartmoor National Park Authority hereby grants permission to carry out the development described in the application dated 30 October 2007, together with drawing number 1950/02/A/B/C received 15 November 2007 attached thereto, brief particulars of which are as follows:

Siting of a mobile home for an agricultural worker, land at Poole Farm, Bridford.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of two years beginning with the date on which this permission is granted.
2. This permission shall be limited to a period of time expiring on 10 January 2011, upon the expiry of which the mobile home shall be permanently removed from the land and the land restored to its former condition and contour, unless in the meantime a new permission has been granted for the continuation of this use of the land.
3. The mobile home hereby permitted shall be occupied only by persons solely or mainly working, or last having worked, in the locality in agriculture or forestry, as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended), together with the spouse or partner, children and dependents of such persons as aforesaid.
4. Notwithstanding the drawings hereby approved, none of the development hereby permitted shall take place on the land until full details of the mobile home have been submitted to, and approved by, the Local Planning Authority.
5. The position of the mobile home shall accord strictly with the detailed drawings hereby approved.
6. Within twelve months of commencement of the development hereby permitted, or such longer period as the Local Planning Authority shall permit, a new hedge bank shall be constructed and planted along the western boundary of the site in accordance with details which shall previously have been submitted to, and approved by the Local Planning Authority. Any tree or shrub planted in accordance with the scheme which dies or is removed shall be replaced in accordance with directions issued by the Local Planning Authority.

Reason(s):

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. In granting this temporary permission the Local Planning Authority has had regard to the special circumstances of the applicants in accordance with policy GP2 of the Dartmoor National Park Local Plan First Review.
3. To ensure that the mobile home is only occupied by persons connected with agriculture or forestry in accordance with policy HS4 of the Dartmoor National Park Local Plan First Review.
4. To protect the character and appearance of this part of the Dartmoor National Park, in accordance with policy GP2 of the Dartmoor National Park Local Plan First Review.
5. To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates in accordance with policy GP2 of the Dartmoor National Park Local Plan First Review.
6. To assimilate the development into the landscape and to safeguard the appearance and character of the area and to comply with policy GP2 of the Dartmoor National Park Local Plan First Review.

Reasons for decision

Having regard to the relevant policy(ies), CO2 of the Devon Structure Plan, policy(ies) GP2, GP1, HS4, HS8 of the Dartmoor National Park Local Plan First Review, and to the advice contained in Circular(s) 12/96, and Planning Policy Guidance Note/Statement number(s), 1, 7 and all other material planning considerations, the proposal is considered to be acceptable.

This decision is not a decision under the Building Regulations or any legislation other than that referred to above.

Dated this 10th day of January 2008



Chris France

Director of Planning and Sustainable Development

NOTE: Failure to adhere to the details of the approved plans or to comply with any conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

Appeals to the First Secretary of State

- (1) If you are aggrieved by the decision of the Authority to grant permission subject to conditions, then you can appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- (2) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can obtain from The Planning Inspectorate, 3/25 Hawk Wing, Temple Quay House, The Square, Temple Quay, Bristol BS1 6PN
- (3) The First Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which justify the delay.
- (4) The First Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development without the conditions it imposed, having regard to statutory requirements, to the provisions of a Development Order and to any directions given under that Order.
- (5) In practice, the First Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District or Borough Council in whose area the land is situated. That notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

The Party Wall etc Act, 1996

Although there is no direct relationship between the Party Wall Act and planning permission, the Act means that, even though you have planning permission, you may not have the right to commence work until you have satisfied the requirements of the Party Wall Act. For more detailed guidance you can obtain a booklet (Code 97 PBD 008) from the Publications Despatch Centre, Black Horse Road, London SE99 6TT (Tel:0181 619 9191 or Fax:0181 694 0099).

This information can also be viewed at <http://www.planning-inspectorate.gov.uk>, the Planning Inspectorate's website.