

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE (1)

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ISSUED BY DARTMOOR NATIONAL PARK AUTHORITY ("the Authority")

1. **THIS NOTICE** is issued by the Authority 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 Rideout Farm, Yelverton, in the County of Devon, ("the Land") as shown edged red on the ~~attached~~ plan ("the Plan").

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

Without planning permission, operational development on the Land comprising:

- a) the erection of a chalet-style building used for residential purposes, in the approximate position shown marked with "X" on the Plan ("Building X").
- b) the erection of a building which houses a swimming pool and games room in the approximate position shown marked with "Y" on the Plan ("Building Y").
- d) the erection of a building which houses a swimming pool and games room in the approximate position shown marked with "B" on the Plan ("Building B").

together referred to as "the Development".

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 Core Strategy Policies COR1, COR2, COR3, COR4, COR15 and COR19, the Dartmoor National Park Local Plan First Review saved policy TM3 and also contrary to the Devon

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Structure Plan 2001 - 2016 Policy CO2 and to the advice contained in Circular 12/96 and Planning Policy Statements 1 and 7.

There are no special circumstances justifying the retention of the Development on the Land which individually and collectively constitutes an unjustified visual intrusion adversely affecting the character and appearance of this part of the National Park. Further, in the absence of special circumstances, the use of Building X for residential purposes is contrary to the housing policies in the development plan and results in an unjustified unit of residential accommodation within the countryside of the National Park.

5. WHAT YOU ARE REQUIRED TO DO

- a) Demolish and remove the Development from the Land, including all internal and external fixtures, fittings, chattels, foundations, hardstandings, fixed play equipment, materials and debris;
- b) Restore the Land to its former condition prior to the carrying out of the Development.

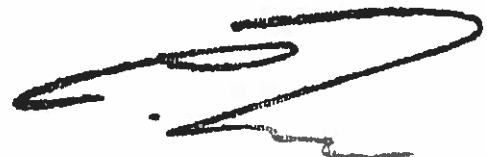
6. TIME FOR COMPLIANCE

You must comply within 120 days of this Notice taking effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 31st July 2009, unless an appeal is made against it before that date.

Dated this 17th day of June 2009



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

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

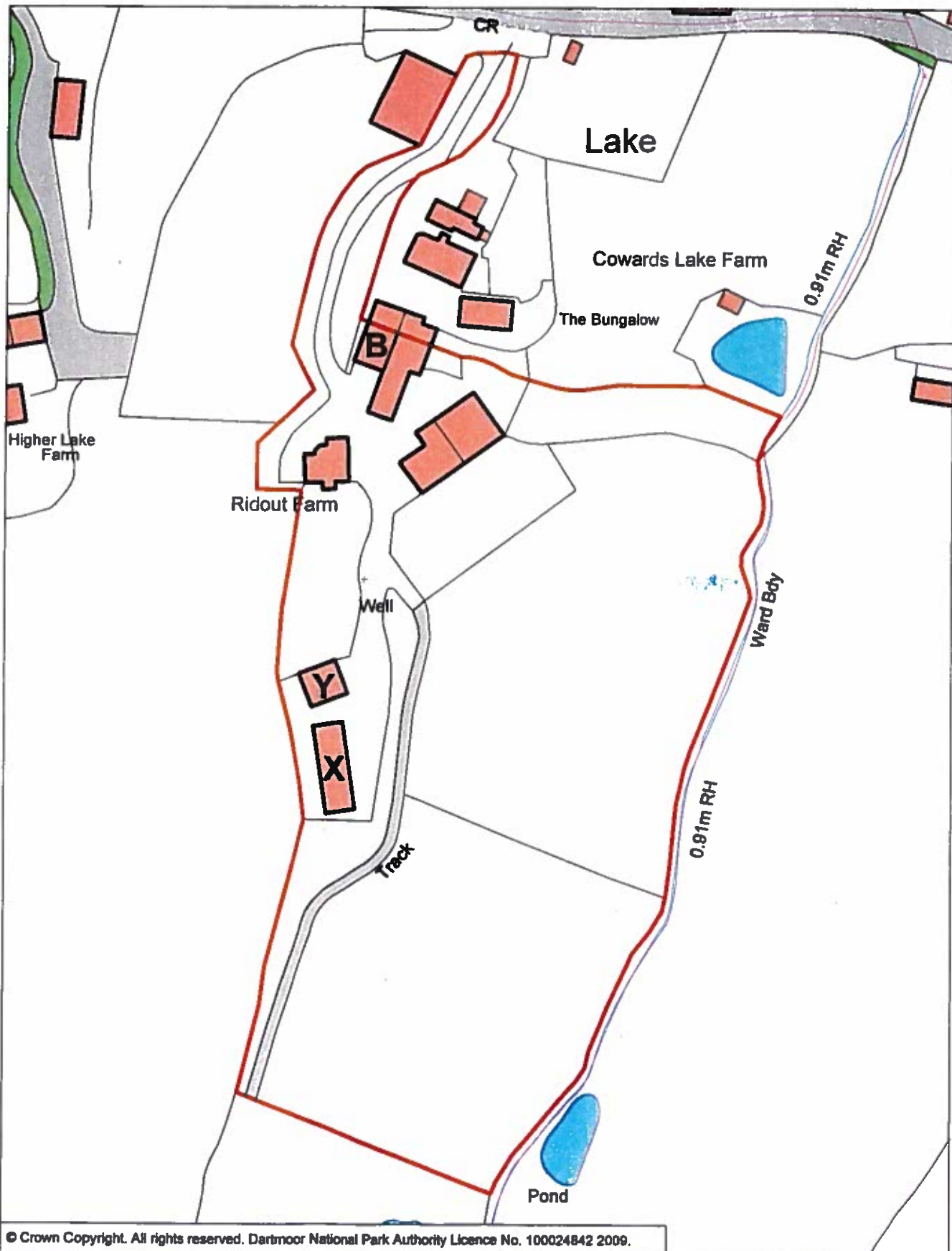
Dartmoor National Park Authority

Rideout Farm, Lake Lane, Dousland



Scale 1:1250

Compiled by on 15 June 2009



- The appeals are made by Mr & Mrs R Spry against an enforcement notice issued by Dartmoor National Park Authority.
 - The National Park Authority's reference is ENF/0317/07.
 - The notice was issued on 17 June 2009.
 - The breach of planning control as alleged in the notice is without planning permission, the carrying out of operational development on the Land comprising the conversion of a traditional stone barn ("the Barn") to provide one unit of residential accommodation ("the Development").
 - The requirements of the notice are: a) Remove from the Barn all unauthorised works comprised in the Development, including but not limited to – (i) the new internal partitions, stairs, the bathroom and the kitchen facilities; (ii) the new windows, doors, extractors, flue pipes and satellite dish; (iii) the roof terrace, including stairs, decking, balustrade and roof; and b) Reinstate the roof of the Barn to its former profile and height with materials to match those previously used in the Barn prior to the carrying out of the Development.
 - The period for compliance with the requirements is 120 days.
 - The appeal was lodged on the grounds set out in section 174(2) (d) and (g) of the Act. Since the prescribed fees have not been paid within the specified period, the deemed application for planning permission does not fall to be considered.
-

Formal Decision: Appeals A & B

1. I direct that the enforcement notice be corrected by:
 - i) the deletion of the words "*the attached plan*" in paragraph 2 of the notice and their replacement with the words "*the plan attached to this decision*";
 - ii) the deletion of the words "*d) the erection of a building which houses a swimming pool and games room in the approximate position shown marked with "B" on the Plan ("Building B")*" in paragraph 3 of the notice;
 - iii) the substitution of the plan attached to this decision for the plan attached to the enforcement notice.

Subject to these corrections I dismiss the appeals and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Formal Decision: Appeals C & D

2. I direct that the enforcement notice be corrected by the deletion of the words: "*a residential use*" in paragraph 3 of the notice and their replacement with the words "*use as a single dwellinghouse*"; and "*the residential use of the Barn*" in paragraph 5 of the notice and their replacement with the words "*use of the Barn as a single dwellinghouse*". Subject to these corrections I allow the appeals and quash the enforcement notice.

Formal Decision: Appeals E & F

3. I allow the appeals and quash the enforcement notice.

Procedural matters

4. The Inquiry sat for 2 days on 23 and 24 February 2010, and all the evidence given by those witnesses who attended the Inquiry was taken on oath.
-