

LISTED BUILDING ENFORCEMENT NOTICE

Planning (Listed Buildings & Conservation Areas) Act 1990

Issued by Dartmoor National Park Authority

To: Mark Rigamonti, 1 Cambridge Road, Kew, London TW9 3JB

1. This Listed Building Enforcement Notice is issued by Dartmoor National Park Authority as Local Planning Authority pursuant to Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') because it appears to the Authority that works have been carried out for the alteration of the listed building described in paragraph 2 of this Notice in contravention of Section 7 of the Act. The Authority considers that it is expedient to issue this Notice, having regard to the effect of the works on the character of the building as being of special architectural or historic interest.

2. The Building To Which The Notice Relates

The building known as 16 West Street, Ashburton in the County of Devon ('the Building') as shown edged red on the attached plan, which is a Grade II listed building as defined in Section 1 of the Act.

3. The Breach of Listed Building Control

Without listed building consent, the execution of alterations and works to the Building, namely:

- (a) the removal of internal walls
- (b) the removal of floor joists and floor boards
- (c) the removal of the internal partition between the former shop and the residential accommodation
- (d) the removal of haired lime plaster & lath ceilings
- (e) the removal of haired lime plaster & lath on the walls
- (f) the removal of internal panelled doors, architraves and skirtings;
- (g) the removal of the fitted kitchen, leaving only a sink
- (h) the removal of the bathroom suite
- (i) the installation of new timber studwork partitions on the first floor
- (j) the construction of a plywood floor on the first floor, above the former kitchen area
- (k) the creation of a first floor shower room and WC
- (l) the installation of electrical wiring, RCD and power sockets
- (m) the removal of fireplaces

so as to adversely affect the special architectural or historic interest of the Building.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

4. Reasons For Issuing This Notice

The unauthorised works relate to a building included on the Statutory List of Buildings of Special Architectural or Historic Interest (Grade II) and located within the Ashburton Conservation Area. The works constitute unsympathetic and inappropriate alterations which individually and collectively damage the significance of the Building, the historic floor plan of the Building, the proportions of rooms within the Building and the internal character and appearance of the Building.

The works are contrary to policies COR1, COR4, COR5, DMD1b, DMD7 & DMD8 in the Development Plan and Government advice contained in paragraphs 126 to 141 of the National Planning Policy Framework, in particular paragraph 132 and the English National Parks and the Broads Circular 2010 (Defra).

The Authority does not consider that listed building consent should be granted for the unauthorised works, because they adversely affect the significance of the Building and conditions could not overcome these objections.

5. What You Are Required To Do

- (i) Reinstate hardwood joists and deal floor boards to match the same size as those removed without consent
- (ii) Reinstate the partition between the former shop and the residential accommodation in its former location as indicated by the scarring on the walls and the ceiling.
- (iii) Construct ceilings as necessary within the building to eliminate voids between floors, using traditional lath and plaster construction to match
- (iv) Reinstate all internal walls in their former positions within the building
- (v) Re-plaster all internal walls using haired lime plaster & lath
- (vi) Remove the plywood floor on the first floor, above the former kitchen area and reinstate a wood floor on the joists using deal floor boards to match those removed without consent
- (vii) Remove the first floor shower room and WC, including fixtures and fittings, tiling and partition walls
- (viii) Reinstate all internal panelled doors to match those removed from the building
- (ix) Reinstate all architraves and skirting to match those removed from the building
- (x) Reinstate all fireplaces removed from the building

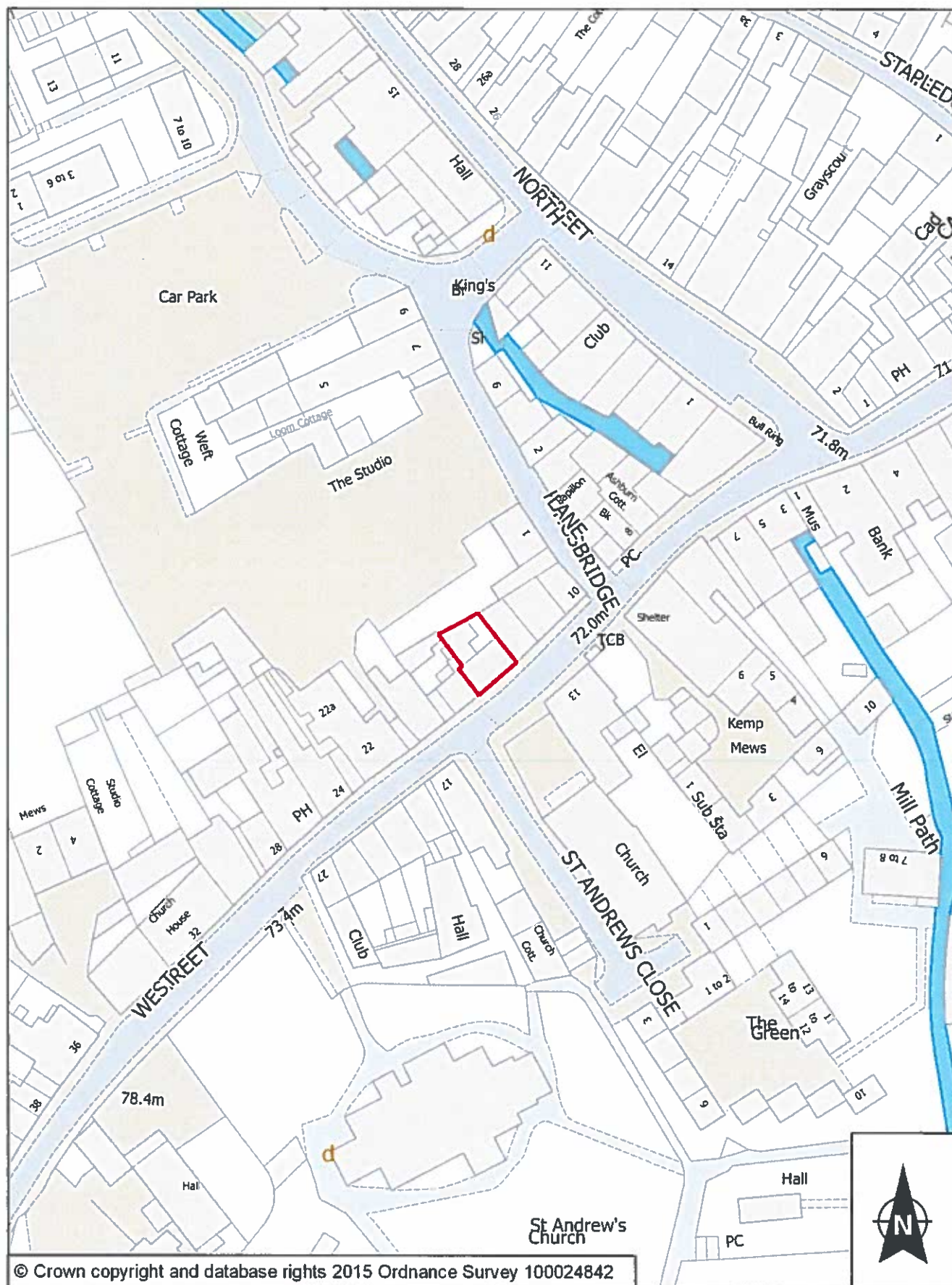
ENSURING AT ALL TIMES that the Building is properly supported so as not to present a danger or risk to any person, or cause unnecessary or unacceptable risk to the structural integrity of the Building.

Dartmoor National Park Authority

16 West Street, Ashburton

Scale 1:1,000

Compiled by cfairhall on 19/8/2015



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6. Time for Compliance

You must comply within twelve months of the date on which this Notice takes effect.

7. When this Notice Takes Effect

This Listed Building Enforcement Notice takes effect on 1 October 2015, unless an appeal is made against it before that date.

Dated this 19th August 2015



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Head of Planning

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

Informative Note

NB. This note is for information and is not part of the formal Notice

The Authority would strongly advise you to obtain professional advice prior to undertaking or commissioning any works for compliance with this Notice

The Authority would further recommend that you secure detailed professional drawings to appropriate scale, showing clearly details of design, construction and materials AND submit these details to the Authority for consideration and approval prior to undertaking or commissioning any works.

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YOUR RIGHT OF APPEAL

You can appeal against this Listed Building Enforcement Notice, by giving written notice of the appeal to the Secretary of State. Notice of appeal must be **received** by the Secretary of State **before** the date specified in paragraph 7 of the Notice, or posted in a properly addressed, pre-paid letter at such time that, in the ordinary course of post, it would be delivered before that date.

THE GROUNDS OF APPEAL

You can appeal on any or all of the following grounds:

- (a) that the building is not of a special architectural or historic interest
- (b) that the matters alleged have not occurred
- (c) that the matters alleged do not constitute a breach of Listed Building control
- (d) that works to the building were urgently necessary in the interests of health, safety or for the preservation of the building
- (e) that Listed Building Consent ought to be granted and/or any condition or limitation discharged
- (f) that copies of the Enforcement Notice were not served as required by s38(4)
- (g) that the steps required by the Enforcement Notice to be taken, or the activities required to cease, exceed what is necessary to remedy any breach of Listed Building control or remedy any injury to amenity caused by any such breach
- (h) that the compliance period falls short of what should reasonably be allowed
- (i) that the steps required for the purpose of restoring the character of the building to its former state would not serve that purpose
- (j) that the steps required by virtue of s38(2)(b) exceed what is necessary
- (k) that the steps required by virtue of s38(2)(c) exceed what is necessary

Not all of these grounds may be relevant to you. If you decide to appeal, you should state in writing the ground(s) on which you are appealing and include a brief statement of the facts on which you intend to rely in support of each of those grounds.

FEES IN RESPECT OF APPEALS

If your appeal includes ground (a) – that Listed Building consent ought to be granted and/or any condition or limitation discharged – you will not be required to pay a fee in respect of this deemed application for Listed Building consent. However, if you also require planning permission, a fee will be payable under regulation 10 of the Town & Country Planning (Fees for Applications and Deemed Applications) Regulations 1989.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Listed Building Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice.

WARNING

**IF YOU FAIL TO COMPLY WITH A LISTED BUILDING
ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT, THE
AUTHORITY MAY PROSECUTE AND/OR TAKE REMEDIAL ACTION**