

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

# ENFORCEMENT NOTICE

## TOWN AND COUNTRY PLANNING ACT 1990

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

**Issued by Dartmoor National Park Authority**

**To: Rebecca HEARSUM, Matthew APLIN, John APLIN & Stephen APLIN**

**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 Hyner Vale, Lower Ashton, Christow, Exeter 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 to:

- (i) Erect a tunnel-shaped, pre-fabricated building on the Land; and
  - (ii) Site a portacabin on the Land
- ("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 policies COR1, COR3, COR4, DMD1b, DMD5 & DMD7 in the Local Plan and government advice contained in the National Planning Policy Framework, in particular at para 115, and Circular 2010 the English National Parks & the Broads.

The Authority considers the Development constitutes an unjustified visual intrusion that adversely affects the character and appearance of this part of the National Park.

## **5. What You are Required to do**

Permanently remove the Development from the Land, including all debris and materials

## **6. Time for Compliance**

You must comply with the requirements of this Notice within 60 (sixty) days of this Notice taking effect.

## **7. When this Notice takes effect**

This Notice takes effect on Wednesday 9 November 2016, unless an appeal is made against it before that date.

Dated this 28<sup>th</sup> day of September 2016



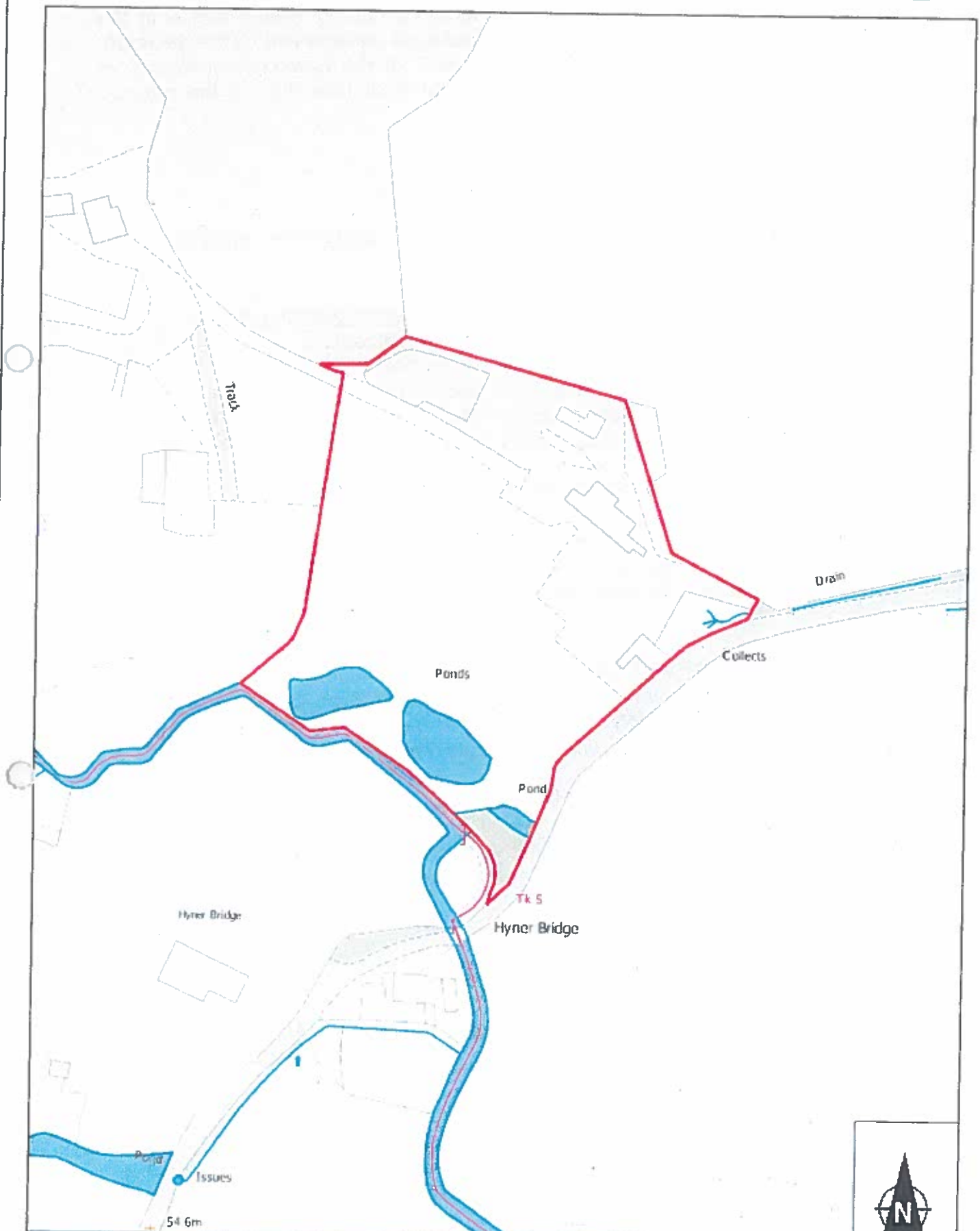
**HEAD OF PLANNING**

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

# Hyner Vale, Lower Ashton

Scale 1:1,250

Compiled by hunion on 28/9/2016



# **YOUR RIGHT OF APPEAL**

You can appeal against this 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 Enforcement 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 planning permission ought to be granted and/or any condition or limitation discharged
- (b) that the matters alleged have not occurred
- (c) that the matters alleged do not constitute a breach of planning control
- (d) that the matters alleged are immune from enforcement
- (e) that copies of the enforcement Notice were not served as required
- (f) 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 planning control or remedy any injury to amenity caused by any such breach
- (g) that the compliance period falls short of what should reasonably be allowed

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 planning permission ought to be granted and/or any condition or limitation discharged – you have to pay a fee of £790 to the Dartmoor National Park Authority. Joint appellants need only pay one set of fees.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this 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 AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT, THE AUTHORITY MAY PROSECUTE AND/OR TAKE REMEDIAL ACTION WITHOUT FURTHER NOTICE.**