

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

Issued by Dartmoor National Park Authority

- To:**
- (1) Mrs Jayne Ellen Leigh-Tyrer of Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (2) Mr Guy Tyrer of Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (3) Mrs Elizabeth Leigh of Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (4) Mr Robin St John Lumley of Elm Cottage, Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (5) The Occupier of Elm Cottage, Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (6) Mrs Sue Boyd of Ash Cottage, Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (7) The Occupier of Ash Cottage, Downtown Farm, Lydford, Okehampton, Devon, EX20 4AX**
 - (8) HSBC of South Down Commercial Centre, 20 William Prance Road, Plymouth, PL6 5WR**

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 Downtown Farm, Lydford, Okehampton, 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, the change of use of two buildings on the Land namely Elm Cottage and Ash Cottage from a use as two holiday units to a use as full time non-holiday residential dwellinghouses, as marked on the attached Plan ("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 ten years. The Development is contrary to policies COR2, COR15, DMD1a, DMD1b, DMD9, DMD23 and DMD26 in the development plan and government advice contained in the National Planning Policy Framework 2018, in particular at para 172, and the National Parks Circular 2010.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

The Authority considers the Development would result in the creation of two unjustified open market dwellings outside a recognised settlement which do not meet an identified need for affordable housing to meet local needs or a need relating to an agricultural worker or other essential rural business.

5. What You are Required to do

- 5.1 Permanently cease the full time non-holiday residential use of the holiday units known as Ash Cottage and Elm Cottage.

6. Time for Compliance

You must comply with the requirements of this Notice within 6 months of this Notice taking effect.

7. When this Notice takes effect

This Notice takes effect 19 March 2019, unless an appeal is made against it before that date.

Dated this 5th day of February 2019



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HEAD OF DEVELOPMENT MANAGEMENT

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

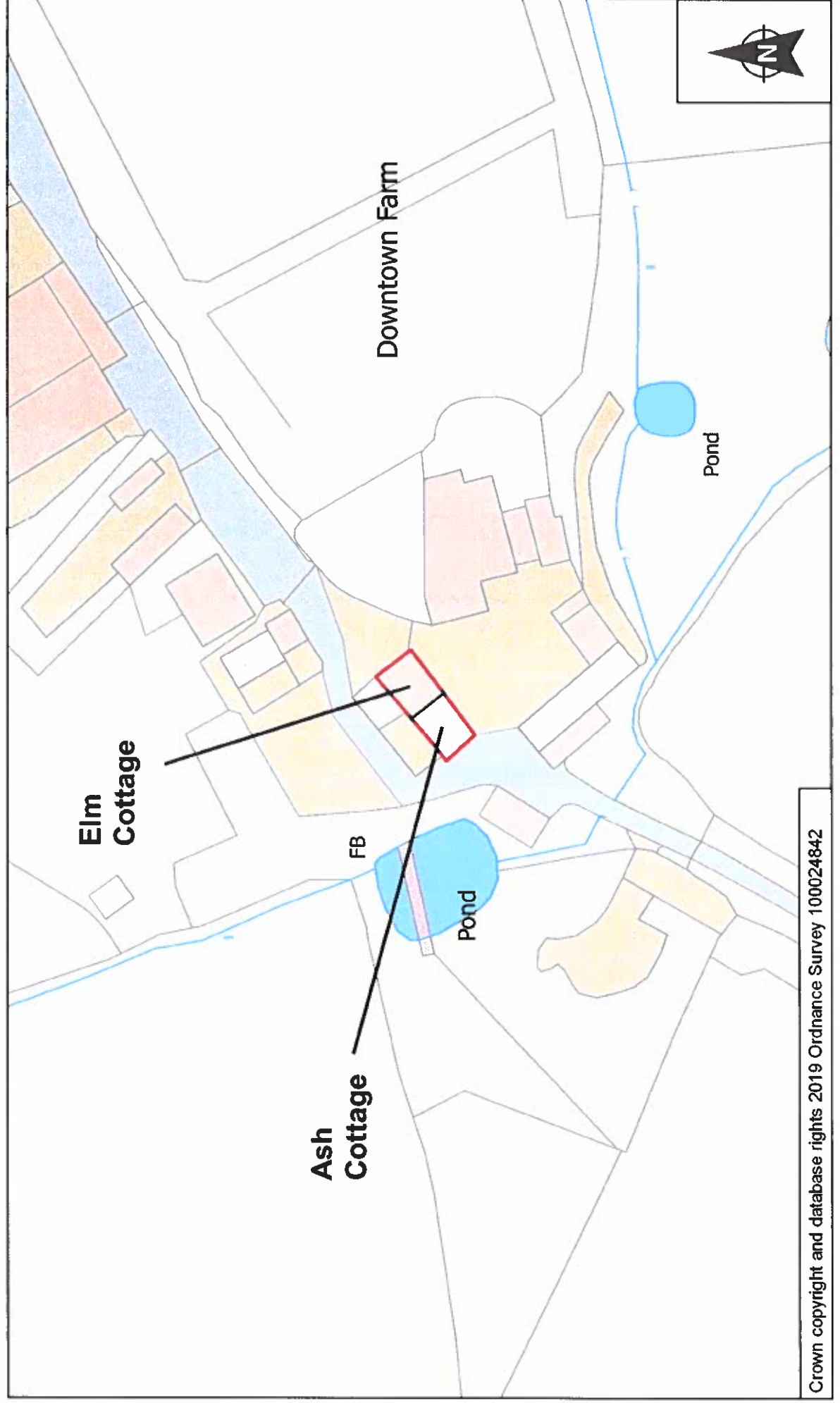
Dartmoor National Park Authority

DOWNTOWN FARM, LYFORD



Scale 1:750

Map created by cfairhall on 4/2/2019



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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 £1,848.00 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.