

**DARTMOOR NATIONAL PARK AUTHORITY**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Friday 9 April 2021**

Present: K Ball, S Barker, A Cooper, W Dracup, P Harper, G Hill, J McInnes, S Morgan, D Moyse, J Nutley, N Oakley, C Pannell M Renders, P Sanders, P Smerdon, P Vogel, P Woods

Officers: L James, Solicitor (acting on behalf of Devon County Council)  
C Hart, Head of Development Management  
J Aven, Deputy Head of Development Management

Apologies: G Gribble

The Chairman advised Members that Mr Webber's approved leave of absence was due to expire on Monday 12 April. He was pleased to report that Mr Webber had indicated his intention to return and would take part in future meetings from that date.

The Chairman welcomed the public and independent Member Nigel Tigwell, Independent Person, and Laura James, Legal Representative.

Members were reminded that when voting consistent language should be used i.e., *For the motion, Against the motion or Abstain*

**1445 Declarations of Interests and Contact**

None.

**1446 Minutes of Meetings**

- (i) The Minutes of the meeting held on Friday 5 February 2021 were agreed as a true record.
- (ii) With regard to the Minutes of Friday 15 January 2021 – it was proposed that a correction to an error, relating to application number 0322/16 Linhay Hill Quarry, Ashburton, be made as follows:

On page 4 of the Minutes it states "*Condition 16 (b) to read: 'a proposed approach for monitoring potential impacts on the Lemonford Stream, the Goodstone Springs, for their respective groundwater catchments, and for drawdown in the deeper part of the CBLF between the quarry and Ashburton'*". This is repeated in the list of conditions at the end of the Minutes (page 20).

However, this was amended during the Officer's presentation to omit the phrase "*for their respective groundwater catchments*".

The decision notice reflects this amendment, as agreed by Members at the Development Management meeting on 15 January 2021. The Minutes need to be amended to reflect this correction (pages 4 and 20).

Members AGREED the amendment be made, with copies of the corrected Minutes to be sent to the Parish Council and any other relevant parties.

**1447 Items Requiring Urgent Attention**

None.

**1448 Monitoring and Enforcement**

**Item 1 - ENF/0083/20 - Unauthorised siting and residential use of caravan on land at Higher Ausewell, Ashburton**

The Deputy Head of Development Management advised Members that the case concerns the siting and residential use of a large touring caravan on an equestrian sand school at Higher Ausewell, approximately 2km north of the centre of Ashburton, in the open countryside. The matter was brought to the Authority's attention in June 2020; a subsequent visit confirmed that the owner and her partner had moved the caravan onto the land earlier that month and were both living there. This is the second time that the caravan has been used for residential purposes on this piece of land, having previously been removed in September 2018 following an earlier investigation. Members were advised that an enforcement notice requiring the removal of an unauthorised stable building on the sand school was recently complied with in September 2020 (ENF/0265/16).

A site inspection was conducted on the site in 2017 to consider the landowner's then application, for an agricultural building (0326/17). This was subsequently refused on grounds of there being no demonstrable agricultural need and the visual impact and harm to the landscape character and appearance of this part of the National Park. A similar application on the adjoining land to the east (0557/17) was refused the following year and dismissed at appeal in 2019 for the same reasons.

Welfare forms, completed by the landowner and her partner, have been returned; officers do not consider that there are any overriding welfare considerations at this time.

The Deputy Head of Development Management advised Members that the landowner had chosen not to speak at the meeting but had advised him earlier in the week that she had not been living in the caravan since November 2020; she now occupies a property in Ashburton. However, the Authority has no evidence to support this statement; in view of the history of the unauthorised developments on the land, together with ongoing concerns in respect of the visual and landscape harm and, if left unchallenged the site

would become permanently occupied, Members were requested to agree the recommendation within the report.

By way of an update, the Chair of Planning for Ashburton Town Council had acknowledged the recommendation and had nothing to add.

In response to Member queries, the Deputy Head of Development Management, together with the Solicitor, confirmed that the Human Right Act was embedded in all things Planning and whilst this provides some protection to landowners, a balanced and proportionate approach to taking legal action is permissible and not incompatible with the Act. Conversations had also been held with the landowner regarding the possibility of assistance regarding housing.

Mr Sanders proposed the recommendation, which was seconded by Mr McInnes.

- RESOLVED:** That the relevant legal action be taken to:
- (i) Secure the cessation of the residential use of the land, and
  - (ii) Secure the removal of the caravan from the land.