

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE (C)

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

Amended as
per Appeal
Decision Notice
19/2/2015

Issued by Dartmoor National Park Authority

To: Mr S Robinson, Mrs F Robinson, Miss K Reader & Mrs L Mumford of Great Rock Farm, Hennock, Bovey Tracey, in the County of Devon

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 Great Rock Farm, Hennock 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, a material change in use of the land to a use for the permanent siting of caravans used for residential purposes in the approximate positions shown marked with "X" and "Y" on the 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 Authority considers the Development is contrary to housing policies in the development plan and constitutes an unjustified open market dwelling within the open countryside of the National Park. The Authority also considers the Development to be of extremely poor design and an unjustified visual intrusion that adversely affects the character and appearance of this part of the National Park.

The Development is contrary to policies COR1, COR2, COR3, COR4, COR15, DMD1b, DMD3, DMD5, DMD7 & DMD23 in the development plan and the advice contained in the National Planning Policy Framework, in particular paragraph 115, and the National Parks Circular 2010

The Authority does not consider that planning permission should be granted for the Development, because conditions could not overcome these objections.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

5. What You are Required to do

Permanently cease the use of the Land for the siting of residential caravans used for residential purposes.

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

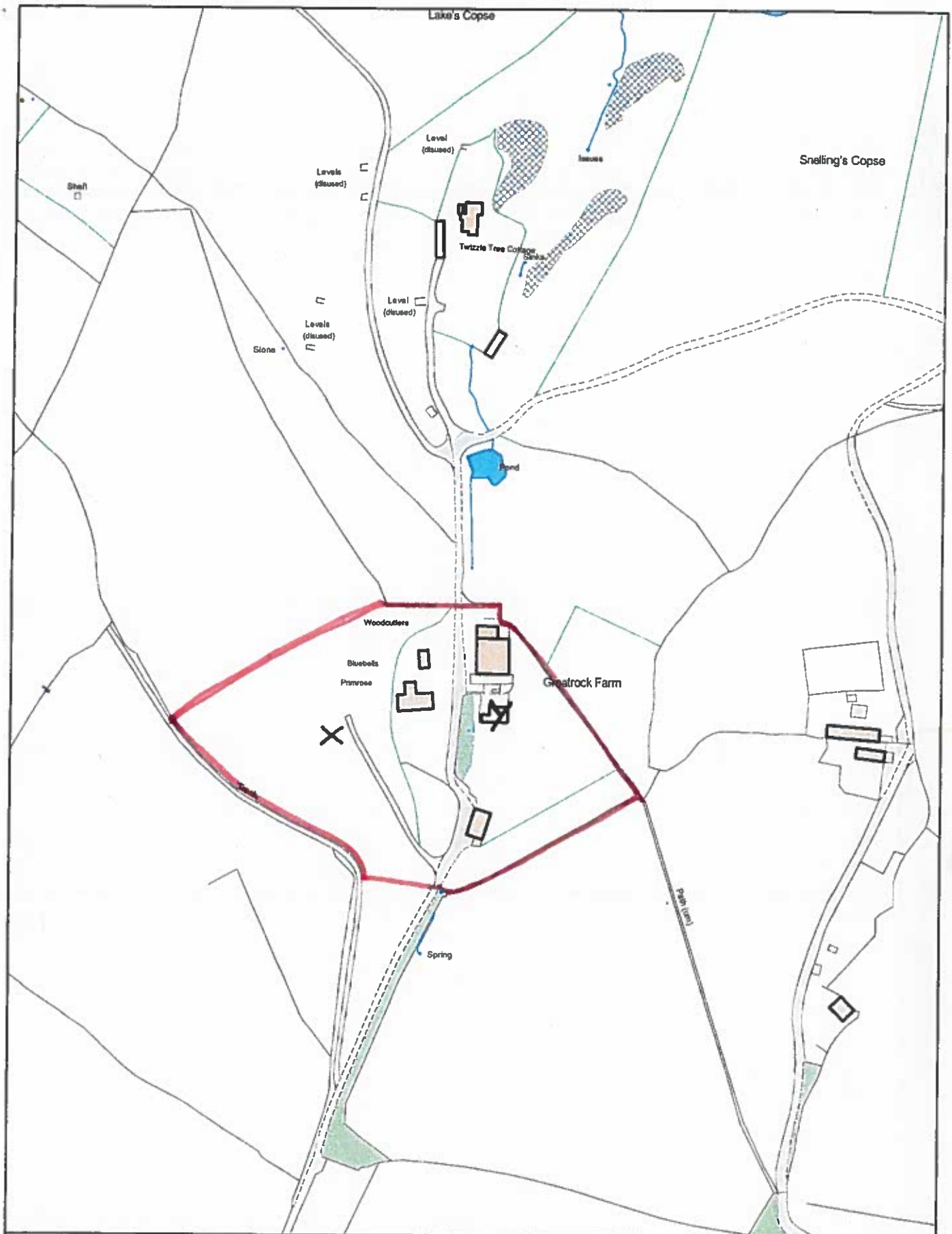
This Notice takes effect on 9th May 2014, unless an appeal is made against it before that date.

Dated this 31st day of March 2014



.....
DIRECTOR OF PLANNING

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



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

Great Rock Farm
Henstock

Author: C R Walledge

© Crown copyright and database rights 2013
Ordnance Survey 100024842

Scale: 1:2500

Date: 14 Mar 2014

CentreX 282756.363

CentreY 81355.704





Appeal Decisions

Site visit made on 19 January 2015

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2015

Appeals A: APP/J9497/C/14/2218454, 55, 56, 57

Great Rock Farm, Hennock, Bovey Tracey, Newton Abbot, TQ13 9QE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Miss K Reader, Mrs L Mumford, Mr S Robinson, Mrs F Robinson against an enforcement notice issued by Dartmoor National Park Authority (DNPA).
 - The notice was issued on 31 March 2014.
 - The breach of planning control as alleged in the notice is: Operational development to construct an area of raised decking and a porch abutting a permanently sited caravan, in the approximate position shown marked with "X" on the Plan.
 - The requirements of the notice are: Permanently remove the development from the land, including all materials and debris and restore the land to its former condition.
 - The period for compliance with the requirements is: 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 as amended.
- (A)

Summary of Decision: The enforcement notice is varied, the appeal is dismissed and the notice is upheld as set out in the Formal Decisions.

Appeals B: APP/J9497/C/14/2218461, 62, 63, 64

Great Rock Farm, Hennock, Bovey Tracey, Newton Abbot, TQ13 9QE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Miss K Reader, Mrs L Mumford, Mr S Robinson, Mrs F Robinson against an enforcement notice issued by Dartmoor National Park Authority.
 - The notice was issued on 31 March 2014.
 - The breach of planning control as alleged in the notice is: Operational development to construct an area of raised decking and a porch abutting a permanently sited caravan, in the approximate position shown marked with "Y" on the plan.
 - The requirements of the notice are: Permanently remove the development from the land, including all materials and debris and restore the land to its former condition.
 - The period for compliance with the requirements is: 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (b) and (g) of the Town and Country Planning Act 1990 as amended.
- (B)

Summary of Decision: The enforcement notice is corrected, the appeal is dismissed and the notice is upheld as set out in the Formal Decisions.

Appeals C: APP/J9497/C/14/2218466, 67, 68, 69

Great Rock Farm, Hennock, Bovey Tracey, Newton Abbot, TQ13 9QE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Miss K Reader, Mrs L Mumford, Mr S Robinson, Mrs F

- Robinson against an enforcement notice issued by Dartmoor National Park Authority.
- The notice was issued on: 31 March 2014.
 - The breach of planning control as alleged in the notice is: A material change of use of the land to a use for the siting of caravans used for residential purposes in the approximate positions shown marked with "X" and "Y" on the plan.
 - The requirements of the notice are: Permanently cease the use of the land for the siting of residential caravans used for residential purposes.
 - The period for compliance with the requirements is: 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 as amended.
- (C)

Summary of Decision: The enforcement notice is varied, the appeal is dismissed and the notice is upheld as set out in the Formal Decisions.

Appeals D: APP/J9497/A/14/2218992

Great Rock Farm, Hennock, Bovey Tracey, Newton Abbot, TQ13 9QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Reader & Mr S Robinson against the decision of Dartmoor National Park Authority.
- The application Ref: 0158/14, dated 3 March 2014, was refused by notice dated 7 May 2014.
- The development proposed is the use of land for the stationing of two caravans for holiday purposes and the temporary use of one of those caravans as a self-contained annexe.

Summary of Decision: The appeal is dismissed.

Appeals B – ground (b)

1. As a matter of fact there is not a porch abutting this caravan and at the site visit I could not see any evidence that there was one there previously. The decking which is the other part of the alleged breach of planning control is there. I therefore agree with the appellants that reference to the porch needs removing from the enforcement notice. On this basis, the ground (b) appeal partially succeeds and I shall correct the notice accordingly.

Appeals A and C – ground (e)

2. S172(2) of the 1990 Act requires a copy of an enforcement notice to be served (a) on the owner and on the occupier of the land to which it relates and (b) any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice. The caravan situated on the higher ground west of the main dwellinghouse is owned and occupied by Marie Reader who is the mother of two of the appellants. It is claimed that she was not served with a copy of the enforcement notice.
3. DNPA states that "copies of the enforcement notice together with all relevant documents addressed to Mrs Reader, Mrs Mumford, Mr Robinson and Mrs Robinson were hand served upon Mrs Robinson by an officer of the Authority on the land on 1 April 2014". I note that Mrs Reader is referred to in this statement and she owns and occupies caravan X. This is opposed to Miss K Reader who is one of the appellants and presumably one of Mrs Reader's daughters. On its face therefore Mrs Reader may have been served.

4. However, even if I am wrong about this the appellants refer to the caravan being occupied by Mrs Reader as an essential annexe to the main dwelling. The close relationship enables a degree of care to be provided. Given this close family connection it would be very difficult to believe that the potentially serious consequences of the enforcement action would not have been discussed with Mrs Reader very soon after the notices had been served. I therefore take the view that it was very likely that Mrs Reader knew about the enforcement action. She therefore could have appealed if she had wanted to because under S174(1) of the 1990 Act an appeal may be made whether or not a copy has been served on a person having an interest in the land or a relevant occupier.
5. Moreover, the grounds of appeal refer to the need for Mrs Reader to carry on living in her caravan. The arguments aimed at protecting Mrs Reader's interests, submitted by Miss Reader and relatives acting on her behalf, are therefore before me. Consequently, even if Mrs Reader was not served as required, in accordance with S176(5) of the 1990 Act I may disregard that fact because I consider that she has not been substantially prejudiced by any service failure.
6. Accordingly the ground (e) appeals fail.

Appeals A, B, C and D – planning merits

Planning Policy

7. The aims of the policies referred to by the Authority from the DNPA Local Development Framework Core Strategy Development Plan Document (CS) and the DNPA Development Management and Delivery Development Plan Document (DMD) are consistent with the sustainable development and landscape protection aims of the National Planning Policy Framework (NPPF). As such the policies have significant weight.

Main Issue

8. The main issue is the effect of the developments on the character and appearance of the area taking account of other considerations such as expanding the existing holiday business and the personal needs of Mrs Reader.

Character and Appearance

9. Great Rock Farm is in a relatively secluded location at the end of a long access road towards the bottom of a valley that has steep wooded slopes. However, this does not mean that the local landscape is any less valued or that development in this location would be more acceptable because of the screening the local landform may offer compared to if it was located on more exposed open moorland for example. That is because National Parks have the highest status of protection in relation to their landscape and scenic beauty which applies across the whole park area irrespective of variations in the landscape. Moreover, valued attributes identified in The Landscape Character Assessment for Dartmoor National Park for this type of landscape are its function between developed areas and the wild moorland core of the National Park and its human scale, evoking a sense of calm and history.
10. In this context the two large standard mobile homes typical of those found on caravan parks, and their extensive suburban back garden decking areas, have

a domestic appearance incongruous with the quality and beauty of the natural surroundings. The caravan located in position 'X' at the top of a slope on higher ground overlooking the farm is particularly prominent and harmful to the character and appearance of the area. It is acknowledged that there is the main house which has holiday lets within it, a barn and a detached holiday unit. Nevertheless, adding to this group of development by the wholly inappropriate appearance of the caravans and their associated works would not conserve the landscape. The appeal schemes would not meet the environmental role of sustainable development.

Holiday Business

11. The National Planning Policy Framework (NPPF) supports a prosperous rural economy in order to create jobs and prosperity. In particular there is support for rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors which includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations. Nevertheless, the support is for sustainable development that respects the character of the countryside. Moreover, policy COR19 from the CS under the *Tourism* section requires proposals to be based on and respect the special qualities of the National Park which are its distinctive landscape and natural beauty. More specifically policy DMD43 from the DMD only permits the expansion of existing tourism businesses "...in a way that conserves or enhances..." the special qualities of the National Park.
12. Policy DMD44 from the DMD only allows specified tourism accommodation. The appeal development does not fall into one of the identified categories. Although new self-catering units are allowed in close proximity to a main dwelling they should arise from conversion of existing buildings. Paragraph 2.23.9 also sets out that "the impact of static holiday caravan sites in the National park can be considerable" as they "can detract from the distinctive character of the landscape. The expansion of existing sites will not be permitted". Although the appeal proposals are for a modest extension of a small site they are clearly outside the terms of policy DMD44.
13. The benefits that tourism brings to Dartmoor are recognised in the CS. Nevertheless, the CS also acknowledges at paragraph 5.12.5 that "tourism development must not be at the expense of the special qualities of the National Park – it is those very qualities that draw so many people to Dartmoor in the first place". The strategy of planning policies in the National Park is aimed at sustainable rural tourism. Due to the harm identified the two caravans are not appropriate sustainable development based on the intrinsic qualities of the National Park. Also, the conservation and enhancement of the National Park's natural beauty, wildlife and cultural heritage must be given priority over other considerations in the determination of development proposals.

Personal Circumstances

14. Policy DMD28 from the DMD does not permit the permanent siting of residential caravans unless in special circumstances such as where on site accommodation is needed to support a new farming or rural based enterprise and even then the permission granted would only be for a temporary period of up to three years. Although reference has been made to a need for Mrs Reader

to have a degree of care, there is no evidence such as from a doctor to substantiate special circumstances.

15. Moreover, the evidence does not support a need to provide this type of independent accommodation ancillary to the main dwelling in the context of policy DMD25 from the DMD. Such accommodation should be within the curtilage to the main dwelling or where it can be demonstrated that the existing dwelling or an extension is functionally capable of hosting the proposed use. In this case the caravan occupied by Mrs Reader is well outside the curtilage to the main house and the accommodation does not derive from an extension. Occupation of one of the holiday lets in the main house by Mrs Reader could mean a reduced income from holiday letting. Nevertheless, the fact that either of the units already allows independent use it would appear that both would be functionally capable of accommodating Mrs Reader. As the units already exist, they could meet the needs of the extended family without harming the character and appearance of the area.
16. The need for Mrs Reader to occupy the caravan for residential purposes in the countryside has not been justified.

Appeals A, B and C – the ground (g) appeals

17. Six months to comply with the enforcement notice under Appeal C falls short of what should be reasonably allowed given the circumstances of Mrs Reader's occupation of caravan X. A more reasonable period of time would be twelve months. The time to remove the associated decking and the porch should thus also be similarly extended. Consequently, the notices under Appeals A and C should be varied accordingly. In my view the six months compliance periods for removing caravan Y under Appeal C and removing the related decking under Appeal B are reasonable and so I do not intend to change them.
18. In view of the above the ground (g) appeals partially succeed.

Conclusions

19. The appeal developments have caused significant harm to the character and appearance of the area. Consequently they are not in accordance with the sustainable development and landscape protection aims of policies COR1, COR3, COR4, COR18 and COR19 from the CS and policies DMD1b, DMD3, DMD5, DMD43 and DMD44 from the DMD. Great weight should be given to conserving the landscape and scenic beauty in National Parks. Other considerations such as allowing the existing holiday business to expand and Mrs Reader's personal circumstances do not outweigh the harm to the character and appearance of the area. Therefore, having had regard to all other matters raised, it is concluded that the appeals should be dismissed.

Formal Decisions

APPEALS A: APP/J9497/C/14/2218454, 55, 56, 57

20. It is hereby directed that the enforcement notice be varied by deleting "6 months" from paragraph 6 and replacing that with "12 months". Subject to this variation the appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the applications deemed to have been made under S177(5) of the 1990 Act as amended.

APPEAL B: APP/J9497/C/14/2218461, 62, 63, 64

21. It is hereby directed that the enforcement notice be corrected by deleting the words "...and a porch..." from paragraph 3. Subject to this correction the appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the applications deemed to have been made under S177(5) of the 1990 Act as amended.

APPEAL C: APP/J9497/C/14/2218466, 67, 68, 69

22. It is hereby directed that the enforcement notice be varied by:

- deleting the text under paragraph 5 and replacing that with "Permanently cease the use of the Land for the siting of caravans used for residential purposes in the approximate positions shown marked with "X" and "Y" on the Plan".
- deleting the text under paragraph 6 and replacing that with "You must comply with the requirements of this Notice within 12 months in relation to the caravan at position "X" and 6 months in relation to the caravan at position "Y".

23. Subject to these variations the appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the applications deemed to have been made under S177(5) of the 1990 Act as amended.

APPEAL D: APP/J9497/A/14/2218992

24. The appeals are dismissed.

Gareth Symons

INSPECTOR