

ENFORCEMENT NOTICE (1)

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

Issued by Dartmoor National Park Authority

**To: Mr Stephen Hopwood of 2 Beacon Cottages, Buckland-in-the-Moor,
Newton Abbot, Devon, TQ13 7HL**

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 2 Beacon Cottages, Buckland-in-the-Moor, Newton Abbot 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, use of the Building ("North Cabin") in the approximate position shown edged in blue on the attached Plan for overnight accommodation, in breach of Condition 2 attached to planning permission reference 0197/05 (copy attached) ("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 DMD1a, DMD1b, DMD4, DMD9, DMD23, DMD24, DMD44, COR2, COR3, COR4, COR15, COR18, in the development plan and government advice contained in the National Planning Policy Framework, in particular at para 172, and the National Parks Circular 2010.

The Authority considers that the Development has an unjustified detrimental impact on the amenity of nearby residents that adversely affect the character and appearance of this part of the National Park.

5. What You are Required to do

5.1 Permanently cease using the North Cabin for overnight accommodation.

6. Time for Compliance

You must comply with the requirements of this Notice within 28 days of this Notice taking effect.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

7. When this Notice takes effect

This Notice takes effect on 26 September 2019, unless an appeal is made against it before that date.

Dated this 15th day of August 2019



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HEAD OF DEVELOPMENT MANAGEMENT

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

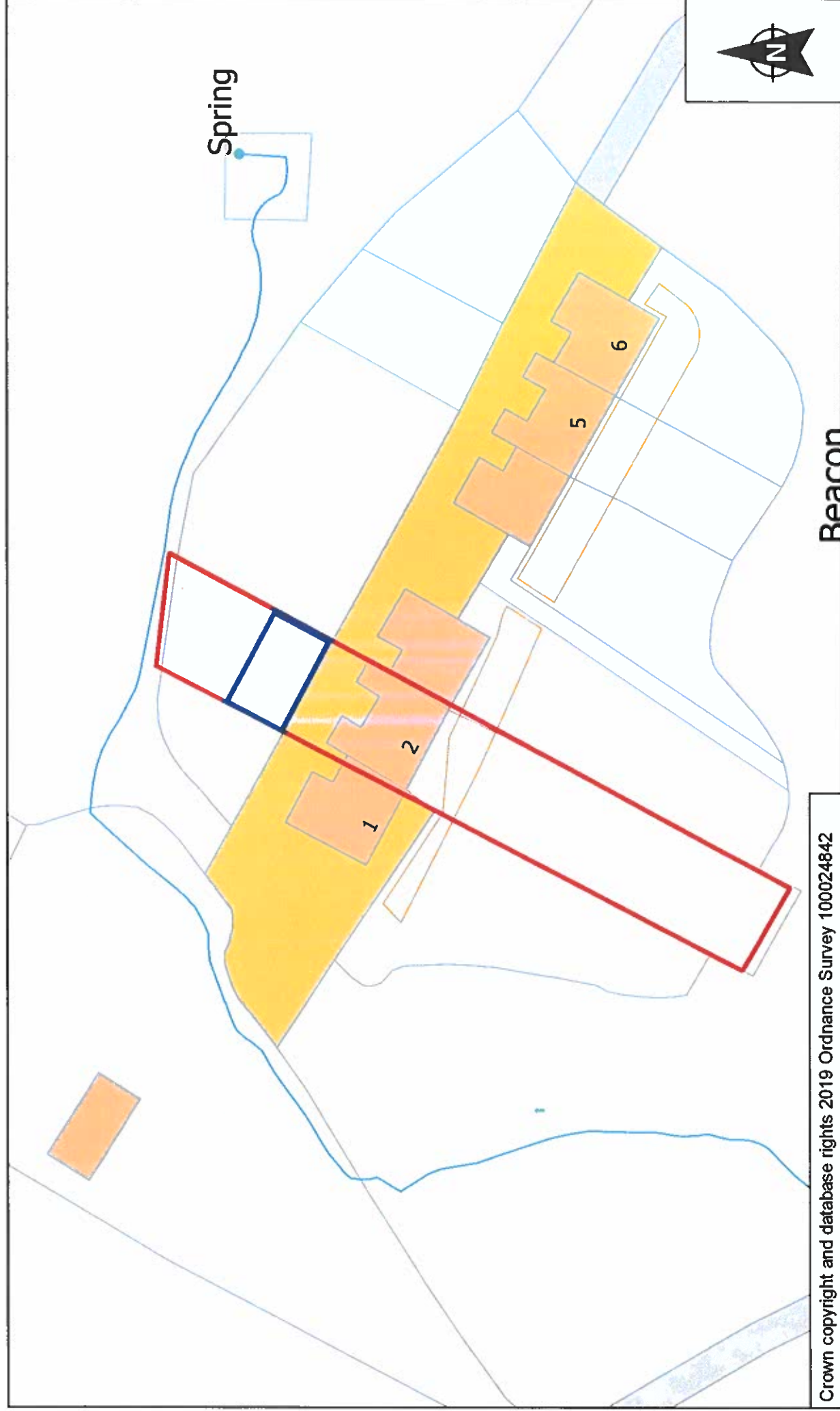
Dartmoor National Park Authority

2 Beacon Cottages - North Cabin

Scale 1:500



Map created by hmaynard on 4/7/2019



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Grant of Conditional Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (General Development Procedure) Order 1995

In correspondence please quote Application No: 0197/05

To Dr S Hopwood
of 2 Beacon Cottages, Buckland-in-the-Moor, Newton Abbot TQ13 7HL

The Dartmoor National Park Authority hereby grants permission to carry out the development described in the application dated 11 March 2005, together with drawing number 1 Rev B attached thereto, brief particulars of which are as follows:

Studio/store, 2 Beacon Cottages, Buckland-in-the-Moor.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. The building hereby approved shall not be used for overnight accommodation.
3. Prior to the commencement of the development hereby approved, samples of all external facing and roofing materials shall be submitted to, and approved, by the Local Planning Authority.
4. The existing tool shed shall be permanently removed from the site within one month of the first use of the building hereby approved.
5. The fencing panels on the boundary of the site shall be retained unless otherwise agreed in writing by the Local Planning Authority.



Reason(s):


1. To comply with Section 91 of the Town and Country Planning Act 1990.
- 2, 5. In the interests of the amenity of adjoining nearby residents in accordance with policy GP2 of the Dartmoor National Park Local Plan First Review.
- 3, 4. To protect the character and appearance of this part of the Dartmoor National Park in accordance with policy GP2 of the Dartmoor National Park Local Plan First Review.

Reasons for decision

Having regard to the relevant policy(ies), CO2 of the Devon Structure Plan, policy(ies) GP2 of the Dartmoor National Park Local Plan First Review, and to the advice contained in Circular(s) 12/96, and Planning Policy Guidance Note/Statement number(s) and all other material planning considerations, the proposal is considered to be acceptable.

This decision is not a decision under the Building Regulations or any legislation other than that referred to above.

Dated this 7th day of June 2005



Graham Wall

Director of Planning and Community

NOTE: Failure to adhere to the details of the approved plans or to comply with any conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

Appeals to the First Secretary of State

- (1) If you are aggrieved by the decision of the Authority to grant permission subject to conditions, then you can appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- (2) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can obtain from The Planning Inspectorate, 3/25 Hawk Wing, Temple Quay House, The Square, Temple Quay, Bristol BS1 6PN
- (3) The First Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which justify the delay.
- (4) The First Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development without the conditions it imposed, having regard to statutory requirements, to the provisions of a Development Order and to any directions given under that Order.
- (5) In practice, the First Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District or Borough Council in whose area the land is situated. That notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

The Party Wall etc Act, 1996

Although there is no direct relationship between the Party Wall Act and planning permission, the Act means that, even though you have planning permission, you may not have the right to commence work until you have satisfied the requirements of the Party Wall Act. For more detailed guidance you can obtain a booklet (Code 97 PBD 008) from the Publications Despatch Centre, Black Horse Road, London SE99 6TT (Tel:0181 619 9191 or Fax:0181 694 0099).

This information can also be viewed at <http://www.planning-inspectorate.gov.uk>, the Planning Inspectorate's website