

BREACH OF CONDITION NOTICE

Town & Country Planning Act 1990

(As Amended By The Planning And Compensation Act 1991)

Issued by Dartmoor National Park Authority

To: Mr David J BYRNE of The Old Barn, Green Bridge, Dunsford, Exeter EX6 7HE.

- 1 This Notice** is served by Dartmoor National Park Authority, under Section 187A of the Town & Country Planning Act 1990 (as amended), because it considers that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Authority considers that you should be required to comply with the condition specified in this Notice. The Annex at the end of this Notice contains important additional information.
- 2 The Land to which this Notice Relates**
Land at The Old Barn, Green Bridge, Dunsford, Exeter in the County of Devon, as shown edged in red on the attached plan.
- 3 The Relevant Planning Permission**
The relevant planning permission to which this Notice relates is the permission, a copy of which is attached, reference 0604/10, granted subject to conditions on 31 January 2011 by the Dartmoor National Park Authority for the change of use of a former barn on the land described in paragraph 2 above into holiday accommodation.
- 4 Breach of Condition**
The following condition has not been complied with:

Within 12 months of the date of this decision notice the south western boundary of the curtilage shall be delineated by a fence and native hedgerow. The hedgerow shall be formed in accordance with details that shall previously have been approved in writing with the Local Planning Authority. The hedgerow shall be maintained for a period of not less than 5 years from the date of the decision notice, such maintenance to include the replacement of any hedge plants that die or are removed

It appears to the Authority that the above condition has not been complied with in that although details were submitted to the Local Planning Authority in September 2011 and approved by a letter dated 4 October 2011, more than 12 months have elapsed since the date of the decision letter, no extension of time has been agreed by the Authority, yet no fence has been erected and no hedgerow planted in accordance with the approved details.

The relevant planning permission (ref 0604/10) contains the said condition for the purpose of ensuring the assimilation of the development into the landscape and to safeguard the character and appearance of this part of the Dartmoor National Park, in accordance with policies COR1 & COR4 of the LDF Core Strategy DPD.

It is considered that the failure to carry out the landscaping works as approved has an adverse effect on the character and appearance of this part of the National Park.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

5 What You are Required to do

As the person responsible for the breach of condition specified in paragraph 4 of this Notice, you are now required to comply with the stated condition. You must:

- (a) delineate the curtilage of the Old Barn by a stock proof fence in accordance with the details shown on drawing 03656 LSP Rev A dated 22.9.11 and approved by the Authority on 4 October 2011; and
- (b) plant a native hedgerow along the curtilage of the Old Barn in accordance with the details shown on drawing 03656 LSP Rev A dated 22.9.11 and approved by the Authority on 4 October 2011; and
- (c) maintain the hedgerow planted under 5(b) above for a period of not less than five years from 31 January 2011, such maintenance to include the replacement of any hedge plants that die or are removed

6 Period for Compliance

You must comply with the requirements set out in paragraph five of this Notice within **60 days** of this Notice taking effect.

7 When this Notice Takes Effect

This Notice takes effect immediately it is served on you or the date you receive it by postal delivery.

Dated this 16th day of December 2013



Director of Planning

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

**THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU
IN PERSON, OR ON THE DAY YOU RECEIVED IT BY POST**

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is a criminal offence to contravene paragraph 5 of this Notice after the end of the compliance period stated in paragraph 6.

If you contravene the requirements stated in this Notice, you will be at risk of **immediate** prosecution in the Magistrates' Court. The maximum penalty upon conviction for failure to comply with this Notice is a fine not exceeding £2,500.

If you wish to contest the validity of this Notice, you may only do so by an application to the High Court for Judicial Review.

If you are in any doubt about what this Notice requires you to do, or if you require independent advice about this Notice, you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters without delay.

You may also speak with an Officer at Parke, Bovey Tracey; Tel: (01626) 832093.

Dartmoor National Park Authority

The Old Barn, Dunsford

Scale 1:2500



Compiled by nsavin on 3 December 2013

