

Town & Country Planning Act 1990, s78 & s174

**In the Matter of**  
**The Hillyfield, Harbourneford**

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PROOF OF EVIDENCE OF  
**JAMES KEITH AVEN**  
PLANNING TEAM MANAGER  
DARTMOOR NATIONAL PARK AUTHORITY

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Dartmoor National Park Authority  
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## **1 Introduction**

- 1.1 My name is James Keith Aven. I am one of two Planning Team Managers for the Dartmoor National Park Authority. I have worked for the Authority since December 1999. Prior to that I was employed for five years as an Enforcement Officer with Cornwall County Council.
- 1.2 My qualifications are: BSc in Surveying for Resource Development; Member of the Royal Town Planning Institute; Member of the Royal Institution of Chartered Surveyors.
- 1.3 I am familiar with the site and its planning history. My proof of evidence will deal with the structures on the site, the uses of the site, the scope of forestry operations and the relevant policies in the Development Plan.
- 1.4 This Proof of Evidence will cover the following broad areas:
- (1) an assessment of the buildings proposed to be erected under permitted development rights following prior notification and that proposed in the planning application
  - (2) an assessment of the forestry activity and other uses of the land to show that the buildings are not reasonably necessary for the purposes of forestry on the land
  - (3) an assessment of the other buildings and structures on the land against both national policy and the Local Plan to demonstrate the harmful effect on the character and appearance of the National Park and purposes of National Park designation
  - (4) the use of caravans & lorry bodies on the land and the absence of justification for them
  - (5) the structures as operational development on the land and the absence of justification for them; and
  - (6) the other unauthorised uses of the land and the reasons why they should be required to cease.

## **2 Brief planning history of the appeal site**

- 2.1 On the 18 June 2007 the Authority received a report that a couple of caravans had been moved into the former quarry at Hillyfield by the then owner of the land Mr Hailes (DNPA ref. ENF/0209/07).
- 2.2 A visit to the site on 17 September 2007 noted “one touring caravan only on site - lot of domestic paraphernalia, kiddies bikes, bar-b-q, etc. Caravan open and contains cloths and cooking apparatus, etc.” There was no mention or evidence of lorry bodies in the quarry at this time.
- 2.3 A subsequent visit on 17 September 2008 noted that the former “quarry contains one rigid lorry, one Luton lorry body, one boat on trailer, one shed full of tools and plant, one fitted out touring caravan, one tracked swing shovel, one quad bike, one saw bench, coils of wire fencing, various timber cuts. Shed has two small solar panels on eaves. Lorry has four solar panels on roof”. Photographs from these visits can be found at Appendix JA11.
- 2.4 On 12 September 2011 an application was received for prior notification of forestry development on the land under Schedule 2 Part 6 Town & Country Planning (General Permitted Development) Order 1995 (Ref: 0467/11). The application proposed the renovation of existing tracks and creation of new tracks. The Authority raised no objection.
- 2.5 An enforcement file was opened on 27 March 2012 following receipt of a complaint from a member of the public alleging unauthorised structures and uses on the land.
- 2.6 An enforcement officer visited the land on 17 April 2012 and observed a touring caravan, several canvas structures and evidence suggesting a possible residential use. Photographic evidence was obtained and can be seen at Appendix JA1.

- 2.7 On 25 May 2012 the Authority received an application for prior notification of forestry development on the land under Schedule 2 Part 6 Town & Country Planning (General Permitted Development) Order 1995 (Ref: 0297/12). The application proposed the 'erection of three forestry storage buildings: a pole barn for tools and machinery (154m<sup>2</sup>); a lean-to barn for planked wood (192m<sup>2</sup>); and a barn for storage of firewood (90m<sup>2</sup>)'.
- 2.8 By a decision letter dated 18 June 2012, the Authority informed the applicant that it did not believe that the buildings were reasonably necessary for the purposes of forestry on the land and that the erection of the buildings was therefore not considered to be permitted development. No appeal was made against this determination and no planning application was submitted.
- 2.9 The site was re-visited by an enforcement officer in June 2013 and further photographs were taken and can be seen at Appendix JA2.
- 2.10 On 22 May 2015 the appellant submitted a further application for prior notification of forestry development on the land under Schedule 2 Part 6 Town & Country Planning (General Permitted Development) Order 2015 (Ref: 0259/15). The application proposed the 'erection of two barns: 14.3m x 13.6m and 24.6m x 7.9m'.
- 2.11 By a decision letter dated 18 June 2015 the Authority informed the applicant that it did not believe that the buildings were reasonably necessary for the purposes of forestry on the land and that the erection of the buildings was therefore not considered to be permitted development. This decision is the subject of one of the appeals at the inquiry.
- 2.12 No application for planning permission was submitted.
- 2.13 The site was re-visited by an enforcement officer in October 2015.

- 2.14 On 4 December 2015, the Head of Planning, acting under powers delegated to him by the Authority's Development Management Committee, authorised the service of Enforcement Notices in respect of the unauthorised structures on the land and the unauthorised use of the land.
- 2.15 The two Enforcement Notices, subject of these appeals, were issued and served on 27 January 2016. The ground (f) appeal has been withdrawn. The surviving grounds of appeal are grounds a, c, d and g (EN1) and grounds a, d and g (EN2).
- 2.16 On 3 January 2017, the appellant submitted a further Prior Notification for the 'erection of barn' (ref. 0001/17) on agricultural land in a valley meadow location towards the southern edge of the applicant's land holding.
- 2.17 By a decision letter dated 25 January 2017 the Authority determined that the building was not reasonably necessary for the purposes of forestry on the land and that planning permission would be required for the proposed development. This decision is the subject of an appeal at the inquiry.
- 2.18 On 19 June 2017, a full planning application was submitted for an 'ancillary forestry building (21m x 9.27m)' (ref. 0438/17) similar in size to Prior Notification application 0001/17, with the exception of the roofline being raised by 500mm to allow for the provision of 2 x 2 single bed dormitories in the roofspace and a shower/wash room for volunteer workers.
- 2.19 This application was refused on 31 October 2017 for reasons that:
- 1) The building proposed is not deemed necessary for the management needs of the woodland. The proposal represents unsympathetic development which, by nature of its isolated location, size, scale and residential accommodation, is considered to be detrimental to the character of the area, failing to enhance the special qualities of Dartmoor's landscape, specifically the pastoral character of the fields and the strong medieval field patterns. Furthermore, the proposal fails to respect the tranquillity and remoteness of the site, and

- 2) The development fails to demonstrate that foul water can be adequately dealt with.

This decision is the subject of an appeal at the inquiry.

### **3. The Authority's Position**

3.1 All development in the National Park needs to be assessed against national policy and the Local Plan. The development at Hillyfield has been assessed against:

- National planning policy in the National Planning Policy Framework (“NPPF”);
- the adopted Core Strategy DPD (June 2008);
- the adopted Development Management and Delivery DPD (July 2013);
- Government advice in Circular 2010: English National Parks and the Broads

3.2 The Development fails to satisfy the provisions of the NPPF, the Circular and the Authority's Development Plan.

3.3 The Development has a harmful impact on the special character and appearance of the National Park, and is detrimental to the tranquil nature of this particular part of the Park.

3.4 The structures are largely unobtrusive from outside the site, although the quantity and dimensions of the structures are considered to unacceptably harm the natural beauty of the National Park.

### **4 National Park Designation & Statutory Purposes**

4.1 National Parks were founded in England and Wales, following the passing of the National Parks and Access to the Countryside Act 1949.

4.2 Under the 1949 Act, National Parks were to have two statutory purposes which, by implication, would have equal weight in law and when making policy decisions.

These were modified by the Environment Act 1995 and Section 61 sets out the revised statutory purposes as being:

- *to conserve and enhance the natural beauty, wildlife and cultural heritage (of the National Park); and*
- *to promote opportunities for the understanding and enjoyment of the special qualities (of the National Park) by the public.*

4.3 The Sandford Committee Report in 1971 established the guiding principle that if an unavoidable conflict occurs between the two statutory purposes of designation, the first statutory purpose (conservation) is to take precedence over the second (understanding & enjoyment). This was subsequently enshrined in the 1995 Environment Act.

4.4 Section 62 of the Environment Act 1995 requires that not only the National Park Authority, but any "relevant authority" must have regard to these statutory purposes when carrying out functions related to or affecting land in the National Park. In pursuing these statutory purposes, the Authority has a duty to seek to foster the economic and social well-being of local communities, co-operating with other local authorities in order to do so.

4.5 These statutory National Park purposes are reinforced through Government Guidance and the Authority's Development Plan.

4.6 The nature and location of the Development has an adverse impact upon the character and appearance of this part of the National Park. This is quite clearly in opposition to the purposes of National Park designation.

## **5. CIR English national parks and the Broads - UK Government vision and circular 2010 ('the Circular')** (Appendix JA3)

5.1 The Circular provides policy guidance to Park Authorities.

- 5.2 The Circular states that: *“the Parks are recognised as landscapes of exceptional beauty, fashioned by nature and the communities which live in them. The National Parks and Access to the Countryside Act 1949 (‘the 1949 Act’) enabled the creation of the National Parks, and ensures that our most beautiful and unique landscapes have been, and will continue to be, protected in the future”*
- 5.3 The Circular emphasises the need for Park Authorities to renew their focus on achieving their statutory purposes, in order to ensure their future success.
- 5.4 The Circular confirms that the Government continues to regard National Park designation as *“conferring the highest status of protection as far as landscape and natural beauty is concerned.”* It is recognised that *“Authorities are expected to continue to seek to ensure the conservation of the natural beauty of the area for which they are responsible”*.

## **6. Government Policy**

- 6.1 The National Planning Policy Framework (‘NPPF’) confirms the importance of National Park Designation. Paragraph 115 states that *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks...”*
- 6.2 Paragraph 159 of the NPPF, together with the Authority’s Development Plan, emphasises the importance of proper means of measuring and delivering housing to local communities. Unauthorised residential development obstructs this objective.
- 6.3 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Hillyfield is located within a

National Park and, as mentioned in Mr Peter Leaver's Proof of Evidence, in a "valued landscape" for the purposes of paragraph 109.

**7. The Prior Notification Ref: 0259/15 (PINS Ref. APP/J9497/W/15/3140928)**

7.1 The prior notification received 22 May 2015 proposed the erection of two buildings 14.3m x 13.6m and 24.6m x 7.9m in the former quarry on the land. The smaller building was intended to serve as a tool and machinery store, and the larger an open fronted pole barn to be used for the storage of rough cut timber for air drying.

7.2 In a decision letter dated 18 June 2015, the Authority indicated that in its view the buildings were not reasonably necessary for the purposes of forestry on the land. As such, the buildings were not considered to be permitted development under Schedule 2 Part 6 Class E GPDO and an application for planning permission would be required for the proposed development.

7.3 This decision reveals the fundamental difference in view between officers of the Authority and its forestry witness on the one hand and the Appellant and his advisers on the other about the definition of forestry and what constitutes a lawful forestry use.

**8. Reasonable Requirements of Forestry**

8.1 It is well settled law that growing trees and setting land aside to grow trees will amount to forestry. It is also well settled that operations associated with felling and extracting timber are part of the forestry process and fall within a forestry use of the land. The question which arises in these appeals is the extent, if at all, to which other operations, uses and activities which are taking place at the Hillyfield (or which are proposed) can properly be described as forestry or ancillary to forestry or reasonably necessary for the purposes of forestry.

- 8.2 The test whether a use should be regarded as ancillary to the primary use of the land is a test of functional relationship rather than of extent. It is an objective test which has regard to ordinary practice rather than the particular practice at the premises in question.
- 8.3 This test is an objective test and requires due regard to “*ordinary and reasonable practice*”.
- 8.4 The Authority relies on the independent view of Mr Charles Dutton, Chartered Forester, to show what should be considered “*ordinary and reasonable*” forestry practice and whether that which has been done on site, or is proposed to be done on site, is reasonably necessary for the purposes of forestry.
- 8.5 Ordinary and reasonable forestry practice includes stacking felled timber, air drying and extraction.
- 8.6 It does not include on-site splitting logs for firewood and storage of that firewood in an on-site permanent building for seasoning, prior to sale direct from site. It does not include milling or planking timber using a sawmill within an on-site permanent building and then storing the planks in that building to season, prior to sale direct from site. It does not include the on-site manufacture and finishing of benches, fencing panels, gates, garden structures, sculptures, rocket logs, etc.
- 8.7 Applying the Millington test of “*ordinary and reasonable practice*” the Authority does not believe that the activities described in 8.8 can properly be described as forestry or ancillary to forestry.
- 8.8 The milling of timber when carried out within the woodland (particularly if using a mobile saw mill) may be considered to be incidental but when it is within a permanent building is considered to be an industrial process.
- 8.9 It is accepted that there may be a reasonable requirement for a modest tool and machinery store on the land. The practice of using lorry bodies for storage is not

supported, as evidenced by Enforcement Notice (1). In an email dated 11 December 2015 (Appendix JA4) following a meeting on 12 November 2015 an officer of the Authority invited the Appellant to submit a new prior notification in respect of a tool / machinery store and indicated that *“it is likely that officers would now be in a position to confirm that it would have no objections to such a building within the quarry”*.

8.10 No such prior notification has been submitted.

8.11 When considering the prior notification received 22 May 2015, subject of this appeal, for the erection of two buildings, the Authority had no power to make a split decision. The case officer’s delegated report (Appendix JA5) makes it clear that the Midlothian case and the Millington case were considered and applied to the facts.

8.12 The Authority remains firmly of the view that any building intended for the drying of split firewood or planks pending sale direct from site is not reasonably necessary for the purposes of forestry and therefore not permitted development. The same goes for the proposed barn as a secure tool/machinery store. It is not reasonably necessary for the purposes of forestry and in any event it is excessively large.

## **9. The Prior Notification Ref: 0001/17 (PINS Ref. W/17/3168180)**

9.1 The Prior Notification submitted on 3 January 2017, proposed the ‘erection of barn’ for forestry purposes on agricultural land in a valley meadow location towards the southern edge of the applicant's land holding, adjacent to an area where timber from the adjacent woodland is being stored. The site is not within the wooded area.

9.2 This proposal was for an open fronted barn to provide dry workspace (part enclosed) and a welfare room.

- 9.3 In the Authority's view, the building was not proposed to be erected on land used for the purposes of forestry and the workshop and welfare room were not reasonably necessary for the purposes of forestry. Apart from replacing various existing structures, no detailed justification of the need for the workspace or welfare facilities was given and as forestry by its nature is cyclical and seasonal with longer periods of minimal or no activity within the woodland, a permanent building for these purposes and of this size, on agricultural land, was considered excessive.
- 9.4 In terms of landscape character, although there is timber being stored on the land adjoining the application site, it is an agricultural meadow in a valley location. The landscape character of the area is set out in the comments from the Trees and Landscape Officer, who advised that "the site is within a small field associated with broadleaved woodland in 1D Inland Undulating Elevated Land. It will be an isolated building out of character with this landscape type and neither conserving nor enhancing the character of the landscape as is required by policy DMD5. Even though the building will not be in the public view, the impact on the character of the landscape is not considered to be compatible with National Park designation." If a planning application was made, this development would be considered to be contrary to policy DMD5 as well as policies COR1, COR3, DMD1a, DMD3 and DMD7. A copy of the Authority's Trees and Landscape Officers comments can be found at Appendix JA6.
- 9.5 Under these circumstances, it was considered that the building proposed was not reasonably necessary for the purposes of forestry on the application site and that planning permission was therefore required for the building.

**10. Planning Application Ref. 0438/17 (PINS Ref. W/17/3191100)**

- 10.1 This application proposed an 'ancillary forestry building (21m x 9.27m)'; with a ground floor area of 160m<sup>2</sup>. It was stated to be identical in size to application 0001/17, with the exception of the roofline being raised by 500mm to allow for the

provision of 2 x 2 single bed dormitories in the roofspace and a shower/wash room for volunteer workers.

- 10.2 The building is to be sited in a very similar location to that proposed under 0001/17 on agricultural land, not within the wooded area, towards the southern edge of the applicant's land holding, adjacent to an approved hardstanding area. It comprises a building with a floor area of 20m x 8m, with an overall ridge height of just under 6m. The building is part open fronted to its northern elevation.
- 10.3 The accommodation comprises a lower floor "welfare area" and upper floor dorm rooms with shower. The remainder of the building is shown as providing workspace.
- 10.4 The applicants 'Planning Statement' that accompanied this application describes each of the various elements proposed in the building:-
- 10.5 Covered workspace - To be used in foul weather, as a central working space and meeting place for working groups, for volunteer event days, for the storage of tools, refuelling of equipment, general maintenance activities and a timber drying space for on-site projects. Additionally, it will allow for wet weather activities such as stripping wood, sharpening fence posts and bagging charcoal, making tree guards, fences, gates and so on.
- 10.6 Welfare room - To provide for the daily needs of workers (meals, tea breaks), meetings, first aid space, electrical charging point and a comfortable warm rest space for the workers. A good quality rat proof kitchen area is also said to be required. It is stated this area is to replace a slightly larger facility located in nearby pasture (a welfare tent).
- 10.7 Sleeping accommodation - As many workers are on site for periods of several days or longer, the applicant stated that they need somewhere to stay overnight; the expectation is that volunteers would stay for free and are not paid. It is stated that if workers were to stay in local B & B's or hotels, the cost would totally

undermine the business model, therefore, accommodation akin to a hostel is, they state, required on site.

10.8 It is noted in the supporting information that seasonal workers currently stay on site in 2 caravans or a yurt, stating that rights under the Caravan Act could be used to accommodate them for most of the year, if they were removed once unoccupied. However, the applicants do not consider this to be logistically possible. Having all of the accommodation in one single place is seen as preferable by the applicant.

10.9 The location of the building, on agricultural land, not woodland, is given so as to be as far away from residential properties as possible to minimise noise disturbance, to allow access to running spring water, and be sited next to the approved hardstanding.

10.10 The applicant's less-intensive methods of woodland management are to be commended; however, it is still the view of the Authority that this building proposed, particularly as it now includes residential accommodation, is not reasonably necessary for forestry management. Many of the activities stated to be proposed for the building are not necessary for the management of the woodland but are more additional/desirable activities (drying of logs for firewood, splitting of logs and so on). It is considered these activities could be carried out off site. The open days and training events are also not considered reasonably necessary for the forestry management of this site.

10.11 The NPA's Tree and Landscape Officer notes that forestry operations are, by nature, cyclical and does not feel there is a need for a permanent building of the nature proposed to meet the forestry management needs of this relatively small woodland; accordingly, there is no need for permanent residential accommodation.

10.12 The application site lies within a small field, is remote and isolated. The field system in this area is thought to be mid to late medieval, and whilst some hedges have been removed to create larger fields, the field system is largely intact. Local

Plan Policy DMD5 requires proposals to conserve and/or enhance the character of Dartmoor's landscape; the proposal fails to do this, in that it will have a detrimental impact upon the historic field system and pastoral character of the area, failing to respect the tranquillity and remoteness of the site.

10.13A refusal of a similar building on land to the south (Court Gate Farm, DNPA ref.0058/16; PINS ref.J9497/W/16/3151497) was dismissed on appeal by the Inspectorate, noting that National Parks have the highest status of protection in relation to landscape and scenic beauty, and that isolated buildings that impact upon the character of the landscape are not compatible with the purposes of National Park designation.

10.14The Authority relies on the independent view of Mr Peter Leaver of the David Wilson Partnership to provide evidence of the landscape impact of the proposed developments.

10.15 One of the reasons why this application was refused on 31 October 2017 that the building proposed was not deemed necessary for the management needs of the woodland. The proposal was considered to represent unsympathetic development which, by nature of its isolated location, size, scale and residential accommodation, is considered to be detrimental to the character of the area, failing to enhance the special qualities of Dartmoor's landscape, specifically the pastoral character of the fields and the strong medieval field patterns. Furthermore, the proposal was considered to fail to respect the tranquillity and remoteness of the site.

10.16With a floor area of 20m x 8 m and an overall ridge height of just under 6m, the proposed building is considered to be excessively large for its proposed use as an 'ancillary forestry building'. The flue pipe and cluster of five Velux rooflights are to facilitate the residential element of the proposal and introduce domestic features that would not normally be accepted on a forestry or agricultural building.

10.17 No information was provided with the application to demonstrate that foul drainage/grey water from the development (the shower/wash room) will be adequately dealt with. Given the nearby watercourse, there is a risk of water pollution. The proposal thereby conflicts with COR1, COR3 and COR8 in that it fails to demonstrate that there will be no adverse effects on water quality, along with the environmental element of sustainable development as set out in the NPPF at Paragraphs 7 and 17 which requires development to conserve and enhance the natural environment, a key element of which is preventing pollution.

**11. Material Change in Use – Enforcement Notice (1) (PINS Refs. C/16/3146596)**

11.1 The Enforcement Notice issued in January 2016 alleged a material change of use of the Land and required all uses other than agriculture to cease. On 20 December 2016 the Authority issued a Notice under section 173A(1) of the Town and Country Planning Act 1990 (Appendix JA7). This Notice sought to correct the Enforcement Notice by making it clear that there is a long-standing forestry use of the land which the Notice was not intended to affect. It was never the intention of the Authority to require the forestry use to cease.

11.2 The Enforcement Notice as corrected alleges a material change of use of the Land by introducing uses for residential purposes, recreational purposes and running courses and activities available to the public, with or without payment.

**(a) Use for Residential Purposes**

11.3 There is clear evidence that there has been a residential use at the Hillyfield. This use has included caravans, a yurt and a building on the Land. It is not accepted that this use is ancillary to the lawful forestry or agricultural uses of the Land.

11.4 Evidence of residential use may be found in written statements made by third parties writing in support of the Hillyfield. Some examples include:

- Carolyn Mills stayed for 5 weeks Jan/Feb 2015 and 2 weeks July 2015.

- Luke Butler stayed 1-23 December 2014 in a ‘*shack in quarry*’ and May 2015 in a yurt.
- Koen van Gotha stayed 6-20 May 2013 in a ‘*lakeside caravan*’.

11.5 The Authority is of the view that this residential use cannot properly be characterised as ancillary to forestry, because it is not ‘*ordinary and reasonable*’ forestry practice. On the contrary, it is highly unusual.

11.6 The Authority has considered whether permitted development rights to use caravans or temporary structures to accommodate seasonal agricultural workers might be applicable. However, such permitted development rights are predicated upon the removal of the caravan or structure from the Land at the end of the season. This has not been the case at Hillyfield where it appears that both touring caravans have remained on the Land all year round, for more than 3 years. The Authority also understands that the yurt has not been removed from the land, merely stored on the land and the base for the yurt is a permanent feature.

11.7 There are strong policy objections to any residential use on the Hillyfield. The Development Plan contains detailed policies, including COR2, COR15, DMD23 (see Appendix JA12), to protect the natural beauty and special qualities of the National Park and prevent sporadic residential development in the open countryside.

11.8 Paragraph 115 of the NPPF states:

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

11.9 Any residential use brings a high risk of harm and/or disturbance to natural beauty, wildlife, conservation interest and tranquillity.

11.10 The Authority is also aware of a written representation from the Environment Agency (Appendix JA8) expressing serious concerns about the siting of caravans for residential purposes at the Hillyfield, due to flood risk and the particular vulnerability of caravans in flood events.

**(b) Use for Recreation and Courses**

11.11 There appears to be no dispute that the Hillyfield has been used as a venue for recreation and courses. It is not clear what the full extent of this use has been, nor what proportion has been informal, what proportion organised but without payment and what proportion on a business (chargeable) basis. However, comments from participants make it clear that some events / activities have been social, some educational and some on a more commercial basis.

11.12 The Hillyfield website (Appendix JA9) advertises monthly volunteering days as well as other opportunities to join activities and events on the land. Evidence can also be found in written statements made by third parties writing in support of the Hillyfield. Some examples include:

- Christopher Haley - bonding and team building day with work colleagues.
- Karen Benson - volunteering on a weekend to build a stone circle.
- Alhor Byrne - Hillyfield olympics, archery, Frisbee.
- Andy Davison - social gatherings.

11.13 These activities cannot properly be characterised as ancillary to forestry, because they are not 'ordinary and reasonable' forestry practice. While activities and events involving volunteers to help with forestry tasks and operations may be ancillary, social and sporting events, entertainment and recreation are not ancillary to forestry. As such, the Authority believes that these activities are separate unauthorised uses of the land, with no functional link to the lawful uses of forestry and agriculture.

11.14 In his Statement of Case, the Appellant asserts that these activities have not exceeded 28 days in any calendar year and as such are permitted development

under Schedule 2 Part 4 Class B GPDO 2015. The Authority does not agree that permitted development rights can be relied on.

11.15 The field kitchen and tented workshop structures exist to support and facilitate the use for courses and recreation. These structures, due to their design, method of construction and attachment to the land are not considered to fall within the definition of buildings contained in Section 336(1) Town and Country Planning Act 1990 but are an integral component of the use of the land for recreation, courses and events.

11.16 In any event they are not inconsiderable structures on the land. They offer shelter and facilities to people learning woodcraft and skills and to people attending events and activities. They are part and parcel of the use of the land for courses and recreation. They have been on the land on a continuous basis for more than 3 years. Every day upon which the field kitchen, or the tented workshop, is present erected on the land counts as 1 day of permitted development rights under Schedule 2 Part 4 Class B GPDO 2015. It follows that permitted development rights have been exceeded for 3 consecutive years.

11.17 The Authority is not set against any use of the land for courses or recreation. However, it is important that any use is properly controlled, in terms not only of the number of events/courses which may take place, but also the arrangements to ensure that structures are removed when not in use. Also, in the context of the mixed use proposed by the Appellant under the ground (a) appeal, the Authority is very concerned to put appropriate safeguards in place to ensure that recreational use or business (courses) use does not become the dominant activity on the land.

**(c) The Siting of Lorry Bodies used for Storage Purposes**

11.18 In the Authority's assessment, the two lorry bodies sited in the quarry are not buildings, but rather moveable structures. As such, they constitute a use of the land rather than operational development. The lorry bodies are used for storage purposes, including tools and machinery.

11.19 The Authority is of the view that this storage use cannot properly be characterised as ancillary to forestry because it is not 'ordinary and reasonable' forestry practice. The vast majority of forestry contractors take their tools and equipment with them to site and would never contemplate leaving them on site overnight. In the relatively rare instances that a landowner has a self-managed woodland, there may be an application for planning permission or a prior notification for a modest tool store building. It is highly unusual for lorry bodies to be used for this purpose. It is certainly not ordinary and given the adverse visual impact it is not considered reasonable.

11.20 The Appellant contends that this storage use is immune from enforcement action by virtue of Section 171B(3) Town and Country Planning Act 1990, in that the lorry bodies have been on the land for more than 10 years. The Authority does not agree. It is well settled law that the introduction of a new unauthorised use into a planning unit creates a new chapter in the planning history and 'resets the clock' under Section 171B. It follows that when a residential use, a recreational use and a use for courses etc. were introduced at Hillyfield, within the past 6 years, a new mixed use was started, including the siting of lorry bodies use for storage purposes. Even if the lorry bodies have been on the land for more than 10 years, the use enforced against has not subsisted for more than 10 years and is still susceptible to enforcement action.

11.21 Notwithstanding the above, the Authority has site visit notes and photographic evidence that show that the lorry bodies have not been located in the former quarry for more than ten years. A visit to the former quarry in September 2007 noted "one touring caravan only on site - lot of domestic paraphernalia, kiddies bikes, bar-b-q, etc. Caravan open and contains cloths and cooking apparatus, etc." During a subsequent site visit in September 2008, officers noted that the "old quarry contains one rigid lorry, one Luton lorry body, one boat on trailer, one shed full of tools and plant, one fitted out touring caravan, one tracked swing shovel, one quad bike, one saw bench, coils of wire fencing, various timber cuts. Shed has two small solar panels on eaves. Lorry has four solar panels on roof." A redacted

copy of these site visit notes and photographs taken during the visits can be found at Appendix JA10.

## **12. The Deemed Planning Application**

- 12.1 The Appellant seeks the grant of planning permission for a mixed use of agricultural, forestry, recreation and the running of courses and activities.
- 12.2 In considering its response to the deemed application for planning permission, the Authority notes that the land has the benefit of permitted development rights under Schedule 2 Part 4 Class B GPDO 2015 which allow for recreation, courses and activities for up to 28 days in a calendar year. In the absence of any indication from the Appellant as to the extent of the proposed use for recreation, courses and activities, the Authority believes that there is an in principle objection to the proposed use. However, this in principle objection may be capable of resolution by the imposition of appropriate conditions.
- 12.3 The Development Plan sets out a clear policy of restraint on unjustified development in the open countryside of the National Park. Policies in the Development Plan seek to resist the proliferation of new buildings, save where there is clear justification, for example through an evidenced functional need. While the focus of many policies is the built environment, the same principles of protecting the open countryside from unjustified development holds true for land use.
- 12.4 The Authority has concerns about the paraphernalia which will accompany any unauthorised recreational or events use. The field kitchen and the tented workshop are both examples of the type of structure which could be erected on the land for use in association with recreation or events. It is not clear that these structures can be controlled as 'buildings'.

12.5 The Authority is concerned about the impact of any recreational use or use for events and courses on the character and appearance of the site. Policy DMD5 in the Development Plan states:

*“Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:*

- *Respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;*
- *Ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;*
- *Retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;*
- *Avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;*
- *Respecting the tranquillity and sense of remoteness of Dartmoor”.*

12.6 The field kitchen and the tented workshop are both examples of structures erected to facilitate and support recreation, events and courses. The Authority believes that they have an adverse visual impact and detrimental impact upon the landscape character of the site. People attending the site are likely to have an expectation of shelter, toilet and handwashing facilities. This will increase the pressure for structures and solutions which, although strictly may be outside the scope of planning control, are a consequence of the permitted use.

12.7 More intensive use for recreation, events and courses, also engages sustainability considerations. The site is relatively remote and almost all visitors are likely to travel by private motor vehicle. It is not a sustainable location and there is a strong sustainability objection to any business use or development. However, the Authority needs to have a clearer understanding of the mixed use proposed by the Appellant. A low key use for courses, with a limit on numbers of events and participants, where the courses have a direct relevance to the woodland setting, may be acceptable. An uncontrolled ability to organise and run courses of any description, would be unlikely to accord with the Development Plan.

12.8 Recreation and other 'events' are very broad terms. The Authority expects organised recreational events to respect the special qualities of the National Park and avoid harm to conservation value, tranquillity or character. Policy DMD31 deals with the provision of new recreational or leisure facilities. The policy makes it clear that proposals should conserve or enhance landscape character and that a focus on the intrinsic qualities of the National Park is expected:

*"Planning permission for recreational development will be granted where development is:*

- (i) To provide or improve information or interpretation services based on promotion of education or enjoyment of the special qualities of the National Park; or*
- (ii) For small scale enterprises based on the intrinsic qualities of the National Park or the improvement or extension of existing permitted visitor facilities; or*
- (iii) For the provision or improvement of indoor and outdoor recreation, leisure and sports facilities serving the needs of local communities within the National Park where those facilities are well related to the settlement they are intended to serve and are accessible; or*
- (iv) To establish footpaths, community paths or other recreational routes across the countryside.*

*Proposals should conserve or enhance landscape character including views from publicly accessible locations and the biodiversity, geodiversity and cultural heritage qualities of the locality. Planning agreements will be needed for the on-going management of recreation, leisure or sports facilities provided as part of the development."*

12.9 While there would be no objection to occasional, low level informal recreation on the land, the Authority does not believe that the broad thrust of the Development Plan would support large scale organised recreational events or activities, or promotion of the Hillyfield as a venue for events and entertainment.

**13. Operational Development – Enforcement Notice (2) (PINS Refs. C/16/3146597)**

13.1 Enforcement Notice (2) refers to two open fronted timber clad single storey buildings with low dual pitched roofs, two compost toilets and a timber yurt platform. These buildings can be seen in photographs at Appendix JA11. No planning permission has been granted for the erection of these structures. No prior notification was served in relation to the proposed erection of these structures, so they cannot rely on permitted development rights for forestry or agriculture.

13.2 The photographs show that the main use of the two buildings is to store planked timber or cut firewood prior to sale.

13.3 A building is defined in s.336 of the T&CPA 1990 as including any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building. The usual tests for whether a structure is a building – those of size, permanence and attachment to the land - derive from the leading cases of *Barvis Ltd –v- SofS (1971)* and *Skerretts of Nottingham –v- SofS (2000)*.

13.4 Applying these tests to the structures:

**A) Size:** the two open fronted buildings are quite large, and clearly larger than a typical moveable structure such as a touring caravan or a portacabin. The two compost toilets and timber yurt platform are somewhat smaller in size but are considerably larger than the 2.14m square wooden kiosk considered in *R (Westminster City Council –v- SofS [2002])* and found by the High Court to be a building. The buildings appear to be mutually dependent for stability and are too large or complicated to have been delivered to site in one piece.

**B) Attachment:** it is not clear to what extent the structures are attached to the land, rather than just resting on it.

**C) Permanence:** the buildings have been in the same location on the site for well in excess of 12 months. They are not designed to be moved or transported

around the site or from the site. They have a significant degree of permanence within the landscape.

13.5 Applying the above tests, the erection and retention of the buildings is considered to constitute unauthorised building operations.

13.6 This is not a forestry use of the land, but rather a business and residential use.

#### 14. **The Development Plan**

14.1 The development has been assessed against the policies of the Development Plan (extracts set out in Appendix JA12 (if not sent with questionnaire)):

14.2 **Core Strategy Policy COR1** combines national and local objective and priorities for sustainable development. It underpins the whole Local Development Framework and sets out fundamental criteria with which to assess all development proposals.

14.3 The development at The Hillyfield fails to comply with this policy, in particular:

- *(g) the provision of high quality design and construction* – the structures erected on site are utilitarian and unattractive, without cohesive design or construction.
- *(h) respect for and enhancement of the character, quality and tranquillity of local landscapes and the wider countryside* – the development is dischordant with the woodland within which it sits. Any residential presence will change the character of the land and the day to day activities of life have an inevitable impact upon tranquillity.

14.4 **Core Strategy Policy COR2** establishes a settlement hierarchy with a range of larger settlements (Local Centres) to act as a focus for essential facilities, within which local housing needs should be met. There is also provision for some limited development in or next to the smaller Rural Settlements to meet local affordable housing needs. All land within the National Park which does not fall within a Local

Centre or Rural Settlement is treated as open countryside, and has the strictest control on development.

- 14.5 The use of the appeal site for residential purposes is contrary to COR2.
- 14.6 There is a general presumption against residential development within the open countryside of the National Park unless there are exceptional circumstances as set out in National Guidance and policies of the Development Plan. This is to protect the countryside against unjustified development and to ensure the sustainability of new development by locating it in existing settlements able to provide services. There are some limited exceptions to this rule, such as dwellings essential to serve the needs of an agricultural holding.
- 14.7 **Core Strategy Policy COR3** emphasises the importance of conserving features such as woodlands, trees and wildlife habitats.
- 14.8 The Hillyfield plantation is designated as ancient woodland and, together with 'Tom's Brake' woodland opposite, is also designated on the Section 3 Conservation Map required by the Wildlife and Countryside (Amendment) Act 1985 as 'Woodland of Conservation Importance'. The map shows areas of moor, heath and woodland whose natural beauty it is, in the opinion of the Authority, particularly important to conserve.
- 14.9 The proposal would have a detrimental impact upon the character of the area, contrary to Local Plan policies COR1 and COR3 in that it does not respect or enhance the character, quality or tranquillity of the local landscape, or features that contribute to Dartmoor's special environmental qualities.
- 14.10 **Core Strategy Policy COR4** contains an expectation that development will be appropriate in scale and layout to the site, using appropriate external materials and making the best sustainable use of the site.

14.11 Several structures have been erected in various locations on the land of mixed size and poor quality of design and construction. The structures are neither attractive nor locally distinctive and given their intended use for non-forestry/agricultural purposes, are in an unsustainable location.

14.12 The proposed 'barn' or 'ancillary forestry building' is much larger than the other structures on the site and is to be constructed on agricultural land in a valley meadow location. This would take up valuable grazing land, would be prominent in the landscape and be wholly unsympathetic to the woodland.

14.13 It is considered that the development is not in conformity with Policy COR4.

14.14 **Core Strategy Policy COR8** - Given the nearby watercourse, there is a risk of water pollution. The proposal thereby conflicts with COR1, COR3 and COR8 in that it fails to demonstrate there will be no adverse effects on water quality, along with the environmental element of sustainable development as set out in the NPPF Paragraph 7 and 17 which require development to conserve and enhance the natural environment, a key element of which is preventing pollution.

**14.15 Core Strategy Policy COR11**

The Dartmoor National Park Management Plan identifies a number of special qualities of Dartmoor. One of these special qualities is "remoteness and tranquillity" which is seen as including:

- peace and quiet
- remoteness
- solitude
- unspoilt natural beauty
- wide open spaces

14.16 The use of the land for residential purposes detracts from the special qualities.

14.17 It is submitted that the everyday activities associated with people staying on the land inevitably impinge on tranquillity in terms of the number of people staying on

site, visitors and associated vehicle movements. This erodes the special qualities, engaging Policy COR11.

14.18 **Core Strategy Policy COR15** establishes the principle of balancing the provision of housing against the environmental constraints that apply across the National Park. It provides that opportunities for new open market housing will be very limited and any development will need to be in Local Centres where it can be clearly shown to help in the delivery of affordable housing for local needs:

14.19 The Authority deals with a wide range of situations in which people seek to live in the open countryside of the National Park. Some convert agricultural buildings; some site mobile homes; some live in the most unlikely buildings and structures. However, the policy position remains the same – outside Local Centres there has to be exceptional justification for residential use.

14.20 The recent planning application seeks a permanent residential use of the land. The use may not be proposed in conventional “bricks & mortar” dwellings, but it is nevertheless a proposal for a permanent residential development in the countryside within a National Park, an area with the highest designation for landscape protection.

14.21 The Authority does not believe that there is any overriding justification, sufficiently weighty so as to depart from the policies of the Development Plan and set aside the great weight which must be given to the conservation of the open countryside of the National Park.

14.22 **Policy DMD1b** states that within the Dartmoor National Park, the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals.

14.23 This policy goes on to state that development will only be provided for where it would:

- a) conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; or
- b) promote the understanding and enjoyment of the special qualities of the National Park; or
- c) foster the social or economic wellbeing of the communities in the National Park provided that such development is compatible with the pursuit of National Park purposes.

In all cases, development should not detract from, and where appropriate enhance, the special qualities of the National Park.

14.24 The proposed development is considered to detract from the special qualities of the National Park and does not deliver any of the National Park purposes stated above. It is therefore contrary to policy DMD1b.

14.25 The text preceding **Policy DMD3** states that *“high quality design and construction are core components in delivering and sustaining high quality places that are good to live and work in and visit”*. The policy makes reference to the principles set out in the Dartmoor National Park Design Guide SPD.

14.26 **Policy DMD4** states that *“development proposals should not ... detract from the special qualities of the area.”* The Authority believes that the development detracts from the character and appearance of the section 3 woodland and is in conflict with Policy DMD4.

14.27 **Policy DMD5** is concerned with the conservation of the special qualities of the Dartmoor landscape. Policy DMD5 states:

*“Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:*

- *Respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;*
- *Ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;*

- *Retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;*
- *Avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;*
- *Respecting the tranquillity and sense of remoteness of Dartmoor”*

14.28 The Authority believes that the location of the development fails to respect and conserve the local landscape character, will harm the wider landscape, particularly if tree cover is not maintained, and is contrary to tranquillity and remoteness.

14.29 Local Plan Policy DMD5 requires proposals to conserve and/or enhance the character of Dartmoor's landscape; the proposal fails to do this, in that it will have a detrimental impact upon the historic field system and pastoral character of the area, failing to respect the tranquillity and remoteness of the site. The proposal is also contrary to DMD5 as it fails to conserve or enhance the character and special qualities of Dartmoor by respecting, in this case, the pastoral character of the fields and strong medieval field pattern. Nor will it respect the tranquility and sense of remoteness of the site.

14.30 **Policy DMD6** places particular constraints on areas of land mapped as moor, heath and woodland of conservation importance. The appeal site is within this designation (s3 Wildlife & Countryside (Amendment) Act 1985).

14.31 This policy imposes a strong prescription on all development in these areas. There is no evidence that the development would meet any of the exception criteria set out in the policy. The evidence of Charles Dutton is that there is no justification for any residential presence for reasons of good forestry management and that the labour required for proper management should be around 26 person days per annum. The development therefore appears to be contrary to Policy DMD6.

14.32 **Policy DMD14** requires development proposals to conserve, enhance and/or restore biodiversity and geodiversity within the National Park. Any residential use

brings a high risk of harm and/or disturbance to the natural beauty, wildlife, conservation interest and tranquillity. It is accepted that much of the development proposed and enforced against is not within the woodland area but is nevertheless very close to it and in order to access the proposed structures, it will be necessary to pass through the woodland and travel across agricultural grazing land.

14.33 Policy **DMD23** provides that planning permission for a dwelling outside of local centres and rural settlements will only be granted where certain criteria is met. Applying the criteria of DMD23, the development at The Hillyfield does not comply with the policy:

14.34 The residential use is not *required* for a forestry enterprise. The Appellants do not appear to have intensive crops that require daily attention. Further they have failed to evidence sufficient labour days to justify onsite residences for a number of people.

14.35 The proposal does not comprise the conversion of an existing building to an affordable dwelling.

14.36 Policy **DMD34** sets out the circumstances in which agricultural, forestry and other rural enterprise related non-residential development will be permitted. The policy states that such development will be permitted where the proposal complies with the following criteria:

- (i) there is a demonstrable need that is proportionate to the use of the land;
- (ii) it relates well to local landscape features and other building groups;
- (iii) it is located and oriented with respect to local topography so as to reduce intrusive effects;
- (iv) it demonstrates a scale and form that is well related to its function;
- (v) it will not cause unacceptable harm to biodiversity, geodiversity and archaeological and cultural heritage assets, natural drainage or soil stability;
- (vi) efficient use is made of existing buildings;

(vii) existing non-traditional structures made redundant by the proposed development are removed.

A condition will be attached to any permission for a new building requiring it to be removed if it becomes redundant for its original purpose and there is no other acceptable use.

14.37 The policy specifically relates to “non-residential” development only and as such, the building proposed under Planning Application Ref. 0438/17 (PINS Ref. W/17/3191100) and the residential developments covered by Enforcement Notice 1 do not accord with this policy.

14.38 Furthermore, there is no demonstrable need that is proportionate to the use of the land for the proposed developments; they do not relate well to local landscape features and other building groups; they do not demonstrate a scale that is well related to its function; and there is a high risk that they will cause unacceptable harm to biodiversity and the water environment.

14.39 In summary, there are no material considerations sufficiently weighty to override these policy considerations, nor is there any exceptional overriding justification for the use of the land for purposes other than forestry and agriculture.

## **15. Ground (c)**

15.1 Ground (c) - The Appellant’s ground (c) case regarding EN1 claims that the recreational use and the running of courses are both incidental to the primary agricultural and forestry use. The appellant also claims that the recreational use and the running of courses have both taken place for less than 28 days in each calendar year and are therefore permitted development. The appellant does not appear to refer to the residential use in his grounds for appeal.

15.2 See section 11. above for detailed comments on the material change of use of the land for Residential Purposes, for Recreation and Courses and the Siting of Lorry Bodies used for Storage Purposes.

15.3 The residential use of the land, hosting of recreational events, running of educational courses and siting of lorry bodies for storage purposes are considered to be separate uses of the land, none of which are reasonably necessary for the purposes of agriculture or forestry. Even if these events and activities have taken place on less than 28 days in each calendar year, the structures that facilitate these uses have been on the land for over three years and in some instances have acquired a degree of permanence. As such, the unauthorised change of use of the land is continuous.

## **16. Ground (d)**

16.1 The Appellant contends that the lorry bodies and their storage use is immune from enforcement action by virtue of Section 171B(3) Town and Country Planning Act 1990, in that the lorry bodies have been on the land for more than 10 years prior to the issuing of the enforcement notices.

16.2 The Authority does not agree. It is well settled law that the introduction of a new unauthorised use into a planning unit creates a new chapter in the planning history and 'resets the clock' under Section 171B. It follows that when a residential use, a recreational use and a use for courses etc. were introduced at Hillyfield within the past ten years, a new mixed use was started, including the siting of lorry bodies use for storage purposes. Even if it is determined that the lorry bodies have been on the land for more than 10 years, the use enforced against has not subsisted for more than 10 years and is still susceptible to enforcement action.

16.3 Notwithstanding the above, the Authority has site visit notes and photographic evidence that show that the lorry bodies have not been located in the former quarry for more than 10 years. A visit to the former quarry in September 2007

noted “one touring caravan only on site - lot of domestic paraphernalia, kiddies bikes, bar-b-q, etc. Caravan open and contains cloths and cooking apparatus, etc.” During a subsequent site visit in September 2008, officers noted that the “old quarry contains one rigid lorry, one Luton lorry body, one boat on trailer, one shed full of tools and plant, one fitted out touring caravan, one tracked swing shovel, one quad bike, one saw bench, coils of wire fencing, various timber cuts. Shed has two small solar panels on eaves. Lorry has four solar panels on roof.” A redacted copy of these site visit notes and photographs taken during the visits can be found at Appendix JA10.

16.4 The Appellant contends that the field kitchen is immune from enforcement action as, he states, it has been on site since 2011. The field kitchen structure exists to support and facilitate the use for courses and recreation. This structure, due to its design, method of construction and attachment to the land is not considered to fall within the definition of ‘buildings’ contained in Section 336(1) Town and Country Planning Act 1990 but is an integral component of the use of the land for recreation, courses and events, not operational development. It follows therefore that this structure is not immune to enforcement action as it has not existed or been used continuously for more than 10 years.

16.5 Similarly, the Appellant also claims that the compost toilets and timber yurt platform are immune from enforcement action as they have been on site more than 4 years. These are partly issues of fact but even if the compost toilets, timber yurt platform and field kitchen (or any of them) are found to be operational development erected more than 4 years before 27 January 2016, they were not undertaken for a lawful use and they are integral to the unauthorised material change of use of the land alleged. Their removal can still therefore be required.

## **17. Ground (g)**

17.1 The Appellant is seeking 18 months for compliance with the notices on the basis that this would allow time to fell and extract all the infected larch, and to re-plant

affected areas. The appellant states that the compost toilets, timber platform for the yurt and the open fronted 'barns' are all in daily use as part of this work and that to remove these within 6 months would have a strong negative impact on the ability to manage the woodland. DNPA needs to say why 6 months is reasonable.

17.2 The Authority does not agree. The compost toilets and yurt platform, as well as the caravans and field kitchen, are not ancillary to the lawful forestry or agricultural uses of the Land but facilitate a residential, recreation and education use at the Hillyfield.

17.3 The Appellant states at paragraph 4.2.2 of his Statement of Case against the enforcement notices that the two open-fronted "barns are used for the storage of logs and sawn timber". This is not a forestry use of the land, but rather a business use.

17.4 As such, none of the structures mentioned above are necessary for the felling and export of timber, nor for the re-planting of trees.

17.5 Having regard to the above, the Authority considers that the appellants would be capable of complying with the requirements of the notices within the 6 month period for compliance without prejudice to the forestry enterprise. Extending the compliance period to 18 months is unnecessary and would not, in the Authority's opinion, reflect the degree of the harm caused to the public interest by the use continuing and the works remaining in situ for that period of time.

## **18. Conclusion**

18.1 This proof should be read alongside those of Mr Charles Dutton and Mr Peter Leaver who have provided evidence on behalf of the Authority on forestry and landscape impacts respectively.

- 18.2 None of the buildings proposed or existing are considered to be reasonably necessary for the purposes of forestry and the residential, recreation, education and other non-forestry or agricultural uses of land are not necessary for the management needs of the woodland and could be carried out off-site.
- 18.3 Having regard to all the above, it is considered that the development as existing unacceptably harms the character and appearance of Dartmoor National Park. Furthermore, the additional development proposed would cause further harm to the character and appearance of Dartmoor National Park. The development as existing and as proposed is and would be contrary to Development Plan policies which require, amongst other things, that development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape.
- 18.4 For the same reasons, the development as existing and as proposed fails to accord with the National Planning Policy Framework, which confirms that great weight should be given to conserving landscape and scenic beauty in National Parks.
- 18.5 For the reasons given in this proof of evidence and those of the Authority's other expert witnesses, it is respectfully requested that the appeal be dismissed.

## APPENDICES

- JA1 - Photographs taken during site visit on 17 April 2012
- JA2 - Photographs taken during site visit on 11 June 2013.
- JA3 - CIR English national parks and the Broads - UK Government vision and circular 2010 ('the Circular')
- JA4 - Copy of officers email dated 11 December 2015.
- JA5 - Case officer's delegated report for Prior Notification ref. 0259/15.
- JA6 - Copy of the Authority's Trees and Landscape Officers comments for Prior Notification ref. 0001/17.
- JA7 - Copy of Notice issued on 20 December 2016 under section 173A(1) of the Town and Country Planning Act 1990.
- JA8 - Written representation from the Environment Agency.
- JA9 - Extract's from the Hillyfield website.
- JA10 - A redacted copy of site visit notes and photographs taken during site visits on 17 September 2007 and 17 September 2008.
- JA11 - Photographs of the two open fronted timber clad single storey buildings, two compost toilets and the timber yurt platform referred to in Enforcement Notice (2).
- JA12 - Relevant policies of the Development Plan:
  - COR1, 2, 3, 4, 8, 11, 15
  - DMD1b, 3, 4, 5, 6, 14, 23, 34