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## Appeal Decisions

Inquiry opened on 26 April 2016

Site visit made on 20 May 2016

**by Paul Freer BA (Hons) LLM MRTPI**

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

**Decision date: 10 August 2016**

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### **Notice 1 (Appeal A) Ref: APP/J9497/C/15/3129320**

#### **Land at Steward Wood, Moretonhampstead in the County of Devon**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Affinity Woodland Workers Co-Operative Ltd against an enforcement notice issued by Dartmoor National Park Authority.
- The notice was issued on 3 June 2015.
- The breach of planning control as alleged in the notice is, without planning permission, the change of use of the Land to a mixed use for:

- (a) residential purposes and human habitation;
- (b) courses, retreats and activities available to the public to attend, with or without payment;
- (c) the provision of temporary residential accommodation to people attending activities listed in (b);
- (d) camping on the land by people attending activities listed in (b);
- (e) storage on the Land of non-agricultural items;
- (f) the overnight parking of motor vehicles and storage of caravans and trailers

together referred to as "the Development".

- The requirements of the notice are to cease using or permitting the use of any part of the Land for any use except agriculture or forestry. In particular, cease using or permitting the use of any part of the Land for:
    - (a) residential purposes and human habitation; and
    - (b) courses, retreats and activities available to the public to attend, with or without payment, camping or the siting of movable structures in excess of 28 days in aggregate in any calendar year; and
    - (c) the overnight parking of motor vehicles and storage of caravans and trailers.
  - The period for compliance with the requirements is 12 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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### **Notice 2 (Appeal B) Ref: APP/J9497/C/15/3129331**

#### **Land at Steward Wood, Moretonhampstead in the County of Devon**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Affinity Woodland Workers Co-Operative Ltd against an enforcement notice issued by Dartmoor National Park Authority.
  - The notice was issued on 3 June 2015.
  - The breach of planning control as alleged in the notice is failure to comply with
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Condition No 1 of a planning permission granted on an application deemed to have been made under section 177(5) of Town and Country Planning Act 1990 by appeal decision APP/J9497/C/08/2083419-28 ("the Permission") dated 1 June 2009.

- The development to which the permission relates is a mixed use for
    - (a) residential purposes and human habitation;
    - (b) "forest school" and other courses, retreats and activities available to the public to attend, with or without payment;
    - (c) the provision of temporary residential accommodation to people attending activities listed in (b);
    - (d) permitting camping on the Land by people attending activities listed in (b) on the land at Steward Wood;
    - (e) forestryon land at Steward Wood, Moretonhampstead, Devon.
  - The Condition in dispute is No 1, which states that:
    - 1) The use hereby permitted shall be discontinued on or before 30 June 2014 and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
  - The notice alleges that Condition 1) has not been complied with in that the land is being used for a mixed use for:
    - (a) residential purposes and human habitation;
    - (b) courses, retreats and activities available to the public to attend, with or without payment;
    - (c) the provision of temporary residential accommodation to people attending activities listed in (b);
    - (d) camping on the Land by people attending activities listed in (b);
    - (e) storage on the land on non-agricultural items;
    - (f) the overnight parking of motor vehicles and storage of caravans and trailers.
  - The requirements of the notice are to cease the use of any part of the Land for any use except agriculture or forestry and in particular, cease using or permitting the use of any part of the Land for:
    - (a) Residential purposes and human habitation;
    - (b) courses, retreats and activities available to the public to attend, with or without payment;
    - (c) the overnight parking of motor vehicles and storage of caravans and trailers.
  - The period for compliance with the requirements is 12 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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**Notice 3 (Appeal C) Ref: APP/J9497/C/15/3129334**  
**Land at Steward Wood, Moretonhampstead in the County of Devon**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Affinity Woodland Workers Co-Operative Ltd against an enforcement notice issued by Dartmoor National Park Authority.
  - The notice was issued on 3 June 2015.
  - The breach of planning control as alleged in the notice is, without planning permission, operational development comprising groundworks and the erection of buildings and structures on the Land in the approximate locations shown on the Plan and more
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particularly described in the Schedule appended to the Notice, together referred to as "the Development".

- The requirements of the notice are:

(a) Permanently remove the unauthorised buildings and structures from the Land, in particular:

- the dwellings/residential units together with all supporting platforms, identified as "D, E, L, M, P, Q, R, S, W, X, Y" on the Plan appended to the notice
- the communal longhouse & kitchen identified at "J" on the Plan appended to the notice
- the bathhouse identified as "N" on the Plan appended to the notice
- the compost toilet identified as "G" on the Plan appended to the notice
- the female urinal identified as "F" on the Plan appended to the notice
- the cycle shelter identified as "A" on the Plan appended to the notice
- the "power tower" identified as "O" on the Plan appended to the notice
- the tool shed and wood store identified as "K" on the Plan appended to the notice
- the growing area shed identified as "B" on the Plan appended to the notice

and

(b) Permanently remove from the Land all materials from which the structures are constructed and formed (excepting only any timber that was sourced from the Land);

and

(c) Restore the Land to its former levels, contour and condition.

- The period for compliance with the requirements is 12 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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#### **Notice 4 (Appeal D) Ref: APP/J9497/C/15/3129339**

#### **Land at Steward Wood, Moretonhampstead in the County of Devon**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Affinity Woodland Workers Co-Operative Ltd against an enforcement notice issued by Dartmoor National Park Authority.
- The notice was issued on 3 June 2015.
- The breach of planning control as alleged in the notice is failure to comply with Condition No 1 of a planning permission granted on an application deemed to have been made under section 177(5) of Town and Country Planning Act 1990 by appeal decision APP/J9497/C/08/2083419-28 ("the Permission") dated 1 June 2009.
- The development to which the permission relates is a mixed use for

(a) residential purposes and human habitation;

(b) "forest school" and other courses, retreats and activities available to the public to attend, with or without payment;

(c) the provision of temporary residential accommodation to people attending activities listed in (b);

(d) permitting camping on the Land by people attending activities listed in (b) on the land at Steward Wood;

(f) forestry

on land at Steward Wood, Moretonhampstead, Devon.

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- The Condition in dispute is No 1, which states that:
  - 1) The buildings hereby permitted shall be removed on or before 30 June 2014 and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
- The notice alleges that Condition 1) has not been complied with in that development already carried on the Land, namely the erection of eight residential units with supporting platforms (structures J, M, N, P, Q, S, T and V as shown on the Plan attached to the notice), a communal longhouse and kitchen, a bathhouse, three compost toilets, a female urinal, a cycle shelter and the laying out of sitting out areas on the land at Steward Wood, Moretonhampstead, Devon, have not been removed.
- The requirements of the notice are:
  - (a) Permanently remove the unauthorised buildings and structures from the Land, in particular:
    - the dwellings/residential units together with all supporting platforms, identified as "D, E, L, M, P, Q, R, S, W, X, Y" on the Plan appended to the notice
    - the communal longhouse & kitchen identified as "J" on the Plan appended to the notice
    - the bathhouse identified as "N" on the Plan appended to the notice
    - The compost toilet identified as "G" on the Plan appended to the notice
    - The female urinal identified as "F" on the Plan appended to the notice
    - The cycle shelter identified as "A" on the Plan appended to the notice
    - The "power tower" identified as "O" on the Plan appended to the notice
    - The tool shed and wood store identified as "K" on the Plan appended to the notice
    - The growing area shed identified as "B" on the Plan appended to the notice

and

  - (b) Permanently remove from the Land all materials from which the structures are constructed and formed (excepting only any timber that was sourced from the Land);

and

  - (c) Restore the Land to its former levels, contour and condition.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

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**Appeal E Ref: APP/J9497/W/15/3106074**  
**Land at Steward Wood, Moretonhampstead in the County of Devon**

- 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 Mr Daniel Thompson-Mills of the Affinity Woodland Workers Co-Operative Limited against the decision of Dartmoor National Park Authority.
  - The application Ref 0054/15, dated 21 January 2015, was refused by notice dated 13 April 2015.
  - The development proposed is low impact development involving change of use to forestry, agriculture, residential and education with structures including 3 dwellings, 7 residential units, communal kitchen/longhouse with dormitory accommodation, bathhouse, compost toilets and other ancillary buildings, roundhouse interpretation centre and polytunnel.
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**Summary Decisions: Appeals A, B, C and D are dismissed and the enforcement notices upheld with corrections. Appeal E is dismissed.**

**Procedural and Preliminary Matters**

1. The Inquiry opened on 26 April 2016 and sat for a total of five days in two separate sessions, the first from 26 April to 28 April inclusive with the second session on 18 and 19 May.
2. As initially made, Appeals A, B, C and D included an appeal on ground (b), namely that the breaches of planning control alleged in the notices have not occurred as a matter of fact. However, the appeals on ground (b) were withdrawn before the Inquiry opened and I heard no evidence on them.

**Background**

3. The appeal site covers an area of some 12.5 hectares of wooded hillside on the eastern side of the Wray Valley, approximately 1.5 kilometres south-east of Moretonhampstead. The entirety of the appeal site is within Dartmoor National Park (DNP). The permaculture project on the site is run by a group of like-minded people under the moniker of Steward Community Woodland (SCW), all of whom are members of the Affinity Woodland Workers Co-Operative Limited.
4. In July 2000, the Dartmoor National Park Authority ("the Authority") refused to grant a retrospective planning application for the change of use of the land to 'low impact, sustainable development associated with agricultural/forestry enterprise, incorporating educational and residential elements. In dismissing the subsequent appeal (APP/J9497/A/01/1063114), the Inspector, Mr Fussey, noted that there were several structures in the woodland, described by him as being essentially canvas coverings over bent-over poles built on substantial wooden platforms. Mr Fussey described these as "benders" and noted that they had replaced the tents pitched on the site when the use first began. Notwithstanding that he found these structures unobtrusive from outside the site, the conclusion reached by Mr Fussey was that the structures then present would be contrary to the purpose of the National Park in terms of protecting its natural beauty.
5. In May 2001, the Authority issued an enforcement notice alleging a material change of use of the land from use for agricultural and forestry purposes to a mixed use of agricultural and forestry purposes and residential use, including the siting of tents and benders for human habitation. An appeal against this enforcement notice succeeded and planning permission was granted, subject to conditions (APP/J9497/V/01/1067412). One of these conditions (Condition 1) was that the permission was for a temporary period of five years, following which the structures on the site were to be removed, the permitted use should cease and land restored to its previous condition.
6. In reaching the decision to grant a temporary permission, the Inspector, Mr Tamplin, concluded that the number and nature of dwellings and individuals involved in the development seriously harmed the character of the woodland. Mr Tamplin reached this conclusion notwithstanding that the

dwellings and related development were found to be unobtrusive. However, Mr Tamplin also identified a number of benefits arising from the development, including education in woodland and other rural skills, the enhancement of the appearance of the wood itself through management and assisting in recreational development. These considerations led Mr Tamplin to conclude that the benefits arising from the development outweighed the harm, such that a temporary permission was justified. Mr Tamplin went on to explain that this temporary permission was also justified, in part, on the basis that any failure to observe by the undertakings made by the appellants in terms of how the use would operate and how the woodland would be managed could be taken into account should the permission come to be renewed.

7. Shortly before that temporary permission expired, an application was submitted to the Authority for a temporary permission for a low impact development incorporating sustainable agriculture and forestry, permaculture and education. Permission was refused in November 2007 and, some months later, enforcement notices were issued requiring, amongst other things, the cessation of the use of the land for residential purposes and human habitation; cessation of the use of the land as a "forest school" and for other courses, retreats and activities available to the public; and to cease the provision of temporary residential accommodation to people attending activities at the site. Appeals were lodged against the refusal of planning permission and the enforcement notices, and these appeals were considered together at a Public Inquiry held in April 2009 (APP/J9497/C/08/2083419-38 and APP/J9497/A/08/2072884).
8. In decisions dated 1 June 2009, the appeals were allowed and a further temporary planning permission was granted. In his decisions, the Inspector, Mr Cook, noted that none of the structures found by him to constitute operational development were visible from the public domain at the time of his site visit, albeit there was evidence before him to indicate that some of these structures were visible in the winter months. Nonetheless, Mr Cook found that the urbanising effect of the dwellings, including the cleared ground surrounding them, and the other operational development that had been carried out, reduced the area covered by woodland. This led Mr Cook to the conclusion that the character and appearance of the woodland had been, and would be, harmed as a result.
9. It is evident from Mr Cook's decision that the activities taking place at Steward Wood had evolved since the appeals before Mr Fussey and Mr Tamplin, including in terms of woodland management and the increased educational role that was planned. Mr Cook considered that the value of the project taking place at Steward Wood lay in its holistic nature. On that basis, Mr Cook considered that the venture had evolved into one where the education resource provided by what was, in effect, a demonstration project of permaculture principles being applied in practice and that this was of significant wider benefit. This led Mr Cook to the view that a second temporary permission was justified.
10. At my request, I have been provided with a list of differences between the site at the time of Mr Cook's decisions in June 2009 and the site as of the present time. It is evident that the site has continued to evolve, and that a

number of new structures have been constructed. A number of additional raised growing beds have been constructed since 2009 and some additions to growing areas have been established around some of the residential units, although only in relation to Chris & Owen's Forest Garden have trees been removed to facilitate this. It is also apparent that the site continues to evolve, with three new residential structures and a workshop structure being commenced since the enforcement notices subject to the current appeals were issued.

11. I have outlined the planning history of the site in some detail here because, in my view, two key considerations arise that have informed my approach to these appeals. The first of these is the holistic nature of the existing development and that proposed in the application refused planning permission. I concur entirely with the previous Inspector, Mr Cook, that the value of the project taking place at Steward Wood lies in its holistic nature and I have considered these appeals on that basis.
12. The second consideration is that, on the two occasions on which planning permission has been granted on appeal for low impact development at Steward Wood, it has been on the basis that permission was sought for a temporary period only. This means that planning permission for low impact development on the appeal site has only been granted for clearly defined and relatively short time periods, following which the expectation was that the use would cease, the structures on the site would be removed and the land restored to its previous condition. It follows that if any harm did result from the development, foreseen or otherwise, the cause of that harm could be halted at the end of that defined period and any physical manifestations reversed.
13. That is not the position with the appeals now before me in which, in the first instance at least, a permanent planning permission is sought. Consequently, unlike the previous two Inspectors, I must assess the development and proposals before me on the assumption that, if granted, the use could continue indefinitely. It follows that, unlike with the two previous temporary permissions granted by those Inspectors, there would be no safety net in place should, for example, there be any failure in terms of how the use operated in practice or how the woodland was managed in the long term. On that basis alone, the development and proposals subject to the appeals now before me can be immediately distinguished from those before Mr Tamplin and Mr Cook. This necessarily limits the weight that I have attached to those previous appeal decisions.

### **The notices**

14. The Authority has issued four notices, which are not in the alternative. In summary, Notice 1 requires the use of any part of the Land for any use except agriculture or forestry to cease and Notice 3 requires the unauthorised buildings and structures to be permanently removed from the Land. Notices 2 and 4 allege a breach of conditions which, to paraphrase, require the use permitted by the temporary permission granted in 2009 to be discontinued and the structures removed on or before 30 June 2014. I understand that Notices 2 and 4 were issued partly in response to comments made by Mr Cook in his decision, in which he queried why the Authority had not previously alleged a breach of condition given the terms

of the temporary permission granted by Mr Tamplin. The Authority explain that Notices 1 and 3 were issued in response to the changes that have been made on the site since the temporary planning permission was granted, on the basis that the Authority consider the scope of the temporary permission granted by Mr Cook to have been exceeded and that the additional structures and activities would not be caught by a notice alleging a breach of condition imposed on that temporary permission.

15. The appellant initially considered that Notice 1 and Notice 3 were nullities, but this argument is no longer pursued. It is, however, common ground between the main parties that the notices ought to be corrected and varied insofar as it is necessary for me to do so, albeit that there remains some disagreement in terms of the precise nature and extent of those corrections and variations. At the first session of the Inquiry, the Authority tabled some suggested corrections and variations to all four notices, to which the appellant responded in writing on 1 May 2016. The Authority tabled some further amendments before the Inquiry resumed and these were discussed during the second session of the Inquiry. It is to these corrections and variations that I now turn.

*Notice 1*

16. The allegation in Notice 1 is, without planning permission, a change of use of the land to a mixed use comprising a number of uses listed at paragraph 3 of the notice. I accept the Authority's suggestion that the use specified at (f), namely the overnight parking of motor vehicles and storage of caravans and trailers, should be separated out. The Authority does not seek to prevent the use of the land for agriculture or forestry but, in order that the requirements of the notice reflect the allegation, I accept the suggestion made by the appellant that agriculture and forestry should be included in the list of uses that make up the mixed use alleged in the notice. The area edged in red on the plan appended to the notice includes an area used for car parking by the residents of the houses that immediately adjoin the land to the south. I accept that this use should also be specifically included in the list of uses set out in the allegation, as should the recreational cycle path that runs through the site and the storage on the Land of non-agricultural items.
17. These corrections were thoroughly rehearsed at the Inquiry and I am satisfied that these corrections can be made without injustice to the appellants. The residents of the houses to the south of the site would similarly not be caused any injustice by the inclusion of that use in the matters that constitute a breach of planning control because neither the cessation of that activity nor the removal of the hard surface form part of the requirements of the notice. Consequently, if all the notice requirements of the notice are complied with, Section 173(11) of the Act provides that planning permission shall be deemed to have been granted for that activity under Section 73A of the Act.
18. The appellant has suggested a re-wording of the allegation in Notice 1 to include reference to low impact residential development, including the associated storage of domestic paraphernalia and the parking of vehicles in association with the low impact residential development. However, the reference to "low impact residential development" implies a set of qualities



that, for reasons which I set out later, I consider the residential use on the site does not possess. It follows that correcting the notice as suggested by the appellant would not accurately describe the breach of planning control that has occurred. For that reason, I prefer the allegation as originally drafted.

19. The Authority accepts that the requirements of Notice 1 should be varied to reflect the splitting out of the overnight parking of motor vehicles and the storage of caravans and trailers, together with the deletion of some superfluous inclusions of the word "and". I consider that these variations should be made and can be made without injustice to the appellant. Given that I do not accept the appellants' suggested rewording of the allegation to refer to low impact residential development, I do not consider that the requirements should be varied to refer to that.

*Notice 2*

20. As originally drafted, there is a discrepancy between the allegation and the requirements of the notice in terms of the list of uses specified there. Furthermore, the allegation in the notice in terms of the use of the Land cannot depart from the description of development granted on appeal in 2009 (APP/J9497/C/08/2083419-28). It follows that the allegation should only be corrected insofar as necessary to make it identical to that permission. The Authority suggests that this discrepancy can be resolved by inserting the words "the Mixed Use" at the end of the list of uses specified in the first part of the allegation to comprehensively encapsulate the elements of the mixed use described in the planning permission and deleting the list in the second part of the allegation.
21. At the Inquiry the appellant agreed that the requirements of the notice could similarly be varied to simply require the mixed use to cease. However, because the notice alleges a breach of condition, the requirements of Notice 2 should simply reflect the wording of condition 1 of the permission and require the cessation of the use of the Land for the development granted under planning permission APP/J9497/C/08/2083419-28 together with the restoration of the Land to its former condition. I am satisfied that these variations can be made without causing injustice to the appellant or the Authority.

*Notice 3*

22. The principal matter in dispute in relation to Notice 3 is whether the requirements of the notice should also include the field kitchen as sought by the authority. As originally drafted, the field kitchen is included as item H in the List of Structures appended to the notice and is also identified as structure H on the Plan attached to the notice. The field kitchen is therefore included as part of "the Development" alleged at paragraph 3 of the notice. However, the field kitchen was not included as one of the structures to be permanently removed by paragraph 5 of the notice. The Authority now seeks a variation to the notice to include the field kitchen.
23. The appellant concedes that the field kitchen constitutes operational development but points out that the list of structures identified to be removed at paragraph 5 of the notice is prefaced by the words "in

particular". The appellant considers that this wording is significant in the context of 'under-enforcement', specifically insofar as the field kitchen could be used in connection with a use of the land for agriculture or forestry. The appellant therefore considers that inclusion of the field kitchen would cause injustice.

24. Notice 3 is precisely worded in terms of requiring only those structures listed and shown on the plan attached to the notice to be removed and the inclusion of the field kitchen would represent an extension to the requirements of the notice. The notice would therefore be more onerous than originally issued. Consequently, notwithstanding that the appellant has had an opportunity during the Inquiry to make representations on the retention of this structure, I consider that including the field kitchen in the requirements would cause injustice to the appellant. For that reason, I decline to vary the requirements of Notice 3 as suggested by the Authority.
25. In addition to the above, two other matters arise in respect of Notice 3. Firstly, the Authority seeks a further variation to the requirements of Notice 3 by the addition of the words "unauthorised buildings and" at (b) in paragraph 5. I consider that this is a clarification that flows logically from the use of those words in the allegation and that the notice can be corrected to include those words without injustice to the appellant.
26. The second matter is the use of the term "groundworks" in the allegation at paragraph 3. As originally drafted, groundworks were specified separately from the erection of buildings and structures. However, the Authority now accepts that these groundworks are associated solely with the erection of the buildings and structures specified in the notice. Accordingly, the Authority suggests that the word "for" should be inserted between the words "groundworks" and "the erection of buildings and structures..." in paragraph 3. This would link the groundworks with the buildings and structures to which they relate. I consider that the allegation can be corrected as suggested but, because the requirements at (c) in paragraph 5 of the notice requires the land is restored to its former levels, contour and conditions, there is no need to vary the requirements to refer to "groundworks".

#### *Notice 4*

27. This notice alleges a breach of condition in respect of a number of structures to be removed on or before 30 June 2014 following the grant of temporary planning permission in June 2009. The allegation at paragraph 3 of the notice cites the appeal decision granted on 1 June 2009 but incorrectly records the appeal reference numbers as APP/J9497/C/08/2083419-28. In relation to buildings as structures, to which Notice 4 relates, the correct appeal reference numbers are APP/J9497/C/08/2083429-38. There is no misunderstanding on the part of the appellant as to which buildings and structures Notice 4 relates, and I am therefore satisfied that the notice can be corrected without injustice.
28. Of more concern is the discrepancy in the notice between the allegations at paragraph 3 and the requirements at paragraph 5. The Authority suggests that this discrepancy can be addressed by inserting the words "the Buildings" in paragraph 3 to encompass all the buildings and structures

listed in that paragraph. The Authority goes on to suggest that the requirements of the notice in paragraph 5 can be varied by deleting the list of buildings and structures there and the other requirements at (b) and (c), and replacing these with a requirement for the permanent removal of "the Buildings" from the Land and the restoration of the Land to its former condition.

29. The appellant agrees to the amendments suggested by the Authority. I am satisfied that the suggested amendments successfully address the discrepancy in Notice 4 as originally drafted, and that the notice can be corrected and varied accordingly without injustice to the appellant.

**The appeals on ground (a), the deemed planning applications and the section 78 appeal**

30. The appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. Section 177 of the Act confirms that any planning permission granted as a result of an appeal under Section 174 is for the matters stated in the enforcement notice as constituting the breach of planning control. In this case, Notice 1 (Appeal A) relates to the use of the Land and Notice 3 (Appeal C) relates to the buildings and structures on the Land. Notices 2 (Appeal B) and 4 (Appeal D) allege a breach of conditions, in relation to the use of the Lands and operational development respectively.
31. It follows that the scope of the deemed planning applications for Appeals A and C is framed somewhat differently to the Appeals B and D. The deemed planning applications in relation to Appeals A and C are to retain the use of the site and the buildings and structures identified in the notices respectively. They do not include any structures that are not specifically included in the notice or which have been erected subsequent to the notices being issued, or which are being proposed to be erected.
32. The deemed planning applications for Appeals B and D are to carry out the development granted planning permission on appeal in June 2009 without complying with the condition(s) being enforced against. In a breach of condition case, it is important to clarify the reason for the condition as this goes to the heart of whether the condition is necessary. The conditions in question require the use to cease or the buildings and structures to be removed, as appropriate, at the end of the five year temporary period for which permission was granted. It is clear from paragraph 81 of Mr Cook's decision that the reason for these conditions was partly because only a temporary permission was sought, but also partly to enable any future application for a permanent permission to be considered in the light of the emerging planning policy in relation to low impact residential development that was anticipated to be put in place within the lifespan of that temporary permission.
33. The scope of the Section 78 appeal (Appeal E) is different again, in that this appeal relates to the development proposed under planning application Ref: 0054/15. The appeal therefore not only relates to the change of use of the Land to forestry, agriculture, residential and education, it also relates

to both existing and proposed buildings and structures. The latter includes a new communal kitchen/longhouse with dormitory accommodation and the roundhouse interpretation centre.

34. Although the scope of these appeals is framed somewhat differently in each case, they all relate to the same site and, essentially, to similar uses. There is also a significant degree of commonality between the buildings and structures that are sought to be retained. I therefore consider that it is convenient to consider all these appeals together, whilst noting any relevant differences as appropriate. However, before doing so, it is helpful to first consider the fall back position, if any, available to the appellant.

*The fall back position*

35. Although the Statement of Common Ground refers to the existence and relevance of any fall-back position available to the appellant, I have been provided with no clear evidence as to what that fall-back position might be. Indeed, Mrs Heine conceded that the appellant does not have an exit strategy and could not explain what might happen should the appeals not succeed. The Licence to Fell Growing Trees ("Felling Licence") granted to the appellants by the Forestry Commission is restricted to the thinning and selective felling of trees, and is limited in terms of acreage, the number of trees that may be felled and the volume of timber produced. Moreover, the Felling Licence held by the appellant expires in December 2019. I therefore have no evidence before me of a realistic prospect of any lawful fall-back position available to the appellant beyond the limited felling of trees permitted by the Felling Licence over the next three years.
36. There is one further issue that arises from the Felling Licence, this being the action to be taken in the event that the presence of Phytophthora Ramorum ("Larch Disease") is suspected on the appeal site. The Felling Licence granted by the Forestry Commission clearly states that, in the event that Larch Disease is confirmed, the conditions of the Felling Licence will be overridden by the requirements of a statutory plant health notice. This is likely to require the clear-felling of the Larch trees. There is, as Mr Dutton conceded, no obligation on the part of the appellant to replant following any loss of Larch trees, although this is encouraged by the Forestry Commission. The appellant's position is that their commitment to replace any loss of Larch trees with broadleaf species would contribute to the diversity of the woodland which would otherwise not occur. This is perceived by the appellant as being a benefit arising from the development in that event.
37. The Authority is of the opinion that the occurrence of Larch disease on the appeal site is as good as inevitable. Indeed, during the course of my site visit, Mr Dutton pointed out to me evidence of what he considered might be Larch disease on some of the trees. This had been reported to the Forestry Commission but had yet to be investigated or confirmed.
38. In the absence of such confirmation, it would not be appropriate for me to speculate as to whether Larch Disease is present on the appeal site now or will take hold in the future. I have therefore determined these appeals on the basis that the Larch trees on the appeal site will remain for their normal lifespan. Consequently, I have approached my assessment of the visibility

of the buildings and structures on the appeal site on the basis that the Larch trees will be present in broadly the number and health at the time of my site visit. Similarly, I have not taken into account the appellant's indication that any loss of Larch trees would be replaced with broadleaf species. The corollary is that any resultant benefits of that in terms of species diversity would not arise.

### **Main Issues**

39. Having regard to the written evidence and the oral evidence heard at the Inquiry, I consider that the main issues are:
- (a) the effect that the development carried out and proposed has had and would have on the character and appearance of Dartmoor National Park, and
  - (b) the effect that the development carried out and proposed has had and would have on the purposes of the National Park designation.

In relation to Appeals B and D, it is necessary to consider whether the relevant conditions remain reasonable and necessary having regard to these main issues.

40. At the opening of the Inquiry, the appellant indicated that a further main issue should be the benefits that arise from the development as existing and as proposed. Although these benefits are clearly a material consideration, I do not perceive them as being a main issue in their own right. If the development is acceptable in relation to the above main issues and in all other respects, planning permission could be granted and any benefits arising from the development would not need to be considered. Consequently, any benefits arising from the development would potentially become determinative only in the event that development is found to be unacceptable in relation to the main issues identified above. I have therefore treated my consideration of the benefits arising from the development on that basis.

#### *The effect on the character and appearance of Dartmoor National Park*

41. The appeal site forms part of larger area of woodland known as Steward Wood. Woodland makes an important contribution to the character and appearance of the DNP and Steward Wood is, pursuant to section 3 of the Wildlife and Countryside (Amendment) Act 1985, designated as Woodland of Conservation Importance and whose natural beauty it is, in the opinion of the Authority, important to conserve.
42. This appeal site itself is mainly comprised of a semi-mature mixed conifer plantation but with scattered broadleaves. There is a small area of Ancient & Semi Natural Woodland in the eastern corner of the site, as designated by the Forestry Commission and Natural England. There are no public footpaths through the appeal site although SCW has created a permissive footpath that follows a circular route to the west of the settlement area. There is also a former railway track that runs along one boundary of the site. I understand that there is a long term project lead by Devon County Council to re-open this track as part of the Wray Valley Trail, a proposed cycle route between

Bovey Tracey and Moretonhamsstead. However, at the time of the Inquiry, it was not clear whether this project would be achieved.

43. The Character of England Landscape, Wildlife and Cultural Features Map (Features Map) divides England into a number of Character Areas that provide an indication of landscape character. The appeal site falls within the 'NCA Dartmoor' Character Area, one of the main landscape characteristics of which is valley sides cloaked in areas of semi-natural woodland. These are described in the commentary to the Features Map as providing a sense of enclosure, in stark contrast to the central moorland elsewhere in the Character Area.
44. The Devon Landscape Character Assessment (LCA) divides the County into a number of Landscape Character Areas. The appeal site falls within the 'East Dartmoor Moorland Fringe' Landscape Character Area, the main characteristics of which include extensive areas of deciduous and mixed woodland but with a high concentration of plantation woodland in the east. On a more local level, a landscape character assessment produced by the Authority in June 2010 places the appeal site and surrounding area in the 'Upland River Valleys' landscape character type. The key characteristics of this landscape character type include valleys with broadleaved woodland providing seasonal interest and some valleys fringed by coniferous plantation.
45. Being located on a steep valley side, with a semi-mature mixed conifer plantation but with scattered broadleaves and an area of Ancient & Semi Natural Woodland, the appeal site exhibits many of the characteristics identified in National, regional and local landscape assessments. There are, I recognise, a number of features in the area surrounding the appeal site that detract from its character and appearance, including the sewage works, the rifle range and the A382. However, although detracting from it, I do not consider that these features undermine the overall qualities and characteristics of this landscape. Consequently, the appeal site makes an important contribution to the character of the local area and consequently to the character of the National Park as a whole.
46. The Authority has produced a Landscape and Visual Impact Assessment (LVIA), the findings of which were revised in an amendment submitted during the course of the Inquiry. The LVIA assesses the impact of the development in terms of 'Landscape Impact' and 'Visual Impact'. The appellant has not produced a similar assessment and does not seek to challenge the methodology of the LVIA produced by the Authority. Moreover, the appellant did not seek to challenge the findings of the LVIA produced by the Authority to any significant degree.
47. The LVIA assesses the landscape value of the study area as 'high' and the landscape sensitivity as 'high'. In relation to the defined character areas within this study area, Appendix NP9 of the LVIA (as revised) assesses Dartmoor National Park, the Woodland of Conservation Importance, the East Dartmoor Moorland Fringe' Landscape Character Area and the Upland River Valleys' landscape character type as all having a 'high' sensitivity to change. The vegetation on the site is also assessed as having a 'high' sensitivity to change. The Ancient & Semi Natural Woodland and the Wray Valley trail are assessed as having a 'medium' sensitivity to change, with the footpath from

Pepperdon Down to Budleigh Farm having a 'medium-low' sensitivity to change. Having regard to the rationale for those assessments set out in the LVIA, I see no reason to take a different view.

48. The development as existing has introduced a number of structures into the woodland. Some of these structures, notably the longhouse and a number of the dwellings, are substantial two-storey structures. None of them, in my view, are of high quality design. Moreover, the grouping of the structures within the 'settlement area' together with the network of footpaths that links them has created a residential enclave that is wholly incongruous in this woodland landscape. This urbanising effect is further exacerbated by the miscellany of smaller structures associated with the residential use, such as the compost toilet, bathhouse and the 'power tower', as well as by the storage of various trailers and other items at locations across the site. The clearance of land around the dwellings and some of the other structures, as well as the clearings for growing and regeneration areas, create gaps in the tree cover and this further erodes the character of the woodland.
49. There are also a number of structures outside the settlement area, including that associated with the storage of non-agricultural items. Although not visible from the Wray Valley Trail, this structure and the storage of items there is intrinsically unsightly and incongruous in this setting, and as such is harmful to the character and appearance of the area.
50. The development proposed under the s78 appeal would result in further structures being erected, including the roundhouse interpretation centre. The latter would be sited away from the settlement area and would further erode the character of the woodland. Some of the structures proposed in this application, including the communal kitchen/longhouse with dormitory accommodation, are now purpose designed with precise geometric shapes and regularly spaced openings. The bulk of these structures, together with their formality of design and appearance, makes these proposed structures even more incongruous in this semi-natural environment.
51. The LVIA assesses the Significance of Effect of the development on the landscape in Appendix NP9 (as revised). The Significance of Effect on Dartmoor National Park, the Woodland of Conservation Importance, the East Dartmoor Moorland Fringe' Landscape Character Area, the Upland River Valleys landscape character type and the Wray Valley Trail is assessed as being 'Moderate Adverse'. The Significance of Effect on the vegetation on the site is assessed as being 'Moderate- Significant Adverse'. The Significance of Effect on the Ancient & Semi Natural Woodland and the footpath from Pepperdon Down to Budleigh Farm is assessed as being 'Neutral'. I generally concur with these assessments although, for the reasons I set above, if anything they tend to be on the generous side in my view.
52. The LVIA assesses the visual impact of the development in relation to a Zone of Theoretical Visibility (ZTV). The visual sensitivity of the study area as a whole is assessed in Appendix NP9 (as revised) as 'medium-high'. However, the Visual Receptor Sensitivity of DNP is assessed as 'high' and that of the various viewpoints identified in the LVIA as ranging from 'medium' to 'moderate-substantial adverse'. I was able to visit all of these viewpoints

myself, as well as others suggested by the appellant, as part of a separate unaccompanied site visit on the afternoon of 19 May 2016.

53. At the time of my site visit, the trees were in near-to-full leaf. From those viewpoints on the opposite side of the Wray Valley, I was not able to identify any of the structures on the appeal site. I was able to get glimpsed views of vehicles parked in the parking area from one location next to the A382 and to get glimpsed views of Ollie's house from the western end of Pepperdon Hall Lane. By reason of its brightly coloured casing, the power saw just below Ollie's house is also clearly visible from this location. These views, which in any event are mostly only glimpsed views, were the only locations from which I observed any of the structures on the site. The visual impact of the development as existing from those locations identified in the LVIA is therefore minimal.
54. However, I note that in his decision, Mr Cook describes the appearance of the valley side as being that of a virtually continuous canopy. On the basis of my observation from the opposite side of the Wray Valley, there is some evidence that this is no longer the case. I noted two distinct gaps in the canopy cover. By cross referencing these with two distinctive Scots Pine trees and a prominent wall and Laurel hedge, I was able to identify these gaps as being the clearing associated with the regeneration area to the west of the settlement area and Merlin's new house respectively. There were other gaps in the canopy cover that I was unable to positively associate with any particular structure on the appeal site, although from ground level it was apparent that these gaps generally correlated with the clearing of trees around dwellings and residential units.
55. I acknowledge that the regeneration area is purported to be part of the Continuous Cover Forestry (CCF) approach to woodland management pursued by the appellants. I accept that in line with the appellants' intentions this regeneration area could in time be converted to broadleaves and therefore contribute to a diversification of trees in the woodland. I also accept that the new broadleaves trees would eventually infill the gap in the canopy cover albeit that, as Mr White explained in response to my question, it may take some 25 years for replacement trees to reach the same height as the existing trees. However, the same cannot be said of the clearing of trees around dwellings and residential units which would remain so long as they remained in situ.
56. Mr Thompson-Mills explained that the dwellings and residential units constructed on the appeal site typically have a lifespan of between 15 and 30 years, after which they need to be replaced. There is evidence that this is already happening: for example, Mr Thompson-Mills is himself in the early stages of constructing a new house, and Merlin Howse is similarly in the process of constructing his new house. In this situation, as Mr Thompson-Mills explained that, for understandable reasons, the existing house cannot be removed until such time as the new house is complete. Consequently, each new house requires a fresh area of woodland to be cleared.
57. The concept is that all new dwellings will be concentrated into the settlement area. This is a defined area. It follows that, over time, progressively more clearings will be required within that defined area as existing structures are replaced or the population of SCW expands due, for example, to future



generations wishing to continue living on the site. I recognise that the number of dwellings and the number of people residing on the site can be limited by an appropriately worded condition. Having regard to constitution of SCW, which requires those residing on the site to be recorded, I am satisfied that such a condition would be reasonable, necessary and enforceable.

58. However, once the residential use became established on a permanent basis, those residing on the site and their dependants would be entitled to a greater degree of certainty and expectation in terms of their continued occupation of the site. This would make it difficult for the Authority to reasonably resist organic expansion resulting from future generations of the families of existing residents wishing to continue living on the site. This in turn would make it difficult for the Authority to resist the construction of further buildings and structures to serve as dwellings for those residents.
59. The corollary is that progressively more of the canopy cover will be removed from a relatively small area of the woodland. The visual impact of that loss of canopy cover, the beginnings of which are already becoming evident, would be significant. This would have a significant adverse visual impact from viewpoints identified in the LVIA as ranging from 'medium' to 'moderate-substantial adverse'. In my view, that would be unacceptable, particularly so given that the appeal site forms part of a Woodland of Conservation Importance the natural beauty of which is important to conserve. This is one of the areas in which the application for a permanent permission now before me differs from the temporary permissions previously granted on appeal by Mr Tamplin and Mr Cook.
60. There is a further aspect to this issue. The timber from which the structures on the site are constructed, including the dwellings and residential units, are sourced from the site itself. The appellant has the benefit of a Felling Licence that permits the felling of trees up to a maximum estimated volume but which expires in December 2019. Mr White has, on behalf of the appellants, provided an indication of the volume of timber required for woodfuel over the next 25 years plus. Beyond that, I have no evidence that defines or estimates the volume of timber that will be required going forward, including for the construction of new and replacement structures on the site, or the amount of trees that would need to be felled to support permanent residential occupation on the site. In the absence of that evidence, I cannot be certain that the woodland has the carrying capacity to support the permanent residential occupation of the site without significantly eroding the canopy cover and incurring an unacceptable visual impact.
61. Having regard to all the above, I conclude that the development as existing unacceptably harms the character and appearance of Dartmoor National Park. Furthermore, the additional development proposed under the section 78 appeal would cause further harm to the character and appearance of Dartmoor National Park. I therefore conclude that the development as existing and as proposed is and would be contrary to Policies COR1(h), COR3 and COR4 of the Dartmoor National Park Authority Local Development Framework: Core Strategy Development Plan Document 2006-2026 (Core Strategy), as well as Policies DMD1(b), DMD3, DMD5 and DMD6 of the Dartmoor National Park Authority Development Management and Delivery

Development Plan Document 2006-2026 (DMD). These policies require, amongst other things, that development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape, including through the retention or enhancement of distinctive local natural and semi-natural features.

62. For the same reasons, the development as existing and as proposed fails to accord with the National Planning Policy Framework (Framework), which confirms that great weight should be given to conserving landscape and scenic beauty in National Parks.

*The effect on the purposes of National Park designation*

63. The National Parks and Access to the Countryside Act 1949 indicates that National Parks have two statutory purposes. These were modified by the Environment Act 1995 (1995 Act) as being (a) to conserve and enhance the natural beauty, wildlife and cultural heritage of National Parks and (b) to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. Whilst there is a need to achieve balance between these two purposes, where there appears to be a conflict between them, the 1995 Act specifically provides that greater weight should be attached to the conservation purpose.
64. The purpose of National Park designation is re-stated in the *UK Government Vision and Circular 2010: English National Park and the Broads* (2010 Circular). The 2010 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.
65. The purposes of National Park designation also underpins the spatial strategy set out in the Dartmoor National Park Authority Local Development Framework: Core Strategy Development Plan Document 2006-2026 (Core Strategy) and, in turn, inform the detailed policies set out in the Dartmoor National Park Authority Development Management and Delivery Development Plan Document 2006-2026 (DMD). I will consider the development, existing and proposed, against the relevant policies in the Core Strategy and the DMD insofar as they relate to the purposes of National Park designation.
66. Policy COR2 of the Core Strategy directs development to Local Centres or Rural Settlements as defined in that document. The appeal site is outside of any such settlement boundary. Policy COR2 indicates at section (iii) that, outside of Local Centres and Rural Settlements of the National Park, development will be acceptable in principle subject to a number of criteria. These criteria include that the development is a) necessary to meet the proven needs of farming and forestry; d) is small scale development for the growth of an existing business; and f) is development needed to promote National Park purposes. The remaining criteria are not, in my view, directly relevant in this case.
67. Although the SCW have been experimenting with permaculture food growing and woodland management, I consider that these activities are not of a scale that amounts to farming or forestry in the context of criterion a) of Policy COR2. Neither do I consider that these activities can be properly described

as small scale development for the growth of an existing business in the meaning of criterion d) that Policy, in that the project at SCW began as an experiment in permaculture and has continued on the basis of temporary permissions. It is therefore not an established business in the context of Policy COR2. It follows that the development, either as existing or as proposed, cannot be said to accord with criteria a) or d) of Policy COR2.

68. I recognise that some of the courses run by SCW are intended to improve participants' understanding and awareness of the natural environment. To that extent, the development is consistent with the purpose of National Parks to promote opportunities for the understanding and enjoyment of the special qualities of these areas by the public. However, there is no evidence that the development as a whole is needed to promote that purpose or to show why that purpose could not be achieved without participants and those running the courses residing off the site. The development, either as existing or as proposed, therefore fails to accord with criteria f) of Policy COR2.
69. The development consequently fails to comply with any of the three criteria within Policy COR2 that are relevant, and does not comply with that Policy. For the same reasons, the development also fails to accord with Policy COR15 of the Core Strategy which provides that, outside of Local Centres and Rural Settlements, housing development will be restricted to that serving the proven needs of agriculture and forestry, or other essential rural businesses.
70. Policy DMD1b of the DMD provides for the detailed application of Policy COR2 of the Core Strategy provides that, within the 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. In the context of that overall approach, Policy DMD1b indicates that development will only be provided where a) it conserves and enhances the natural beauty, wildlife and cultural heritage of the National Park; b) promotes the understanding and enjoyment of the special qualities of the National Park and c) fosters the social or economic well-being of the communities in the National Park.
71. For the reasons set out above, I consider that the development, both existing and proposed, fails to conserve or enhance the natural beauty of Dartmoor National Park. The development therefore does not comply with criteria a) of Policy DMD1b. Some of the courses run by SCW do promote the understanding and enjoyment of the special qualities of the National Park and to that limited extent the development does comply with criteria b) of Policy DMD1b.
72. The appellant points to the letters in support of the development to suggest that it fosters the social or economic well-being of the communities in the National Park. I also acknowledge that SCW seeks to foster relationships with the local communities and to integrate with it by, for example, working off-site and through the 'gift economy'. However, whilst moving in that direction, in my view this falls short of fostering the social or economic well-being of the communities in the National Park as envisaged by Policy DMD1b. I therefore consider, looked at in the round, the development does not comply with Policy DMD1b.

73. Policy DMD30 relates specifically to low impact residential development in the open countryside. This policy was not in place when the previous appeal decisions were issued, although it was in preparation at the time of the previous appeal in 2009. The eventual adoption of that policy was one of the factors that led Mr Cook to grant a second temporary planning permission on that occasion. Policy DMD30 indicates that low impact residential development in the open countryside will only be permitted if each of the eight criteria set out in the policy are met. The supporting text to this policy explains that, because the policy introduces a departure from the constraints normally applied to residential development in the countryside by Policies COR2 and COR15, applications will be subject to a rigorous assessment. As the appellant points out, there is no supplementary guidance to assist in the interpretation of this new policy.
74. The supporting text to Policy DMD30 does, however, provide some assistance as to how the policy should be interpreted. The supporting text indicates that where there is no visual harm and where the site can be restored to its former condition when occupation ceases, there will be no objection in principle. I agree with the appellants that this is the closest to a definition of low impact residential development for the purposes of Policy DMD30 in the DMD. The supporting text then goes on to explain that the policy is not intended to cover structures such as cabins.
75. I have carefully considered how Policy DMD30 should be interpreted, both in terms of the language used and the context in which the policy is intended to operate. The construction of Policy DMD30 is that a development must meet each of the eight criteria set out in the policy. It seems to me that the correct approach is to consider any development described as being or purported to be low impact residential development in the open countryside against each criteria in that policy. This includes Criterion (ii), which indicates that low impact residential development in the open countryside will only be permitted where all activities and structures on site have low impact in terms of the environment and use of resources. Should the development fail to comply with any one of those criteria, including Criterion (ii), then the development fails to comply with Policy DMD30 as a whole. That is the approach that I adopted here. However, because Criterion (ii) is fundamental to the whole concept of low impact residential development, it is convenient to begin by assessing the development against that criterion.
76. The supporting text indicates that low impact residential development will be acceptable in principle where there is no visual harm. I have already concluded that the development as existing and as proposed unacceptably harms the character and appearance of Dartmoor National Park. It is therefore not well integrated into the landscape. I have already acknowledged that there are a number of features in the area surrounding the appeal site that detract from its character and appearance but the presence of these detracting features is not a sound reason for permitting a development that itself causes and would cause further harm to that character and appearance. The development therefore does not accord with criterion (ii) in this respect.
77. The existing structures on the appeal site do not employ any traditional foundations in their construction and can be removed without leaving a

permanent presence at ground level. Some of the structures on the site have been in situ for many years and have a degree of permanence to them. Most of the structures are constructed largely from timber sourced from the woodland. Many have an upper floor and features such as doors, windows and terraces. As part of my site visit, I was able to view inside some of these structures. One of those that I visited had a traditional residential layout over two floors with a living room, a kitchen, a toilet and three separate bedrooms. Both of those that I visited were fitted out with domestic items such as carpets, bookshelves and furniture.

78. The Oxford English Dictionary defines a cabin as being a small wooden shelter or house. Both of the structures that I went inside are, in my view, cabins. I have no doubt that other structures existing on the site, as well as some of those proposed, are also cabins. It follows that these structures do not fall within scope of Policy DMD30 as set out in the supporting text to that policy and therefore do not accord with it.
79. I have already expressed my concern that the appeal site does not have the carrying capacity to support residential occupation on a permanent basis. I am therefore not convinced that the residential occupation of the site over a sustained period following the grant of a permanent planning permission would not result in an irreversible erosion of the canopy cover of the woodland, and therefore the character and appearance of the area. It follows that the activities and structures on the site as proposed would not have a low impact in terms of the environment and the use of resources. The development therefore does not accord with criterion (ii) in this respect also.
80. I consider that the development as existing and as proposed does not fall within the definition of a low impact residential development. It therefore does not accord with criterion (ii) and therefore fails to comply with Policy DMD30. Given the construction of that policy, which requires that all eight criteria are complied with, it is not necessary for me to go further and to consider the remaining criteria in Policy DMD30.
81. I conclude that the development carried out and proposed has had and would have an unacceptable effect on the purposes of the National Park designation. I therefore conclude that the development as existing and as proposed is and would be contrary to Policies COR2 and COR15 of the Core Strategy, as well as Policies DMD23 and DMD30 of the DMD.

*Benefits arising from the development*

82. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. I have concluded above that the development as existing and as proposed do not comply with the development plan. It is therefore necessary to consider whether there are any material considerations to indicate that these appeals should be determined otherwise than in accordance with the development plan. These material considerations include any benefits arising from the development.

83. In granting a further temporary permission in 2009, Mr Cook concluded that the venture had evolved onto one where the education resource provided by what was in effect a demonstration project of permaculture principles being applied in practice was of significant wider benefit. This was clearly one of the factors that led to that temporary permission being granted.
84. The appellants contend that they run some 69 courses on site per year, with 1500 visitors. On the evidence available to me, the actual number of courses run appears to be far less than that possibly, according to Mr Rutter on behalf of the Authority, just totalling 14 in 2014. These courses were attended by 181 people, equating to an average of 3 people per week. The permaculture courses do not appear to have been run in the last four years. To my mind, this falls a long way short of the significant wider benefit envisaged by Mr Cook in 2009 and the enormous benefit that the appellant claims to arise from courses run by SCW.
85. I accept the explanation given by Mr Thompson-Mills that one reason for the drop-off in the number of courses held is that the facilities provided by the existing longhouse are not of a suitable standard to provide accommodation for residential courses. This would be resolved by the construction of the new longhouse proposed under the section 78 appeal and this would allow courses to be resumed at previous levels. However, given all the other construction projects envisaged by the appellant and the limited resources available to build these structures, the construction of the new longhouse could take a considerable period of time. Moreover, there is no guarantee that the longhouse would be constructed even if permission was granted for it. Consequently, I have serious doubts whether the number of courses held at SCW will resume at previous levels in the short to medium terms, if at all.
86. I am mindful that a number of courses are held at SCW, not all of which relate to permaculture. I heard evidence from Ms Ramsay de Castres of the benefit that she derived from attending one of these courses and it is clear that these courses are of value to those taking part. I accept also that the construction of the proposed roundhouse interpretation centre would provide further opportunity for improving education in relation to woodland management, biodiversity and foraging, and would provide opportunities for more people to experience the woodland environment. These are all benefits arising from the development.
87. However, although the experiment at SCW has featured in a number of academic papers and presentations, it equally seems to me that many of the courses held at SCW are more properly described as arts and crafts events. For example, the spoon carving and bowl turning one day courses run by Sharif Adams fall within that category. I acknowledge that these are part of what the project seeks to achieve, and are of benefit and interest to those who attend them. But these courses do not constitute the sharing of skills and knowledge on permaculture and sustainable ways of living set out in the SCW Vision Statement and which form the basis of the education resource envisaged by Mr Cook. I therefore consider that the project at SCW has not delivered the significant wider benefits that were envisaged in 2009, or is likely to deliver that benefit in the future. This limits the weight that I can attach to the benefits in this respect.

88. The provision of educational visits is one of the 'Fifteen Criteria for developments associated with sustainable land-based rural activities' with which project at SCW seeks to comply. Aside from criterion 7, which requires that buildings are appropriately sited in relation to local landscape, the project appears to operate in accordance with these criteria, including in terms of minimizing motor vehicle use, recycling, energy conservation and integrating into the local community. I am therefore satisfied that the project run by SCW does broadly achieve its stated aims and, in some respects, represents a sustainable form of development.
89. The current residential occupation of the woodland has the benefit of being largely self-sufficient in terms of the use of resources, with some 81% of requirements met from the land. I am not, however, convinced that this will necessarily continue to be the case going forward. The number of people on the site clearly exceeds that required purely for the purposes of woodland management, but that is not my main concern. It is proposed to increase the number of adults residing on the site to 18. Inevitably, some of these adults will have dependents and there are already five children and four teenagers living on the site.
90. My concern, therefore, is that there is no evidence to show that the site is capable of maintaining the number of people residing on the site at the current level of self-sufficiency on a permanent basis. There is nothing that addresses this issue going forward in either the MoreFood Business Plan 2011-2015, the plan period for which has already elapsed, or the Steward Community Woodland Management Plan January 2016-February 2016 (Woodland Management Plan). In the absence of any strategy to address this issue, it is likely that the occupiers of the site may become increasingly less self-sufficiently over time and therefore increasingly reliant on outside resources. The residential occupation of the site would therefore become increasingly less sustainable over time, and even more so should the number of people living on the site increase in the future. It follows that the weight to be afforded to the sustainable use of resources is limited by this factor.
91. I accept that, in principle, the CCF method of woodland management favoured by the appellants offers the potential benefit of increasing the diversity of species in the woodland. I note that Mr Dutton has not observed any evidence of CCF to date but I acknowledge that management under CCF may not be readily apparent on the basis of occasional visits. I am therefore prepared to accept the evidence of Mr White that CCF is the approach to woodland management that the appellants are actively pursuing. I therefore consider that this is a benefit that arises from the development, albeit that Mr Cow conceded that the practice of CCF does not itself require a permanent residential presence on the site.
92. However, to my mind any benefit in that respect is to some extent offset by some of the implications of the woodland management undertaken by the appellants. In particular, during my site visit, several examples of wind-blow damage were pointed out to me. I understand that wind-blow damage can result from holes created in the woodland allowing wind to infiltrate into the centre of the woodland. From the evidence pointed out to me, which was not contested, wind-blow damage appears to be prevalent in that part of Steward Wood managed by the appellants. In this respect, I share the

concern of the Authority that there appears to be no properly considered or co-ordinated plan for the creation of cleared areas in the woodland. As a consequence, it appears to me that the practice of clearing areas of the woodland to accommodate structures and provide growing areas is damaging that woodland.

93. I also share the Authority's concern that the Woodland Management Plan does not provide a robust mechanism for the ongoing management of the woodland. Although the objectives of the Woodland Management Plan are clearly laid out, there is no baseline against which outcomes can be measured and little detail as to how those objectives will be achieved in practice. It does not have Forestry Commission approval and is, as the Authority described it, a collection of ideas rather than a co-ordinated plan of action. I fully recognise that it is not possible to formulate a woodland management plan for the entire period over which the site could be potentially occupied. Nevertheless, the current Woodland Management Plan does not provide me with confidence that the woodland would be properly managed in the long term. Furthermore, I am also concerned that the review, scrutiny, implementation and monitoring of successive management plans would be difficult to achieve in the context of a permanent permission.
94. It is apparent from the significant number of written representations received that the project at SCW enjoys widespread support from the local community and, indeed, from further afield. The application is supported by some respected organisations, including the Dartmoor Society. I heard from a number of individuals who expressed their support for the project, including residents of Moretonhampstead but also from people living a considerable distance away. The Vicar of Communities at Moretonhampstead, Reverend Franklin, spoke of the overwhelming acceptance of the project, which he believes has become an integral part of the community. The Chair of the Parish Council, Ms Jane Willis, spoke to the large positive contribution that SCW made to life in Moretonhampstead. Several others spoke at the Inquiry in similar positive terms. This support weighs in favour of the development.
95. The appellants referred me to the 'Landmatters' project at Totnes, also in Devon, and the 'Tinkers Bubble' project at Stoke Sub Hamdon in Somerset. The former is a permaculture project that includes an element of residential use and, following the granting of temporary permissions in 2007 and 2010, has recently been granted a permanent permission. The latter is described as a low impact settlement associated with an agriculture and forestry enterprise, and was granted a temporary permission in April this year.
96. Notwithstanding some similarities with the project at SCW, there are also some significant differences. Neither 'Landmatters' nor 'Tinkers Bubble' are located within a National Park. The former occupies an area of pasture, woodland and open scrub, albeit within an Area of Great landscape Value. By contrast, the current appeal site forms part of a Woodland of Conservation Importance within a National Park. There was a realistic fall back position in relation to the 'Landmatters' site that formed an important material consideration in granting the temporary permissions, but for which there is no equivalent in relation to the current appeal site. I understand that only one dwelling is proposed at the Landmatters project, the remainder



being yurts. This compares with at least eight structures on the current appeal site that may be considered to be dwellings or residential units, none of which are benders or yurts but are more properly described as cabins.

97. I have little information in relation to the 'Tinkers Bubble' site. It is, however, evident from the reasons set out in South Somerset District Council's Decision Notice that the Local Planning Authority was satisfied that the scheme was considered to be an acceptable form of development that would have little impact on the natural environment. This may be compared with the significant harm that I have identified above in relation to the existing and proposed use of the current appeal site.
98. These other projects can therefore be immediately distinguished from that at SCW. Accordingly, I have determined these appeals having regard to the particular circumstances of the appeal site and the provisions of the development plan for the DNP.
99. Having regard to the appeals made on ground (f), I have given careful consideration as to whether part of the development would be acceptable in this instance. The essence of the appellant's appeal on ground (f) is requiring the cessation of the non-residential elements of the use, including the courses, retreats and activities available to the public to attend was excessive. These activities form part of the breach of planning control alleged in the notices. I have therefore considered whether planning permission ought to be granted for these activities to continue without the residential elements of the use.
100. For the reasons set out above, the structures used in connection with courses and retreats, principally the longhouse but also the supporting structures such as the bathhouse and toilets, are substantial and are not of high quality design. These structures unacceptably harm the character and appearance of the DNP.
101. Although the non-residential elements of the use are a benefit arising from the development, I am also mindful of the drop-off in the number of courses held at SCW in recent years. Without the re-building of the longhouse, which as now proposed would itself harm the character and appearance of the DNP, these courses are unlikely to be resumed at previous levels in the short to medium terms, if at all. This limits the weight that I can attach to the benefit arising from the non-residential elements of the use.
102. I have also given consideration as to whether the courses, retreats and activities available to the public to attend could continue without these structures being place. On the evidence available to me, this seems unlikely. The drop-off in the number of courses held at SCW is stated by the appellants as being in direct response to the deterioration in the quality of accommodation provided by the longhouse. Some of the other courses, such as the spoon carving and bowl turning courses run by Sharif Adams, rely on equipment housed in other structures. There is no evidence to suggest that these activities could continue in the absence of these structures, at least in terms of those that form part of the breach of planning control alleged in the notices. Indeed, part of the appellant's appeal on ground (f) is that the structures required for the non-residential activities should be excluded from the notices.

103. Consequently, on balance, the benefits arising from the various courses, retreats and activities run by SCW are outweighed by the harm caused by the structures upon which they rely. On that basis, I consider that planning permission ought not to be granted for these activities to continue in isolation as part of a split decision.

*Conclusions on the appeals on ground (a), the deemed planning applications and the section 78 appeal*

104. I have concluded that the development as carried out and as proposed has unacceptably harmed and would unacceptably harm the character and appearance of Dartmoor National Park. In my view, the degree of harm caused is significant. It follows that the development as carried out and as proposed has and would unacceptably detract from the purposes of the National Park designation, purposes that are set out in statute. This is contrary to the development plan and, in accordance with the Framework, the harm to the landscape and scenic beauty of the National Park is a matter to which I attach great weight. It follows that, in relation to Appeals B and D, the conditions alleged in the Notices 2 and 4 to be breached remain reasonable and necessary having regard to the need to protect against these harms.
105. Against that, some aspects of the project at SCW have the benefit of being sustainable in terms of energy usage and recycling, and the project as a whole currently benefits from being largely self-sufficient in terms of the use of resources. A presumption in favour of sustainable development is at the heart of the Framework. However, any benefits in terms of sustainable living must be balanced against the harm resulting from the development in terms of the character and appearance of the DNP. Looked at in the round, the development does not constitute a sustainable form of development because of the harmful impact on the character and appearance of the DNP.
106. I accept that whilst some activities that currently take place on the site, such as CCF, could take place without a permanent presence on the site, it appears that the permaculture project would come to an end. Moreover, I have been provided with no evidence to show that a residential presence on the site is pre-requisite for running any of the courses run by SCW.
107. In relation to education, the project at SCW has not delivered the significant wider benefits that were envisaged in 2009 and, in my assessment, is not likely to deliver that benefit in the future. The benefits in this respect was one of the main reasons why a further temporary consent was granted in 2009 but I consider that any such benefits limits no longer outweigh the harm caused by the development to the character and appearance of Dartmoor National Park or the purposes of its designation. Moreover, where there appears to be a conflict between the purposes of National Park designation, the 1995 Act specifically provides that greater weight should be attached to the conservation purpose.
108. The practice of CCF is a benefit arising from the development but does not justify a permanent residential presence on the site. However, any benefit in that respect is outweighed by other consequences that have arisen from the creation of clearings in the woodland to facilitate residential occupation and the absence of a robust woodland management plan.

109. There is considerable support for the development in the local community and beyond. I do not dismiss this support lightly but I must balance that support against the significant harm caused to a National Park and its value as a national resource intended to promote opportunities for the understanding and enjoyment of its special qualities for everyone.
110. In weighing the overall balance, I have taken into account that the value of the project at SCW lies in its holistic nature. Even so, I conclude that the harm arising from the development, both as proposed and as existing, is and would be significant and outweighs the benefits. In reaching this conclusion, I am mindful that the project has already continued for a number years on the basis of temporary consents. However, a permanent consent is now sought. This significantly changes the balance between benefits and harms, insofar as that with a temporary permission any short term harm can be quickly and completely rectified.
111. That is not the case with a permanent consent, and that has greatly influenced my reasoning. The harms resulting from development as existing and as proposed would be permanent and incremental, and there can be no guarantee that the use would cease and those harms rectified. Nor, indeed, can there be any guarantee that the harm would not reach the point where it could no longer be rectified and became irreversible. As such, there is no safety net as there would be with a temporary permission. Because a permanent permission is now sought, the balance between benefit and harm has shifted from that which led Mr Tamplin and Mr Cook to grant temporary planning permissions. This is one of the reasons why I have arrived at a different conclusion to these previous Inspectors.
112. I have also given careful consideration as to whether the harms that I have identified above can be overcome or mitigated by appropriately worded conditions. However, my underlying concern is that the limited area of woodland owned by the appellants does not possess the carrying capacity to sustain a permanent residential occupation of the site, thereby giving rise to the harms identified above. I am not convinced that this could be controlled by conditions. I am mindful in particular of the difficulty of formulating a condition to require a rolling programme of Woodland Management Plans. I therefore consider that it would not be possible to secure an acceptable development through the imposition of suitably worded conditions.
113. For reasons that are set by Mr Thompson-Mills, the appellants do not want a further temporary planning permission and are seeking a permanent permission. Nevertheless, having concluded that a permanent permission is not appropriate, it is open to me to grant a further temporary planning permission. The Planning Practice Guidance (PPG) indicates that the circumstances in which a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of a development or where it is expected that circumstances may have changed by the end of that period.
114. The use of the appeal site for the present purposes has already benefitted from two temporary planning permissions, and has been operating in some form for just over 16 years. In my view, that period already constitutes a reasonable trial run. Unlike in 2009, when a new planning policy in relation to low impact residential development was in preparation but not yet

adopted, there are no significant policy changes in prospect at this time. Furthermore, I do not foresee any significant wider benefits arising from the education resource of the type that led Mr Cook to consider a second temporary permission to be justified. Having regard to the guidance in the PPG that a second temporary planning permission is rarely justified, I see no reason to grant what would be a third temporary permission in relation to the use of the appeal site.

115. I am fully aware that the dismissal of these appeals would result in the present residents losing their homes and a way of life to which they are clearly committed. A number of the members of SCW have been resident on the site for a considerable period of time, some from the very beginning, and have invested a considerable amount of time and effort on the project, acquiring skills and knowledge in land management in the process. Many hold jobs in Moretonhampstead and a number of the children attend the primary school there. It is therefore evident that members of SCW have become integrated into the local community. I am mindful that house prices in and around Moretonhampstead are such that it may be difficult for existing residents at SCW to purchase a house in the town, although I have been provided with no evidence to indicate that it would not be possible for them to find suitable accommodation of some description in the local area.
116. The dismissal of these appeals would interfere with the rights of the members of SCW under the European Convention of Human Rights (ECHR), as incorporated into domestic law by the Human Rights Act 1998. In particular, their rights under Article 8 (right for respect for private and family life, home and correspondence) and Article 1 of the First Protocol (right to respect to property) would be interfered with. Both of the above are qualified rights, and interference with them may be justified where lawful and in the public interest. In consideration of this issue, I have taken into account the fact that the residents of SCW have been living on the site on the basis of two temporary planning permissions and, whilst they may have hoped that a permanent permission would be forthcoming in due course, their previous engagement with the planning system must have prepared them for the possibility that it would not.
117. I must also have regard to the best interests of children, to which I attach no less weight than any other consideration. I am mindful that some of the children at SCW receive their schooling on site and that many of them have known no other way of life. I recognise that the children at SCW have formed friendships with other children both at SCW and from outside the community. In this respect, I heard from Miss Kuki Warburton who, although not herself resident at SCW, very eloquently described making friends with other children at SCW and the importance of those friendships to her. I acknowledge that leaving the site would cause significant upheaval and distress to these children.
118. However, I must balance this interference with ECHR rights and the best interests of the children against the opportunities for others to enjoy and understand the special qualities of the National Park. The importance of this opportunity is such that it is enshrined in statute as the purpose of National Park designation. In my view, the significant harm to the character and appearance of the DNP resulting from the development is such that

interference with the rights under the ECHR of those living on the site is necessary in the public interest. In this respect, the circumstances are materially different to those before the Inspector in relation to the site at Brook Farm, Butleigh (APP/Q3305/A/04/1138976), particularly insofar as that proposal was for one temporary dwelling which had no harm on the character and appearance of the area. Consequently, although the human rights of the appellant were one of the factors that led the Inspector to grant a personal planning permission, the balancing exercise that he conducted was different that which I have undertaken.

119. I therefore consider that the enforcement notices are a proportionate response to the significant harm caused by the development to the DNP, and that there is no other course of action open to the Authority that would achieve the same objective with less interference to the resident's rights under the ECHR. For the same reasons, whilst the best interest of the children would be to remain on the site, this is outweighed by other considerations relating to the character and appearance of the DNP and the harm to the statutory purposes of the National Park.
120. Having regard to all the above, I conclude that the appeals on ground (a) should not succeed and that the Section 78 appeal should be dismissed.

#### **The appeals on ground (f)**

121. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the notices include a requirement to cease the use of any part of the Land for residential purposes and to permanently remove all unauthorised buildings and structures from the Land. The purpose of the notices must therefore be to remedy the breach of planning control.
122. The appellant's case on ground (f) was initially that requiring the cessation of the non-residential elements of the use, including the courses, retreats and activities that courses, retreats and activities available to the public to attend, with or without payment, was excessive. The appellant also considered that the structures required for those non-residential activities, including the communal kitchen and longhouse, should be excluded from the notices. However, the appellant's planning witness, Mrs Heine, conceded that should the courses and retreats continue and the associated structures remain in situ, the breach of planning control would not be remedied.
123. Notwithstanding the concession made by the appellant, I have already considered under ground (a) whether the non-residential elements of the use that can be regarded as being part of the development could reasonably

continue. For the reasons set out there, I consider that this would not be appropriate.

124. I therefore conclude that the continuation of the courses and retreats, with or without the retention of the associated structures, would not achieve the purposes of the notices in terms of remedying the breach of planning control that has occurred and do not provide suitable alternatives that could be granted planning permission under ground (a). I am therefore satisfied that the requirements of the notices are not excessive. Accordingly, the appeals on ground (f) fail.

### **The appeals on ground (g)**

125. The ground of appeal is that the time given to comply with the requirements is too short. The period for compliance with the requirements stipulated in the enforcement notices is 12 months in each case.
126. The appellant's case on this ground of appeal is that the members of SCW, including the children, have strong connections to the local community and would be technically homeless. It is considered that there will be a need to find alternative accommodation for a large number of households with limited means in an area of relatively high house prices and with a finite availability of suitable accommodation. The appellants also consider that there is uncertainty as to where in DNP a suitable site for low impact residential development could be located. The appellant contends that the woodland is capable of restoration and that a longer period of compliance would not harm the restoration of the woodland. A period of 18 months is sought, with an additional two months for Notice 3, this on the basis that members will have to live in the structures whilst others are being removed.
127. I accept that it may take some time for the members of SCW to find alternative housing. However, I have no evidence to demonstrate that there is a shortage of suitable accommodation in the area or to suggest that a period of 18 months would be required to find suitable alternative housing. Moreover, I understand that the period of 12 months stipulated in the notices was in part arrived at with the need for the existing residents to find alternative housing in mind.
128. I see no justification for extending the period of compliance to facilitate a site search for an alternative location for low impact residential development. Although Policy DMD30 clearly contemplates low impact residential development within the National Park, I do not consider that the development undertaken on the appeal site qualifies as low impact in the terms of that policy. In any event, it is likely that a low impact residential development on any site within the National Park would require planning permission and, even if a site came forward, there can be no guarantee that planning permission would be forthcoming. Consequently, it would not be appropriate to extend the period of compliance on that basis.
129. There is no force in the argument that the members of SCW would need to continue to live in some of the structures to facilitate the removal of other structures. Those structures could be just as easily removed by people living off site. The appellants accept that the structures on site are easily dismantled. Indeed, the Structures Report submitted as part of Mr

Thompson-Mills' evidence includes a description of one residential structure being dismantled, which in total took 3 people approximately 14 days to achieve. The majority of that time was taken up with the removal of the materials from the site and the Structures Report estimates that the actual dismantling of a residential unit would take one person five days to complete.

130. Having regard to the above, I am satisfied that the appellants would be capable of complying with the requirements of the notices within the 12 month period of compliance. I have also given careful thought to the balance between the time that the appellant considers necessary to comply with the notice and the harm caused to the public interest by the use continuing and the works remaining in situ for that period of time. In that context, whilst the woodland may be capable of restoration upon cessation of the use, the harm to the character and appearance of the DNP is significant and already occurring. This is a matter to which I attach great weight. Accordingly, I consider that the period of compliance of 12 months strikes an appropriate balance between the time necessary for the appellants to comply with the requirements of the notices, their rights under the ECHR and the harm caused by the development. I therefore conclude that the period of compliance stipulated in the notices is proportionate.
131. Accordingly, the appeals on ground (g) fail.

### **Conclusion**

132. For the reasons given above I conclude that the appeal against the enforcement notices should not succeed. I shall uphold the enforcement notices with corrections and variations, and refuse to grant planning permission on the deemed applications. I shall also dismiss the Section 78 appeal.

### **Formal Decisions**

#### **Notice 1 (Appeal A) Ref: APP/J9497/C/15/3129320**

133. It is directed that the enforcement notice be:
- corrected by inserting the words "g" between 'and' and 'storage' in paragraph 3(f); by inserting the words "(h) agriculture or forestry" and "(i) car parking by the residents of the houses that immediately adjoin the land to the south" and "(j) recreational cycle path that runs through the site" in paragraph 3 of the notice; and
  - varied by deleting the word "and" at the end of (a) and (b) of paragraph 5; by deleting the words "(c) the overnight parking of motor vehicles and storage of caravans and trailers" at paragraph 5 and by inserting the words "(c) the overnight parking of motor vehicles; and (d) storage of caravans and trailers"; and by inserting the words "storage on the Land of non-agricultural items" at paragraph 5.

Subject to those corrections and variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Notice 2 (Appeal B) Ref: APP/J9497/C/15/3129331**

134. It is directed that the enforcement notice be:

- corrected by deleting the words "a mixed use" after the words "the Land is being used for" in paragraph 3 of the notice and replacing them with the words "the Mixed Use"; by deleting the requirements (a) to (f) inclusive set out in paragraph 3; and by deleting the words "which does not comply with" in paragraph 3 and replacing them with the words "in breach of"; and
- varied by deleting all the words from "Cease using or permitting the use.." to "...storage of caravan and trailers" in paragraph 5; and by inserting the words "cease using or permitting the use of the Land for the Mixed Use and restore the Land to its former condition" after the words ".....compliance with this condition means" at paragraph 5.

Subject to those corrections and variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Notice 3 (Appeal C) Ref: APP/J9497/C/15/3129334**

135. It is directed that the enforcement notice be:

- corrected by inserting the word "for" between the words "groundworks" and "the erection of buildings and structures..." in paragraph 3; and
- varied by inserting the words "unauthorised buildings and" between the words "...materials from which the" and "structures are constructed" at (b) in paragraph 5.

Subject to those corrections and variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Notice 4 (Appeal D) Ref: APP/J9497/C/15/3129339**

136. It is directed that the enforcement notice be:

- corrected by deleting the word "APP/J9497/C/08/2083419-28" in paragraph 3 and replacing this with "APP/J9497/C/08/2083429-38"; and by inserting the words "the Buildings" between the words "sitting out areas" and "on the land at Steward Wood" in paragraph 3; and
- varied by inserting the words "the permanent removal of the Buildings from the Land and the restoration of the Land to its former condition" after the words ".....compliance with this condition means" at paragraph 5; and by deleting requirements (a) to (c) inclusive in paragraph 5 in full.

Subject to those corrections and variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the



application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Appeal E Ref: APP/J9497/W/15/3106074**

137. The appeal is dismissed.

*Paul Freer*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr David Stephens

Planning-Managing Director,  
Battens Solicitors

He called

Mr Daniel Thompson-Mills BA (Hons)

Appellant and member of  
Affinity Woodlands Workers Co-  
operative Ltd

Mrs Alison Heine BSc MSc MRTPI

Heine Planning Consultancy

Mr Peter Cow

Permaculture Designer, Trainer  
and Consultant

Mr Jim White

White Wood Management

Ms Sonia Parsons

Resident at Steward  
Community Woodland

Ms Jane Willis

Chair of the Parish Council,  
Moretonhampstead

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Stephen Whale, of Counsel

Instructed by Mr Christopher  
Walledge, Head of Legal  
Services, Dartmoor National  
Park Authority

He called

Mr James Aven BSc MRICS MRTPI  
Chartered Environmentalist

Planning Team Manager,  
Dartmoor National Park  
Authority

Mr Orlando Rutter MSc, M.I.O.L.	Senior Learning and Outreach Officer, Dartmoor National Park Authority
Mr Kevin Frediani Dip. Arb (RFS) BSc (Hons) AA. Tech. Cert	Property Manager, Inverewe Garden and Estate
Mr Nick Perrett DipLA BA (Hons) MLI	Principal Landscape Architect, Redbay Design Limited
Mr Charles Dutton FICFor	Senior Forest Manager, Pryor & Rickett Silviculture Limited

#### INTERESTED PERSONS

Reverend Simon Franklin	Vicar of Communities, Moretonhampstead
Mr Aaron Custance	Resident of North Poorton
Mr Simeon Warburton	Resident at Landmatters Permaculture Project, Totnes
Mrs Miranda Warburton	Resident at Landmatters Permaculture Project, Totnes
Miss Kuki Warburton	Resident at Landmatters Permaculture Project, Totnes
Ms Jules Smith	Resident of Okehampton
Mr David Cannon	Resident of Moretonhampstead
Mr Robert Vincent	Resident of Millbrook
Mr Michael Edward	Resident of Moretonhampstead
Mr David Kugler	Resident of Hereford
Mr Douglas King-Smith	Resident of Harberton
Ms Caroline Mikhail	Resident of Turnchapel
Ms Ramsay de Castres	Resident of Okehampton

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1/ Appellant's Opening Submissions.
- 2/ Representations received in response to notification of the appeals.
- 3/ Decision Notice for planning permission 0438/16/VAR dated 12 February 2016 in relation to the site at Landmatters, Lane Past Stone Barn, Allaleigh, Blackawton, Devon TQ9 7DL.
- 4/ Decision Notice for planning permission 15/05391/FUL dated 7 April 2016 in relation to the site at Tinkers Bubble, Little Norton, Norton Sub Hamdon, Stoke Sub Hamdon TA14 6TF.
- 5/ Details of Spoon Carving and Bowl Turning One Day Courses run by Sharif Adams at Steward Community Woodland.
- 6/ Schedule of courses to be held at Steward Community Woodland in 2016.
- 7/ Extract from the Encyclopedia of Planning Law and Practice relating to Section 176 of the 1990 Act.
- 8/ Planning Application Report for planning application 0438/16/VAR in relation to the site at Landmatters, Lane Past Stone Barn, Allaleigh, Blackawton, Devon TQ9 7DL.
- 9/ Letter dated 25 April 2016 from the Devon Wildlife Trust.
- 10/ Summary of changes at Steward Community Woodland since 2009, submitted by the appellants.
- 11/ Response by Steward Community Woodland to Inspector's question relating to the long-term management of the woodland.
- 12/ Appeal decision APP/Q3305/A/04/1138976, dated 12 January 2005, in relation to Brook Farm, Barton Road, Butleigh BA6 8TL.
- 13/ Appeal decision APP/K1128/C/06/2032148, dated 23 August 2007, in relation to Land at Allaleigh Lane, Allaleigh, Cornworthy, Totnes, Devon TQ9 7DL.
- 14/ Corrections and variations to Enforcement Notices 1 -4 suggested by Dartmoor National Park Authority.
- 15/ Revised corrections and variations to Enforcement Notices 1 -4 suggested by Dartmoor National Park Authority.
- 16/ Supplementary Proof of Evidence by James Aven, on behalf of Dartmoor National Park Authority.
- 17/ Comments by the Appellants on the Supplementary Proof of Evidence by James Aven.

- 18/ Comments on behalf of the Appellants on the corrections and variations to Enforcement Notices 1 -4 suggested by Dartmoor National Park Authority.
- 19/ List of possible conditions submitted by Battens Solicitors Ltd on behalf of the Appellants.
- 20/ Amendments to Mr Perrett's Proof of Evidence.
- 21/ Errata to Mr Perrett's Proof of Evidence.
- 22/ Representations received in relation to Policy DMD30 at Examination stage of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document 2006-2026.
- 23/ Memorandum Of Association under The Companies Act 1985 in relation to Affinity Woodland Workers Co-operative Ltd.
- 24/ Extract on Statutory Plant Health Notices published by the Forestry Commission.
- 25/ Closing submission on behalf of the Dartmoor National Park Authority.
- 26/ Closing submission on behalf of the Appellants.
- 27/ List of viewing points of the appeal site suggested by the Appellants.
- 28/ Map showing viewing points of the appeal site suggested by Dartmoor National Park Authority.
- 29/ Plan showing Steward Wood Parking Area submitted by Dartmoor National Park Authority.
- 30/ Plan showing Steward Wood Camping Area submitted by Dartmoor National Park Authority.
- 31/ Plan showing Steward Wood Parking Area submitted by the Appellants.
- 32/ Plan showing Steward Wood Camping Area submitted by the Appellants.
- 33/ Plan showing Steward Wood Settlement Area submitted by the Appellants