



Appeal Decision

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/J9497/C/24/3352844

Woodland Opposite Rock Valley Farm, Docombe, Devon, TQ13 8ST

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Dartmoor Archery against an enforcement notice issued by Dartmoor National Park Authority.
 - The notice was issued on 10 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a timber chalet style building.
 - The requirements of the notice are to:
 - (i) Permanently remove the building, including all the fixtures and fittings within the building, and any foundations and services, from the land, and
 - (ii) Restore the land to its former profile and condition.
 - The period for compliance with the requirement is 12 months.
 - The appeal is proceeding on the ground set out in section 174(2) (d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. This appeal was scheduled to be determined following a public inquiry but apart from very brief reasons on the appeal form, the appellant has not submitted a statement of case despite being requested to do so at the Case Management Conference held on 15 November 2025. The appellant has also been contacted by Planning Aid at the request of the Authority.
3. The failure to adhere to the timetable and the absence of a statement of case has led to the Authority having a very limited understanding of the basis of the appellant's case and this has caused unfairness to them.
4. Despite the efforts of the Authority and others to accommodate the appellant's limited communication skills, this failure to respond, or to seek assistance from others who may be able to help him, represents irresponsible and unreasonable behaviour by the appellant.
5. I am therefore determining the appeal on the basis of written representations, comprising the very limited information contained on the appeal form.

The appeal on ground (d)

6. An appeal on this ground is that the timber style chalet building subject to the notice was substantially completed prior to a period of four years before 10 September 2024 (the date of the notice) and is therefore immune from enforcement action through the passage of time in accordance with s171B(1).

7. The appellant states that the living accommodation was erected and used from approximately 2005. This contradicts the Authority's knowledge of the site and no further evidence has been submitted. The onus of proof rests with the appellant and the level of proof is on the balance of probabilities. This has not been achieved and the appeal therefore fails.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

P N Jarratt

INSPECTOR

