

**APPEAL BY AFFINITY WOODLAND WORKERS CO-OPERATIVE LIMITED  
AGAINST  
REFUSAL OF PLANNING PERMISSION AND  
ENFORCEMENT NOTICES SERVED  
BY DARTMOOR NATIONAL PARK AUTHORITY (“the LPA”) ON 3<sup>RD</sup> JUNE 2015**

**Appeal reference numbers 3129339, 3129320, 3129331, 3129334**

**PROOF OF EVIDENCE OF ALISON HEINE BSc MSc MRTPI**

**Revised**

## **SUMMARY OF PROOF OF MRS ALISON HEINE**

S1 My name is Mrs Alison Heine. I have been a member of the MRTPI for over 30 years and I am a sole trader. I was contacted by the Appellants after permission was refused and the Enforcement Notices were issued for assistance with this appeal. I have no previous knowledge of this site or its planning history. I have studied the background documents, the previous appeal decisions and have read the Proofs of Evidence of the Appellant and others who have written in support of this Project. I visited the site in August 2015 and I am familiar with this part of Dartmoor National Park.

S2 My evidence will address issues with the Enforcement Notice, the relevant planning policies and planning merits of the appeals for both the refusal of planning permission and the four enforcement notices. The Notices are appealed under Grounds A , F and G. I deal in this Proof with Grounds A and G. The Ground F appeal is as addressed in the Statement of Case and concerns the requirement to cease use of the land for the holding of courses and activities. Given the aims and objectives of the National Park this is considered an excessive and unjustified requirement. The Ground B appeal is withdrawn following receipt of the Dartmoor National Park Authority's (DNPA) Statement of Case and because there is no requirement for unspecified non agricultural items listed in Enforcement Notice 1 (3e) to be removed under section 5 of Notice 1.

S3 The Authority rely heavily on the 2009 appeal decision and the fact consent was only granted on a temporary basis. But since 2009 the Authority has agreed to adopt a policy for Low Impact Residential Development and the policy base for determining this application to retain the existing development and for further development is very different to the situation in 2009.

S4 In my statement it is argued that

a) There are issues with the Enforcement Notices which need to be addressed. It is considered that scope exists to correct these to provide greater precision without causing injustice to either party.

b) There is uncertainty as to how Policy DMD30 for Low Impact Residential Development (LIRD) should be interpreted given the absence of a definition of LIRD in both national policy and the development plan and any supplementary planning guidance to inform policy. For this reason there appears to be uncertainty as to how DNPA interpret their own policy. They appear to have unrealistic expectations and monitoring is thwarted by the absence of any supplementary guidance or benchmarking. It is considered that most of the Authorities concerns could be addressed by conditions and / or monitoring but their policy as drafted fails to include provision for monitoring.

C) The Steward Wood Project is an example of LIRD. This is a residential use of land informed by environmental principles. It requires a countryside setting. The DNPA Local Plan has a policy which is supportive of LIRD. The DNPA are clearly of the opinion low impact residential development would not necessarily compromise national policy or have a harmful effect on the purposes of National Park designation or such a policy would not have been drafted and adopted. The Project is sustainably located in valley woodland. It is difficult to envisage a more appropriate setting for a LIRD in the DNP. Only 11% of the DNP is woodland. Many of the principles of LIRD help foster a positive environment for those who live at Steward Wood and this contributes towards the needs of the National Park to provide for a diverse and balanced economic/ social base which are key components of sustainable rural communities. The Project offers an alternative management approach of the woodland. The Project supports responsible tourism which in turn brings a range of benefits and helps sustain the rural economy. The project helps promote opportunities for understanding and enjoying the special qualities of the Park by both local people and the wider public with little or no long-term irreversible harm.

d) Any harm to the landscape and scenic beauty of this part of the National Park would be minimal. The Enforcement Notices do not appear to take issue with the woodland management or permaculture/forest garden aspects of the project. The development attacked by the enforcement notices is contained within a very small part of the wood. It has been demonstrated that the site will regenerate naturally once any structure is removed. The justification to Policy DMD30 states quite clearly that some minimal impact is acceptable. As there are no material considerations to the contrary, planning permission should be granted unless any impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, in accordance with Para 14 NPPF.

e) The other policies relied on by the Council to support refusal and the taking of enforcement action would be relevant if it was concluded this is not an example of LIRD or did not comply with adopted policy. Many of these policies appear to be concerned with the management of the landscape features which could be secured by condition.

f) There is considerable support for the Project especially from the local community and from 'The Dartmoor Society' which is a much respected local organisation. There is little evidence the DNPA has tried to work with the Project to secure its success or further its aims.

g) The time given to comply with the notices (12 months) is too short and regard should be had to the fact this is the only home of the Project residents many of whom have lived here many years, have established strong connections to the local community and, I suspect, due to the relative scarcity of similar low impact projects, would struggle to relocate to another similar lifestyle (ground G). It is argued that a period of 18 months would be a more proportionate approach given the low impact of the presence on site. In any event it is considered that an additional 2 months should be permitted to comply with the requirements of Notices 3 and 4 and remove the structures and restore the land after the 12 months residential period has lapsed.

S6 The Appellants approach to living at Steward Wood is to be admired. It sits very comfortably with the third strand of sustainable development set out in the National Planning Policy Framework (NPPF) by aiming to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate climate change including moving to a low carbon economy. The traditional functional and financial test for essential rural workers which was applied at previous appeals is no longer relevant because the emphasis in Policy DMD30 is a need to demonstrate a holistic lifestyle which is partially commercial and partly subsistence. By the standards of modern day forestry and farming practices this particular Project does not fit into established ways of assessing need and viability. But it would be inappropriate to make schemes like this fit in with that doctrine because doing so would potentially rule out very small scale sustainable enterprises that otherwise would not get off the ground but which provide alternative ways of managing woodlands and living sustainably. That is the purpose of a LIRD policy.

S7 The Project has been in existence since 2000. Over the last 16 years members of Steward Wood have built a community of likeminded people, and have undertaken considerable work, mostly by hand, to construct dwellings and associated facilities, develop renewable energy systems, manage the woodland, and clear the land to make it suitable for growing food crops and run courses for other. It would be very difficult to flaw the passion the Appellants have to achieve their low impact aim, a key part of which is living with nature on the land. It is clear others in the local community are convinced about the genuineness and commitment of the Project and have benefitted from this experience. The Appellants are clearly not individuals who simply wish to have a rural retreat in the countryside. They have actively engaged with the local community. There is little risk of precedent. Few would be willing to follow this example, though it would appear many admire the tenacity and dedication of those who choose to live this low impact lifestyle.

S8 This is the first time Policy DMD30 has been tested and I detect teething problems. Given the support locally and nationally for this Project I perceive a need for the DNPA to work more closely with Steward Wood to make a success of this low impact sustainable living experiment as it is clear many agree it has much to offer. The absence of any supplementary guidance to inform policy seems a serious omission. It is far from clear to me how DNPA can properly appraise the outcomes or monitor the success of the Project and determine its carrying capacity (current and proposed) without some agreed principles and guidelines. Similar projects have succeeded elsewhere and it would be a shame, if after 16 years dedicated work, and adoption of a LIRD policy, this Project was not supported, made permanent and given the full support of the National Park.

S9 For the above reasons the Inspector is respectfully invited to correct the Enforcement Notices and grant planning permission for what is sought (s78 appeal) or for what exists (deemed permission) on either a permanent basis with appropriate conditions or for a further temporary period as would be supported by Policy DMD30.

## **1. Introduction**

- 1.1 My name is Mrs Alison Heine. I have been a member of the MRTPI for over 30 years and I am a sole trader. I was contacted by the Appellants after permission was refused and the Enforcement Notices were issued for assistance with this appeal. I had no previous knowledge of this site or its planning history. I visited the site in August 2015 and I am familiar with this part of Dartmoor National Park.
- 1.2 My evidence will address issues with the Enforcement Notice, the relevant planning policies and planning merits of the appeals.
- 1.3 I have studied the background documents to this case and rely on the detailed statement of case and draft Statement of Common Ground prepared and submitted by the Appellant's Solicitors which lists the planning history for the site since it was first occupied in 2002 and relevant policies.
- 1.4 This statement concerns joint appeals for
- A) refusal of planning permission
  - B) Four separate enforcement notices alleging changes of use, breaches of condition 1 of the 2009 Appeal decision, and operational development. The Notice are appealed under Grounds A , F and G.
- 1.1 I note from the draft Statement of Common Ground prepared by the DNPA and issued on 21 March 2016 that the Authority now also take issue with conditions 2 (Number of adults restricted to 15), 7 (no caravan to be permitted on the site and no tent other than those approved by condition 8) and 8 (limitations on the hiking tent area) of the 2009 appeal decision. Enforcement Notices 2 and 4 are quite specific as to which condition issue is taken. I can see no reference on the Authority's Statement of Case to any other conditions and I consider it too late in the day to seek to add to their case with specific reference to these other conditions.
- 1.6 The Ground B appeal is withdrawn as the Authority has agreed that reference to ground works is in association with the structures erected and not for any other operational

development, and because there is no requirement in Enforcement Notice 1 for the storage of the unspecified non agricultural items listed at 3e to be removed.

- 1.7 The Ground F appeal is as set out in the Statement of Case and concerns the requirement to cease holding course, activities etc in the woodland. The 1949 Act defines the National Park purposes as being to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. Circular 2010 recognises the need for Park Authorities to produce and promote educational and recreational strategies which are best suited to the special qualities of each Park and encourage other to develop innovative information and education programmes to help people understand and enjoy what the Parks have to offer (Paras 24-5). As such it would be considered excessive and unnecessary to seek to curtail the use made of Steward Wood for courses, activities and retreats which are designed to help others appreciate the special qualities of this part of Dartmoor.
- 1.8 Permission was last granted in 2009. The Inspector granted permission on a temporary basis of 5 years. It was acknowledged that the development introduced a primarily residential development into open countryside contrary to NP policy at the time and that the character and appearance of the wood was harmed as a result of this development. However the Inspector did not find harm to general amenity, tranquillity or nature conservation of the land. The Project was found to meet many of national policy objectives concerning sustainable development. The benefits of the sustainable development project continuing for a further period were found to outweigh any harm identified, in the knowledge permission could be granted on a temporary basis and the fact the land was capable of restoration at the end of any temporary period.
- 1.9 There have been a few significant changes since the 2009 permission. Firstly the Authority has now adopted a LIRD Policy. Secondly several structures have been relocated to below the spring line and the old structures demolished and land restored where they were located. Thirdly a few families are seeking consent for more substantial structures to accommodate their needs. One new dwelling is under construction for Merlin and Becky on the right of the track before you reach the Kitchen Longhouse and once completed this will replace structure Y. Finally the Project seeks to develop and become more established and more permanent. Permission is sought for a permanent change of use to a Low Impact

living development involving forestry, agriculture, residential and education (informed by permaculture), with structures including 3 dwellings, 7 residential units, communal kitchen/longhouse with dormitory accommodation, bathhouse, two compost toilets and other ancillary buildings, roundhouse interpretation centre and polytonal. It would however be open to the Inspector to consider granting permission for a further temporary period with appropriate conditions.

- 1.10 At the time of the application there were 10 residential units on the Land, the kitchen/longhouse with dormitory accommodation, bathhouse, one compost toilet-, power tower, female urinal, cycle shelter, growing area shed, tool shed/wood store and field kitchen and a covered fire pit. Permission is additionally sought for the roundhouse interpretation centre, polytonal and wheel chair access compost toilet .Only three of the units the subject of the application are considered “dwelling houses”.
- 1.11 Planning permission was refused for two reasons as follows:
- a) That the development proposal has had and would have a harmful effect on the purposes of the National Park designation contrary to policies COR2, COR15, DMD23 and the National Planning Policy Framework;
  - b) That the development proposed has had and would have a harmful effect on the character and appearance of the National Park contrary to Policies COR1, COR3, COR4, DMD1, DMD3, DMD5, DMD6, DMD30 and the National Planning Policy Framework
- 1.12 Enforcement Notices 3 and 4 concern a smaller quantum of development than that proposed by the planning application and the reasons for taking enforcement action refer additionally to the development being contrary to the housing policies and settled strategy in the development plan and harmful to the affects the landscape character, tranquillity and appearance of this part of the NP.
- 1.13 It is not the case for the Authority that the LID project proposal as submitted fails to satisfy LIRD principles, that management principles have not been met, or that there is no means of monitoring progress.
- 1.14 The DNPA failed to respond to the draft Statement of Common Ground in a timely manner. The Authority’s first comments were received by email on Monday 21 March, just one week



before the deadline for submission of Proofs of Evidence. Rather than comment on the draft statement submitted by the Appellant, the Authority has prepared a different Statement of Common Ground. The draft prepared by the Appellant listed a number of propositions/statements which it considered could be agreed. They included the following:

- a) There is no definition of LIRD in NPPF or the development plan
- b) There is no requirement in NPPF for local planning authorities to include such a policy in their development plans.
- c) Policy DMD30 provides an exception to the usual presumption against new residential development in the open countryside of the DNP. It is a permissive policy which states that LIRD will be permitted on a permanent basis where all 8 criteria are complied with in full. Otherwise permission will be granted on a temporary basis for three years.
- d) There is no requirement that residents of LIRD prove a local connection
- e) There is no requirement that LIRD meets any objectively evidenced housing need.
- f) Policy does not require or envisage that LIRD will be occupied for anything other than year-round use by adults and families.
- g) Policy does not restrict structures by size
- h) Policy does not seek to impose any limit to the scale of LIRD in terms of the number of structures or area of any LIRD other than to require that the number of adult residents be directly related to the functional requirements of the enterprise.
- i) Policy does not preclude the use of buildings but the supporting justification does not include structures such as cabins or caravans. Policy does not seek to restrict residential development to the occupation of benders of yurts.
- J) There is no requirement that LIRD be hidden from view
- k) Policy DMD30 fails to explain where in DNP it is considered the character and appearance of the DNP would not be harmed by LIRD of the sort envisaged by this policy
- L) There is no dispute the Project helps promote opportunities to understand and enjoy the special and natural qualities of the DNP by the public. The DNPA does not object to the use of the land as an educational and recreational resource.
- M) regarding the residential use of the land and policy DMD3 the Authority agrees that the Project complies with criteria (i), that criteria (iii) is not relevant and that the ownership of the land by a cooperative satisfies criteria (viii).
- N) The criteria as laid out at 2.19.29 of the DMD for judging whether a structure is low impact is
  - no conventional foundations

-constructed from natural materials but with some non-natural materials to make the dwellings waterproof, weatherproof and warm.

-low visual impact

-site can be restored to its former condition when occupation ceases

-structures are designed to allow low resource use in everyday living

And most structures on the site meet the criteria in 2.19.29.

1.15 It is argued that

a) There are issues with the Enforcement Notices which need to be addressed

b) There is uncertainty as to how Policy DMD30 for Low Impact Residential development (LIRD) should be interpreted given the absence of a definition of LIRD in both national policy and the development plan, and the absence of any supplementary planning guidance to explain how such a project is to be benchmarked or monitored.

c) The Steward Wood Project is an example of LID. The DNPA Local Plan is supportive of LIRD. Many of the principles of LIRD help foster a positive environment for those who live at Steward Wood and contribute towards the needs of the National Park to provide for a diverse and balanced economic/ social base which are key components of sustainable rural communities. The Project supports responsible tourism which in turn brings a range of benefits and helps sustain the rural economy. The project helps promote opportunities for understanding and enjoying the special qualities of the Park by both local people and the wider public. Planning permission should be granted as sought or, alternatively, for what exists at present and is alleged in the enforcement notices, on a permanent basis with appropriate conditions to include annual monitoring of the Projects aims and targets. In the alternative permission could be granted for another temporary period.

d) Any harm to the landscape and scenic beauty of this part of the National Park would be minimal as the Project is confined and contained within a very small part of the wood. It has been demonstrated that the site will regenerate naturally once any structure is removed. As there are no material considerations to the contrary, planning permission should be granted unless any impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, in accordance with Para 14 NPPF

e) The time given to comply with the notices is too short (ground G).

## 2. ISSUES WITH THE ENFORCEMENT NOTICES

2.1 There are issues with the notices which the Authority does not appear to accept or consider could be resolved by amendment. It is acknowledged that the Inspector has powers to correct a notice where it would not cause injustice to either party. It is also open to the Council to withdraw a defective notice and replace it with a notice that achieves its statutory purpose as soon as an error is recognised, without having to wait for an Inspector to do so. Although the duty exists for the notice to be altered, an Inspector should not be relied on to rescue a faulty notice. Where, as would appear to be the case, there is no consensus between parties, this is problematic as it is unlikely the Notices will be capable of correction without injustice to either party.

2.2 I list below the concerns with the Notices. Some of the concerns merely seek precision and clarify. Other concerns are more fundamental. I list them as follows:

### Enforcement Notice 1 Change of use to mixed use

2.3 At 3 (a) the Notices alleges a change of use to residential purposes and human habitation. This description is considered vague. The term 'residential purposes' and indeed 'human habitation' could mean many things. This description fails to explain that this is restricted to Low Impact Residential Development and the attached plan fails to indicate that this use takes place within only part of Steward Wood. Whilst this was the wording used in the 2009 appeal decision that was granted with regard to submitted plans which made clear what was proposed and where. Consent is not sought for a general residential use of Steward Wood which, as a use of the land, could include the stationing of caravans for residential purposes. Whilst few of the structures on the Land could be considered dwellings, it is considered some do meet the definition of buildings which are used for residential purposes and can be considered dwellings. As they have been used as dwelling houses from the outset the unlawful use can still properly be the subject of enforcement action within ten years. There is hopefully no dispute the residential structures cannot be bought or sold on the open market. At Para 10.2 in their Statement of Case the Council agree that this development does not concern 'general housing typical of the rest of the settled community'. For the sake of clarity I consider that the Notices should make clear the nature of the residential use ie as a mixture of structures and dwellings occupied for the purposes of Low Impact Residential Development. If the Inspector agrees, this change could in my view be made without injustice to either party.

2.4 At 3( e) the Notice fails to explain what is meant by storage on the Land of non-agricultural items and fails to indicate on the Plan where this use takes place. This is listed as a separate use. It is not alleged that this is in association with the residential use or in connection with works undertaken to construct structures and dwellings in Steward Wood. The notices do not allege any other operational development. This is not a use granted permission in 2009 and in any event a use of land cannot be ancillary to unauthorised operational development (see Class A, A1 (b), Part 4, Schedule 2 GPDO 1995 and Article 3 (5) GPDO ). The Authority state at Para 7.1 of their Statement of Case that they will demonstrate that the Land has been used for the storage on the land of non-agricultural items. It is far from clear what this relates to, what was taking place when the Notice was issued, why the DNPA will not say what this concerns in advance of exchange of Proofs so that this can be addressed properly by the Appellant, and how it is considered a separate use made of the land. The draft Statement of Common Ground from the DNPA does not elaborate. Not knowing what this concerns the Appellant is unable to establish if these are items required in association with the authorised uses of the land i.e. for agriculture or forestry. However it is noted that the requirements at section 5 do not include the cessation of this use. If the Enforcement Notice is upheld and is complied with, unconditional planning permission will be treated as granted in respect of this use of the land for the storage of non-agricultural items all over the Land in accordance with s173 (11). I am certain this is not what the Authority intended. I also doubt it is the intentions of the Project.

2.5 At Section 3 the Notice alleges a mixed use in the breach of planning control but fails to list all the uses made of the Land as granted in 2009 and still existing when the Notice was served. In particular there is no mention of forestry (the main use of the Land), the agricultural uses including the forest garden which have expanded since the 2009 appeal decision, or indeed the recreational cycle path which now passes through part of the Land. The Inspector will note that Forestry was listed in 2009 appeal decision and it is listed in the breach in Section 3 of Enforcement Notice 2 but not agriculture. Where there is a mixed use all the uses of the land should be listed. The 'Land' attacked by the notice is all of Steward Wood which includes a small field. There would be no requirement for any of the forestry/ agricultural uses to cease. It is presumed no issue is taken with the leisure use carried out in association with the cycle path and this is all authorised. The Notice fails to make clear that that the residential use attacked by the notice is confined to less than 1

hectare of a 12.5 hectare site and most of the land is used for Forestry/ woodland management with some agriculture. If the Ground A appeal is upheld the use alleged could operate throughout the wood. Once again I am certain this is not what the Authority intended, it is not what is applied for and is not what was granted in 2009. I consider that this could be changed and clarified without injustice to either party. However I do argue that failure to list the other uses could have implications for any other breaches which could reasonably be required in association with any of these other lawful uses.

2.6 The breach at 3f lists the overnight parking of motor vehicles and storage of caravans and trailers and the requirement at 5c is for this use to cease. Once again this is not a use that was specifically granted planning permission in 2009. I am unclear why this is necessary as permission is not sought for any caravans and I do not recall seeing any parked on the site. The 2009 permission did not appear to grant permission for any caravans and condition precluded any caravan being brought onto the land without the prior written approval of the Authority. It is unreasonable to preclude trailers when they may be needed in association with the lawful use of the land for forestry and agriculture. It is not clear where it is believed this parking takes place on the land but motor vehicles are parked on the shared track behind houses on the A382. The 2009 permissions were granted with a condition requiring details of the layout for 20 parking places to be submitted and approved. The Council should be able to identify where this parking is taking place. However it is unclear why the Authority takes issue with the parking of vehicles and why they seek to prevent this when the Enforcement Notices does not attack other lawful uses of the land for agriculture and forestry which may require attendance 24/7 and the need to park vehicles on site. It is far from clear why this concern only relates to vehicles parked overnight and not during the day. I am not clear how the Authority define 'overnight'. That implies the leaving of vehicles for the whole of the night time period. In short I fear this concerns is a nonsense and unenforceable. It is also unclear if the Authority appreciate that the residents of local properties fronting the A382 also use this Land for the parking of their vehicles and (for all I know) may also park caravans here, and they will be affected by this provision. The status of the access track is not known but it is thought to be a private access way which is also used in part by the Wray Valley cycle way.

2.7 The requirement at 5b refers to the need to remove movable structures. It is not clear what this refers to, why this is considered a use of the land and whether these are structures

reasonably necessary for forestry or agricultural activities on most of the land. None of the structures listed on the separate sheet could be considered movable. They are all attached to the ground. Siting of movable structures is not listed in the breach and it is not clear what purpose the enforcement notice considers they serve i.e. whether they are sited for storage purposes or because they are used in connection with a use, activity, and course or for residential purposes. The requirements cannot require something to cease or be removed if it is not included in the breach alleged.

- 2.9 There would appear to be conflict between requirement 5b and 5c in so far as 5b permits the siting of movable structures for up to 28 days in the calendar year which could include caravans and trailers, yet 5c does not permit the storage of caravans or trailers.

#### Enforcement Notice 2 Breach of Condition

- 2.10 There are similar issues to Enforcement Notice 1. This notice requires compliance with condition 1 of the permission granted in 2009. Condition 1 states as follows  
'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'.  
As is typical with conditions of this sort, no deadline was imposed for the submission of the restoration scheme of work. The use permitted in 2009 is listed at Para 2 of the decision letter and as noted above fails to mention agriculture which not takes place at a far greater level than in 2009 with use of the front field for sheep , the large enclosed forest garden and permaculture beds. However the Enforcement Notice as drafted lists under section 3 matters that were not listed as approved under the 2009 decision (eg items e) storage of non-agricultural items and f) overnight parking of motor vehicles etc). I do not believe the Authority can add to the uses controlled by this condition when seeking compliance with Condition 1 of the 2009 appeal decision or make the condition more onerous. I consider that it should be made clear that only the unauthorised uses permitted by the 2009 permission should cease in order to comply with any breach of the 2009 Condition. In any event it would seem these breaches (if indeed they have occurred) can and should be considered ancillary uses which would not continue after a primary use has ceased.

#### Enforcement Notice 3 Operational Development

- 2.11 The breach at section 3 refers to groundwork's and the erection of buildings and structures on the land. The Authority at Para 7.1 of its Statement of Case states that it is obvious the unauthorised grounds works relates to the unauthorised buildings and structures. Whilst I unfortunately did not make this connection it is helpful that this has now been clarified. It is understood that the works are specifically directed at the works carried out in association with the construction of Merlin and Becky's new dwelling (C). The case officer report prepared to authorise enforcement action refers to the urbanising effect of the dwellings, of cleared ground around them and 'other operational development'. If, as now agreed by the Authority, the ground works referred to are works required in association with the unauthorised buildings and structures and nothing else, there should be no issue with the Notice being amended to make clear the Authority is not suggesting that there are any other ground works (for example pathways, tracks, hard standing, services installations) which need to be removed.
- 2.12 The Appellant would not object to an amendment to include reference to Merlin and Beccy's new dwelling at (C) and Daniel's new dwelling at (T) as suggested in the Appellant's draft statement of common ground.

#### Enforcement Notices 3 and 4 Operational Development

- 2.13 Given that the Authority does not take issue with the forestry and agriculture use of the Land, it is considered that structures reasonably required in association with these uses could be retained. These would include structure B Growing Area Shed and structure K Tool Shed and store. Also a mobile structure such as a caravan could be sited on the land in association with these lawful uses as this would not be development for which planning permission is required.
- 2.14 I identify above a number of issues with the four notices which I consider would render the notices invalid but which could be corrected on appeal by the Secretary of State by virtue of s176 of the 1990 Act provided parties are satisfied the correction or variation will not cause injustice to the Appellant or the Authority for example
- making clear and limiting the nature and geographical extent of the residential use made of the land to that for LIRD (notice No 1)
  - clarifying that the mixed use includes that of Forestry (Notice No 1)

-wrongly identifying the overnight parking of vehicles in Notice No 1 as a use in its own right and requiring it to cease as this is unenforceable and there is no suggestion this is not carried out in association with the primary use

-deleting reference in the alleged breach to the storage of non-agricultural items (Notice No 1) as this lacks precision and , due to under enforcement, could continue with potential to cause serious harm to the woodland which would be contrary to the aims of the Project.

-ensuring the requirements of the notice match the breach as alleged (Notice No 2)

-clarifying that ground works referred to in Notices 3 concerns works carried out in association with the construction of the structures and does not concern any other operational development

-inclusion of the new dwellings at (C) and (T).

2.15 However, if any notice is found to be invalid because of an error which cannot be corrected on appeal because the correction would cause injustice, the only option would be to allow the appeal and quash the notice.

2.16 However if the Inspector is of the opinion part of any Notice is hopelessly uncertain and ambiguous and on its face fails to satisfy s173 of the 1990 Act then it must be concluded any such Notice is a Nullity and cannot be corrected.

### **3. s78 and GROUND A APPEAL**

3.1 According to Para 6.1 of the Authority Statement of Case the Authority is of the opinion the development is

a)harmful to the National Park purpose, in conflict with national policy and in conflict with the National Park circular 2010 (Defra).

b) Not in accordance with the Development Plan and harmful in terms of the effect on the character and appearance of the National Park

I discuss both of these issues below.

#### A. Harmful to the National Park purpose/ Circular 2010/ Conflict national policy

3.2 There would appear to be no dispute that consent was sought for a LID or LIRD as described by adopted policy. Planning application 0054/15 concerns ' LID involving the change of use to forestry, agriculture, residential and education (informed by permaculture) together with the erection of dwellings and structures'. The application was determined having regard to policy



DMD30 which concerns LIRD in the open countryside. This is not a policy the Authority would have regarded to for conventional residential developments. Enforcement action was also taken having regard to Policy DMD30.

- 3.3 There is however no definition of LIRD in the Development Plan. The Authority included a LIRD policy in the Development Management Plan because of increasing interest in small sustainable communities and the Steward Wood Community project. It is understood the Authority examined the policies by other planning authorities and decided to follow the approach of Policy 47 of the 2010 Pembrokeshire Coast National Park. The only alterations was to add a clause stating that permission would only be granted on a temporary basis in the first instance with permanent consent allowed once all relevant criteria had been complied with in full
- 3.4 The problem with 'adopting' a policy drafted for another authority, and in this case another Country with a different planning regime, is that the policy context can be different. Policy 47 in Pembrokeshire Coast NP relies on the fact Planning Policy Wales provides an official definition of One Planet Development at Para 9.3.11. Technical Advice Note 6 Sustainable Rural Communities has a Policy for One Planet Development which takes forward LID principles in the Welsh context. PPW and TAN6 require that land based OPD located in the open countryside provide for the minimum needs of the inhabitant in terms of income, food, energy and waste assimilation within 5 years, a reduction in ecological footprints and zero carbon in construction and use. Applications need to be supported by a management plan produced by competent persons. This should set out the objectives of the proposal, timetable for development of the site and timescale for review.
- 3.5 In 2012 the Welsh Government published specific Practice Guidance on OPD as a companion to TAN6. This provides practical guidance on how to produce a management plan and Ecological Footprint analysis.
- 3.6 In Pembrokeshire the Coast NPA also adopted a Supplementary Planning Guidance in June 2013. This provides helpful guidance on how the national One Planet Development (OPD) policy 47 is to be implemented in practice

3.7 Nor is there a LIRD definition in NPPF. There is no equivalent of the guidance provided in TAN6 in England. There is no Practice Guidance or supplementary planning guidance to inform how policy DMD30 as adopted by the Authority is to be interpreted or applied. Not surprisingly it is far from clear what policy DMD30 seeks to achieve and how. Para 154 of NPPF makes clear that

*'Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan'.*

I seriously question whether Dartmoor National Park Authority realise that their policy, as adopted, fails to do this. It does not require all the additional supporting statements and assessments required in Wales. As drafted and adopted there is no requirement for a management plan or business and improvement plan, no requirement for an Ecological footprint analysis or carbon analysis. There is no formal requirement for a biodiversity or landscape assessment, community impact or transport assessment-all of which are required to inform OPD schemes in Wales. There is no requirement for this to be agreed and monitored by way of a planning condition or s106 agreement and no mechanism to ensure that annual monitoring reports are submitted to demonstrate compliance with the management plan.

3.8 Perhaps, more importantly, there is no guidance to explain how Policy DMD 30 is to be assessed as discussed below. There is no way of objectively assessing whether a project (existing or proposed) has a low impact in terms of the environment or in the use of resources. There is no guidance as to how self-sufficient the proposal should be or how much income it should generate or how soon a project should achieve these goals after first occupation of the site. Finally there is no practical guidance to help agree the carrying capacity of the proposal and the site where it is situated to agree how many adult residents it can sustain.

3.9 In the absence of any mechanism to monitor any approved schemes DNPA amended the policy as adopted to state that any permission granted would, in the first instance, be for a temporary period of just 3 years and permanent permission would only be granted where it can be demonstrated that all relevant criteria have been complied with in full. This is not only at odds with the guidance in Wales, where management plans address a 5 year period, I also think it is contrary to the whole ethos of LID where the emphasis is developing a low impact development that is self-sustaining.

3.10 The only practice guidance is the brief justification to Policy DMD30 in Para 2.19.28. This seems confusing and not clearly thought out. The Authority appears to envisage that those who wish to adopt a LID will live in traditional benders or yurts similar to some travelling people. But the site occupants do not pursue a nomadic habit of life and this is not part of the LID proposal. Indeed the fundamental aim behind LID lifestyle is to be connected to the land on which you live. DMD 30 is concerned with low impact residential development (my emphasis). This is primarily a residential proposal and the whole purpose of LIRD is to provide an alternative lifestyle for those who want to have low impact on their environment and live in buildings that are as sustainable and low tech as possible in their construction, use and eventual removal. This is expected to be the sole residence of the proposed occupants. It is clear from OPD documents in Wales that site residents are living in dwellings- not benders or yurts. Policy DMD30 fails to describe or specify the type of living unit to be relied on. Policy as adopted does not restrict occupation to benders and yurts and it is far from clear why DNPA consider these suitable. Preference is for the reuse of buildings where they exist but Policy does not preclude new buildings. The justification states however that the policy does not cover structures such as cabins or caravans. Caravans are clearly defined by legislation. They are not precluded in the Welsh guidance. I am not entirely clear what DNPA had in mind when they refer to 'cabins' in Para 2.19.29. As it is referred to as an alternative to caravans I assume the Authority had in mind prefabricated Park Home type log cabins of the sort manufactured off site in factories and stationed on residential caravan sites. However I note that the David Wilson report refers to the OED definition as 'a small wooden shelter or house in a wild or remote area' which offers a more rustic interpretation. There would be nothing wrong with cabins if they are small wooden structures, of simple design, offering limited facilities, adapted and suited to an open countryside location, constructed from renewable natural materials that are responsibly sourced and capable of being easily dismantled, removed or allowed to degrade naturally.

3.11 From reading DMD30 the Authority envisages that LID will consist of

- Temporary structures which do not require conventional foundations
- constructed from natural materials
- have a minimal visual impact
- use renewable or local materials for construction of the dwellings
- with low resource use in everyday living.

In my view this would not preclude cabin type structures. There is also an inherent and fundamental flaw in the justification to this policy as Benders and Yurts of the sort envisaged as LID structures cannot be regarded as dwellings. They are not designed to provide the essential features of a dwelling house.

3.12 Benders are shelters constructed from cut branches shaped to form a low round structure over which tarpaulin would be draped and secured with stones and logs. Blankets are sometimes used under the tarpaulin to provide modest insulation. They were designed to provide temporary shelter for a nomadic lifestyle in association with families who used to travel by horse drawn bow top wagon and would settle for a few weeks before breaking camp and moving on. They can be heated with a wood burning stove if a flue is added. They are not intended as dwellings and few would consider the traditional bender a unit of accommodation suitable or appropriate for settled, year round residential use. I fail to see how a bender could provide a dwelling for the purpose of the LIRD definition in Para 2.19.29.

3.13 Yurts by contrast have evolved into highly engineered, large circular structures, made from manmade tarpaulin type materials, typically constructed on a permanent base, with pitched roof, conventional windows and door and offering single room accommodation with a chimney for a wood burning stove. They require a large flat surface. Yurt holiday accommodation has been permitted within National Park and nearby. They are not temporary structures like tents. They are not mobile structures like caravans. They are usually left up year round and usually require separate structures for bathrooms and kitchen areas. In terms of construction, materials and size quite a few of the structures on this site share similarities with yurts –albeit some or on stilts/ raised platforms. They are single storey, one roomed structures built on prepared platforms or decking, constructed from a timber framework covered with tarpaulin, with window opening, doors and flues. However the structures on this site have had to evolve and adapt to the sloping terrain and proximity of trees. They are not circular like Yurts which would require much larger areas to be cleared and levelled.

3.14 As with benders I would not consider a yurt type structure a dwelling for the purposes of the LID definition in Para 2.19.29. as they do not generally possess all the attributes needed for a dwellings. For this reason the LIRD development relies on a communal longhouse kitchen/ living space, communal bathhouse and compost toilets. There is conflict in a policy that

supports the construction of dwellings but expects residents to live in benders or yurts. It is my submission that any policy which expects all site residents to live in benders or yurts would fail to provide adequate facilities for the health and wellbeing of intended site occupants, in particular those with young children, and would fail to secure a satisfactory quality of life. This in turn would conflict with the requirements in section 6 of NPPF and, I think would undermine the aims of low impact development. Low Impact does require that alternative living has to be substandard.

3.15 The Authority does not accept that the development as proposed or existing complies with all 8 criteria of policy DMD30. In particular the Authority appears to take exception to the scale of the development and the type of structures existing and proposed. But it is not the case for the DNPA that this is not an example of LID and given my concerns about the drafting of this policy and absence of any supplementary guidance I do not consider this fatal. Any visitor to Steward Wood would appreciate how very different the residential units are to any conventional housing development. For instance:

- i) The residential structures are small, self-built units, unconventional in their construction and design, built from a mixture of recycled/ reused materials and timber sourced from the woodland. Some (eg structures M- Marley's Bender, P -Ollie's House, S- Jamie's House, W- Daniels dwelling and X- Seth's former dwelling ) are no more than one room structures
- ii) There are no permanent structures on the land. All structures are made mostly from materials with a limited life span. The structures could be easily dismantled with low environmental impacts and the land restored to its previous condition as woodland.
- iii) The Project is run as a Co-Operative with a management plan for the wood as a whole.
- iv) The residents live off grid and are largely self-sufficient. They rely on spring water, compost toilets, locally sourced wood for heating and cooking, and batteries are charged with solar panels. There is no external lighting within the site. There is minimal waste. The residents recycle and reuse as much as possible.
- v) The residents run educational courses and invite others to share their lifestyle to experience LIRD.
- vi) The residential units are accessed via narrow unmade, unlit woodland paths. There are no formal private roadways or tracks within the site other than the existing track which only leads as far as the camping ground area close to the entrance to the site. Vehicles have to be left at the entrance to the wood.

vii) The residential units are integrated into their site and setting and designed to fit the sloping terrain and woodland rather than the other way round. There has been no wholesale mass clearing of trees or levelling of the ground. As the Authority has now confirmed, the only operational development is the ground works carried out in association with the dwellings/ structures themselves.

viii) There are no formal or defined garden areas and no boundary fencing to define residential curtilages. Raised beds, polytunnels/cold frames are located next to the structures and are scattered in amongst the woodland. There is an enclosed chicken runs/pens with small timber sheds/ shelters close to structure Q but the residents make joint use of a forest garden area on the edge of the woodland.

ix) The residents source much of their food from the woodland and forest gardens, follow permaculture principles, scavenge for nuts, wild plants, berries and mushrooms and snare rabbits etc.

x) The community live communally. They share the communal bathrooms. The Longhouse provides shared living space. There is a shared power tower for sources of power. The residents are all jointly responsible for the success of the Project and how it operates. They make best use of the skills available.

3.16 From reading the DNPA Statement of Case it would appear the Authority object to this proposed development because:

i) This is a primarily residential development.

ii) The residential development does not provide affordable housing for local people in housing need and is a form of open market housing available to any one

iii) It is not essential to live here because the residents rely on resources outside the woodland

iv) The application did not propose any limit on the number of people permitted to live at/visit the Project

v) The Project has failed to manage and restore the ancient woodland

vi) The Project has not operated as a meaningful education resource or demonstration project

vii) The community does not live in a genuinely sustainable self sufficient or self contained model.

I wonder if the expectations of the Authority are unrealistic and whether, having chosen to ignore the very details supplementary guidance adopted to inform One Planet policies in

Wales, they have fully understood and appreciated the concept of LIRD. As will be argued later it is not a requirement of adopted policy DMD30 that the residents should demonstrate a local connection. It would be wholly unrealistic to expect the community to be self sufficient for there will always be services and facilities that they will need to access off site (eg Education, Health and shops) and products they will need to purchase (eg shoes, tools, some food items and clothing). Steward Wood is not a desert island. It is and never was intended to function totally separate from the local community. It is far from clear why the Authority believe a low impact residential model is compromised by the fact residents are not self sufficient in all their food and clothing needs. It is not a requirement of policy that the Project runs courses for others or is a demonstration project. There is no requirement to run a set number of courses each year. Policy as drafted simply requires that the proposal involves agriculture, forestry or horticulture for which a countryside setting is necessary. There is no requirement to 'manage' the land any different to any other rural land based project. The number of people living on the site and the number of structures could be controlled by condition but I wonder why the Authority would want to restrict the number of people visiting the Project and how this fits with their criticisms that there have not been enough courses. If LIRD development is compatible with the purposes of the National Park such a move would surely run counter to Policy DMD1b. For the above reasons there is concern that many of the Authority's concerns stem from the lack of any supporting information to inform how policy DMD30 is to be applied.

- 3.17 There is no requirement in National Policy for local planning authorities to include policies for LIRD in their development plans. Para 115 NPPF makes clear that great weight should be given to conserving landscape and scenic beauty in National Parks. Para 154 NPPF makes clear that local plans should set 'clear policies on what will or will not be permitted and where'. The DNPA could have agreed that there was no place in the National Park for alternative development such as this if it was felt LIRD did not comply with the main purposes and aims of the National Park as set out in Policy DMD1b. It is therefore unclear why the Council maintain in Reason 1 that the development has had and would have a harmful effect on the purposes of National Park designation given their own local plan contains a policy which is supportive of this kind of development. As noted in policy DMD1b Priority is to be given to the conservation and enhancement of the natural beauty, wildlife and cultural heritage and development will only be provided where it complies with one of three criteria. In refusing permission the DNPA relies solely on the effect on the character and appearance of the National Park. It does not take issue with fact the Project seeks to

promote an understanding and enjoyment of the special qualities of Steward Wood. Nor is issue taken with that the Project seeks to foster the social well being of the local community as witnessed by the large number of letters of support from local people. The reason for refusal fails to explain what aspect of the Project is considered to harm the character and appearance of the National Park. The living area occupies a very small part of the 10.8 ha Steward Wood sites and impacts on an even smaller part of the National Park. The DNPA is not free from development. It is not a wilderness area. It is a living landscape with towns, villages and scattered residential properties .

- 3.18 I struggle to appreciate how the DNPA can suggest the proposed development is harmful to the aims of the National Park when they have a policy which would support LIRD in the National Park. It is difficult to envisage a more appropriate location for a LIRD than a woodland setting, on the edge of one of the main towns in the National Park and connected by an off road cycle/ walking route to all the services and facilities in this town.
- 3.19 There is no definition of LIRD in national policy as set out in NPPF but there is a presumption in favour of sustainable development. The policies in paras 18-219, taken as a whole, constitute the Government's view of what sustainable development means in practice. It has three dimensions: economic, social and environmental. But at the heart is the intention that it is plan led. There is no dispute the key Development Plan policy is DMD 30 which concerns Low impact residential development (LIRD) in the open countryside. This is a Dartmoor National Park Authority policy adopted in July 2013. It was adopted post NPPF and, one presumes, was found to be consistent with the sustainable principles of NPPF. It was adopted post the Core Strategy and was presumably considered to be compliant with the main aims and purposes of the Core Strategy. The DMD is the most up to date policy for the National Park. Where there is conflict between policies it must take priority. LIRD was not a land use envisaged in the Core Strategy. The fact LIRD developments are not listed as exceptions to the usual presumption against new development in open countryside is not grounds to refuse permission
- 3.20 Policy DMD30 anticipates that LID development will require a countryside location. Criteria (iv) requires that the proposal is tied directly to the land on which it is located and involves agriculture, forestry or horticulture. If the countryside of the Dartmoor National Park was not considered suitable for LIRD the Authority could have decided this was not a land use that



was appropriate here or could have made clear where in the National Park this use would not be permitted. There is no suggestion in policy DMD30 that LID will only be acceptable in certain locations with the National Park.

- 3.21 Para 55 NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities and to avoid new isolated homes in the countryside unless this can be justified by special circumstances. This site is not isolated. It is located just 1.5km south east from the large settlement of Moretonhampstead. It is connected by an off road cycle path/ walking route into Moretonhampstead. The Steward Wood project is located in woodland behind housing on the main road. It is clear the residents contribute to the vitality of Moretonhampstead by supporting local businesses, using local facilities and providing a resource that locals are invited to use and experience. Policy DMD30 provides an exception to the usual presumption against new housing in the countryside in accordance with para 55 NPPF and Core Strategy policies COR2 and 15 .
- 3.22 In their Statement of Case at para 3.5 the Authority rely on 3 paras out of a total of 207 paras of the 2010 circular which they claim demonstrates that the proposed development conflicts with this guidance. They are paras 20,78 and 79. But what of the other 204 paragraphs? Are we to disregard them just because there is perceived to be conflict with three others? Are they any less important? This Circular was published March 2010 and should have been reviewed within 5 years according to para 4. There is nothing to suggest that these are the three most important paras in this policy document. Indeed, Para 20 adds nothing that is not in para 115 NPPF. Paras78-79 are in a section headed 'Support the delivery of affordable housing'. LIRD policy is not designed to address the needs of affordable housing nor is it required to meet local housing needs. It does not provide residential accommodation that is suitable for the general population or which is managed and delivered by a registered social landlord. I fail to see the relevance of these two paragraphs. I prefer to attach weight to the fact much of what LIRD development proposes is compliant with the 2010 Circular-hence the reason DNPA includes a policy on LID in its development plan.
- 3.23 The Authority rely on three specific policies in their development plan to support refusal and enforcement action.
- Policy COR2 sets out the principles for spatial development and seeks to concentrate new development within settlements with some exceptions. Given there was no LIRD policy when

the Core Strategy was adopted, LID development is not listed in section (iii) but it is apparent from LID policy DMD30 and DMD23 that this is a land use which is best suited to a location outside settlements.

Policy COR15 is concerned with affordable housing to meet identified local needs which LID is not designed to address.

Policy DMD23 is concerned with residential development outside Local Centres and Rural Settlements and lists three exceptions which includes at criteria C low impact residential development compliant with Policy DM30.

Only if it were agreed the development as proposed/ existing was not an example of LID or failed to comply with adopted policy would these policies have any relevance.

- 3.24 There is much to commend the Project. The application is supported by, amongst many others, The Dartmoor Society, a much respected organisation with over 450 members. Far from harmful, they stated in their letter of 19.9.2015 how this a 'highly desirable experiment in alternative ways of life. They recognise the 'remarkable commitment and tenacity' of the occupants and speak of how well they have integrated with the local community. It is argued that the Project 'poses no threat or harm' but shows how 'people can live in a gentle way within the Dartmoor area'. The Proof of Evidence of Mr Thompson Mills of Steward Wood traces the development of the project, how it has evolved, what has been learnt, mistakes made and future plans. It points to the involvement of the local community in the Project. The statement from Dr Taylor notes how the Project is replacing, through selective felling, a conifer woodland with a native broadleaved woodland using native seed stock, leading to a more sustainable land use and forestry practice. Mr Peter Cow Permaculture Designer, Trainer and Consultant explains how the Project has progressed well towards its goal of low impact living, local self reliance and wider sustainability. He reminds us that Steward Wood has been continuously inhabited since April 2000 ie for 16 years. Members of the Co-Operative have gone on training courses and put theory into action. They have developed rural crafts and have created a supportive social environment. Ms Jane Willis, parish councillor and is Chair of the Moretonhampstead Parish Council, writes in support from a personal perspective, and points out

*It is the inventiveness, resourcefulness and commitment Steward Community Woodland bring to being a living example of this concern, that has earned it such a lot of support and admiration from the local community and from further afield*

She considers that there is 'a real desire' amongst the local community to see the Project succeed and points out how

*'The inhabitants of Steward Wood make a large positive contribution to the life of our small town through their part-time work and generous voluntary participation in community activities. For instance, one member offers computing courses and IT support, another works at the primary school, another is a volunteer fire fighter, another helps with the youth club, another works for the Moretonhampstead Development Trust. The town would be very much the poorer without their input.'*

Finally Mr A Mackarel Forester and Woodland Consultant demonstrates how the Community has acted on the advice from the DNPA and has a robust and comprehensive Woodland Management plan in place. He is of the opinion the Continuous Cover Forestry regime is the right choice for the management of this area and completely appropriate. He concludes there are areas for improvement but

*'there is a real desire to manage the woodlands with care and consideration for the wider implications of habitat, biodiversity, amenity, recreation and education'* and the Project is able to fulfil some of the Government's aims for woodland management.

- 3.25 Para 9 NPPF lists the positive improvements sustainable developments can offer. It is clear the Project would improve the quality of the natural environment by managing the woodland. There are net gains for nature. For the residents there is a significant improvement in the conditions they choose to live and work and they feel strongly that they are able to make a positive contribution to the local economy. It improves leisure by providing opportunities for people to access and enjoy the countryside and learn how to grow food and learn about rural crafts and skills. It also widens the choice of homes which meets the needs of the community and which, for the residents, have a quality all of their own whilst minimising waste and pollution.

**B. Not in Accordance with Development Plan Policy and harmful to the character and appearance of the National Park**

- 3.24 The second reason for refusal states that the development proposed has had and would have a harmful effect on the character and appearance of the National Park, contrary to Policies COR1, COR3, COR4, DMD1, DMD3, DMD5, DMD6, DMD30 and the National Planning Policy Framework.
- 3.25 According to their Statement of Case this reason for refusal relies on the fact (par 4.3) during the winter months some of the structures are visible from across the valley' and 'the

settlement is also visible from points along the road throughout the year'. This view is not shared by others.

- 3.26 The Authority rely on a large number of development plan policies to refuse permission and issue enforcement action. It is common ground that Policy DMD30 is the main policy consideration. It says LID in the open countryside will be permitted where 8 criteria are met. Policy DMD30 provides an exception to the usual presumption against new, isolated residential development in the open countryside outside settlement boundaries as set out in para 55 of NPPF. The appeal site is not constrained by any other landscape, heritage, environmental or biodiversity designation that is harmed by the proposed developed area. There is a small area of ancient woodland but this is not affected by the proposal.
- 3.27 In 2009 the Inspector concluded that Core Strategy policies CO1 and CO2 were most relevant to the case (DL42) as they were concerned with sustainable development. As the proposal sought to introduce primarily residential development into the open countryside of the National Park it was found to conflict with CS policy COR2(a) and COR15(f) (para 49). However Policy DMD30 as adopted in 2013 is permissive of residential development in the countryside where it complies with the criteria listed.
- 3.28 Policy DMD30 states that low impact residential development will be permitted in the open countryside where 8 criteria are met however policy goes on to state that in the first instance permission will be granted on a temporary basis for a 3 year period. Policy states further that permanent permission will only be granted where it can be demonstrated that all relevant criteria have been complied with in full. Policy appears to be drafted in the expectation all relevant criteria will not be complied with in full at the first time of asking. Policy implies some learning curve for applicants and the National Park Authority
- 3.29 According to the officer report for the planning application the National Park Authority do not take issue with criteria (i) which requires any proposal to make a positive environmental, social or economic contribution. It is agreed that there was no opportunity to reuse any existing buildings on the site (criteria 3) and no issue is taken with the fact the proposal is managed and controlled by a trust (criteria 8). According to the Authority's report seeking authorisation for enforcement action the development was not found to comply with criteria 2,4,5,6 and 7 of DMD 30 because

- not all structures on site are low impact (criteria ii)
- the built structures are not well integrated into the landscape and have adverse visual effects (iv)
- the Co operative does not require a countryside location and is not tied directly to the land on which it is located (v)
- the Co operative does not provide sufficient livelihood for and substantially meet the needs of residents on the site (vi)
- without an upper limit on numbers, the number of adult residents would not be directly related to the function requirements of the enterprise (vii).

I address each of these issues in turn.

Criteria ii Low impact on the environment and use of resources

- 3.30 Criteria (ii) requires all activities and structures on site to have a low impact in terms of the environment and use of resources. However there is no specific mention of what activities are anticipated in para 2.19.29 of the supporting justification to Policy DMD30 and it is not clear what the Council has in mind. The Authority do not appear to take issue with any of the activities on site which are connected with building and maintaining the structures, managing the woodland, collecting spring water, gathering ,cutting and storing firewood, growing food according to permaculture principles, rearing chickens and sheep, harvesting/collecting food from the wood and hosting courses for like minded individuals. Whilst Enforcement Notices 1 and 2 take issue with the loss of tranquillity the report for s78 stated that whilst the application gives rise to some concerns with respect to tranquillity it did not justify refusal of planning permission.
- 3.31 I consider it apparent the Project fulfills its objective of making little demand on resources for everyday life. Water is obtained from springs. There are compost toilets. The woodland provides firewood for cooking and fuel and wood for craft work. There are forest gardens and opportunity to scavenge for food (eg mushrooms, berries and rabbits). Rudimentary swings have been rigged up from branches for the children to play on. The Project achieves a high degree of self sufficiency with little waste. Education activities are focused on the activities of the Project. The site is set back some distance from the main road. There is no reliance on generators. There is limited use of power tools for cutting wood. Vehicles are parked behind existing houses where others park on an existing area of hard standing. There

is a bicycle store at the entrance to the site full of bicycles. Most activities on site are not likely to give rise to any significant noise or loss of amenity. There is no reason to believe that activities proposed are anything other than low impact in terms of the environment and use of resources.

- 3.32 The Authority takes issue with the structures on the site. The enforcement report claimed that not all structures are low impact yet it would appear Enforcement Notices 3 and 4 requires all but a few small sheds/ kennels, poly tunnels, a bender and log stores to be removed. The Enforcement Notices fail to attempt to draw any distinction between the impact of different structures such as the large two storey communal Longhouse and some of the small timber cabin/dwellings such as Structures E, L and Q and the single roomed tarpaulin covered structures, growing area shed, compost toilets and open sided field kitchen.
- 3.33 As the David Wilson report concludes at section 11, most of the structures are more substantial than the yurts or benders referred to in Policy DMD30 and some of the residential structures could be considered houses. But most could not be considered dwellings in the conventional sense. Some are small, single room structures. They do not appear to be constructed with building regulations in mind. For example in some structures ladders not staircases connect floors in structures on two levels. Most do not have the bare essentials needed for dwelling.
- 3.34 Policy supports LIRD dwellings provided they are temporary structures, with no conventional foundations, constructed from natural materials, have low visual impact and are constructed from renewable or local materials. I am of the opinion the Project is evolving to deliver a form of LIRD that is not in conflict with the definition envisaged in para 2.19.29 of the supporting justification to Policy DMD30 and which would be meet with the aims of para 50 NPPF. There is no justification to believe that just because families want a low impact lifestyle they should be expected to live in sub standard accommodation that is cramped, offers no privacy, has no amenities, no windows or little natural light, and is unfit and unsafe to bring up children in. The dwellings on this LID project should afford the essential and basic facilities for day to day private domestic existence.

3.35 I consider that most if not all structures on this site (existing and proposed) have a low impact in terms of their environment and use of resources by virtue of their small size, modest design, means of construction and use of recycled, natural materials. They are all necessary for the functioning of the Project. Policy DMD30 fails to impose any size or design limitation on the structures permitted.

Criteria iv The development is well integrated into the landscape and does not have adverse visual effects

3.36 Criteria (iv) requires that the development is well integrated into the landscape and does not have adverse visual effects. The supporting justification makes clear that 'minimal' visual or environmental harm will be accepted. Whether the proposed development has an adverse rather than a minimal visual effect is an issue that is best assessed from a site visit. I visited the site in late August and could see nothing of the structures from outside the site. The Dartmoor Society made clear in their letter of support dated 19.9.2015 that the development proposal 'is not directly visible to users of the A-road between Moretonhampstead and Bovey Tracey'. Mr Jim White of White Wood Management points out that he regularly travels along the A382 between Moretonhampstead to Bovey Tracey and was previously unaware of the presence of the Project. The photographs provided by the Appellant Mr Thompson Mills from a variety of public locations in mid-winter strongly suggest that there is no adverse visual effect. Apart from the car parking area, cycle store and forest garden all of which are on the edge of the woodland, all development is located within the woodland. On my visit in mid-summer I walked past structures without spotting them or the paths leading to them. The informal arrangement of structures at different levels across the slope and absence of formal paths can be quite disorientating for someone visiting the site for the first time.

3.37 It is claimed by the Authority that in winter some structures are visible from across the valley and that the settlement is visible from the points along the road throughout the year but they fail to specify what structures they are referring to and given the intervening vegetation and distance I seriously doubt the Authority could actually identify what could be seen from the road or other public place. It is acknowledged that Larch is a deciduous tree and loses its needle like leaves in Autumn but it still retains an element of screening from the branch structure and this relatively light shade encourages understorey which in itself helps screen development. As the Inspector will not there is a strong presence of conifers. There is

reference to smoke but that is not uncommon in the countryside where many rely on wood burning stoves.

- 3.38 Given the small scale of the project, its woodland setting, limited views from any public place, siting on the lower slopes of steep sided hill, with access to the wood being taken along an existing track behind housing on the main road, the nature of the structures, their small size, the extent to which they have been built to respect trees and contours, using timber materials and turf roofs or dark tarpaulin covers it is difficult to understand how the Authority can claim they are not well integrated into the landscape or have an adverse visual effect. There is no requirement in Policy DMD30 for a LIRD to be hidden. I do not consider development associated with the Project so conspicuous or prominent to cause unacceptable harm to the character and appearance of this part of the National Park.
- 3.39 It is my opinion it would be hard to envisage a more appropriate part of the National Park for this development. Steward Wood is located in the NE corner of the National Park on the lower slopes of the Wray river valley which is one of several river valleys which drain from the moorland uplands. It is located in Landscape Character Type 3j for Upland River Valleys. This area is characterised by steeply wooded slopes, small narrow roads with roadside properties and small villages. Larger settlements such as Moretonhampstead are located on the lower reaches of the river valleys towards the edge of the national park. There is less of a perception of tranquillity in this part of the NP due to the steady presence of traffic on the A382 and whilst there is little intrusive development until you reach the edge of Moretonhampstead there is a small sewage works just south of the main entrance to Steward Wood. 47 % of the National Park is open moorland, 38% is farmland and 38% is common land. Woodland accounts for just 11% of the National Park and some of this is Forestry Commission plantations or ancient woodland. This leaves little choice for those seeking to establish a LID. Policy DMD30 fails to indicate where in the National Park such development should be located but it this location offers
- natural screening from existing woodland
  - proximity to a main settlement
  - good access via a pedestrian/cycle route into Moretonhampstead
- In my submissions it would be hard to find a more suitable location.



3.40 The Council commissioned their own independent landscape assessment of the LIRD by a Mr Leaver of David Wilson Partnership. A very brief summary of this report is included in the committee report. We are not told when he visited the site. As the application was validated in November 2014 and the report was published March 2015, it is assumed the assessment was carried out mid- winter.

3.41 The David Wilson report states as follows at para 2.1.2.

*The study area has been limited to the woodland and immediately surrounding area. The development under consideration is of a limited scale and the impacts would be unlikely to be apparent beyond the local area.*

The report also stated as follows at para 7.6-7.7:

*The remoteness and wildness of the area is reduced by the presence of the road as noted. The landscape has a well cared for, parkland character locally with some ornamental tree species in field boundaries, parkland railings and mown road verges. These all further reduce the sense of wildness and remoteness present elsewhere in the valley.*

*In summary, landscape value is high, but not exceptional as elsewhere in Dartmoor because of the detracting features noted*

3.42 On the matter of visual sensitivity the report had this to say

*Valley sides are clothed in woodland, providing screening and filtering for limited development within them. There is little visibility of the existing settlement from paths and roads outside the woodland during daylight hours. The presence of the woodland reduces the visual sensitivity of the site to development. Much of the woodland screening relies on larch, which is the dominant species in much of Steward Wood. Phytopthera has devastated larch plantations elsewhere in Dartmoor, where the disease has been managed by clear felling. If this were to occur in Steward Wood, the centre of the woodland would become much more open to views from the surrounding area.*

*Receptors would be users of the public footpath networks and users of the National Cycle Network who would be highly sensitive to change.*

*There is potential to mitigate visual impacts of low impact development within the woodland through woodland management. Secondary, off site impacts (such as car parking, new and improved road junctions, light pollution) would be more difficult to mitigate.*

*Overall, the visual sensitivity of the landscape to change is **high**, as is the scope to mitigate any impacts*

3.43 It is rightly concluded that the impact of the proposed buildings in addition to the existing use and structures on site would be to increase the impact of development on the characteristics of semi natural woodland, tranquillity and scenic value within this sheltered landscape. But the main concern appears to be the effect of any loss of larch which currently help screen the site. I am aware that other parts of the National Park have been infected and have had to be felled but I understand there is no evidence to suggest the larch at Steward Wood are known to be infected or at risk. But if the larch at Steward Wood was to be infected and had to be clear felled it seems to me the Project would be well placed to ensure the woodland is restocked with native broadleaf and encourage natural regeneration. This would seem to be a good reason to support the Project, to ensure continuity of woodland cover on this prominent site next to the Wray Valley cycle path on along a main road through the National Park.

3.44 On the matter of Landscape Impact the report had this to say at section 8

*The existing development has resulted in a reduction in the baseline sense of tranquillity and remoteness. The noise, presence of human activity, secondary activities, structures, traffic and car parking all detract from the quiet and secluded nature of the woodland and valley. However, the detracting effects of human activity diminish quickly with distance because of the screening effect of the surrounding woodland.*

*Gardening and the introduction of exotic plant species, along with human presence on site, can bring about change to the characteristics of semi natural woodland. However, the limited extent of gardening currently being practised is such that there is only a minor change to these characteristics.*

*Low impact development at the level at which it is currently practised on site has a negligible impact on the enclosed and intimate nature of the valleys, the local network of small winding roads, areas of Rhos pasture or the sheltered nature of the landscape.*

*Overall, the change to a baseline situation without development would be that there would be a partial change to some key attributes of the landscape, but the development is not*

*prominent and the overall character of the landscape is not substantially changed. The magnitude of change can be described as **medium to low**.*

*Overall, the development has a noticeable effect, but only within the context of the immediate area. The impact of the development on the landscape reduces quickly with distance. The overall significance of the development is **slight to moderate adverse**, it would not be considered significant within the context of the EIA regulations for instance*

- 3.45 Mr Leavers fails to point out what could be seen from outside the site. He concludes that the proposed development has a noticeable effect on landscape character within the context of the immediate area and that the impact of the development on the landscape reduces quickly with distance. I am not clear what he means by 'immediate area' but in my view the impact is minimal even within most of the woodland or from the cycle path due to the woodland cover. The only footpath within the woodland itself is a permissive path, provided by the Steward Wood Project to enable others to see and appreciate the woodland and what the Project is doing in a small part of the lower part of the woodland.

Criteria (v) The proposal requires a countryside location and is tied directly to the land on which it is located, and involves agriculture, forestry or horticulture

- 3.46 Criteria (v) states that the proposal should require a countryside location and be tied directly to the land on which it is located and involve agriculture, forestry or horticulture. The Steward Wood project involves all three. According to para 4.5 of the Authority's statement of case any claim of an essential need to live at the appeal site is disputed given that the Appellants rely on resources from outside the woodland. However this is a matter for criteria (vi) .It would be difficult to envisage how the proposed development could be sited within any settlement in the National Park. The structures would be alien to local building styles. It would defeat the purpose of the project if, as in accordance with criteria (v) the proposed development was not tied to the land. The Project has updated its Woodland Management Plan. It has sought expert advice. It has listened to the concerns of the DNPA. In their statement of case the Authority say they will draw comparisons with achievements in woodland management at other sites within the National Park. Rather than use this as justification to reject the Proposal, one might have hoped, and indeed expected, that the DNPA with all its expertise and contacts, might be in a position to help inform and support the Steward Wood Project to ensure it is a success. After all, the principal aim of the National

Park is to promote the understanding and enjoyment of the special qualities of the National Park (DMD1b) and that must surely start with the Authority and be seen to cascade down through all the activities, societies, development proposals etc within the National Park. The DNPA is critical of the Project for not hosting enough courses and educational activities but to date I have seen no evidence the Authority has tried to work with the Steward Wood community to ensure the special qualities of the National Park are identified, protected, enhanced and promoted.

Criteria vi) the proposal will provide sufficient livelihood for and substantially meet the needs of the residents on the site.

- 3.47 There is no requirement in policy DMD30 that the site occupants are totally self sufficient. That would be unrealistic and not feasible. It would not be unreasonable in my opinion for the Community to access services and facilities such as education for their children and health services. There is no expectation they would not have to make purchases of food items, clothing, household items, tools and their bicycles etc. In the absence of any supplementary guidance it is not clear what the Authority has in mind when it requires that proposals provide sufficient livelihood and substantially meet the needs of residents.
- 3.48 What is clear is the fact the Project is self sufficient in terms of their water supply, housing needs and fuel requirements. They also grow and harvest much of their food requirements on site. The Project suffered a major setback when a planning application for the Morefood Project was rejected by the Authority and a funding source was lost. Much energy and effort went into the submission of the Morefood Project. But notwithstanding this set back, the Steward Wood community have gone ahead with the enclosed forest garden and have demonstrated how productive this can be. They have a paddock for keeping sheep and runs for chickens.
- 3.49 There is no reason why the site residents should not rely on work off site. In the absence of any supplementary planning guidance it is unclear what level of livelihood the Authority expect will be provided by the Project. The needs of the residents are very modest. The existence is quite frugal. Given their subsistence lifestyle it is obvious that buying property in the area would not be possible or desirable and renting would be difficult. Given their reliance on non motorised transport living off site would be problematic and contrary to the fundamental principles of the Project. It is because their living costs are so low that their

lifestyle is a viable option. Our Planning System does not effectively cater for this kind of lifestyle which is why there is a need for special LIRD policies. The community members are confident and proud of what they achieved and the fact the Project does provide sufficient livelihood and substantially meet their needs-otherwise I suspect they would not be able to remain living here.

Criteria vii The number of adult residents should be directly related to the functional requirements of the enterprise.

- 3.50 There is no indication in Policy DMD30 how this is to be assessed. The Project is run on co-operative principles. In my view it is up to the co operative members to agree what the carrying capacity of the Project is. They are best placed to know. Permaculture expert Peter Cow addresses this in his Statement as he notes the Project's site has varied over the years. In 2002/3 there were only 4 adult residents and he considers the Project was barely viable and 'seemed like it was in hibernation with little progress at that time'. He is of the opinion there is a need for a core of at least 7 active adults with more to meet the needs of child care and specific projects. Indeed, it is argued that in order to meet the requirements of DMD30 and make a "positive environmental, and/or social and economic contribution" the Project needs to work beyond low impact or subsistence living, and will require more adult helpers. Mr Jim White of White Wood Management is of the opinion (para 8 of his Proof) that given the 'low impact of their presence evident on site, with no discernible contamination of ground and water course or compromised levels of woodland regeneration' the residential use of the site is sustainable.
- 3.51 The Project clearly has ambitions to develop and consolidate. This will require considerable man power investment. Like any community there will be those who are more productive and can contribute more to certain task. Like any community there is a need to get a balance of skills. Mr Thomson Mills lists in his proof the key tasks and who does what. Clearly individuals bring specialities to the Project whilst some tasks require and are carried out by several in the cooperative eg wooding activities, food production. The Project has indicated they would accept a condition limiting occupation to a maximum of 18 adults. Like any community they should be permitted to have members with a variety of skills and not all adults will be as productive as others.
- 3.52 The Council seems to be critical of the extent of courses and the committee report hints at a failure to provide this information. There is no requirement in Policy for a LIRD to run

courses and educational activities. Whilst it was a requirement of condition 9 of the 2009 appeal decision that a record be maintained at all times and made available to the local planning authority on request, of all activities provided for the public at the land, I am told this has never been requested. But details of the courses held is provided. Over the last 5 years the Community has continued to expand the educational opportunities by inter alia running courses, hosting home education and similar events, hosting volunteers, educating their own children in the woodland (and its knock-on effects), engaging in community outreach and voluntary work, hosting student visits and being the subject of research projects, hosting Open Days and similar events, by having an online presence and through other media. There are currently approximately 69 courses run each year on site, with many other courses and events run elsewhere using the skills and knowledge gained from living at SCW. There are approximately 1,500 visitors to the site each year. The educational aspect of the project is contributing enormously (particularly in the local area to SCW) to the skills, knowledge, research etc needed to find sustainable solutions to the environmental challenges humanity currently faces. Given the letters of support from those who have clearly benefitted from the Project, and the success in raising funds to support this appeal from those supportive of the aims of the Project, it is far from clear how or why the DNPA is of the opinion the community has 'not operated as a meaningful education resource or demonstration project' or what assistance the DNPA has been able to provide to help promote the Project. It would appear the Project is impacted in a positive and meaningful way on the lives of many.

- 3.53 For the above reasons it is argued that all aspects of Policy DMD 30 are met or are capable of being met and the proposal does not have a harmful impact on the character and appearance of this woodland setting.
- 3.54 The DNPA claim however that the proposed development is also contrary to other policies, namely Policies COR1, COR3, COR4, DMD1, DMD3, DMD5, and DMD6. As noted above Core Strategy policies have been overtaken by the adoption of a LID policy in the Development Management document. Core Strategy policies CO1 and CO2 were considered most relevant to the case in 2009 as they were concerned with sustainable development. However Policy DMD30 as adopted in 2013 is permissive of residential development in the countryside. COR3 is concerned with the conservation and enhancement of Dartmoor's characteristic landscapes and features. Given the Woodland Management plan for all the

Steward Woodland area, it is not accepted that the project, which concentrates 'development' in a very small part of this wood, is contrary to this policy. There are clear benefits for the whole woodland area and in the absence of the Steward Wood Project it is far from certain what, if any, woodland management would be carried out on this land. Mr Jim White points out at Para 5 of his Proof that the approach may be unconventional and the economic benefits modest, but it is the 'dearth' of similar woodland management approaches within the region that makes Steward Wood so special. As he points out Steward Wood is worth more than the 'value of standing timber' as there is the added benefit of public access, biodiversity, landscape and ecosystems supported by woodlands. Policy COR 4 is drafted to protect the historic built environment and requires development proposals to comply with given design principles. I struggle to see its relevance. The traditional building materials in the Park would not be appropriate for LID as acknowledged by policy DMD30. The scale and layout of the project and materials used are appropriate to the setting. The development is highly water and energy efficient. There are no crime issues.

- 3.55 For the reasons explained above it is not considered the proposal fails to meet the requirements of DMD policies 1b. The Project seeks to conserve and enhance the woodland as set out in the Woodland Management plan and promote an understanding and enjoyment of the National Park. It is not considered that the Project detracts from the special qualities of the National Park.
- 3.56 It is a clear aim of the Project to 'enable places to adapt to changing social, technological, climatic and economic conditions' in accordance with DMD3 by showing that there is an alternative low impact, sustainable way of living or, as put by The Dartmoor Society, showing 'how people can live in a gentle way within the Dartmoor area' without the reliance on modern technology.
- 3.57 DMD policies 5 and 6 are concerned with protecting the character of the Dartmoor Landscape and area of woodland conservation importance. The Authority does not appear to take issue with most of these policies in the reason for refusal. It is not claimed the project would harm a particular landscape character type or any distinctive features such as the small area of ancient semi natural woodland within Steward Wood. It is not claimed the Project fails to retain and enhance the woodland as a whole. The Project does not harm the wider landscape and there is no issue with light pollution. There is no perceptible loss of

tranquillity and this is not a location that could be considered remote. The Project has provided increased public access to the woodland. It is far from clear how the benefits so far secured and as set out in the Woodland Management Plan would be secured without this Project.



#### 4. **Other material considerations**

4.1 If it is concluded the proposed development does not meet the requirements of policy DMD30, if this is not found to be an example of LIRD or, if additional harm is identified by any other policy then the Appellants rely on the following other material considerations.

##### 1. The policies in the National Policy Planning Framework :

4.2 In their Statement of Case the Appellant contends that the following paragraphs of the NPPF are relevant and are complied with: 6, 7, 8, 11, 14, 15, 17 (bullet 6), 55, 69, 93, 118 and 187. I would also add para 153, 154, 196, and 197. Steward Wood is a demonstration project of LID informed by permaculture principles being applied in practice and is of significant wider benefit. It is an excellent example of sustainable development. Many of the requirements of national planning policy are met. There are mutually dependent economic, social and environmental benefits from the scheme which far exceed those for most conventional housing. As para 8 states

‘The planning system should play an active role in guiding development in sustainable solutions’.

And as noted in Para 187

‘LPAs should look for solutions rather than problems and decision –takers at every level should seek to approve applications for sustainable development where possible LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area’.

And in Para 197

‘In assessing and determining planning proposals, lpas should apply the presumption in favour of sustainable development’

4.3 Of particular relevance is Para 55 which seeks to promote sustainable development in rural areas. It is accepted that Steward Wood is located outside any settlement boundary but the Project does not seek to introduce isolated new homes in the countryside. The access is shared with the existing dwellings at Steward Wood and this site is linked by a cycle/ pedestrian path to the nearest town. It could not be considered isolated. In any event the Project is exceptionally innovative and the dwellings are sensitive to their woodland location.

##### 2. Concerns of the Authority could be addressed by condition

4.4 The concerns of the Authority could be addressed by condition including a further temporary permission. Policy DMD30 states that permissions should be granted initially on a temporary basis. This is the first time this policy has been tested. I consider there are issues with the clarity of this policy and do not consider that permission should be refused based on a policy that lacks a definition of LIRD or supplementary statements to explain how the policy is to be applied and the benchmarks against which it is to be assessed. If, as is claimed by the DNPA, there are better examples of woodland management elsewhere in the National Park, sharing this knowledge with the Project could be beneficial. Permission should not be refused due to some unwillingness to share this information and work with the Project to help achieve the commendable aims of LIRD which has so much local support. If consent is granted on a temporary basis the impact of any loss of larch could be assessed but in my view the need for another temporary consent could be obviated by proportionate monitoring of the woodland management plan as submitted.

4.5 The Appellant is seeking to increase the number of adults allowed to live on the site from 15 to 18 to help secure the future management programme. The Appellant is also willing to accept a condition making clear that the residential use is only permitted for as long as education activities/ woodland management continues in accordance with the submitted management plan.

4.6 The DNPA quite properly attach considerable weight to the need to safeguard and enhance the natural beauty and landscape features within the National Park. Without a Woodland Management Plan it is far from clear how Steward Wood would be managed beneficially in the future. It would appear there is much to be gained by securing the proper management of this landscape feature. This could be achieved by condition and future monitoring. It seems the small scale localised impact of the proposed development is more than off set by the wider benefits of the Steward Wood project, in particular any scheme to replace the loss of Larch with native broadleaved woodland and natural regeneration.

### 3. The personal circumstances of the site occupants

4.7 The personal circumstances of the site occupants are a factor which needs to be taken into consideration. Many of the founding members of the Steward Wood project remain. They have settled here and consider themselves part of the local community. They are passionate about the Project. They have demonstrated a commendable commitment to living sustainably. Their lifestyle has a very low environmental footprint. They have acquired skills in land management that are appropriate to the main aims of the National Park and are keen to share this with others.

There are 13 adults, 7 children and 2 teenagers living on the site. Upholding the Notices would have a significant detrimental impact on their lives and would constitute a breach of Articles 1 & 8 of protocol 1 of the ECHR. It is far from clear where all these families would live if the residential element of this Project were refused permission.

#### 4. Local support

4.8 There is much support in the local community for this Project. There were 393 letters of support of the application. It would appear many have gained from their association with the Project and the opportunity to visit the woodland experience an alternative lifestyle. Given the emphasis in National Park policy on promoting understanding and enjoyment of the special qualities of the National Park and the need to foster more environmentally friendly uses of land, I consider that this support should weigh very strongly in support of the proposed development.

## **5. GROUND G APPEAL**

5.1 All four Enforcement Notices are to be complied with within 12 months. It is argued that this should be increased to at least 18 months bearing in mind the following factors:

1) The history of the site and the length of time that members of the community have been residing on the Land (including children) and their strong connections to the local community.

2) Uncertainty as to where in this part of the NP the Dartmoor National Park the Authority would consider suitable for LIRD in accordance with DMD30 and the absence of any identified suitable alternative site where a similar LIRD Project to be established with the support of the DNP.

3) The Project members are technically homeless. There may be a need to find alternative residential accommodation for a large number of households, in an authority with limited availability of suitable alternative/ social/ affordable housing combined with the limited means available to the members of the community to acquire other housing.

4) It is well established that the woodland is capable of restoration and permitting the Project to remain for at least 18 months will not unduly harm the restoration of the woodland or amenities of local residents.

5.2 In addition it is considered that the period for compliance with Notice 3 (operational development) should be 2 months longer than that for Notice 1 (change of use) to allow time for the structures lived in to be dismantled and removed after the residential use of the land has ceased.