

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

4 November 2022

Applications to be Determined by the Committee

Report of the Head of Development Management

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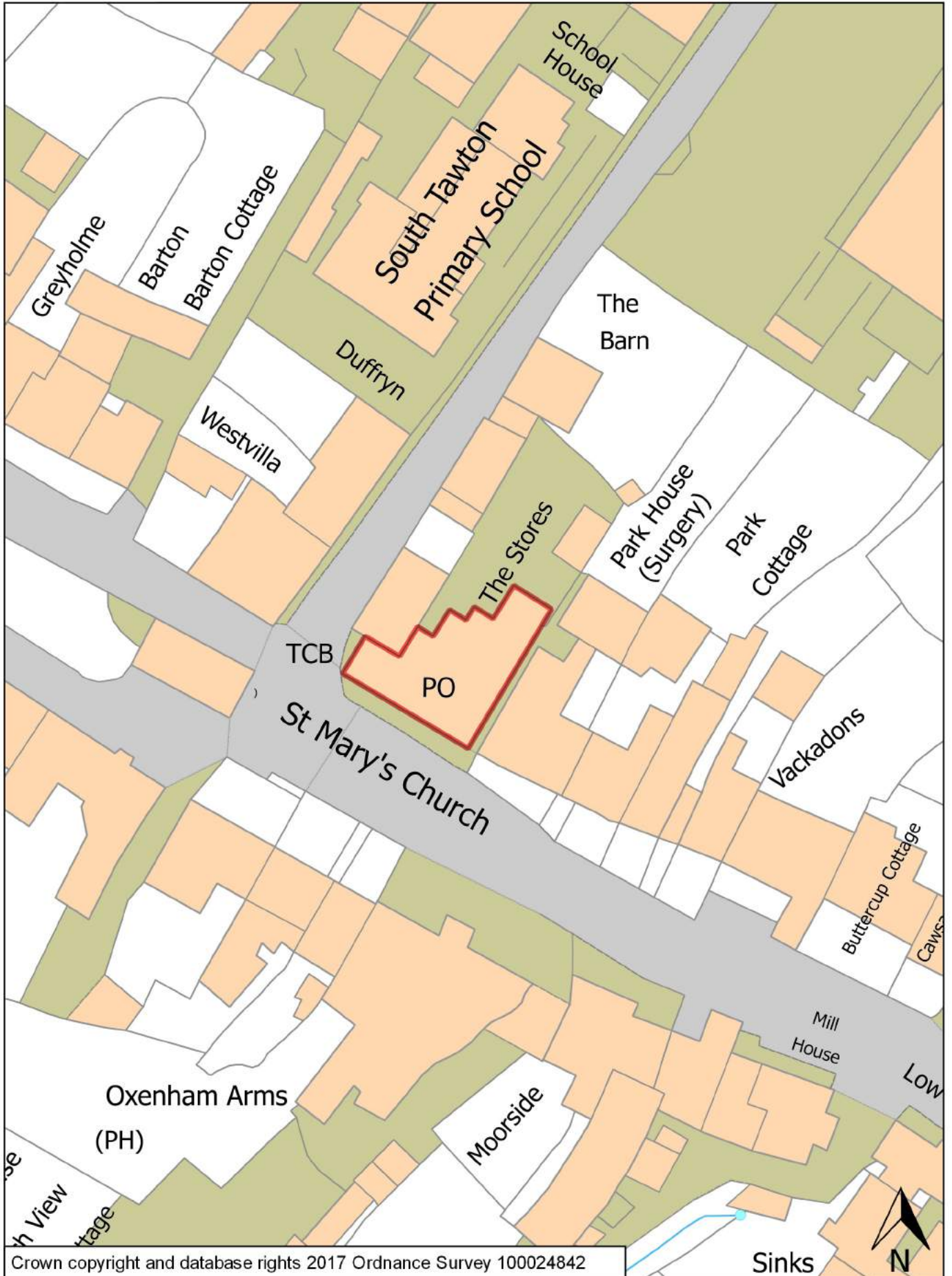
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Dartmoor National Park Authority

0205/22 - The Stores, South Zeal



Scale 1:578



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Item 1

Application No: **0206/22** District/Borough: **West Devon Borough**
Application Type: **Listed Building Consent** Parish: **South Tawton**
Grid Ref: **SX651935** Officer: **Oliver Dorrell**
Proposal: **Works to remove external shop sign and post office counter screen**
Location: **The Stores, South Zeal**
Applicant: **Mr & Mrs Hill**
Recommendation: **That consent be GRANTED**

Condition

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

1 Introduction

- 1.1 This application concerns the building known as 'The Stores' in South Zeal. The building is two storey comprises a shop, post office and café on the ground floor and residential accommodation above. It is grade II listed.
- 1.2 The site is located on the corner of the main village road and Tawton Lane in the centre of the village and the South Zeal conservation area. The chapel of St Mary's (grade II) is to the east and the Oxenham Arms pub (grade II*) is opposite.
- 1.3 This application is brought to Development Management Committee for determination due to the level of public interest and policy implications.

2 Planning History

- | | | | | |
|-----|---------|---|---------------------|------------------|
| 2.1 | 0897/06 | Barn conversion to studio
Listed Building Consent | Grant Conditionally | 02 May 2007 |
| | 0896/06 | Barn conversion to studio
Full Planning Permission | Grant Conditionally | 02 May 2007 |
| | 0790/05 | Barn conversion to holiday accommodation
Full Planning Permission | Refused | 22 November 2005 |
| | 0791/05 | Barn conversion to holiday accommodation
Listed Building Consent | Refused | 22 November 2005 |
| | 0001/03 | Demolish old shed attached to kitchen wall and re-build kitchen, attach lean-to storeroom to kitchen and lean-to passage to connect two, first floor extension above existing kitchen
Full Planning Permission | Grant Conditionally | 11 February 2003 |
| | 0002/03 | Demolish old shed attached to existing kitchen wall and re-build kitchen, attach lean-to storeroom to kitchen and lean-to passage to connect two, first floor extension above existing kitchen
Listed Building Consent | Grant Conditionally | 11 February 2003 |

0831/02	Alterations to front access to shop to create disabled ramp access and steps down to area adjacent to shop window Listed Building Consent Grant Conditionally 13 January 2003
0830/02	Alterations to front access to shop to create disabled ramp access and steps to area adjacent to shop window Full Planning Permission Grant Conditionally 13 January 2003
0746/02	Render front and west elevations with a single coat of lime render Listed Building Consent Grant Unconditionally 02 December 2002
0715/01	Demolish shed/store attached to main building and rebuild as new kitchen, new bathroom and accommodation over existing kitchen, enclose rear adjacent to back door to create office, stairs and store Listed Building Consent Refused 16 January 2002
0716/01	Shop expansion, catering standard kitchen, office/store, new staircase and accommodation Full Planning Permission Refused 16 January 2002
3/26/221/98/07	Removal of exterior render & internal alterations Listed Building Consent Grant Conditionally 28 October 1998
3/26/252/97/07	Extension above annexe kitchen to provide office/study and new bathroom: provision of two new staircases; provision of toilet & washroom downstairs and alterations to doorways Listed Building Consent Grant Conditionally 14 May 1998
3/26/253/97/03	First floor extension above annexe kitchen Full Planning Permission Grant Conditionally 14 May 1998
3/26/028/97/04	To use central reception room as tea room (four tables seating sixteen) Change of Use Grant Unconditionally 5 March 1997
3/26/201/96/07	Internal alterations Listed Building Consent Grant Unconditionally 15 October 1996

3 Consultations

- 3.1 West Devon Borough Council - The Council has now completed a review of the decision to list The Stores as an Asset of Community Value (ACV) following an appeal by the property owner.
- 3.1.1 It has concluded that The Stores should be removed from the ACV list. The Council states that The Stores are excluded from being listed as the physical and functional relationship of the Stores to the residence is such that the property is a residence for the purposes of the 2012 Regulations (and thus is excluded under Para 1 (1) of Schedule 1 to the 2012 Regulations).
- 3.1.2 Accordingly, the Stores will be removed from the ACV list with immediate effect, and there will be no charge or constraint against the sale of the property.
- 3.2 County EEC Directorate - No highways objection
- 3.3 Environment Agency - Standing advice - flood zone 1
- 3.4 DNP - Building Conservation - The amended proposal is for "Works to remove external shop sign and post office counter screen". The removal of safety glass screen to the post office counter and the shop sign will not have a material impact on the listed building or conservation area.

3.5 The exterior wall should be made good following the removal of the shop sign and fixings.

4 Parish/Town Council Comments

4.1 South Tawton PC - Object. The PC resolved not to support this application which is contrary to Dartmoor Local Plan Policy 4.1 supporting community services and facilities. The store is in a rural location with an elderly demographic, therefore, pivotal to local residents within and bordering the parish. If approved, this development will involve the total loss of community services and facilities. The applicant has not demonstrated that there is no community need for the store, and there are no equivalent provisions within the parish. The council submitted an application to West Devon BC to request the store be listed as an asset of community value. Following the initial listing the PC has indicated that it has no desire to pursue further interest in purchasing the property.

5 Observations

PROPOSAL

- 5.1 This proposal relates alterations to the shop, post office and café. Internally the works are limited to the removal of the screen above the shop counter which is centrally located within the building. External works are limited to the removal of the timber shop sign.
- 5.2 The works are sought in connection with a proposal to change the use of the shop, post office and café to residential use in association with the main dwelling. This proposal was subject to a separate planning application ref: 0205/22 which was refused at the Development Management Committee in October 2022.

NATIONAL PLANNING POLICY

- 5.3 Paragraph 197 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

LOCAL PLAN POLICY

- 5.4 The following Local Plan policies are relevant in the assessment of this application:

Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities

Strategic Policy 1.2 Sustainable development in Dartmoor National Park

Strategic Policy 1.5 Delivering good design

Strategic Policy 2.7 Conserving and enhancing heritage assets

PUBLIC COMMENTS

- 5.5 Number of objections: 61

Summary of issues raised:

- The shop and post office are a valuable community resource
- Elderly residents would be unduly harmed by loss
- Petrol price rise means local services required more than ever
- The stock levels have been depleted
- The site supports outreach post office in other villages
- The owner has lost enthusiasm
- The opening hours are too short/inflexible
- A house would result in more parking on road
- The asking price is too high
- No for sale sign on the building

5.6 Number of support: 4

Summary of issues raised:

- The residents do not provide enough custom
- Shop has been on market for a long time with no offers
- No issues with change to house

5.7 General observation: 1 - If the shop were open before 0900 it would increase custom.

IMPACT ON HERITAGE ASSET

- 5.8 The proposed development could have an impact on a designated heritage asset in the form of a grade II listed building and has accordingly been appraised against the relevant paragraphs in the National Planning Policy Framework (NPPF), Strategic Policy 2.7 of the Local Plan and the South Zeal Conservation Area Appraisal.
- 5.9 The site has been in use as a merchant's house and premises since before 1844 (Tithe Apportionment) for the storage and selling of goods, when the land was owned by Henry Arthur Hoare, Esq and run and occupied by George Westaway as part of the Battershays Steer Estate. White's Directory of 1850 states that Westaway is a Carrier, transporter of goods (sometimes people). The area covered by the business includes much of the area now occupied by the school extension. The Tithe Map (1847) shows the front range of buildings as two dwelling houses, the fenestration pattern of the front elevation also indicates that at the time of refronting (prior to the recoating with lime render c. 2002 (application ref. 0746/02)) it was in use as two separate dwellings, note also the separate entrance door on the north elevation. The First Edition OS Map also shows this arrangement, the break being at the northern line of the cross passage.
- 5.10 Planning permission has been refused for the change of use of the shop, post office and café to residential accommodation (ref: 0205/22) however applicant has indicated that he wishes to progress with the application for the works to the listed building.
- 5.11 This application is required to be assessed independently from the planning application and against a particular, limited set of policies. Principal amongst those is Strategic Policy 2.7 which requires all development to conserve and/or enhance heritage assets and their settings. This policy states also that the change of use, extension or alteration of heritage assets, including development in their settings, will be permitted only where: a) for

designated heritage assets, any harm to significance is less than substantial, justified and clearly outweighed by the development's public benefits; or b) for non-designated heritage assets, any harm has been balanced against the significance of the asset and found to be reasonable and justified.

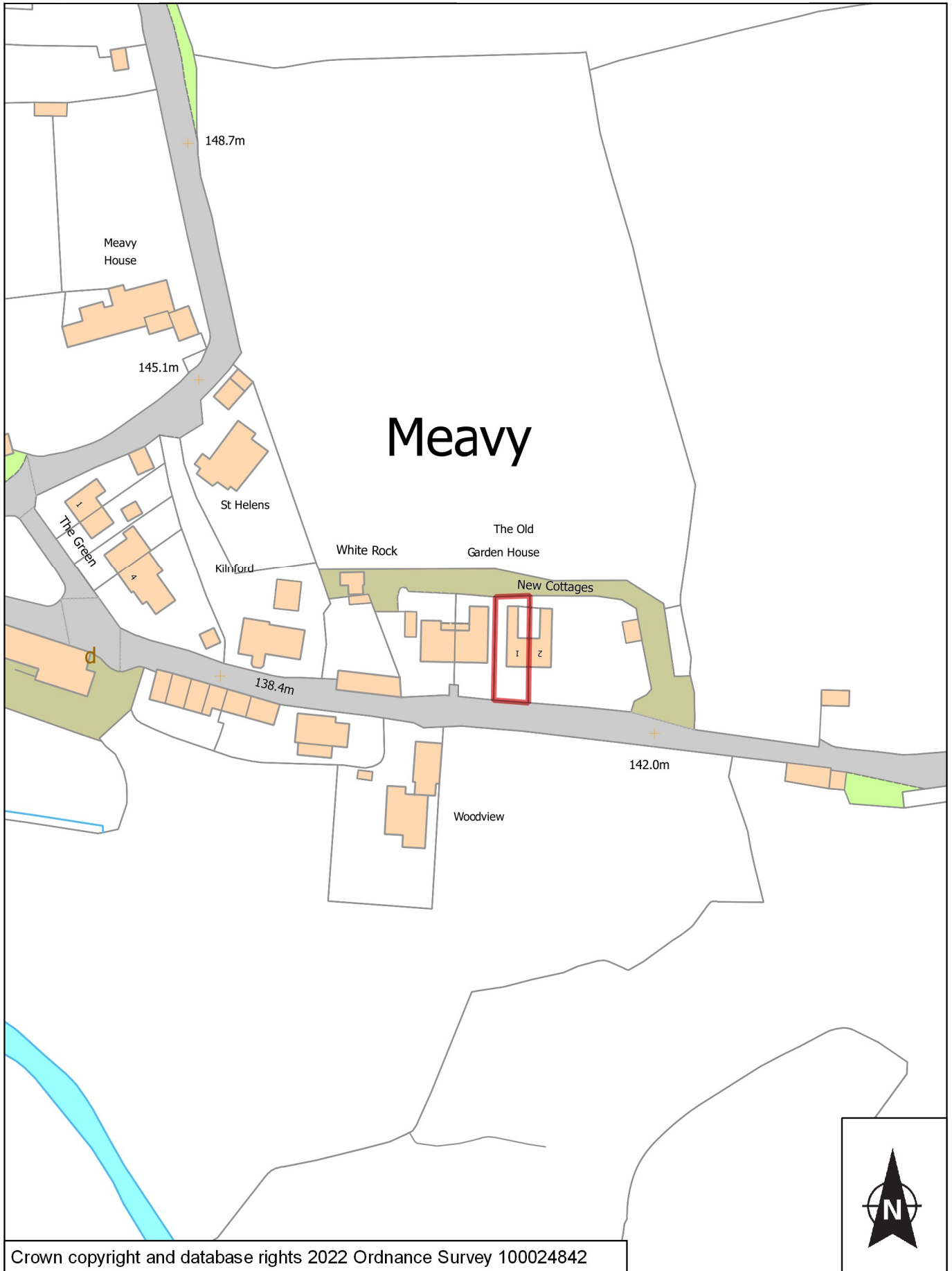
- 5.12 The proposal comprises two parts; the removal of the external shop sign and the removal of the glazed screen above the post office counter.
- 5.13 The shop sign is located above the main entrance on the principal elevation of the property. It is a simple flat timber sign with a thin surround and hand painted lettering. The precise age of the sign is unknown but archive photographs show that it was on the building in 2001 with different lettering and at that time positioned above the display window. The sign has a simple, pleasant presentation but does not exhibit any notable flair, distinctiveness or rarity. It is not considered that the sign possesses significant evidential, historical, aesthetic or communal value. Its removal is not considered to result in harm to the significance of the designated heritage asset.
- 5.14 The glazed screen above the post office counter is a modern late twentieth century addition. No harm will arise through its removal.
- 5.15 It is considered that the proposed works would conserve and not cause harm to the significance of the designated heritage asset. As no harm has been identified there is no requirement in policy to balance the proposed development against any public benefit.
-

0193/22 - 1 New Cottages, Meavy



Scale 1:1,250

Compiled by jumble on 26/9/2022



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Item 2

Application No: **0193/22** District/Borough: **West Devon Borough**

Application Type: **Full Planning Permission Householder** Parish: **Meavy**

Grid ref: **SX54206716** Officer: **Joanna Rumble**

Proposal: **Single storey side extension to dwelling for ancillary residential accommodation**

Location: **1 New Cottages, Meavy**

Applicant: **Mr R Grove & Miss S Clout**

Recommendation: **That permission be GRANTED**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved drawings numbered 2437(S-)02, 2437(PL-)01B and 2437(PL-)02.
3. Prior to the commencement of the development hereby approved, samples (or details) of all external facing materials including the natural stone to be used, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only approved facing materials shall be used and maintained in the development.
4. All new stonework shall be laid and pointed in a traditional manner to match the stonework on the existing building.
5. The roof of the extension hereby approved shall be covered in natural slate which shall be fixed by nailing only. A sample of the proposed slate shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any roofing work. Thereafter, only the approved slate shall be used and maintained in the development.
6. Notwithstanding the drawings hereby approved, prior to the installation of any rooflight in the development hereby approved, details of the proposed rooflights shall be submitted to the Local Planning Authority for approval; thereafter, only approved rooflights shall be used in the development.
7. Notwithstanding the drawings hereby approved, the gutters and downpipes on the extension hereby approved shall be of cast iron or aluminium construction and shall receive a painted finish within one month of their installation.
8. Within 6 months of the commencement of the development hereby approved, the biodiversity enhancement measures illustrated on drawing numbered 2437-(PL-)01B and described in the accompanying Design and Access Statement shall be completed such that they comply with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain). Thereafter, the approved biodiversity enhancement measures shall be maintained in perpetuity.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, other than those hereby approved, no extension to the dwelling shall be constructed and no windows, replacement windows or roof lights

shall be created, formed or installed without the prior written authorisation of the Local Planning Authority.

1 Introduction

- 1.1 1 New Cottages is one of pair of traditional stone and slate cottages in the Meavy Conservation Area.
- 1.2 The application is for a single storey extension to the side of the dwelling to provide an additional bedroom, shower-room and office.
- 1.3 The application is presented to the Committee at the request of Ms Diana Moyse, in view of the impact of the proposal on the Conservation Area.

2 Planning History

- 2.1 0071/16 - Erect single storey extension to the side and rear of existing dwelling - Refused - Appeal Dismissed
- 0074/15 - Single storey rear extension - Refused

3 CONSULTATIONS

- 3.1 West Devon Borough Council: No comment received
- 3.2 Environment Agency: Flood Zone 1 – Standing advice applies
- 3.3 County EEC Directorate: The vehicular access to the site is from the private access track to the rear, with no vehicular access to the southern frontage. The extension extends slightly further north than the existing shed but it does not significantly impinge on existing parking, and even if it did, it is not considered to affect parking on any highways.
- 3.4 As a consequence, there are no objections to the proposals from a highway safety point of view.
- 3.5 DNP Building Conservation Officer: No's 1 and 2 New Cottages are non-designated heritage assets constructed by the Maristow Estate in the late 19th century or early 20th, being present on the 1905 OS mapping, but not earlier. The rear wing and enclosed yard were part of their original layout. They retain a significant amount of their architectural and historic interest, although originally designed with large gardens to provide self-sufficiency for the Estate's workers this character of buildings within their setting is maintained.
 - 3.5.1 Front gardens were more typically used for a combination of fruit and veg growing together with flowers to attract pollinators. The garden to No. 1 was developed with two new houses. There is an important gap between the new dwellings and No. 1, this was designed to retain the character of No.1, No. 2 and the character of the Meavy Conservation Area, a designated heritage asset.
 - 3.5.2 The proposal infills the gap between No. 1 and the boundary line significantly reducing the gap between the property and the new dwelling, a covered area is

created in the yard (akin to a car port) causing harm. The multiple roof forms and materials, and compressed nature of the accommodation (no storage in bedroom created for example) and the parking have a further a negative impact on the setting of the non-designated heritage assets and on the character and appearance of the designated heritage asset, all side and any remaining rear garden is now proposed to be developed.

- 3.6 DNP Archaeology: Meavy as a settlement has pre-Domesday origins, with the first documentary reference dating to AD 1031. This, combined with the location of the proposed development site within the Meavy Conservation area, means there is an elevated potential for the presence of buried heritage assets with no current surface expression.
- 3.6.1 Given the archaeological sensitivity of the proposed development site, an archaeological watching brief (standard condition X03) is recommended according to policy 2.7.
- 3.7 DNP Trees & Landscape: The application is to build an extension on the western side of 1 New Cottages. The new build will not extend beyond the front of the property. A mature oak tree is growing along the roadside boundary. The extension will have no direct impact on the tree. Tree roots can be damaged during construction by storing materials, equipment etc on the rooting area of the tree which can compact soil changing oxygen levels leading to root death. It is important that no materials, equipment, waste materials etc are stored on the grassed area in front of the property during construction.
- 3.7.1 No objection, subject to a condition stating that no materials, equipment, waste materials etc are stored on the grassed area in front of the property during construction.

4 Parish Council Comments

- 4.1 Burrator Parish Council: Objects to the proposal for the following reasons:
- A similar application in 2016 was previously refused. Due to the fact that this historic cottage is in a Conservation Area and is one of two which represent a vernacular style and situation that is worthy of preservation in its present duplicate form. This "twin aspect" approach to New Cottages should be preserved and it would be wrong to allow extensions and alterations to either of the buildings, as the effect on its partner cottage would be so damaging, it would ruin the dual aspect nature of the two cottages.
 - Additional usage of the property would put extra pressure on the already strained drainage system.
 - There is potential for the loss of a parking space having an impact on the village that already has a lack of parking.
 - Additionally, the development would impact the neighbouring property and cause a loss of privacy.

5 Representations

5.1 Objections have been received from the occupiers of four residences in Meavy including the occupiers of the modern house immediately adjacent to the application site.

5.2 A number of issues are raised including:

- the impact of the proposal on the historic integrity, character and appearance of the traditional building, upsetting its symmetry with its pair, to the detriment of the Meavy Conservation Area.
- In contravention of national and local plan policy particularly SP2.7.
- that similar applications have previously been refused and dismissed at appeal.
- The site is visible from the back lane into Meavy and from the moorland to the rear (one states it is visible from the 2 lanes leading into village and main village road, particularly in autumn/winter).
- will increase the % floor area by nearly 30%, setting a precedent, pushing prices up and reducing the stock of affordable houses for local people in the village changing from farm workers cottage to suburban semi.
- the proposal reduces area available for parking, increases need by the provision of an extra bedroom and will add to parking issues in the village both in the short term by the need for tradespeople to park and in the long term .
- parking will impact on the private shared driveway which must be kept clear.
- will impact on neighbouring property and the wider neighbouring area by reducing the available area to soak and contain flood water that runs off the adjacent fields, endangering properties in lower lying areas of the village from flooding. More specifically, that there are well known problems with flooding in the village, as the course of the old leat flows across the top of the field behind our houses. After heavy rain, water flows off the field and finds its way past all our houses; filtering through the gardens of the properties, down their steps and into the village lane, where it is directed through a number of open pipes to the flood plain below. When any of these areas becomes blocked, there is build-up of water in the surrounding properties. These are not small amounts of water – it can be knee-deep with significant waterfalls gushing down our steps and onto the lane. Such water does not soak away, and we frequently use sandbags to protect the area. Extending the building's ground plan to fill the entire area between the property's east and west boundaries will block any north to south transit of water, forcing it to flow downwards to the west (rather than south through the property's garden to the flood plain). In addition to risks to our own flood safety, we are concerned that the proposed extension would cause flooding issues for the village, where excess water naturally courses, making for difficult passage through the village.
- the ground level of the extension will be higher than that of neighbouring property.
- the addition of a second set of gable roofing and windows, and the use of render rather than brick on the back end wall, would be completely unbalanced and out of character.

- the lack of space and the substantial scale of the proposed extension, which would run most of the length of the sides of both 1 New Cottages and the adjacent property.
- the loss of privacy to both properties, due to the less than 4ft proximity, and mutual overlooking from the proposed direct facing east-west (as opposed to adjacent south facing) windows situated above the height of the neighbouring wall.
- The five new Velux windows angled on the pitched roof, three of which align directly with neighbours own windows, permitting views down into their kitchen, dining room, and downstairs WC, and straight into a bedroom, with direct views across the landing and into a further bedroom resulting in loss of privacy when preparing meals, eating, socialising, sleeping, using the bathroom, and moving between the bedroom and bathroom.
- light intrusion and sound issues for neighbour - Meavy is quiet in the evenings; the only sound being the river and wildlife. With a minimal distance between windows, any household light and noises would be immediately overheard. We moved into the village because it is known for its tranquility and dark skies, which are part of its rural and conservation character, and we cannot be expected to keep our windows permanently closed and covered. It would be impossible to resolve the impact of this extremely close face to face proximity in any other way, as the 1 metre space that will exist between us would not allow for any form of screening without blocking our route from the front to the back of our property – an access route that is important in a variety of circumstances.
- the size and close proximity of the proposed extension to neighbouring property will block natural light from the east side of the property. As a semi-detached house, it relies on the natural light provided over the top of its boundary wall by the space that currently exists between its east walls and 1 New Cottage. The top of the proposed extension would start from the top of our wall and rise to just under the window, blocking much of the available light. This would require the use artificial light continuously, day and night.
- with only 1m between both properties it will be difficult to maintain both properties and, obstruction would be unavoidable.

6 Relevant Local Plan Policies

- 6.1 Strategic Policy 1.1: Delivering National Park purposes and protecting Dartmoor's special qualities
 Strategic Policy 1.2: Sustainable development in Dartmoor National Park
 Strategic Policy 1.5: Delivering good design
 Policy 1.7: Protecting local amenity in Dartmoor National Park
 Strategic Policy 2.3: Biodiversity Net Gain
 Strategic Policy 2.5: The water environment and flood risk
 Strategic Policy 2.7: Conserving and enhancing heritage assets
 Policy 3.7: Residential alterations, extensions and outbuildings

7 Observations

- 7.1 New Cottages are an attractive pair of late Victorian estate cottages built in stone with brick dressings by the Maristow Estate. The pair of cottages have distinctive

single storey rear tenements and have a symmetry to the front and rear. They feature as undesignated heritage assets on the Historic Environment Record.

- 7.2 They are set back from the road at a higher level, with hedges enclosing the front garden of number 1. The site faces open agricultural fields to the rear that are included within the boundary of the Conservation Area. The cottages, and adjacent modern semi-detached, are visible from public view points including the lane running north from the centre of the village. This important view is recognised in the Meavy Conservation Area Appraisal.
- 7.3 To the west and within the former garden of number 1 is a pair of modern semi-detached houses. The house adjacent to 1 New Cottages, The Old Garden House, has a rear, single storey, dual pitch, substantially glazed extension which was permitted in 2011. Subsequent to this, a 2m high (approx.) boundary blockwork wall has been constructed between it and 1 New Cottages.

THE PROPOSAL

- 7.4 The application proposes a lean-to extension to the west side of the dwelling which, at the rear turns to dual pitch to create an 'M' profile with the existing rear extension. The extension is to have stone faced front and rear elevations with brick detailing, and a natural slate roof with terracotta ridge tiles, all to match the existing. The side wall, which will run immediately along the neighbouring property's breeze block boundary wall, is to be rendered.
- 7.5 The 5 rooflights will be conservation style and flush fitting, other windows to be white UPVC casements to matching existing. Rainwater goods will be painted aluminium.
- 7.6 The Design and Access statement indicates that the existing floor area extends to 99.4sqm and the proposal adds an additional 28.5sqm. This is an increase in floor area of 28.6%, within the 30% indicated by Policy 3.7.

HERITAGE CONSIDERATIONS

- 7.7 The existing cottages are rather typical of estate architecture and have a well noted symmetry and balance in their design and detailing. However, with the development of 2 houses in the garden of number 1 and the further subsequent addition of a substantial blockwork boundary wall, the character of the cottage setting has been significantly eroded.
- 7.8 The current proposal has significantly reduced the bulk, prominence and height of the proposed extension from that previously considered and refused in 2016. Its narrower form, set back from the principal elevation, reduced height and more sympathetic approach to the roof profile all help to produce an extension which is visually subservient to the original dwelling. It also retains and complements the existing tenement rear projection, rather than replacing it.
- 7.9 While there are public views of the rear of the cottages, these are relatively distant and the cottages are seen in association with the more imposing newer development immediately adjacent. The proposed single storey extension will be well screened by the existing field hedge to the rear or existing built features such

as the extension and boundary wall of the neighbouring property when seen from the north west.

- 7.10 Strategic Policy 2.7 states that proposals should avoid harming a heritage asset's significance. For designated assets, in this case the Conservation Area, any harm to significance must be less than substantial, justified and clearly be outweighed by the development's public benefits to be acceptable. For non-designated assets, in this case the cottages, any harm must be balanced against the significance of the asset and found to be reasonable and justified.

HIGHWAYS

- 7.11 The Highways Officer has raised no objection to the access and parking provision.

FLOODING

- 7.12 The extension utilises existing surfaced yard areas. The site is not within Flood Zone 2 or 3 and soakaway provision is made within the grassed garden area to the front of the cottage. Any run-off arising from outside the site would be able to flow between the extension and neighbour's boundary wall, if necessary.

BIODIVERSITY ENHANCEMENT

- 7.13 The proposal has a floor area of 28.5sqm which generates a requirement of 2 enhancement features, for which 4 bird nesting boxes have been proposed.

NEIGHBOUR AMENITY

- 7.14 An objection has been received from the occupiers of the adjoining property to the west of the cottage, The Old Garden House. In addition to the concerns raised with regard to loss of parking, flooding and impact on the character of the building and the Conservation Area, they have also raised issue with loss of privacy, noise, light intrusion and the loss of natural light from their own property.
- 7.15 The proposal creates a bedroom, shower room and study in an area previously used for outdoor seating as part of the garden, this is unlikely to create any additional noise other than that reasonably associated with use as a dwelling. It will also have no bearing on privacy, the rooflights are set at height within the roof plane and do not offer any direct line of sight into the neighbouring property. The walls of the proposed extension sit behind the neighbour's existing concrete block wall and will have no impact on natural light to his property, similarly the roof is pitched away from the boundary and again will have little impact.

8. Member Site Visit – 21 October 2022

- 8.1 Members of the site inspection panel, applicant/owner, agent, Parish Council representative and neighbour convened on the site, introductions were given and the Chairman explained the inspection procedure. The applicant/owner confirmed his agreement to the neighbour attending.
- 8.2 The Planning Officer outlined the proposal, identifying the footprint of the proposed single storey extension, the roof profiles and the intended height of the eaves and

ridge. Attendees were shown the relationship of the proposed extension with the existing neighbouring wall. It was explained that the rear part of the extension was to have dual pitched roof, with the part abutting the main dwelling being mono-pitch sitting below the cill level of the first floor window, and the eaves approximately to the height of the existing block work wall.

- 8.3 It was clarified that the site was within the Conservation Area and that the two cottages were not listed but were undesignated heritage assets featuring on the Historic Environment Record. They were recorded as estate cottages, notable for their symmetry. The cottages were then viewed from the rear drive. It was noted that 2 New Cottages had a significantly larger garden area and it was explained that the garden area to number 1 New Cottages had been separated and was now the site of 2 adjoining properties including the Old Garden House. The extent of the Conservation Area was indicated and it was explained that Conservation Areas take into account all historic built environment interests including archaeological.
- 8.4 The Parish Council representative indicated that its comments remain as previously. That it agreed with the concerns raised by the Heritage Officer and also wished to see consistency in decision making. He asked if the extension was to be sunk into the ground and it was confirmed that the floor levels were to be the same as the existing cottage.
- 8.5 It was confirmed that the rear shared access drive was in private ownership and that parking would be retained on site. The Planning Officer clarified that it would be unusual for a requirement for a Construction and Environmental Management Plan be imposed on a permission for a householder scale domestic extension.

CONCLUSION

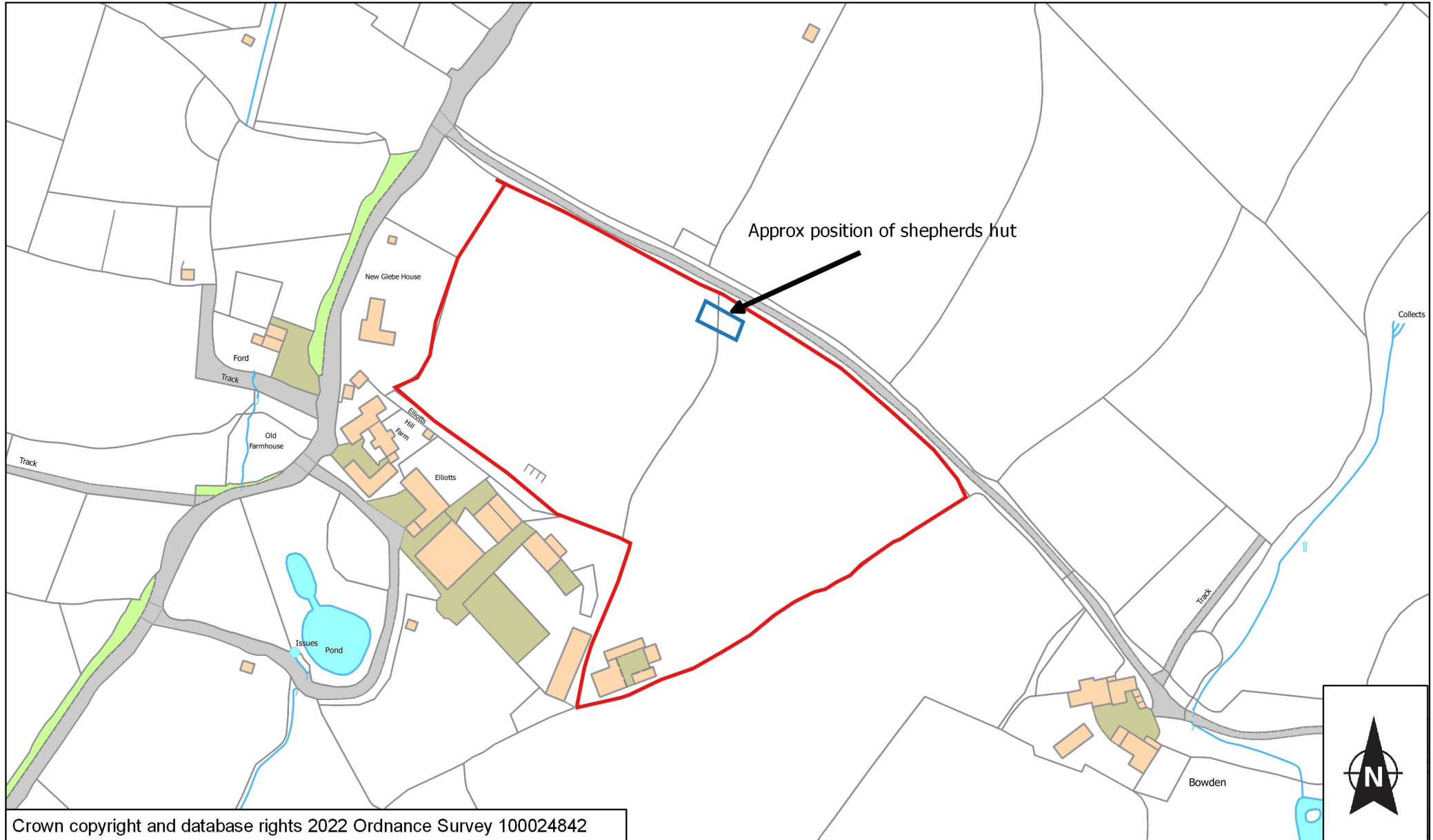
- 9 The proposed extension is less than the 30% increase in floor area permitted by Strategic Policy 3.7. It is considered to be an acceptable form of extension that respects the character and appearance of the cottages and of the Meavy Conservation Area, will have no unacceptable impact on local amenity or on the amenities enjoyed by the residents of neighbouring property; will have no undue impact on highway safety or flooding and, as such, is considered acceptable, subject to the conditions suggested.
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Dartmoor National Park Authority

ENF/0095/20 Land at New Glebe Stables, Buckland-in-the-Moor

Scale 1:2,000

Map created by nsavin on 25/10/2022



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Item No. 3

Enforcement Case : **ENF/0095/20**

District/Borough : **Teignbridge District**

Grid Ref : **SX724738**

Parish : **Buckland-in-the-Moor**

Officer : **Nick Savin**

Description : **Unauthorised siting and residential use of hut**

Location : **Land at New Glebe Stables, Buckland in the Moor**

Recommendation: **That the appropriate legal action be authorised to:**

- 1. Secure the cessation of the residential use of the land, and**
- 2. Secure the removal of the shepherds hut and any incidental domestic structures and paraphernalia.**

1 Planning History (Enforcements)

1.1 ENF/0256/16 Unauthorised field shelters/stables

2 Relevant Local Plan Policies

2.1 SP1.1 - Delivering National Park purposes and protecting Dartmoor's Special Qualities
SP1.2 - Sustainable development in Dartmoor National Park
SP1.3 - Spatial Strategy
SP1.5 - Delivering good design
SP2.1 - Protecting the character of Dartmoor's landscape
SP3.1 - Meeting Housing Need
P3.9 - Rural Workers' Housing

3 Observations

THE SITE

3.1 New Glebe Stables lies approx. 850m northeast of Buckland-in-the-Moor on the east side of Elliots Hill. The shepherds hut is located adjacent to an unclassified highway, approximately 140m to the northeast of a small hamlet of dwellings based around Elliots Hill Farm.

RELEVANT PLANNING HISTORY

- 3.2 An application was submitted in August 2021 for the 'Siting of campervan for use as a temporary rural workers dwelling, replacement stables and associated works' (ref 0452/21).
- 3.3 This application was refused in December 2021. There was insufficient evidence of a functional need for either a temporary or permanent dwelling on the land. The accommodation proposed would not conserve or enhance the character and appearance of this part of the National Park.
- 3.4 A further application for 'Replacement stables with associated works plus retention of track' (ref 0053/22), was granted in July 2022 subject to a number of planning conditions. That

application did not include residential use. The supporting business plan had not changed significantly since the refusal of application ref. 0452/21.

THE BREACH OF PLANNING CONTROL

- 3.5 In July 2021, the Authority received a report that a campervan had been sited on the land at New Glebe Stables and that this was in residential use. During a site visit in January 2022 it was noted that a shepherds hut had also been brought onto the land which was also being used for residential accommodation.
- 3.6 Since December 2021, when the application which sought a temporary dwelling on the land was refused, residential use has continued without the necessary planning approval.
- 3.7 A recent site visit confirmed that the campervan had recently been removed but that residential use of the shepherds hut continues, with vehicles parked overnight and various domestic items noted nearby.
- 3.8 When planning application ref. 0452/21 was refused in December 2021, there was insufficient evidence of a functional need for a temporary rural worker's dwelling on this land. No further application or evidence has been submitted to convince the Authority that this situation has changed. Therefore, the siting and residential use of the shepherd's hut is considered to be unacceptable and contrary to policy. It is therefore considered expedient to seek authorisation for appropriate enforcement action.

POLICY CONSIDERATIONS

- 3.9 SP1.1 - Delivering National Park purposes and protecting Dartmoor's Special Qualities. The shepherd's hut does not conserve or enhance the natural beauty, wildlife and cultural heritage of the area.
- SP1.2 - Sustainable development in Dartmoor National Park. The development does not deliver distinctive high quality design or conserve and enhance the character, quality and tranquillity of the National Park.
- SP1.3 - Spatial Strategy. The Authority is not satisfied that the development has a proven need to be located in the open countryside.
- SP1.5 - Delivering good design. All development should create a strong sense of place with a clear and distinctive character by reinforcing local character, respecting Dartmoor's vernacular, and maintaining and enhancing townscapes, street patterns and frontages and their relationship with the landscape. The campervan and shepherds hut fail to achieve this.
- SP2.1 - Protecting the character of Dartmoor's landscape. This development does not conserve and enhance the character of the Dartmoor landscape.
- SP3.1 - Meeting Housing Need. New Glebe Stables is in the open countryside and is not an allocated site, windfall site or rural exception site where there is an identified need for housing in this location.
- P3.9 - Rural Workers' Housing. The principle of new rural workers' housing has not been proven. The Authority has not been asked to consider a planning application to retain the hut on the basis of any justified need related to agriculture or an established rural business.

THE HUMAN RIGHTS ACT 1998

- 3.10 It is understood that the land is in residential use. As such, the courts will view any decision to take enforcement action as engaging the occupiers' rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".
- 3.11 The courts have held that provided a balanced and proportionate approach is taken, having regard to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.
- 3.12 Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.
- 3.13 Members are therefore advised that enforcement action would be:
- (i) in accordance with law – s.178(1) T&CPA 1990
 - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
 - (iii) proportionate to the harm and therefore not incompatible with the Human Rights Act.

PUBLIC SECTOR EQUALITY DUTY

- 3.14 In making its decision the Authority must also have regard to its public sector equality duty (PSED) under s.149 of the Equality Act 2010. The PSED is to have due regard to the need (in discharging its functions) to:
- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 3.15 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 3.15 The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:
- a. The importance of the decision and the severity of the impact on the Authority's ability to meet its PSED

- b. The likelihood of discriminatory effect or that it could eliminate existing discrimination.
- 3.16 The Authority should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact.
- 3.17 Welfare forms have been issued to the land owner and recently returned.
- 3.18 The welfare forms state that there is one person living on the land who does not have any health issues or educational requirements. Also that they do not require any Social Service assistance.
- 3.19 The land owner states that it is essential that she is available on-site for the health and welfare of her bloodstock and for security reasons. She further states that if she is forced to move off site she will lose her home and her livelihood.
- 3.20 Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Authority is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.
- 3.21 It is considered that the interests of upholding the integrity of the planning system and other reasons set out in this report outweigh any (as yet unidentified) PSED considerations in this case.

4 Openness of Local Government Bodies Regulations 2014:

- 4.1 In making this report, I have taken into account the provisions of the Openness of Local Government Bodies Regulations 2014 in respect of officer decisions, in particular Regulations 7 and 8 concerning the recording of this delegated decision making function.

CHRISTOPHER HART



NPA/DM/22/013

Dartmoor National Park Authority
Development Management Committee

4 November 2022

Tree Preservation Orders, Section 211 Notifications (Works to
Trees in Conservation Areas) and Hedgerow Removal Notices
Determined Under Delegated Powers

Report of the Trees and Landscape Officer

Recommendation: **That the decisions be noted.**

TPO APPLICATIONS

West Devon

Ref: 22/0021 Summerhayes, Throwleigh SX 6669 9060

Application to reduce the canopies of four beech trees. The works will have minimal impact on the health or appearance of the trees. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work-Recommendations.

Ref: 22/0023 The Surgery, Yelverton SX 5228 6791

Application to reduce the weight of two low branches on a pine tree. The works are necessary to prevent branch failure. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work-Recommendations.

South Hams

Ref: 22/0019 Noland Lodge, South Brent SX 7005 5970

Application to reduce a branch on a mature oak tree. The works are minor and will have minimal impact on the health or appearance of the tree. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work-Recommendations.

Ref: 22/0027

2 Middle Green, South Brent

SX 7034 5998

Application to reduce the eastern canopy of a beech tree by 1.5m. The works will prevent the tree damaging the adjacent building. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work-Recommendations.

SECTION 211 NOTICES

Teignbridge

Ref: 22/0020

Tolmarsh, Buckfastleigh

SX 7375 6591

Notification to reduce a sycamore tree. The works will have minimal impact on the character of the area.

A Tree Preservation Order has not been made.

Ref: 22/0022

Grey Gables, Ilsington

SX 7848 7608

Notification to re-pollard a sycamore tree. The works will have minimal impact on the character of the area.

A Tree Preservation Order has not been made

Ref: 22/0025

30 North Street, Ashburton

SX 7554 6998

Notification to fell a juniper, *Garrya elliptica* and reduce a bay. The juniper has minimal amenity value and the *Garrya* and bay have a shrub form and cannot be protected by a Tree Preservation Order.

A Tree Preservation Order has not been made

Ref: 22/0026

Old Coach House, Buckfastleigh

SX 7377 7659

Notification to reduce a beech tree. The works will have minimal impact on the health or appearance of the tree.

A Tree Preservation Order has not been made

West Devon

Ref: 22/0018

Rose Villa, Horrbridge

SX 5157 6996

Notification to fell a cypress tree. The tree has poor form and branches are prone to failure in high winds.

A Tree Preservation Order has not been made.

Ref: 22/0024

6 Grosvenor House, Princetown

SX 5874 7384

Notification to fell a group of Lawson cypress. The trees are in very poor condition and are damaging a boundary wall.

A Tree Preservation Order has not been made.

Ref: 22/0028

Old Memorial Ground, Horrbridge

SX 5121 6995

Notification to pollard a maple tree. The tree is in poor condition and pollarding may extend the life of the tree.

A Tree Preservation Order has not been made.

BRIAN BEASLEY