

NPA/DM/14/009

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 February 2014

MONITORING AND ENFORCEMENT

Report of the Director of Planning

INDEX

Item No. **Description**

1. ENF/0168/13 - Installation of hydro-electric generation scheme - works to fish pass not carried out in accordance with the approved drawings, Huckworthy Mill, Sandford Spiney
2. ENF/0186/13 - Failure to remove temporary agricultural workers dwelling, Seven Acre Farm, Bridford

1 Enforcement Code: **ENF/0168/13**
Grid Ref: **SX538713**

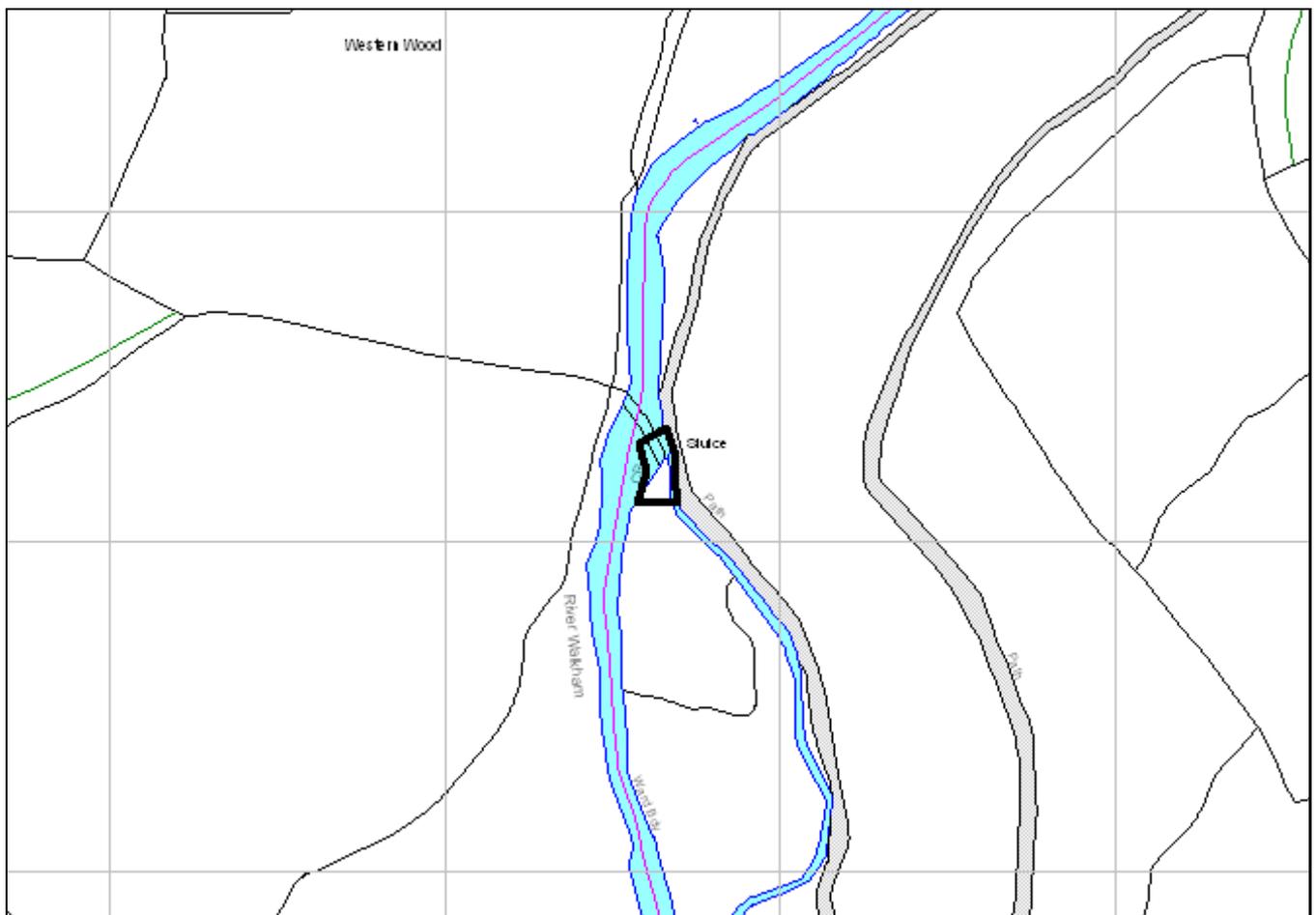
District/Borough: **West Devon Borough**
Parish: **Burrator**
Officer: **Andy West**

Description: **Installation of hydro-electric generation scheme - works to fish pass not carried out in accordance with the approved drawings**

Location: **Huckworthy Mill, Sandford Spiney**

Land owner:

Recommendation **That, subject to the issuing of the necessary licenses by the Environment Agency and the developers and landowners entering into a Section 106 Agreement transposing relevant conditions attached to the original planning permission onto the current, "as built" development, NO FURTHER ACTION BE TAKEN**



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

- COR1 - Sustainable Development
- COR3 - Protection of Dartmoor's Special Environmental Qualities
- COR6 - Protecting Dartmoor's Archaeology
- COR7 - Protection of Biodiversity and Geodiversity in the National Park
- COR8 - Efficient and Sustainable Use of Natural Resources
- COR10 - Small-scale Renewable Energy Schemes

DMD1a - Presumption in Favour of Sustainable Development
DMD1b - Delivering National Park Purposes and Protecting Dartmoor National Park's Special Qualities
DMD4 - Protecting Residential Amenity
DMD5 - Protecting the Character of Dartmoor's Landscape
DMD6 - Development Affecting Moor, Heath and Woodland
DMD11 - Whole or Partial Demolition of Listed Buildings and other Heritage Assets
DMD13 - Archaeology
DMD14 - Natural Environment, Biodiversity and Geodiversity
DMD15 - Small Scale Renewable Energy Schemes

Representations & Parish/Town Council Comments

Burrator Parish Council is concerned and disappointed that the applicants have moved away from the approved plans and would insist on firm action to rectify matters.

As the adjoining Parish, Plasterdown Grouped Parish Council has stated that it hopes that the Committee will enforce the works to be carried out in accordance with the approved drawings.

Observations

HISTORY

Members will recall resolving to grant permission for the "installation of hydro-electric generating system, fish pass and repair of the existing leat" at this site (ref: 0510/12) at the Committee's meeting in November 2012 (please see attached report and minutes of that meeting).

Work commenced on the project in February 2013 but following concerns being raised with the Authority that the fish pass component of the development was not being constructed in accordance with the approved drawings, Officers met with the developers on site in August. The developers stated that they had experienced several difficulties in laying out the fish pass. Chief among these difficulties was their concern that the approved drawings had not accurately mapped the existing weir and its position within the river and that it had proven difficult to lay concrete whilst the river was flowing over the weir. The developers advised that prior to works taking place they had commissioned a laser survey of the site to ensure that the fish pass was constructed in the approved location, relative to a fixed point on the nearside bank.

The Authority's Officers took a number of measurements of the fish pass and its position relative to the same fixed datum point used by the developers.

Having completed these measurements, the developers advised that the intake channel (directly to the south of the weir and fish pass) had been moved downstream/southwards by between 1.0 and 2.0 metres in order to avoid damaging an existing tree that was present in the riverbank. Officers were advised that the Environment Agency had inspected these works and did not feel that they posed a problem in terms of the operation of the project. In response, Officers advised the developers that this work was clearly a departure from the approved drawings and that this would need to be addressed along with any other issues that arose if it were found that the fish pass had been constructed in the wrong location.

When the Officer's measurements were compared with the approved drawings, it became clear that the physical dimensions of the fish pass are fully in accordance with the approved drawings. However, the position of the fish pass relative to the weir is incorrect in that at its most northerly point the fish pass is located closer/angled in towards the weir than is shown on the approved

plans.

However, there is also some disparity in the measurements that were taken from the fixed datum along the weir crest as a number of these show the fish pass as being located closer to the weir than approved (by approximately 1.0 metre), while other measurements show the development as being further from the weir (by approximately 1.25 metres). The disparity in these measurements would suggest that although the fish pass has been constructed in accordance with the approved dimensions, the original plotting of the weir may have been incorrect.

This means that the position of the fish pass shown on the approved drawings could never be achieved, as the weir does not exist in the location or alignment shown on those drawings.

The key concern remains that the development as constructed does not accord with the approved drawings. Given the degree of divergence, it represents a breach of planning control. Furthermore, as the development is not in accordance with the approved plans, the planning conditions (17 in total) which were attached to the original planning permission may be unenforceable. As such; it is not certain that the control that the Authority was seeking to exert over the development, to ensure amongst other things the protection of the environment and local amenity, will be effective.

Following the discovery of the divergences mentioned above, a meeting was held between the Authority and representatives from the Environment Agency (who have also been investigating the matter), at which it was agreed that the fish pass had not been built in accordance with the approved plans and that each party would need to take steps to rectify matters in accordance with their own remit. Members will recall the separate licences have been granted by the Environment Agency, which are stand-alone to any planning permission. The developers must comply with the licences that have been granted.

Detailed and extensive correspondence subsequently took place with the developers seeking the submission of survey plans and drawings, that it was hoped would accurately show the position of the fish pass as it has been built, so that these could be compared with the approved drawings to show the extent of the divergence.

A revised survey drawing was submitted to the Authority on 4 November. However, this was of a very large scale and was not detailed enough to enable the Authority to accurately compare the survey findings with its own. As such, on 5 November 2013 the developers were requested to resubmit a survey plan at a scale of 1:100 centred on the fish pass. Following further negotiations, this plan was submitted on 25 November. (The surveyor responsible for the drawings suggests in his notes that the approved planning drawings show the weir and fish pass in relation to where the Ordnance Survey maps show the weir to be, whereas in reality the weir is in a different location and of a different configuration).

Following the submission of these drawings, the site was visited by the Case Officer and the Director of Planning on 26 November, when the site was inspected from both the area of development and from the opposite bank.

In addition to those issues outlined above it was also noted during this visit that the ground level of the bank to the east of the intake channel has been raised, and that accordingly the easternmost retaining wall of the intake channel is higher than the western wall. Given the fact that this wall is constructed of standard concrete, this gives the development an incongruous appearance when viewed from the opposite bank or from downstream of the development.

With this in mind, Officers discussed with the developer, the possibility of stone facing the upper

part of the eastern wall, above the water line and this proposal was accepted.

CURRENT SITUATION

Following the site visit on 26 November, a further meeting was held with representatives of the Environment Agency.

During this meeting, the Environment Agency indicated that it was likely that the fish pass and the associated intake channel will operate in accordance with the various licences that have been applied for by the developers, provided that a number of minor alterations are made.

Officers of the Authority also confirmed that whilst the development does not conform strictly with the approved drawings, the effect of the departures upon, amongst other things, the character of the area, the landscape quality and the effect on the environment in this location is considered to be only marginally different to the originally approved scheme, and not to an extent that would have been likely to have warranted the refusal of an application for planning permission or that warrants immediate enforcement action to halt works on the site.

However, Officers believe that it is important to bring the matter to Members of the Development Management Committee in a public forum. The objectors have therefore been notified that this matter will be the subject of an enforcement report and given an opportunity to consider this report, make representations and to take part in the committee proceedings under normal public speaking rules.

ENVIRONMENT AGENCY POSITION

The following email outlines the EA's position as of 16 December 2013 and is a note of a meeting that was held between the developers and the Environment Agency on the previous day:

“We discussed the position of the fish pass and advised that from our interpretation of the drawings and plans seen to date it was NOT in the correct position.

However it is the opinion of our fisheries technical specialist that the position will not adversely affect its functionality.

We then discussed the operation and functionality of the pass and the discrepancies between the as built drawings and approved drawings.

We discussed what changes were required to make the fish pass fulfil the requirements of the approved drawings.

We agreed that CGP should provide us with new drawings showing the changes proposed.

Adherent Nappes (rounded edges to the fish pass to prevent injury to fish) to be added and weir crest altered at the fish pass exit.

Also as an improvement, but nothing to do with approved drawings or planning, the trash deflector to be extended to protect the side of the fish pass.

We informed them that once we had received the drawings of the proposed changes we would assess them and when signed off the developer could implement the changes”.

Unfortunately, the EA did not receive any amended drawings or a new application for the amended fish pass license before the EA's 'fish pass panel' meeting on 9 January. As it would have been difficult for the Development Management Committee to consider this matter without knowing the EA's formal position, it was decided to withdraw this item from the Committee's meeting in January.

Further discussions have since taken place between the developer, the EA and the Authority and it is hoped that the EA's 'fish pass panel' will now be considering this development at its meeting on 4

February. Members will be advised of the EA's current stance on the matter at the Committee meeting. In addition, an officer of the Environment Agency will be present at the meeting to provide further clarification if required.

OPTIONS AVAILABLE TO THE AUTHORITY

At the present time, it appears to Officers that there are four options available to the Authority in order to regularise or resolve this matter. These options are as follows;

1. Take no further action over this matter

This option would allow the fish pass and the associated development to remain in place without any amendments being made, thus avoiding the risk of any further environmental or ecological damage being caused by the undertaking of remedial works in or around the watercourse.

However, if no action is taken to regularise the matter, then the development is believed to be outside the planning permission and as previously mentioned any planning conditions are likely to be unenforceable. Neither does the fish pass (as constructed/in its current form) meet the Environment Agency license requirements. The net result of this would be, the fish pass could not become operational and the hydro-electric power scheme could not be switched on.

2. The use of a Section 106 Agreement to ensure that the developers/landowners will comply with the relevant conditions that were attached to the original planning permission.

This option represents a negotiated solution to the problem in that the development can remain in its current position, but that the Authority retains control over the development through a binding legal agreement to observe and comply with the planning conditions that were attached to the planning permission.

This course of action is further supported by the fact that the Environment Agency has indicated that it is happy to grant licences/take no further action over the issues associated with the fish pass if a number of relatively minor changes are made to the development. A Section 106 Agreement could be entered into between the Authority and the developers which allows the retention of the scheme in accordance with a set of drawings showing the amendments that have been required by the Environment Agency. The Agreement would guarantee that all relevant conditions which were applied to the original permission are still applicable to the 'as built' development. On this basis, it is considered that the Authority's concerns would be addressed and no further action other than the signing of the Agreement would be required.

3. The submission of a revised planning application for the current/"as built" works

This course of action would enable the matter to be re-assessed by both the Authority and its consultees (including the Environment Agency), and for members of the public to be consulted.

However, the principle of a hydro-electric scheme, together with associated works such as the creation of a fish pass, in this location has been agreed previously by the Authority. Although the current development is considered to represent a divergence from the approved scheme, it is considered that there is little to be gained by asking the developers/previous applicants to reapply for permission.

Furthermore, although there are differences between the development that is currently in situ and that which was approved, it is not considered that these differences are so significant or material as

to require the submission of a new application.

4. Issue an Enforcement Notice requiring the removal of the unauthorised works

The taking of formal enforcement action would address the breach of planning control (the unauthorised 'as built' fish pass and intake channel). However; given that the breach is construction in the wrong location/orientation, the only realistic remedy would be to require the removal of the unauthorised development. In the event of an appeal, works to resolve the issue would be unlikely to take place until any appeal had been heard and determined; given the issues at stake and associated costs, this could take many months and perhaps even some years.

When permission was granted for the works to install the hydro-electric scheme, careful consideration was given by both officers and Members to the protection of the environment, ecology and archaeology of the application site. If works to demolish the fish pass and intake channel are required, this could well have severe implications for the environment and ecology. There are also concerns that the enforced removal of the fish pass in particular could cause irreparable damage to the remaining historic weir. It is therefore considered that the environmental harm caused by any demolition/removal works would be likely to be considerably more serious than any harm that is caused by the retention of the development as built.

CONCLUSION AND RECOMMENDATION

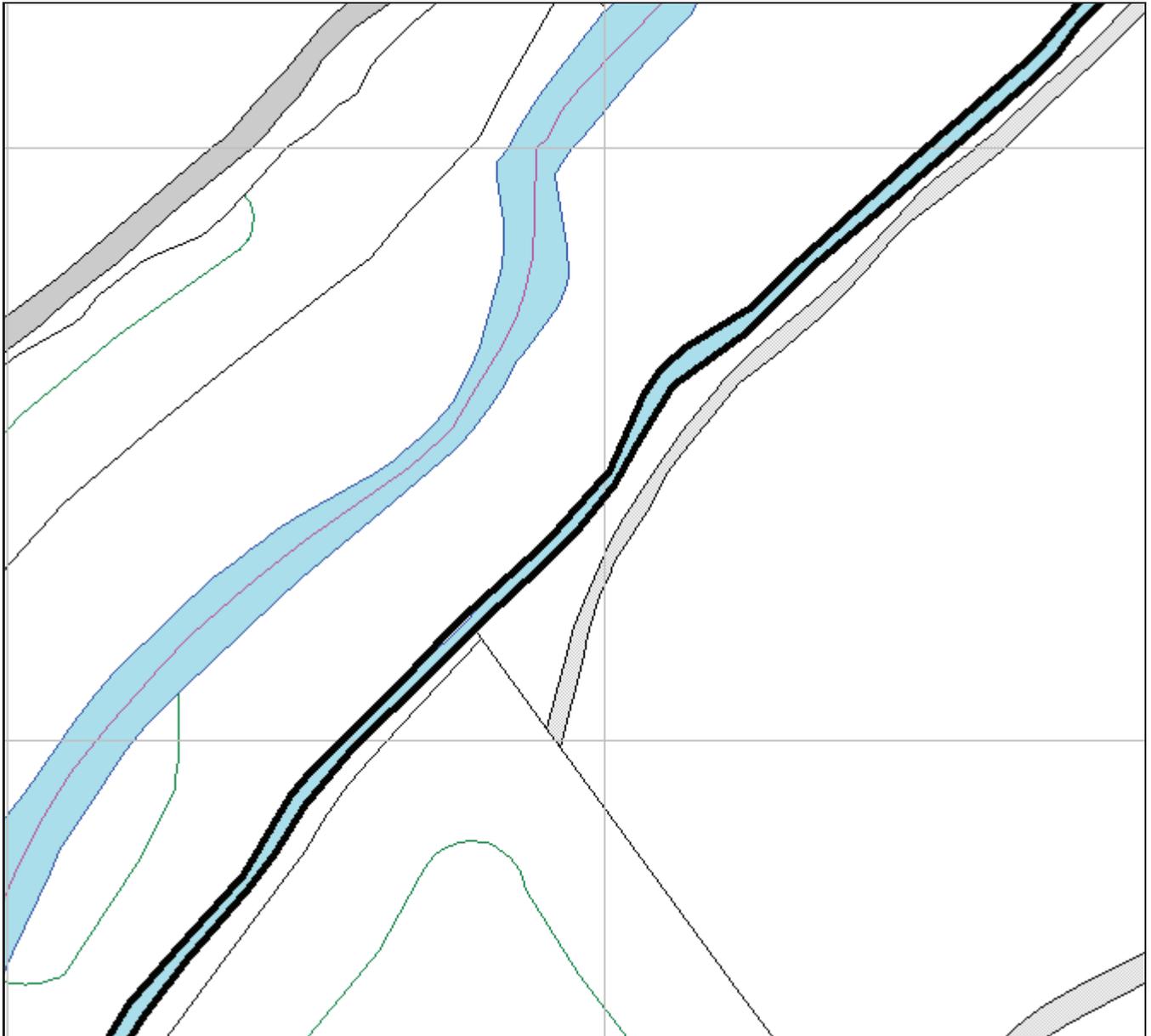
In conclusion, the development does not accord with the approved drawings. Provided that a satisfactory Section 106 Agreement is signed it is not considered expedient to take formal enforcement action to ensure the removal of the unauthorised fish pass and intake channel from the land as it is felt that this would cause considerable and unnecessary ecological, environmental and archaeological harm to the development site and the surrounding area.

Officers are firmly of the view that a binding legal agreement is needed to regularise the matter in the interests of all parties concerned with the development.

To this end, it is recommended that Members determine that **NO FURTHER ACTION BE TAKEN**, provided that the Authority, the developers (CGP (SW) Ltd) and landowners enter into a legal agreement to ensure that the relevant conditions which were attached to the original planning permission are transposed (all conditions will be transposed onto the Section 106 Agreement, apart from those that have already been complied with) to the current development. Any such Agreement would be accompanied by an accurate set of drawings that not only show the fish pass and intake channel in their current locations but also show the works deemed necessary by the Environment Agency for the development to secure the granting of licenses that will enable the developers to begin to derive electricity from the scheme, thereby binding any further physical works upon the fish pass to those expressly required by legal agreement. In addition, any other remedial works deemed necessary by the Authority (such as stone facing the concrete walls) relating to the "on bank" works could also be included in the requirements of the Section 106 Agreement.

The developers and the landowners have indicated their willingness to enter into a Section 106 Agreement and it is anticipated that an Agreement will be ready for signature by the date of the Committee meeting.

3. Application No: **0510/12** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Burrator**
Grid Ref: **SX535709** Officer: **Jon Holmes**
Proposal: **Installation of hydro-electric generating system, fish pass and repair of the existing leat**
Location: **Huckworthy Mill, Sampford Spiney**
Applicant: **CGP (SW) Ltd**



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50m
Scale 1:1250 @ A4

Recommendation **That, subject to the consideration of comments from Natural England, permission be GRANTED.**

Condition(s)

1. The hydro scheme hereby approved shall not become operational, nor water otherwise abstracted from the weir until the fish pass has been constructed.
2. Natural slate and slate fixing to the generator house - E04/E05
3. Prior approval of stonework to the generator house - F05
4. The existing sluice gates at the intake shall be retained in-situ unless otherwise previously agreed in writing with the Local Planning Authority.
5. A qualified ecologist shall be present before works to fell trees and scrub are undertaken to assess for impact on bats and dormice. The development shall only proceed in line with any written instructions of the Authority.
6. A photographic record of the weir shall be made prior to the commencement of works and a copy sent to the Planning Authority to record. No work shall commence until the Authority has confirmed in writing the adequacy of the photographic survey.
7. The development shall be carried out in accordance with the recommendations contained in the Ecological Impact Assessment.
8. The development shall be carried out in accordance with the method statement dated 24 August 2012 unless otherwise previously agreed in writing with the Local Planning Authority.
9. Details of the storage compounds, measures to control spills and working zones shall be submitted and approved by the Local Planning Authority prior to the commencement of the development hereby approved.
10. All vegetation clearance shall be carried out outside of the bird breeding season (1 March - 31 July).
11. A further otter survey shall be undertaken and a report submitted to the Local Planning Authority prior to the commencement of the development. If active otter holts are identified, no work shall be carried out until recommendations can be assessed and mitigation measures / safe working distances are agreed.
12. Details of the concrete finish (including colour and texture) for the fish pass shall be submitted to, and agreed by the Local Planning Authority prior to the commencement of construction of the fish pass.

Introduction

Members will recall applications for a hydro scheme at Huckworthy and an associated application for a fish pass which were before Members at the April meeting. This application combines the fish pass with the hydro scheme into a single application. There is no change to the details of the proposals, but the applicants have now provided supporting information in the form of a structural survey of the weir and an archaeological report on the weir.

So, as before, the proposal would comprise a power house at Huckworthy Mill beside the River Walkham at Huckworthy Bridge, approximately 1km north of Walkhampton. The turbine would be powered by water abstracted from the River Walkham at a point approximately 1km upstream by utilising an existing historic leat which runs through Dittisham Wood. The reach of river between the intake point and the generator house is characteristic of Dartmoor rivers with a fast flow from the moorland over a granite rubble river bed. The environment along the river is damp arising from spray from the velocity of the river flow. The leat is understood to

have ceased its supply to a waterwheel at Huckworthy Mill in the 1950's.

The application is presented to Members due to the correspondence received and the issues involved.

Planning History

0329/12	Repairs and improvements to existing forestry track to enable timber felling and extraction		
	Prior Notification	No objection	10 July 2012
0027/11	Construction of a hydro scheme using water from the River Walkham and utilising the existing leat		
	Full Planning Permission	Refused	03 July 2012
0645/11	Installation of a new fish-pass on existing weir on the River Walkham		
	Full Planning Permission	Refused	14 May 2012

Consultations

West Devon Borough Council: No objection

County EEC Directorate: The operational traffic associated with the proposal is negligible. The construction traffic could be dealt with by condition with a Traffic Management Plan.

South West Water: No objection

Environment Agency: No objection. The fish pass is necessary as a consequence of the abstraction for the hydro scheme and the resulting flow regime in the river which may otherwise hinder fish migration over the existing fish easement. The existing fish easement is not designed to current standards but does allow for passage of migratory fish. The proposed pass will be efficient over a wider range of flows.

Flood Defence Consent will be required from Devon County Council.

DNP - Archaeology: Object to this application, which is exactly the same as the previous one, on the grounds that the weir is of historic and archaeological importance and as such is a local heritage asset which would be effectively lost by the building of the fish pass. There has been no new convincing evidence produced to suggest that the eastern section of the weir has been badly damaged or extensively repaired in the late 19th or early twentieth centuries.

To the contrary the evidence suggests that this section has survived more or less in its original form from the sixteenth century and strengthens the argument for its retention as is.

It is a feature of historical and architectural interest, unquestionably it is a heritage asset, and as such merits protection under national, county and local planning policies

Ecology & Wildlife Conservation Section: No objection provided the development is carried out in accordance with the recommendations contained in the

ecological survey; this includes timing of works in relation to dormice and breeding birds, a consultant being on site prior to works to trees and scrub being undertaken, mitigation measures in respect of working distances from otter holts and a check for badger setts prior to the commencement of works. Some biodiversity enhancements could be achieved through the removal of invasive laurel and rhododendron and a dormouse bridge across the leat.

Trees & Landscape Officer:

The scheme utilises an existing leat, now in disrepair, running through a mixed woodland. The woodland is classed as Section 3 Woodland and is on the register of ancient woodlands and is also protected by a TPO.

The principle of utilising the leat is acceptable. Several trees along the route would have to be removed. The felling would be minor and will have minimal impact on the character of the woodland.

Natural England Consultation Service:

No comment received

Parish/Town Council Comments

Burrator PC:

[The application site is within Burrator parish.]
Supports the application.

Plasterdown Grouped PC:

[The site adjoins Plasterdown Grouped PC and their comments were sought.]
Strongly objects. Concerns about environmental impact on the river, damage to historic site and detrimental appearance to this part of the National Park.

Relevant Structure Plan Policies

CO12 - Renewable Energy Developments

CO13 - Protecting Water Resources and Flood Defence

CO16 - Noise Pollution

CO2 - National Parks

CO8 - Archaeology

CO9 - Biodiversity and Earth Science Diversity

Relevant Development Management and Delivery Development Plan Document Policies

COR1 - Sustainable Development Principles

COR10 - Providing for renewable energy

COR3 - Protection of Dartmoor's special environmental qualities

COR6 - Protecting Dartmoor's Archaeology

COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology

COR8 - Meeting the challenge of climate change

DMD1 - Delivering National Park purposes and protecting Dartmoor's Special Qualities

DMD11 - Demolition of a listed building or local heritage asset

DMD13 - Archaeology
DMD14 - Biodiversity and geological conservation
DMD15 - Renewable energy
DMD4 - Protecting local amenity
DMD5 - National Park Landscape
DMD6 - Dartmoor's moorland and woodland

Representations

69 letters of objection 2 letters of support

The majority of objections share common themes of concern regarding the loss of the historic weir, the visual harm of the proposed fish pass structure, the harm to fishing as a result of the level of abstraction from the river and the impact the proposal will have on migratory fish. The scheme is not fundamentally different to that already refused.

The Dartmoor Society object on the grounds the weir dates to 1578 making it a very unusual survival giving it significant heritage asset. It would make sense to rebuild the 1931 western part of the weir. The proposal will in effect, destroy the remaining traditional features of this important weir.

The Council for the Preservation of Rural England (CPRE) also object due to the damage to the weir and the visual impact of the proposal. There are concerns regarding flooding arising from the change to the watercourse and the impact of access to the site. The CPRE is not convinced of the need for the possible adverse changes to make a hydro-electric scheme of this magnitude viable.

The Council for British Archaeology (CBA) state the weir is of substantial historical importance despite English Heritage decision to not list the structure. The eastern section dates to the 17th century at least which is likely unique in the country. The CBA consider the weir as a particularly interesting example and is interesting precisely because of the loss and rebuilding of the fabric. The accompanying archaeology report focuses on the western part of the weir which is not at risk from the development. The National Planning Policy Framework (NPPF) states authorities should recognise that heritage assets are an irreplaceable resource and should conserve them in a manner appropriate to their significance.

More specific comments state that the weir is not in rapid decline as has been claimed and it looks much the same as it has for 70 years, as indicated in early twentieth century photographs. The proposed fish pass will be a totally incongruous feature.

Some comment on the support in principle for renewable energy projects but that the risks to this valley as a result of the scale of this proposal are disproportionate. The amount of power generated from the plant would not compensate for the destruction of the surrounding environment, weir and river ecology. This is echoed by many who fish or have fished the river adding there would be a negative impact on adult and juvenile salmon populations. The level of abstraction would unlikely be approved by the Environment Agency under their new formula.

The proposal will harm a beautiful Dartmoor river which will be ruined by the level of abstraction for the sake of a small amount of electricity.

In summary the proposal will destroy the heritage asset weir and replace it with an ugly

concrete structure of no interest; it will not improve passage of migratory fish which will be harmed by draining the river of three quarters of water from a kilometer long reach of river and any contribution to the generation of renewable energy would come at an overwhelming historic, landscape and environmental cost and it can not therefore be regarded as sustainable development.

The scheme threatens the natural beauty, ecology and cultural heritage of the weir, all contrary to National Park purposes.

The letters of support state it would be a mistake to consider the area should be left untouched. The environment has for centuries been the scene for human agricultural and industrial intervention including the weir, leat and mill. Maintenance was undertaken over the centuries in order to maintain the working environment. The weir and leat, if left will potentially be lost to posterity, both of which are in need of maintenance. Putting the leat back into service is the best way of ensuring its survival and a hydro scheme is the only way of financing such works.

It is likely the weir has been rebuilt or repaired several times over the centuries. There is already a concrete pool and buttresses at the site so the fish pass would not be out of keeping and it is added that the weir can not be seen from any public vantage point limiting the visual harm of the weir. The Environment Agency has assessed the abstraction and granted a licence and has conditions in place to manage the environment. The proposal allows for sustainable energy generation whilst safeguarding the centuries old tradition of industrial use of the site.

Observations

BACKGROUND

This application is for the hydro scheme and fish pass which were previously submitted as two separate applications and refused at the April meeting. The reasons for refusal of the fish pass were two fold:

1. The proposed fish pass by reason of its design would have a detrimental impact on the character and appearance of this part of the National Park, contrary to policy CO2 of the Devon Structure Plan, the Dartmoor National Park Core Strategy in particular policies COR1, COR3 and COR4 policies DMD1 and DMD6 of the Dartmoor National Park Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The proposal would result in the substantial demolition of a heritage asset. In the absence of any overriding justification the proposal is considered to be contrary to policies CO2 and CO8 of the Devon Structure Plan, the Dartmoor National Park Core Strategy in particular policies COR1, COR3, COR4, COR6 and COR7, policies DMD1, DMD6 and DMD11 of the Dartmoor National Park Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

The associated hydro scheme was consequently refused in the absence of an approved fish pass.

There is no difference to what is now proposed, the hydro scheme is the same size (100kW) and would abstract the same level of water that was previously proposed, but the application has now been submitted with supporting information in the form of an archaeological report and a structural survey of the weir.

The fish pass comprises three concrete pools each of approximately 3m square and is a requirement of the Environment Agency (EA) to assist fish passage over the weir as a consequence of the water abstracted to service the hydro-power generator.

In the absence of an objection to the fish pass or the abstraction associated with the hydro scheme from the EA, (a conditional Abstraction Licence has been approved by the EA) officers consider the proposal acceptable in terms of its impact on ecology and consideration of the application hinges on the archaeological importance of the weir and the impact of the fish pass on the character of the river set against the benefit of a renewable energy scheme. Comments on ecology are addressed first, then visual and landscape impact, archaeology, structural state of the weir and commentary on the key policy considerations.

ECOLOGY - FISH

The Authority defers to the Environment Agency to assess the impact of proposals on the health of the river and as per the previous application, the Environment Agency do not object. The River Walkham hosts Atlantic salmon and brown and sea trout and the reach of river concerned provides spawning grounds as well as passage to spawning grounds upstream within the Sampford Spiney Site of Special Scientific Interest.

The Environment Agency however will only permit abstraction to generate power upon completion of a fish pass that has to be constructed at the intake point / weir. The applicant also needs to obtain Flood Defence Consent from Devon County Council. The fish pass is necessary to mitigate the impact of the abstraction proposed by the hydro scheme so as to aid fish migration. A condition of any approval notice will require the completion of the fish pass prior to the first abstraction of water from the river.

The amount of water to be abstracted from the river into the leat has been subject to determination by the EA Abstraction Licence. The Licence has a number of conditions which, together with the installation of a fish pass enable the EA to raise no objection to the scheme. Critically, water may only be abstracted at certain rates. This will in effect mean that as flow rates drop to a specified level, no water would be abstracted at all - a 'hands off flow'. This is to maintain a flow along the depleted reach that will be sufficient for fish to navigate particularly during the peak salmon migration period. It is considered that this will result in abstraction being limited to 10 months a year. Given the natural variance in river flows of the river, this minimal level of flow will be no different than periods of low flow currently occurring. Flows in the river would be monitored with an automated sensor.

The hands off flow is to ensure the continued migration of fish but also so as to not cause a measurable impact upon fishing rights. The applicants agreed to a higher level than the EA's guidance requires to further seek to protect the movement of salmonids.

Objectors have questioned the effectiveness of such an approach and that fish levels will inevitably be harmed. The EA's Abstraction Licence though requires monitoring of the effectiveness of the fish pass, the bywash and outfall, surveys to be carried out annually within the depleted reach and bi-annual electrofishing surveys of the depleted reach. Should fish levels deteriorate, then the licence will require abstraction to stop.

The screen size at the intake has been revised to minimise the risk of small fish including salmonid fry from entering the leat system and therefore being unable to migrate downstream.

There are high fluctuations in velocity and depth of the river, so the effects of abstraction are similar to the effects caused naturally, but the Environment Agency, through the Abstraction Licence conditions further control any possible adverse effects on the ecology of the watercourse.

Natural England have indicated that in light of the approval of the fish pass by the EA's Fish Pass Panel and the Licence in place, that they would not object, but their formal comments will be reported at the meeting.

ECOLOGY - OTHER

The key species identified by the Ecological Impact Assessment include European Protected Species, namely bats, dormice, badgers and otters as well as a number of birds and amphibians. In terms of bats only a small number of young trees are identified to be felled along the leat and no evidence of direct habitat loss was identified. A specific dormouse survey has been undertaken which evidenced dormice along the survey area of the leat. As the working corridor will be limited to 4m, including the leat, the impact on habitat would be mitigated by an agreed phasing of the timing of the works and the presence of a qualified ecologist within the woodland prior to tree and scrub removal. A condition ensuring tree and scrub removal is undertaken outside of the bird breeding season is also recommended along with the recommendations contained in the ecological report which cover a number of specific working practices.

The abstraction of water from the river has a potential impact on moss species that favour fast flowing rivers. However as the river has an upland catchment area with great natural variance in its flow, this fact, together with the conditions placed on the Abstraction Licence suggest that the significance of any impact on mosses and aquatic algae are reduced. Lower plants may also colonise the leat system.

The reduction in water flow in the river is not considered to impact on otters using this reach which forage in all types of water sizes and flow rates.

The leat will be constructed with purpose built 'engineered' leaks to reflect the existing damp woodland environment and surface water / runnels found along the leat area. These leaks will drain back into the Walkham and this is considered appropriate.

Any comments from English Nature will be reported at the meeting.

VISUAL & LANDSCAPE CHARACTER IMPACT

The area between Huckworthy and Ward Bridges is characterised by the fast flowing river at the bottom of a wooded valley. It has a high landscape value, being predominantly undisturbed and typical of a Dartmoor valley. The proposed fish pass would continue a long history of intervention at the point of the weir associated with the leat and Mill and some mining activity. It is not therefore considered a new and unacceptable intervention on a pristine part of the river but rather represents a phase of this human interaction with the river and the principle of a fish pass (notwithstanding archaeology issues referred to later) is considered acceptable.

The applicants have been asked to consider a fish pass design that would not have so much exposed concrete and that would have a lower key visual appearance in the setting of a lot of granite rubble. The applicants insist that the design has been subject to lengthy discussions with the EA to ensure it meets the requirements of their Fish Pass Panel to ensure it is effective in its purpose of enabling fish migration. The proposal therefore has to be considered as it is presented. Having regard to the scale of the proposal and the presence of a concrete fish easement on the western side of the weir, it is considered that the proposal would not have an overriding detrimental impact on the character and appearance of the river corridor or to the landscape character as identified in the Landscape Character Assessment.

A number of trees would have to be felled along the route of the leat and at the intake point. The Trees & Landscape Officer is satisfied that these have been identified and subject to works being undertaken in accordance with these agreed details, will not have a detrimental impact on the character or integrity of the woodland.

ACCESS

Since the previous applications, where Members had some concern regarding access to the weir from the lane, the Authority raised no objection to a Prior Notification application for works to the existing tracks which connect the road to the leat, weir and beyond to enable timber extraction and woodland management. This clearly has the advantage of enabling access to the site for construction purposes and whilst it is considered necessary to condition the details of the compound area and storage protection measures, it is not considered an element of the proposal that requires further detail.

NOISE

Concerns have been raised that the powerhouse could generate a noise disturbance. The generator should be not be audible from a distance of more than 20m. The occupier of Huckworthy Mill who would lease the site for the scheme has stipulated this is the terms of the lease. The Authority is satisfied that noise will not be an issue.

ARCHAEOLOGY

The surviving weir is a heritage asset. The application to have it listed was unsuccessful which was unsurprising, given that the criteria for listing is that any structure which dates to before 1700 needs to contain a significant proportion of its original fabric. It is clear from English Heritage's comments at that time that had more of the 1578 construction weir survived in its entirety it would have been suitable for designation.

There can be no doubting the historic origins of the weir given that there is exceptionally rare and important surviving documentary evidence for the licence to build it which dates to 1578 (making it earlier than Dartmoor's most famous leat, that built by Sir Francis Drake's). Whilst there is now some new documentary evidence that the western half of the weir was rebuilt in the late nineteenth century, with further work being carried out in 1931 when the present fish pass was installed, there is no further evidence for substantial alterations or repairs to the eastern section. This proposal will effectively remove all but a tiny section at the far eastern end of the eastern section of the original weir in order to accommodate the new concrete fish pass whilst retaining a portion of the weir crest.

The balance to be made is in consideration of the demolition of the original historic section of the weir, against the wider application with regards to considerable works to upgrade the leat,

and the debatable present structural condition of the weir. It is for these reasons as elaborated below that the recommendation is made in light of the relevant policy considerations.

STRUCTURAL CONDITION

The applicants have commissioned a structural survey on the weir. It states the boulder buttressing is in poor condition, with a large section missing and other voids present and that water is leaking through timber boarding below the railway line on the weir crest. It concludes that the weir is in immediate need of repair to prevent extensive further damage in the near future.

It is noted that an objector has queried the rate of deterioration stating that the weir is in an almost identical state to that of its pre-1930 condition, adding that photos from the 1950's indicate water leaking through the timbers then and that subsequently the weir may not be under as much threat as indicated.

Given the archaeological interest in the weir, the applicant undertook the structural survey to evidence their concern about the state of the weir, which could be lost if works to enable the hydro-plant are not approved which gives the incentive to undertake works to it. Concerns regarding the rate of deterioration are noted but it is apparent that, in the view of the structural engineer (undertaken by a qualified engineer referencing experience of listed buildings, bridges, culverts etc) that the weir is under threat if no repair works are undertaken. This lends some weight to the recommendation in so far as the Heritage Asset would unlikely benefit from repair work alone without the benefit of the associated hydro-plant.

POLICY ISSUES

Core Strategy policy COR10 is supportive of small scale renewable energy schemes subject to there being no over-riding environmental considerations. Emerging policy DMD15 reflects this position but stipulates schemes should not harm the landscape character, preserve the tranquillity of the National Park and that biodiversity, archaeological and cultural interests are not harmed. It is also noted that the Dartmoor National Park Management Plan has a 5 year target for 1,500kw of energy generation deriving from small scale hydro-electric schemes.

Policy COR7 states proposals should protect or enhance biodiversity interests of the Park. This is mirrored in the Structure Plan policy CO9. Given the comments from the Environment Agency and the controls proposed through conditions, it is considered to be in accordance with these policies.

With regards the archaeology interest of the weir, emerging policy DMD11 is restrictive where proposals would result in the demolition or partial loss of listed buildings or heritage assets. One such scenario is where partial removal is necessary to conserve the asset. Given the structural survey results, it is considered that the works are justifiable under this provision. Some weight is also given to the reinstatement of the leat (albeit with a deeper channel than originally would have served the old mill). Policy COR6 and Structure Plan policy CO8 are less permissive of works to sites of archaeological importance but regard is made to the scheme as a whole mitigating the harm to the weir and the recommendation reflects this balance of policy considerations. Weight is also given to the continuation of a man-made intervention of the river at this point and also to the fact that part of the existing weir will be retained which continues the man-made intervention at this point and the cultural heritage of a working landscape. In line with the policies there is a requirement to appropriately record the asset.

The appearance of the fish pass is not considered to be in conflict with policies COR1, COR3, DMD1, DMD6 and DMD15 in terms of its impact on the character and appearance of the landscape. COR1 sets out the general development criteria that reflect National Park purposes of conserving and enhancing. The fish pass adjoins an existing concrete fish pass, and although it would be more exposed, it is not an uncommon feature in river systems, particularly given the long history of human intervention at this point in the river. There is no doubt the appearance of the fish pass will weather in time. It is suggested that a long term view should be considered rather than just the short term impact.

Structure Plan policy CO12 and policies COR10 and DMD15 are supportive of renewable energy schemes subject to there being no overriding environmental or amenity considerations. The environmental impacts have been assessed carefully in conjunction with the EA and concluded that the proposal will not be in conflict with these policies.

SUMMARY

The new submission is a repeat of the application previously refused. The archaeology report does not conclusively prove that the weir has been rebuilt between 1890-1930 which suggests it survives largely as a 16th century structure but in all likelihood there have been repairs over the centuries, including at the time of the rebuild of the western side of the weir as indicated by the rail along the crest. Some weight is given to the structural survey which indicates the weir will likely fail soon and also to the preservation of the leat system intrinsic to the application which it is considered offsets the harm to the weir.

The proposal will undoubtedly have a visual impact and an impact on the heritage asset. However, it is considered that the need to enhance fish migration, the reinstatement of a working leat and in that sense the enhancement of Dartmoor's cultural heritage and the generation of renewable energy provides justification to support the application.

Reason for Recommendation

The development is consistent with the provisions of the Development Plan and government advice (and material considerations do not indicate otherwise) in particular;

Policies CO2, CO8, CO9, CO12, CO13 and CO16 of the Devon Structure Plan 2001 to 2016
Policies COR1, COR3, COR7, COR8 and COR10 of the Dartmoor National Park Authority Core Strategy Development Plan Document
Policies DMD1, DMD4, DMD5, DMD6, DMD11, DMD14 and DMD15 of the Dartmoor National Park Development Management and Delivery Development Plan Document
The English National Parks and the Broads UK Government Vision and Circular 2010
The National Planning Policy Framework 2012

The development complies with the adopted Dartmoor National Park Authority Core Strategy Development Plan Document for the following reasons;

COR1 - it sustains the local distinctiveness and character of this part of the Dartmoor National Park
COR3 - it will conserve the characteristic landscape of the National Park
COR7 - it will protect biodiversity interests of the National Park
COR8 - it will not have an adverse impact on drainage patterns or flood storage capacity
COR10 - it is a small scale renewable energy scheme with no overriding environmental or amenity considerations
DMD1 - it conserves the natural beauty of the National Park

DMD4 - it will not introduce unacceptable levels of noise nor detract from the special qualities of the area

DMD5 - it protects the attributes of the landscape character identified in the Landscape Character Assessment

DMD6 - it conserves the landscape and ecological significance of the woodland

DMD11 - there are substantial public benefits that override the significance of the asset and as permission is granted for partial demolition, a condition is attached to requiring a record of the asset

DMD14 - it conserves biodiversity interests

DMD15 - it is a small scale renewable energy scheme with no over riding environmental or amenity considerations

The Head of Legal and Democratic Services advised that the hours of work were not formally a part of the application and, as this element was fundamental to the viability of the business, recommended that Mr Rowan be invited to address Members on this point.

Mr Rowan advised that the following, slightly shorter, working hours would be acceptable to the applicant and requested that they be approved:

0800 – 1800	Monday to Friday
0830 – 1600	Saturdays

No Sunday or Bank Holiday working

Mr Hoskin and Mrs Marsh indicated their acceptance of the proposed hours.

RESOLVED:

That, subject to a Section 106 Agreement securing one affordable dwelling and the conditions as stated in the report, and the additional conditions as stated above, permission be GRANTED.

** Item 3 – 0510/12 – installation of hydro-electric generating system, fish pass and repair of the existing leat – Huckworthy Mill, Sampford Spiney

**Speakers: Mr R Furniss – Objector
Mr D Tilney – Applicant's Solicitor**

The Case Officer reminded Members that the application resubmits a scheme which had previously been refused at the meeting in April 2012. At that time there were two separate applications, one for the fish pass and the other for the hydro scheme. On this occasion the two applications were combined into one and additional supporting information was now available in the form of a structural survey and an archaeological report on the weir.

Two further letter of objection have been received, as well as objections from the Dartmoor Preservation Association and the Devon Archaeological Society. They reiterated objections already received, namely, concerns that the ecological health of the river would be harmed, the scheme would result in the loss of a significant heritage asset and harm the natural beauty of the area. A petition had also been received with 69 signatures.

A supporter of the scheme has highlighted that the leat also served mining activity in the area and not just the mill at Huckworthy. Natural England have no objection to the scheme subject to the conditions set out in the Environment Agency's abstraction licence to ensure that there was no adverse impact on fish numbers.

With regard to ecology, the Environment Agency has no objection. The fish pass is necessary to allow fish migration as a result of any abstraction. There would be no adverse impact on the character of the woodland. With regard to landscape impact, the fish pass would be formed of three concrete pools. Due to the history of human

Signed *Hele*
Date *7.12.12*

intervention, the existing concrete fish pass, the lack of public access and the fact that such a structure is not uncommon on rivers, Officers felt that the proposal was not harmful to the character of the area and would preserve the cultural heritage of the local landscape.

With regard to the archaeology of the site, a structural survey has been undertaken and has indicated that the weir is in very poor condition with the potential to be lost completely. The Case Officer advised that there was some differing of opinion regarding the age of the weir; however, what was clear was that the structure is a heritage asset which potentially survives as a C16 weir with some later maintenance. It was felt that the proposal, taken as a whole, represented a continuation of the history, with a modern purpose. Officers concluded that there were no grounds for objection on ecological grounds or landscape impact.

Mr Furniss, Secretary to South West Rivers Association, advised that he was surprised to be back before Committee. He stated that the proposed scheme was about threat and benefit – the benefit would be the generation of electricity for approximately 100 homes, the threat would be the potential loss of a heritage asset, built in C16, partially rebuild in C19. He stated that it would be possible to effect a more sensitive repair.

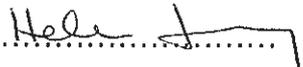
Mr Harper commented that when the application had previously gone before Committee much was made of a potential 3rd solution; he asked for an explanation why this had not been taken any further. Mr Furniss advised that objectors had not been permitted access to the land with regard to the current application.

Mr Tilney advised the Committee that he had no record of any proposals regarding a '3rd way'. With regard to the character of the landscape, he stated that all of the features that distinguish the area have been created by man; the proposal would add to the historical timeline for the area and would be just another chapter in its industrial use. Loss of views would not be a material consideration due to the fact that the land is privately owned and there are no public rights of way nearby.

In response to Mr Lloyd's query regarding damage to the natural beauty of the area and a heritage asset, Mr Tilney advised that two reports had been commissioned, one to address historical events over the last 400 years, and the other to consider what could happen to the weir if nothing were done in the foreseeable future.

In response to Member queries, Officers advised that approximately one half of the boulder section of the weir would be removed to accommodate the fish pass. Boulders could, however, be rested against the concrete walls in order to minimise the visual impact. The storage buildings, to be erected on land upstream and near the river bank, would be removed on completion of the work. Flood defence consent had not been obtained as this process must follow on from the planning application stage.

Mr Harper commented that half the weir had already been washed away; the fish pass would cause damage but would wrap around the existing weir, therefore preserving it. He added that the site had been used for industrial purposes since the 1600s. The proposal would offer the opportunity to provide clean, renewable energy and the onus would be on the applicants to maintain the area.

Signed 

Date 7.12.12

Mr Harper proposed the recommendation, which was seconded by Mr McInnes.

Mr Hoskin and Mrs Shears advised that they would want assurances that the concrete would be covered or hidden from view. The Director of Planning confirmed that condition 12 could be amended to take this into account; condition 9 to be amended to state that construction materials to be removed from site on completion of the works and the land to be reinstated.

RESOLVED:

That, subject to the conditions as stated in the report, and the minor amendments as stated above, permission be GRANTED.

Item 4 – 0419/12 – extension to dwelling – 18a Lower Street, Chagford

The Case Officer advised the Committee that the property was formally the outshut of No 18 which stands at the front of the plot and is a Grade II curtilage listed building in the Chagford Conservation Area. Due to an insensitive conversion of the property during the 1980s the character of the property has been lost. The proposal was to remodel the flat roofed ground floor extension into a two storey extension, to be finished to match the original property. With regard to the proposed window, one neighbour had objected on the grounds of loss of privacy. However, as the property in 22m away from the building it was felt that this would negate the need for the window to be obscure glazed, fixed shut or omitted.

Mr Gribble proposed the recommendation, which was seconded by Mr Hoskin.

RESOLVED:

That, subject to the conditions as stated in the report, permission be GRANTED.

Item 5 – 0420/12 – Internal and external alterations with extension - 18a Lower Street, Chagford (Listed Building Consent)

The Case Officer advised Members that this application was for a remodelling of the existing extension, internal re-organisation of the floor plan, replacement of UPVC with simple wooden window frames.

Mr Hoskin proposed the recommendation, which was seconded by Mrs Marsh.

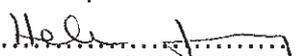
RESOLVED:

That, subject to the conditions as stated in the report, permission be GRANTED.

Item 6 – erection of single storey timber framed day room to rear of property – 8 Great Bridge Cottages, Ashburton (Listed Building Consent)

Speaker: Mr B Lewis – Applicant's Agent

The Case Officer reported that the proposed development would extend across the width of the rear elevation of the property and would adjoin the existing historic outshut, with a shallow monopitch felt roof, painted timber sides and patio doors.

Signed 

Date 7.12.12

2 Enforcement Code: **ENF/0186/13**
Grid Ref: **SX812866**

District/Borough: **Teignbridge District**
Parish: **Bridford**
Officer: **Nick Savin**

Description: **Failure to remove temporary agricultural workers dwelling**

Location: **Seven Acre Farm, Bridford**

Land owner: **Wastnage Farms Limited**

Recommendation **That, subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to;**
1. Secure the removal of the mobile home from the land, and
2. Secure the cessation of the residential use of the land



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

COR1 - Sustainable Development
COR2 - Settlement Pattern
COR3 - Environment & Heritage
COR15 - Housing

DMD1a - Dartmoor National Park Special Qualities
DMD1b - Protecting National Park qualities
DMD3 - Sustaining the quality of places

DMD5 - Landscape Character
DMD23 - Residential Development
DMD28 - Residential Caravans
DMD34 - Agricultural Development

Representations & Parish/Town Council Comments

Any comments from the Parish Council will be reported at the meeting.

Observations

Seven Acre Farm is situated 500m north west of the centre of Bridford by Rowden Brook. In December 2008, planning permission was granted for the "change of use from agricultural land to the siting of temporary accommodation for a farm manager" on the land. This application was accompanied by a related application which was also granted for the construction of a milking parlour and general purpose livestock building with associated access and hardstandings.

The permission (0619/08) for the siting of the temporary accommodation was subject to a condition stating that "the use hereby permitted shall be for a limited period of three years from the date of this permission and thereafter the use hereby permitted shall be discontinued and the land/building(s) restored to its former condition".

Accordingly, the unit should have been removed from the land by 22 December 2011. Since 2011 the Authority have been in negotiations with the owners of the land with regard to the provision of a permanent agricultural workers dwelling and further livestock buildings.

There is little doubt that such an application will be submitted to the Authority and officers are currently speaking with the agents representing the owners. However, it is not clear when an application will be submitted and accordingly, when the unauthorised accommodation will be removed. For reasons of consistency and to protect the position of the Authority, it is considered necessary to seek authorisation for legal action to issue a Breach of Condition Notice in respect of this development.

It is acknowledged that a reasonable time scale should be included in the notice to allow for alternative arrangement to be put in place for the individual currently residing in the temporary agricultural workers dwelling.

HUMAN RIGHTS ACT

The occupiers have said that the development is their home. 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 Breach of Condition 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".

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.

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.

There are not believed to be any overriding welfare considerations at this time.

Members are therefore advised that enforcement action would be:

(i) in accordance with law – s.187A 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.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 February 2014

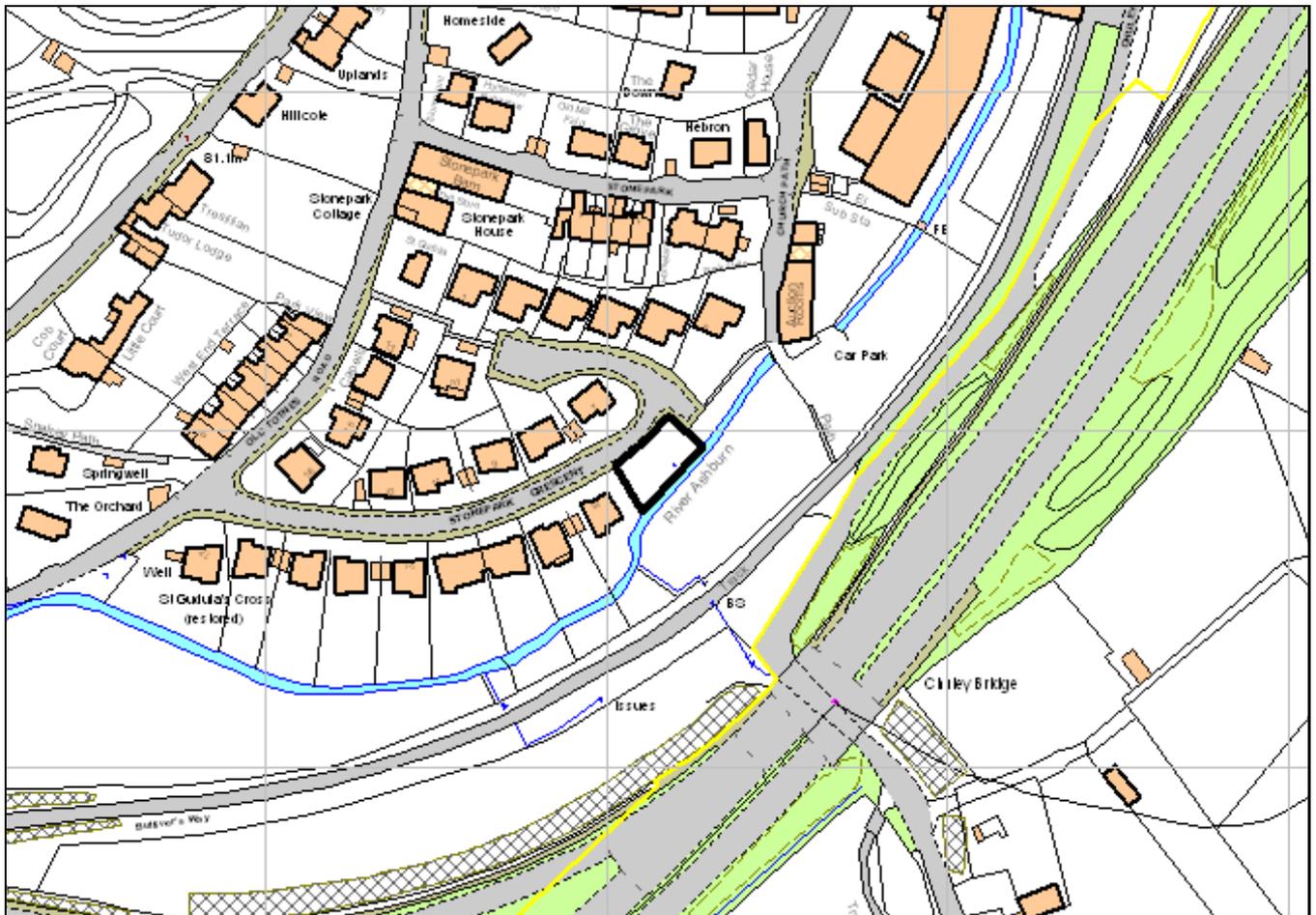
APPEALS

Report of the Director of Planning

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

The following appeal decision(s) have been received since the last meeting.

- | | | | |
|-------------------|----------------------------------------------|-------------------|----------------------|
| 1 Application No: | A/13/2202003 | District/Borough: | Teignbridge District |
| Appeal Type: | Refusal of Outline Planning Permission | Parish: | Ashburton |
| Proposal: | Erection of two dwellings (one affordable) | | |
| Location: | land at Stonepark Crescent, Ashburton | | |
| Appellant: | Effaux Investments Ltd | | |
| Decision: | DISMISSED | | |



The Inspector considered that the main issues were the effect of the proposed development on the character and appearance of the area, on the living conditions of the occupiers of neighbouring property with particular regard to privacy and on a statutorily protected species.

The appeal was an outline application but due to the configuration of the land and flood risk constraints the only feasible form of development was two, two-storey semi-detached dwellings very near to the rear of the footway. The Inspector concluded that this would be out of character with the type of dwellings in the vicinity nearly all of which are bungalows and set back.

Although the proposed dwellings would be closer to the property opposite than the 21m recommended in the Design Guide, the Inspector concluded that because the spacing was only slightly less than the spacing between front elevations of other dwellings on the Crescent, that the proposed development would not significantly impact upon the privacy of occupiers.

With respect to protected species the Inspector concurred with the Authority that a mitigation condition could be harmful to the living conditions of the future occupiers so it would be incorrect to apply a condition to protect the flyway used by Greater Horseshoe Bats. The development would therefore conflict with policies that seek to ensure the proposals will protect, maintain or enhance the biodiversity interests of Dartmoor National Park.

The following appeal(s) have been lodged with the Secretary of State since the last meeting.

1 Application No:	E/14/2210237	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Listed Building Consent	Parish:	Widcombe-in-the-Moor
Proposal:	Installation of rooflight on rear of converted barn linked to house (retrospective)		
Location:	Southway Farm, Widcombe-in-the-Moor		
Appellant:	Mr T Wilding-White		

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 February 2014

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS
AND APPLICATIONS WITHDRAWN**

Report of the Director of Planning

Members are requested to contact the Office before 5pm on Thursday if they wish to raise questions concerning any of the above.

(For further information please contact Stephen Belli)

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

1	Application No: 0621/13 Application Type: Full Planning Permission - Householder Proposal: Erection of gym and workshop extension to existing dwelling Location: High Wray, 15 Hawkmoor Parke, Bovey Tracey Decision: Grant Conditionally	District/Borough: Teignbridge District Parish: Bovey Tracey
2	Application No: 0628/13 Application Type: Full Planning Permission Proposal: Removal of condition (b) relating to an occupancy restriction on the holding from permission ref 03/28/079/95/03 Location: Prarie Cottage, Murchington Decision: Refused	District/Borough: West Devon Borough Parish: Throwleigh
3	Application No: 0639/13 Application Type: Full Planning Permission - Householder Proposal: New conservatory and front porch Location: Beckaford Farm, Manaton Decision: Grant Conditionally	District/Borough: Teignbridge District Parish: Manaton
4	Application No: 0610/13 Application Type: Full Planning Permission - Householder Proposal: Construction of single storey extension to rear elevation Location: 1 Grove Meadow, Sticklepath Decision: Grant Unconditionally	District/Borough: West Devon Borough Parish: Sticklepath

5 **Application No:** 0622/13 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Drewsteignton
Proposal: Internal and external alterations to Cider Barn and stables to include staircase, first floor, shutters and windows
Location: Wallon, Drewsteignton
Decision: Grant Unconditionally

6 **Application No:** 0609/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Drewsteignton
Proposal: Extension to building to provide ancillary accommodation to main house
Location: Hunters Lodge, Drewsteignton
Decision: Grant Conditionally

7 **Application No:** 0630/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Horrabridge
Proposal: Erection of secure storage building
Location: Fillace Park, Horrabridge
Decision: Grant Conditionally

8 **Application No:** 0625/13 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Mary Tavy
Proposal: Repair and refurbishment to house with minor alterations
Location: Horndon House, Mary Tavy
Decision: Grant Conditionally

9 **Application No:** 0637/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Mary Tavy
Proposal: Change of use of existing garage/store to wood-turning studio for applicant's use
Location: Horndon House, Mary Tavy
Decision: Grant Conditionally

10 **Application No:** 0640/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Manaton
Proposal: New conservatory and front porch, plus various works to windows and openings
Location: Beckaford Farm, Manaton
Decision: Grant Conditionally

11 **Application No:** 0652/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Lustleigh
Proposal: Single storey conservatory and veranda extension
Location: St Andrew's Court, Lustleigh
Decision: Grant Unconditionally

12 **Application No:** 0589/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Moretonhampstead
Proposal: Rear conservatory
Location: Park, Moretonhampstead
Decision: Grant Unconditionally

13 **Application No:** 0629/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Throwleigh
Proposal: Removal of condition (b) relating to an occupancy restriction on the holding from permission ref 03/28/079/95/03
Location: Kitson View, Murchington
Decision: Refused

14 **Application No:** 0614/13 **District/Borough:** West Devon Borough
Application Type: Prior Approval (Classes J and M) **Parish:** Chagford
Proposal: Change of use from office (B1A) to residential (C3)
Location: The Old Exchange, Chagford
Decision: Permitted Development

15 **Application No:** 0618/13 **District/Borough:** South Hams District
Application Type: Listed Building Consent **Parish:** Cornwood
Proposal: Replace dining room floor
Location: Hanger Farm, Cornwood
Decision: Grant Conditionally

16 **Application No:** 0631/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Buckland-in-the-Moor
Proposal: Erection of agricultural tool shed (restrospective)
Location: Field nr Challamoor Farm, Buckland-in-the-Moor
Decision: Refused

17	Application No: 0627/13	District/Borough: Teignbridge District
	Application Type: Full Planning Permission	Parish: Buckfastleigh
	Proposal: New school hall and related alterations to existing school including demolition of temporary classroom (revision to approved scheme 0651/11)	
	Location: St Mary's RC Primary School, Buckfast	
	Decision: Grant Conditionally	
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18	Application No: 0638/13	District/Borough: West Devon Borough
	Application Type: Listed Building Consent	Parish: Mary Tavy
	Proposal: Change of use of existing garage/store to wood-turning studio for applicant's use	
	Location: Horndon House, Mary Tavy	
	Decision: Grant Conditionally	
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19	Application No: 0623/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Drewsteignton
	Proposal: Replacement porch	
	Location: Wallon, Drewsteignton	
	Decision: Grant Conditionally	
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20	Application No: 0624/13	District/Borough: West Devon Borough
	Application Type: Listed Building Consent	Parish: Drewsteignton
	Proposal: Internal and external alterations including replacement porch, windows, internal floors and partitions	
	Location: Wallon, Drewsteignton	
	Decision: Grant Conditionally	
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21	Application No: 0642/13	District/Borough: Teignbridge District
	Application Type: Full Planning Permission	Parish: Ilsington
	Proposal: Variation of condition (c) attached to 9/2760/09/2D (remove existing dwelling) to allow building to be used as ancillary accommodation	
	Location: Violet House, Haytor	
	Decision: Refused	
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22	Application No: 0588/13	District/Borough: Teignbridge District
	Application Type: Full Planning Permission	Parish: Widecombe-in-the-Moor
	Proposal: Erection of two stables and one lambing pen adjoining existing agricultural building	
	Location: Field no 6418, Widecombe-in-the-Moor	
	Decision: Grant Conditionally	
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23 **Application No:** 0406/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Ashburton
Proposal: Removal of condition 13 of permission 0427/05 relating to ancillary use only
Location: Belford Mill, Ashburton
Decision: Withdrawn

24 **Application No:** 0648/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Dunsford
Proposal: Erection of two agricultural buildings (each 10m x 18m)
Location: land near Wood Corner, Dunsford
Decision: Grant Conditionally

25 **Application No:** 0620/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh
Proposal: Demolition and replacement of existing garage to rear of property and landscaping works to garden
Location: 72 Plymouth Road, Buckfastleigh
Decision: Grant Conditionally

26 **Application No:** 0580/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Lustleigh
Proposal: Revised roof elevations and extension details to approved application 0062/11
Location: Grove, Cleave, Hammerslake, Lustleigh
Decision: Grant Conditionally

27 **Application No:** 0591/13 **District/Borough:** South Hams District
Application Type: Full Planning Permission **Parish:** Ugborough
Proposal: Erection of barn for mixed horse and agriculture use (13m x 8m)
Location: 1 Leigh Close, Bittaford
Decision: Grant Conditionally

28 **Application No:** 0549/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Chagford
Proposal: Alterations and extension to existing dwelling and enlargement of forecourt
Location: Chad Wyche, Chagford
Decision: Grant Conditionally

29	Application No: 0603/13	District/Borough: Teignbridge District
	Application Type: Certificate of Lawfulness for a proposed development	Parish: Bovey Tracey
	Proposal: Certificate of Lawfulness for proposed new driveway and turning area	
	Location: Lilac Cottage, Lower Brimley, Bovey Tracey	
	Decision: Certificate not issued	
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30	Application No: 0585/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Horrabridge
	Proposal: Demolition of single storey lean-to and erection of two-storey extension to dwelling	
	Location: Hazelcroft, Manor Estate, Horrabridge	
	Decision: Grant Conditionally	
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31	Application No: 0576/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Belstone
	Proposal: Two-storey rear extension	
	Location: Skaigh Lodge, Belstone	
	Decision: Grant Conditionally	
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32	Application No: 0595/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Drewsteignton
	Proposal: Demolish existing and re-construct part single and part two-storey extension to North side of dwelling plus internal alterations	
	Location: Narracott Close, Drewsteignton	
	Decision: Grant Conditionally	
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33	Application No: 0596/13	District/Borough: West Devon Borough
	Application Type: Listed Building Consent	Parish: Drewsteignton
	Proposal: Demolish existing and re-construct part single and part two-storey extension to North side of dwelling plus internal alterations	
	Location: Narracott Close, Drewsteignton	
	Decision: Grant Conditionally	
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34	Application No: 0566/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission	Parish: Belstone
	Proposal: Removal of an existing stable and storage building to be replaced with a tanalised timber stable and storage building with a cement fibre roof and associated works	
	Location: Pear Trees, Belstone	
	Decision: Grant Conditionally	
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35 **Application No:** 0558/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh
Proposal: Single storey rear extension
Location: Cleaves, 14 Dart Bridge Road, Buckfastleigh
Decision: Grant Unconditionally

36 **Application No:** 0564/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** North Bovey
Proposal: Reinstatement of two cattle grids
Location: Bovey Castle, North Bovey
Decision: Grant Unconditionally

37 **Application No:** 0597/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** North Bovey
Proposal: Re-instatement of cattle grids
Location: Bovey Castle Hotel, North Bovey
Decision: Grant Unconditionally

38 **Application No:** 0602/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Lustleigh
Proposal: Installation of flue pipe (retrospective)
Location: Valley View, Moretonhampstead Road, Lustleigh
Decision: Grant Unconditionally

39 **Application No:** 0613/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh
Proposal: Extension and alterations to house and erection of garage
Location: Pearroc Vean, Grange Road, Buckfast
Decision: Withdrawn

40 **Application No:** 0617/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Moretonhampstead
Proposal: Erection of new dwelling
Location: land adj Riverside, Moretonhampstead Road, Lustleigh
Decision: Refused

41 **Application No:** 0604/13 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Christow
Permission - Householder
Proposal: Reconstruction of existing vehicle entrance and realignment of gravel drive
Location: Canonteign Manor, Cristow
Decision: Grant Conditionally

42 **Application No:** 0605/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Christow
Proposal: Reconstruction of existing vehicle entrance and realignment of gravel drive
Location: Canonteign Manor, Christow
Decision: Grant Conditionally

43 **Application No:** 0608/13 **District/Borough:** South Hams District
Application Type: Full Planning **Parish:** South Brent
Permission - Householder
Proposal: Two-storey extension to rear of property
Location: 20 Clobells, South Brent
Decision: Grant Conditionally

44 **Application No:** 0615/13 **District/Borough:** West Devon Borough
Application Type: Full Planning **Parish:** Chagford
Permission - Householder
Proposal: Conversion and extension of redundant engine shed to provide utility room, cloakroom and dining room; demolition of existing garage/store and erection of carport/store and demolition of chimney and erection of flue
Location: Meldon View, Lower Corndon Farm, Chagford
Decision: Refused

45 **Application No:** 0616/13 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Chagford
Proposal: Conversion and extension of redundant engine shed to provide utility room, cloakroom and dining room plus demolition of chimney and erection of flue
Location: Meldon View, Lower Corndon Farm, Chagford
Decision: Refused

46 **Application No:** 0607/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Dunsford
Proposal: Change of use of part of former agricultural building to boiler room to include installation of biomass boiler and associated fuel store
Location: Clifford Barton, Drewsteignton
Decision: Grant Conditionally

47 **Application No:** 0612/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Moretonhampstead
Proposal: Construction of cattle building (310sqm)
Location: Coombe Court, Moretonhampstead
Decision: Grant Conditionally

48 **Application No:** 0645/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Ashburton
Proposal: Replace existing lean-to roof covering with similar and add two conservation roof lights
Location: 44 East Street, Ashburton
Decision: Grant Conditionally

49 **Application No:** 0646/13 **District/Borough:** Teignbridge District
Application Type: Prior Notification **Parish:** Manaton
Proposal: Construction of open-fronted shed for storage of dry manure
Location: Challacombe Farm, Postbridge
Decision: No objection

50 **Application No:** 0587/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Ashburton
Proposal: First floor rear kitchen extension, alterations to revert single dwelling back to two dwellings (one open market and one affordable) and increase height of existing car port roof
Location: 50 North Street, Ashburton
Decision: Grant Conditionally

51 **Application No:** 0427/12 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Chagford
Proposal: Annex to provide ancillary accommodation to main dwelling
Location: Stinhall Farm, Chagford
Decision: Grant Conditionally

52	Application No: 0593/13	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Manaton
	Proposal: Installation of solar panels on south-facing roof	
	Location: Holwell Bungalow, Widecombe-in-the-Moor	
	Decision: Grant Conditionally	
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53	Application No: 0552/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission	Parish: Tavistock
	Proposal: Construction of light industrial building	
	Location: Unit 3, Pitts Cleave Quarry, Pitts Cleave Industrial Estate, Tavistock	
	Decision: Grant Conditionally	
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54	Application No: 0555/13	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Gidleigh
	Proposal: Replace walls of property for improved insulation	
	Location: Kestor Bungalow, Chagford	
	Decision: Grant Unconditionally	
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55	Application No: 0559/13	District/Borough: South Hams District
	Application Type: Advertisement Consent	Parish: South Brent
	Proposal: Wall mounted village hall sign	
	Location: Village Hall, Station Approach, South Brent	
	Decision: Grant Unconditionally	
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56	Application No: 0004/13	District/Borough: West Devon Borough
	Application Type: Change of Use	Parish: Dartmoor Forest
	Proposal: Change of use of upper yard to trekking centre (D2)	
	Location: Tor Royal Farm, Princetown	
	Decision: Grant Conditionally. That subject to a Section 106 Agreement to secure appropriate control over riding routes and number of horses operating from the centre, planning permission is GRANTED	
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57	Application No: 0606/13	District/Borough: South Hams District
	Application Type: Full Planning Permission - Householder	Parish: Holne
	Proposal: Erection of two-storey extension to form additional accommodation over existing garage	
	Location: Stonehanger, Holne	
	Decision: Refused	
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58 **Application No:** 0599/13 **District/Borough:** South Hams District
Application Type: Full Planning Permission **Parish:** Ugborough
Proposal: Installation of solar panels to existing stable barn
Location: Stables, Lakeview Cottage, Moorhaven
Decision: Grant Conditionally

59 **Application No:** 0584/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Horrabridge
Proposal: Remove conservatory and erect two-storey side and single storey rear extensions
Location: 3 Glenview Cottages, Whitchurch Road, Horrabridge
Decision: Grant Conditionally

60 **Application No:** 0601/13 **District/Borough:** South Hams District
Application Type: Full Planning Permission **Parish:** Ugborough
Proposal: Erection of timber framed field shelter
Location: Lakeview Cottage, Moorhaven
Decision: Grant Conditionally

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 February 2014

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the Director of Planning

Members are requested to contact the Office before 5pm on Thursday if they wish to raise questions concerning any of the above.

(For further information please contact James Aven)

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

1 Enforcement Code: ENF/0003/14	District/Borough: Teignbridge District
Grid Ref : SX813888	Parish : Dunsford
Breach : Unauthorised alterations to a garage	
Location : Moor Park Garage, Dunsford	
Action taken / Notice served	No further action taken

STEPHEN BELLI