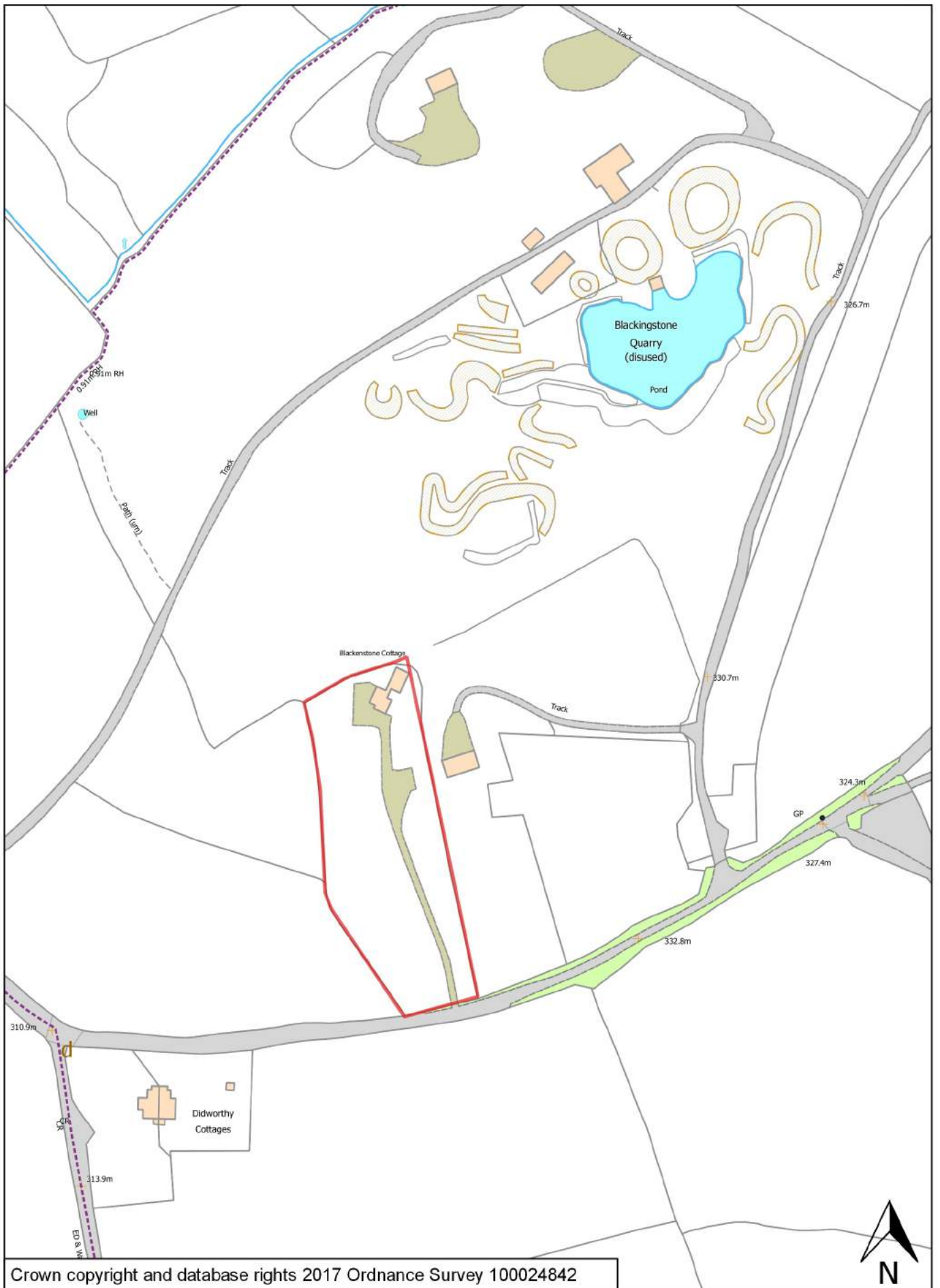


0450/17 - Blackenstone Cottage, Bridford



Scale 1:2,000



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DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 February 2018

SITE INSPECTIONS

Report of the Acting Head of Planning

1 Application No: **0450/17** District/Borough: **Teignbridge District**
 Application Type: **Full Planning Permission - Householder** Parish: **Bridford**
 Grid Ref: **SX782855** Officer: **Helen Maynard**
 Proposal: **Partial demolition of dwelling and erection of two-storey extension**
 Location: **Blackenstone Cottage, Bridford**
 Applicant: **Ms C Coutts**
 Recommendation: **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension amounts to an increase of 75% of habitable floor space contrary to policy DMD24 of the Dartmoor National Park Development Plan.
2. By reason of its design, bulk and massing the extension would not be subservient in appearance to the existing dwelling and would have an adverse impact on the character and appearance of the property and this part of the National Park, contrary to policies COR1, COR4, DMD1a, DMD1b, DMD3 and DMD7 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broad UK Government Vision Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide.

The Panel convened on the site and took the opportunity to view the buildings and their surroundings. The Planning Officer explained the proposal as presented, referring to the specific plans and elevations. The Panel noted the footprint of the proposed extension which had been pegged out on the site.

The applicant clarified the historical context of the original cottage; it was previously associated with the adjacent working quarry. The height of the eaves and proposed ridge of the extension was also clarified in relation to the existing portion of the building which is to be retained.

The District Council representative made no specific comment.

The Parish Council representative reiterated support for the project. Whilst understanding the

policy constraints, the PC feels that this is an acceptable solution, replacing a part of the current structure which is not in good repair. It was noted that the footprint was only slightly larger than the existing.

The Panel was in favour of the proposed addition as a practical way of resolving the obvious structural issues presented by the existing property. Members acknowledged the policy dilemma presented but, on balance, felt that the proposed solution would not be unsympathetic to either the existing retained portion of the building or the site as a whole given its relatively isolated position. They did however raise some points of concern regarding specific details, in particular the style of fenestration and choice of materials, asking that these matters are discussed further before a decision is made.

UPDATE

A decision on this application was deferred at the meeting on 5 January 2018. In response to comments from Members amended drawings have now been received. The alterations are as follows:

- Reduction in number of french windows on west elevation
- Reduction in size of window in the hall of the retained building
- Removal of external door and porch canopy to east elevation
- Additional door in place of existing windows to east elevation (required for a means of escape)
- Removal of rooflights from the bedrooms (east elevation)

It is the Officer's view that these amended drawings adequately address the concerns regarding the style of fenestration and their materials, however for the reasons set out in the initial report (copy attached) there remains an, in principle, policy objection to the proposal which is before the Authority. In view of this the officer recommendation remains one of refusal as set out above.

5. Application No: **0450/17** District/Borough: **Teignbridge District**
 Application Type: **Full Planning Permission - Householder** Parish: **Bridford**
 Grid Ref: **SX782855** Officer: **Helen Maynard**
 Proposal: **Partial demolition of dwelling and erection of two-storey extension**
 Location: **Blackenstone Cottage, Moretonhampstead**
 Applicant: **Ms C Coutts**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension amounts to an increase of 75% of habitable floor space contrary to policy DMD24 of the Dartmoor National Park Development Plan.
2. By reason of its design, bulk and massing the extension would not be subservient in appearance to the existing dwelling and would have an adverse impact on the character and appearance of the property and this part of the National Park, contrary to policies COR1, COR4, DMD1a, DMD1b, DMD3 and DMD7 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broad UK Government Vision Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide.

Introduction

The application site lies on the edge of open moorland, close to Blackingstone Quarry. It comprises a part stone, part timber framed dwelling, thought to have originally been constructed in the 1920s. Several extensions have been added since and it now contains 3 bedrooms. The dwelling appears in a fairly run down condition. It is set within a large curtilage, much of which is wooded. A detached former agricultural building lies to the southwest of the dwelling and is used for domestic storage.

The property is accessed by a long private drive which runs through woodland. This woodland provides substantial screening, to the effect that the property cannot be seen from nearby surrounding public vantage points.

The application is presented to Members in view of the Parish Council support of the proposal.

Planning History

5/36/014/94/03	Timber Framed Extension to Sun Lounge Full Planning Permission	Grant Conditionally	14 March 1994
05/36/1346/91	Dwelling and garage Approval of Details	Approve Conditionally	30 August 1991

Consultations

Environment Agency: Flood Zone 1 - standing advice applies.
 Teignbridge District Council: Recommend that any planning consent should be subject to the planning condition relating to unsuspected

	contamination.
County EEC Directorate:	No highways implications.
DNP - Trees & Landscape:	No objection
DNP - Ecology & Wildlife Conservation:	Works shall not proceed until a European Protected Species Licence (EPSL) for the development has been obtained from Natural England. Works to proceed in strict accordance with the recommendations in Section 6 and Figure 17 of the report (Preliminary Ecological Assessment, George Bemment Associated, 15 June 2017), subject to any variation required by Natural England under any license issued.

Parish/Town Council Comments

Bridford PC: Strongly support

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

DMD14 - Biodiversity and geological conservation

DMD1a - Presumption in favour of sustainable development

DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities

DMD24 - Extensions and alterations to dwellings

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

PROPOSAL

This application proposes the erection of a two-storey linear extension to the south elevation of the property.

The existing building has a floor area of approximately 94sqm. This application proposes the demolition of approximately 64sqm of the existing property and the erection of a two-storey extension to the south elevation. The proposed floorspace of the dwelling, once extended, will be 164sqm.

The proposed two-storey extension is set on lower ground than the retained section resulting in a ridge height marginally higher than the retained part of the building (approximately 200mm). The extension is to be colour washed granite and colour washed render, under a slate roof, providing a clear distinction from the retained stone clad section. The replacement windows and doors are to be wood/aluminium. Solar PV panels are proposed on the retained

part of the building. A new stone/grave path, a paved patio and rear pathway to the entrance of the building are also proposed.

The supporting information indicates that the existing cess pit will be replaced by a modern treatment plant. This is to be sited to the south of the dwelling, in close proximity to the existing cess pit. There are no reasons given the land area available why this would not be appropriate.

HISTORY

The application was submitted following pre-application advice for a much larger replacement dwelling; the applicant's agent was reminded on two occasions of the need to comply with the 30% size limitation for extensions to dwellings set out in policy DMD24. Policy DMD24 is clear that unless design considerations indicate otherwise, extension will not be permitted where the total habitable floorspace will be increased by more than 30%.

POLICY

Policies DMD1, COR1, COR4 and DMD7 establish the objectives for conserving and enhancing the character and appearance of Dartmoor's built environment. Policies DMD7 and COR4 set out design considerations for new development, notably; scale height, alignment, layout, detailing and materials.

Policy DMD24 requires that extensions should not increase the habitable floor space of the existing dwelling by more than 30%, be consistent with advice contained in the Dartmoor Design Guide and not to adversely affect the appearance of the dwelling and its surroundings.

The Dartmoor Design Guide requires high quality locally distinctive design and recognises the distinctive design for Dartmoor being a simple, uncluttered and robust form. It states that scale is a major issue with all and advises that new extensions should not overwhelm the existing property and should be set back from the main elevation.

The Design Guide requires extensions and alterations to a dwelling to not adversely affect the appearance of the dwelling, its curtilage of immediate surrounds, even if not generally visible from public viewpoints.

Core Strategy Policies COR1 and COR4 require high quality design and for an appropriate scale and layout. The NPPF attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Policy DMD4 sets out the objectives for protecting residential amenity and policies DMD14 and COR7 establish the requirement to safeguard biodiversity and protected species.

ASSESSMENT

In terms of assessing the proposal against policy DMD24(c), there is conflict concerning the proposed increase in floorspace. The existing dwelling is approximately 94sqm and this application proposes the demolition of 64sqm of the existing building and the erection of an extension of approximately 134sqm. The resulting floorspace of the dwelling will be 164sqm.

The increase in floorspace is approximately 75%. This figure represents an increase which is

significantly greater than the 30% permitted by policy DMD24.

Although the proposed design of the extension may be considered acceptable in terms of the materials; the simple linear design and the modest flat roof dormers; the scale of the proposed extension overwhelms the existing building. The proposal is considered to adversely affect the appearance of the dwelling and does not represent a design approach that reflects key principles of the Dartmoor Design Guide. The proposed extension will fail to preserve the character and appearance of the area, in accordance with policies COR1 and COR4.

It may be more appropriate to consider a replacement dwelling on this site (which would be considered under Policy DMD27). This may be a way of extending the existing property and improving its thermal performance in a more sympathetic way. Such an approach may lead to a more cohesive development on the site.

The proposal will also adequately protect amenity for the occupiers of nearby properties, in accordance with policy DMD4.

The Bat and Bird survey submitted suggests the presence of bats at the property and the need for a European Protected Species Licence, it also suggests a number of mitigation measures to protect these species.

SUMMARY

Whilst the aspirations to create a better insulated and modern property are noted, and the principal of an extension is accepted, it is considered that the scale and massing of the proposed extension overwhelms the original property and provides excessive height and bulk resulting in an extension that is not subservient to the existing dwelling.

The proposed extension is not considered appropriate in terms of its scale and bulk when considered in the context of the existing dwelling. The proposal represents an increase in habitable floorspace which significantly exceeds that permitted under part (c) of Policy DMD24.

The application is recommended for refusal.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 February 2018

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Acting Head of Planning

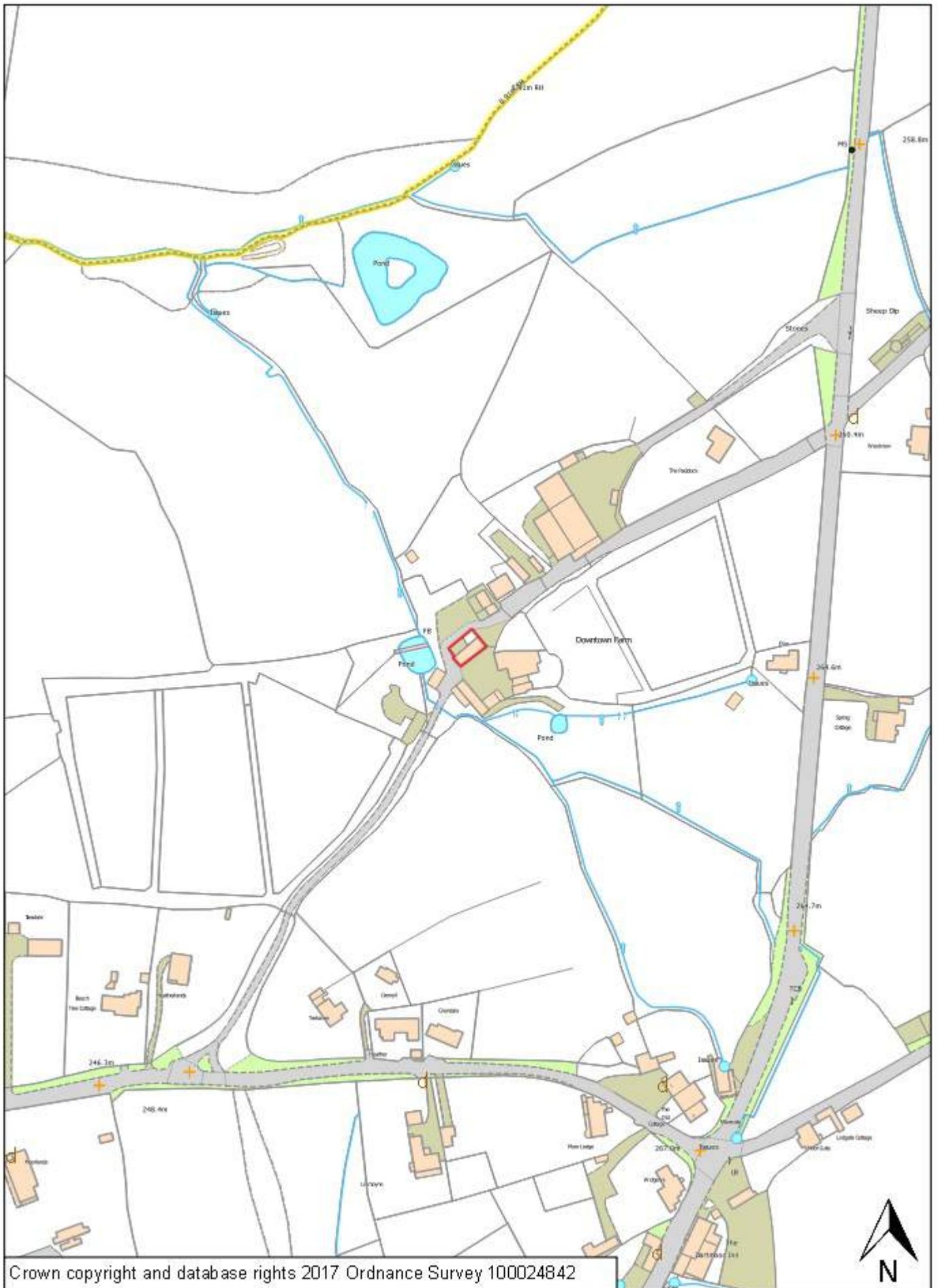
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0001/18 - Downtown Farm Lydford



Scale 1:2,500



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1. Application No: **0001/18** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Lydford**
Grid Ref: **SX521855** Officer: **Jo Burgess**

Proposal: **Use of holiday barns as residential (retrospective)**

Location: **Downtown Farm, Lydford**

Applicant: **Mr & Mrs G & E Leigh-Tyrer**

Recommendation **That subject to the consideration of any comments from the CEECD, permission be REFUSED**

Reason(s) for Refusal

1. The proposal would result in the creation of two unjustified open market dwellings outside a recognised settlement which do not meet an identified need for affordable housing to meet local needs or a need relating to an agricultural worker or other essential rural business, contrary to policies COR2, COR15, DMD1a, DMD1b, DMD9, DMD23 and DMD26 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks & The Broads UK Government Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Downtown Farm is located in open countryside between Lydford and the A386. The holiday barns are located in the farm yard adjacent to the farmhouse.

The barn is split into two three bedroom cottages approved for holiday units but currently rented for full time occupation. It is proposed to use the cottages for residential units with no holiday or affordable housing restriction.

The application is presented to Committee in view of the Parish Council comments.

Planning History

0329/10	Variation of condition 7 of planning permission 0357/99 to allow for permanent residential occupation of Barn A		
	Full Planning Permission	Withdrawn	09 August 2010
0714/07	Change of use from agricultural to mixed agricultural use to include conversion of redundant barn to tea room and teaching space and provision of visitor parking		
	Full Planning Permission	Grant Conditionally	21 November 2007
0059/03	Conversion of barn to swimming pool and games room		
	Full Planning Permission	Grant Conditionally	25 March 2003
0357/99	Change of use and conversion of two barns to three holiday units		
	Full Planning Permission	Grant Conditionally	14 September 1999

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: To be reported

Environment Agency: Flood Risk Zone 1 - standing advice applies

Parish/Town Council Comments

Lydford PC: Support

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR4 - Design and sustainable development principles
COR5 - Protecting the historic built environment
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD26 - Agricultural occupancy conditions
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD4 - Protecting local amenity
DMD8 - Changes to Historic Buildings

Representations

6 letters of support

Several local residents have supported the application referring to the contribution the cottages make to providing low cost affordable housing for local people who make a year round contribution to the village.

Observations

INTRODUCTION

Planning Permission was granted in 1999 for conversion of this stone building to two holiday units to aid farm diversification. The applicants purchased the farm in 2007.

PLANNING HISTORY

Planning permission was granted (0357/99) for change of use of two barns on the holding to three holiday units subject to the holiday occupancy restriction in place at that time. Barn A contains the two units of residential accommodation which are the subject of this application.

In 2007 the applicants applied for change of use to a mixed use to include a tea room and teaching spaces in association with the establishment of a 'rare breeds farmstead'. Permission was granted.

In 2010 the applicants applied to vary the condition in respect of the units in Barn A but following officer advice that there was a strong policy objection to the creation of new residential dwellings in the countryside of the National Park and that the application would not be supported, the application was withdrawn.

In 2017 it came to the attention of the Authority that the two cottages in Barn A were being let

as permanent residential accommodation rather than as short term holiday lets. The applicant was advised that in the context of current planning policy a planning application to retain the cottages as permanent residential accommodation would not be supported.

The applicant has confirmed that the cottages have been let as permanent accommodation since 2012. Following the involvement of the Authority Enforcement Officer, this application seeks to retain the use as set out.

PLANNING POLICY

Policy DMD26 applies to the removal of agricultural and holiday use conditions. It sets out a number of tests in respect of demand for that type of accommodation; the dwelling shall have been offered for sale, rent or lease for a period of at least twelve months at a price that realistically reflects the existence of the condition and the applicant entering into a legal agreement that the property is reserved for occupation by local people as an affordable dwelling.

Policy DMD9 applies to the conversion of buildings outside classified settlements which are historic buildings. It allows for conversion to short stay tourist accommodation or in cases where a business use has been shown to be not viable or feasible, affordable housing for local persons.

The applicants argue that the Authority is unable to demonstrate a 5 year housing land supply and therefore relevant policies for the supply of housing should not be considered up to date.

The site falls within the National Park where the primary focus is the statutory purposes of National Park designation and unlike other planning authorities, Dartmoor National Park Authority is focused on the provision of local needs housing rather than providing for market housing generally.

EVIDENCE

The first test of policy DMD26 is that evidence needs to show that demand for holiday accommodation no longer applies. The applicant has provided confidential financial information to address the requirement for evidence that income from the holiday units dropped from 2008 to 2011 and that net profit dropped over the same period. There is no pricing information to enable officers to judge whether the charges between 2008-11 for the holiday cottages was reasonable in comparison with other local accommodation.

The financial information provided confirms that the expenses in relation to permanent accommodation compared with holiday accommodation are significantly less, so although the turnover was less than for the first three years the holiday accommodation was operating, the net profit for permanent accommodation was significantly greater.

The applicant has provided a list of other holiday accommodation in the area and clearly there is significant competition in the Lydford area from other accommodation, but there is no compelling evidence of lack of demand.

It is not possible to be clear whether or not since 2012 there would have been demand for holiday accommodation on the farm because the decision was taken to rent the cottages as permanent accommodation.

The second test is that evidence is needed to show that the dwelling(s) have been offered for sale, rent or lease for a period of 12 months at a price that realistically reflects the existence of the condition. In this case as the applicant lives in the farmhouse and farms the land, so the holding would have to be marketed as a whole; however it is clear that no further efforts have been made to let the units as holiday accommodation. The applicants have not complied with the second test.

The third test is for the applicant to be willing to enter into a legal agreement that the property is reserved for occupation by local people as an affordable dwelling.

The applicant was asked if they were willing to enter into a legal agreement in accordance with DMD26 and they stated that they will not be entering into a legal agreement.

The size of each unit is approximately 90sqm. The Affordable Housing SPD states that three bedroom houses should have an indicative size of 85m². National Technical Guidance gives a size range of 84-102m². The units are therefore more affordable and in the view of officers are suitable for affordable dwellings.

Although the discount rate is stated to be 20-30%, given the advice from a local estate agent regarding rental figures, letting in accordance with the requirements of the Affordable Housing SPD would appear to be viable.

THE CURRENT POSITION

The applicants contend that they are meeting a need for more affordable accommodation in the area and have provided evidence to that effect - in the form of a letter from a local estate agent stating that the current rent being charged is below market rentals for the area.

The rent charged it is not affordable under the terms of the affordable housing SPD and the requirements in respect of the occupiers being in housing need, unable to afford open market prices and having local connections are not proven or controlled through a legal agreement as set out in the Affordable Housing SPD.

REPRESENTATIONS

The two existing tenants have written to confirm their local connections.

RECENT APPEAL DECISIONS

Elsewhere in Lydford an application to lift a holiday occupancy condition was made by the owner of Swallow Barn (0284/13). In this case the Inspector found that the proposal failed the first two tests, however both the Inspector and the Authority agreed that the Barn was unlikely to be economically viable as an affordable dwelling due to the size, location and running costs.

The Inspector supported the attempts of DMD26 to achieve a balance between resisting unsustainable and inappropriate development in the National Park, while meeting the needs of those who have an essential requirement to live in the area and dismissed the appeal.

Unlike at Swallow Barn the size of the units at Downtown Farm is likely to be appropriate to meet the needs of local people who have an essential requirement to live in the area and are in need of affordable housing. The site is very accessible to the A386, the school and facilities in the village and on the cycle route to Okehampton.

The West Devon Housing Officer has advised that there is little expectation in a village like Lydford that affordable housing is likely to be provided, which is probably why there is no-one on the Devon Home Choice register expressing a need for three bedroom properties in Lydford. However, there is plenty of anecdotal evidence from the parish and in nearby parishes that there is a need for affordable family accommodation in the area.

It is therefore considered that the accommodation is in a location which meets the sustainability tests set out in policies COR1, DMD1a and the NPPF and therefore an appropriate location for affordable housing.

CONCLUSION

Planning Policies COR2, COR15 and DMD23 are very clear that new units of residential accommodation in the open countryside should be restricted for sustainability reasons. Planning Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is clear that the tests of DMD26 have not been met, in particular the requirement for affordable housing.

The applicant has chosen to let the units for permanent accommodation in full knowledge that this required planning permission due to the imposition of the holiday occupancy condition and that policy DMD26 would not support this use.

The applicant has provided some evidence to address the policy requirements but it is not complete or compelling. In addition, the size of the units is not excessive in relation to the normal affordable housing requirement and although outside the village, the site is in a sustainable location.

It is therefore considered that the proposed change to unrestricted residential accommodation is premature at this time.

0557/17 - Land at Ausewell Common, Ashburton



Scale 1:2,000



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2. Application No: **0557/17** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Ashburton**
Grid Ref: **SX737711** Officer: **Helen Maynard**

Proposal: **Erection of agricultural building for rare breed chicken farming (9m x 5m)**

Location: **land at Ausewell Common, Ashburton**

Applicant: **Ms V Siddell**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. With no demonstrable agricultural need for the proposed development, the proposed building is considered to be contrary to policies COR2, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Authority Development Plan, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and to the National Planning Policy Framework 2012.
2. The proposed development would comprise the introduction of an isolated agricultural building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park. The development would therefore be contrary to policies COR1, COR3, COR4, DMD1, DMD3, DMD5, DMD7 and DMD34 of the Dartmoor National Park Authority Development Plan and to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.

Introduction

The application site is located within Ausewell Common approximate 2.5km north east of Ashburton. The site is in a field adjoining an existing (redundant) sand school. An unauthorised stable building is located on the sand school; currently used for furniture storage.

This application proposes the erection of an agricultural building for the keeping of chickens/poultry.

The access to the site is along a private shared track from Higher Ausewell Cottage, at the end of this track, there is no formal existing access track across the field to the proposed building or the sand school.

This application is presented to Members due to the Town Council support of the proposal.

Planning History

0326/17	Erection of agricultural building (13.5m x 9m)		
	Full Planning Permission	Refused	11 October 2017

Consultations

Teignbridge District Council: Does not wish to comment.

County EEC Directorate:	No highway implications.
Environment Agency:	Flood zone 1. Standing advice applies.
DNP - Trees & Landscape:	The application should be refused because the development will be contrary to policy COR1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is contrary to DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape. It is also contrary to DMD34 because there is no demonstrable need for a building, it is poorly related to landscape features and other building groups and the building is not of a scale that is well related to its function.
DNP - Ecology & Wildlife Conservation:	No objection on ecology grounds.

Parish/Town Council Comments

Ashburton TC:	With the considerable reduction in size of the building and it's new location, the Town Council feels that the applicant has taken into account DNPA's concerns regarding visual impact and possible harm to the landscape character therefore support the application.
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Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR2 - Settlement Strategies
- COR3 - Protection of Dartmoor's special environmental qualities
- COR4 - Design and sustainable development principles
- COR6 - Protecting Dartmoor's Archaeology
- COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
- DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
- DMD34 - Agricultural and forestry
- DMD4 - Protecting local amenity
- DMD5 - National Park Landscape
- DMD6 - Dartmoor's moorland and woodland
- DMD7 - Dartmoor's built environment

Representations

6 letters of objection

Objections

- No need for the building, questioning whether this is a genuine business.
- No screening has been proposed

- Unsuitable site - no electricity or water supply
- Increased traffic along the lane
- History of enforcement breaches on the site

Observations

PROPOSAL

The proposed agricultural building is 45sqm with a dual pitch roof of approximately 3.2m in height. The proposed materials are anthracite grey profile roof sheeting and vertical, locally sourced, timber boarding. The ventilation louvres are to be of timber construction. A 2m x 2m brown metal double door opening is proposed on the east elevation.

PLANNING HISTORY

An unauthorised stable building, pole barn and caravan on site were investigated by the enforcement team in December 2016. The applicant was invited to submit a planning application or remove the buildings/structures. The pole barn and caravan have been removed from the site however the stable building remains.

An application (ref: 0326/17) was refused for a 122sqm (4.2m in height) agricultural building within the same parcel of land but at a different location (on the sand school to the west of this application site). The application was refused permission for two reasons:

1. The detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park.
2. No demonstrable agricultural need for the proposed development.

No further discussions have taken place since that application was determined in October 2017.

AGRICULTURAL HOLDING

The total area under the applicant's ownership is 1.510 hectares (3.73 acres) comprising two separate fields at Higher Ausewell.

The applicant states that the building will be used for the farming of laying chickens and rare breed chickens to be sold over the internet together with the sale of the more common breeds of chicken for eggs and meat.

They also state that the purpose of the building is to house the stock, fodder, a tractor and grounds equipment.

The existing stock numbers are stated as 49 chickens with the intention to increase the numbers (to 100 or 200) if/when the farm is Certified/Registered.

POLICY CONTEXT

The National Planning Policy Framework states that great weight should be given to conserving the landscape and scenic beauty, cultural heritage and wildlife of National Parks which have the highest status of protection. The importance of delivering these Park purposes

is reiterated in the objectives of local policy DMD1b, which stipulates that these considerations will be given priority over other considerations in the determination of planning applications.

Policies COR1 and COR3 require all new development proposals to respect and enhance the character and quality of local landscapes and to sustain local distinctiveness and Dartmoor's special environmental qualities. Policy COR4 requires development proposals to demonstrate a scale and layout appropriate to the site, conserving and enhancing the quality and distinctiveness of the local landscape and built environment.

The importance of understanding landscape character is fundamental to a consideration of these issues and this is embedded in policy DMD5. This policy explicitly states that development proposals should respect the valued attributes of landscape character types, ensuring that location, layout, scale and design conserves or enhances the special qualities of the local landscape, avoiding unsympathetic development that will harm the wider landscape.

Policy DMD34 requires new agricultural development to demonstrate a need proportionate to the use of the land, a scale and form related to its function, relate well to local landscape features and other building groups and be located and orientated to respect local topography.

The Dartmoor National Park Design Guide explains that new agricultural buildings need to be carefully sited in the landscape. Development should aim to fit into and be sympathetic to, existing farmsteads and the landscape, avoiding visually intrusive new buildings and reference being made to trees and folds in the landscape providing opportunities for sensitive, unobtrusive siting.

LANDSCAPE CHARACTER

The site is within the landscape character type 'Upper Farmed and Wooded Valley Slopes'. The land immediately around the site is undulating agricultural land comprising small to medium sized field enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Large mixed woodlands are a feature of this landscape. The well-treed character results in an enclosed and unified landscape with constantly changing colours and textures. There is a sparse settlement pattern with small hamlets, villages and isolated farmsteads. Winding lanes bounded by high hedges thread across the landscape. The landscape has strong pastoral character.

The proposed development will have an impact on the local landscape character. The building is poorly related to other structures and will be an isolated structure within this landscape.

Policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognised that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape.

The policy is very clear that development should conserve and/or enhance the character of Dartmoor's landscape. The development does not conserve and/or enhance the character of the landscape and is clearly contrary to policy.

The impact of agricultural development on local landscape character is an important consideration under policy DMD34 which states that development will only be permitted where it relates well to local landscape features and building groups. The building proposed here contrasts strongly with this requirement.

The Landscape Officer states that on site there was no evidence of agricultural activity and in landscape terms the latest choice of site is far worse than the previous application because it will disrupt more of the pastoral field. The Officer cannot support this application reiterating similar concerns to that expressed in relation to the previous application.

DESIGN

Although the building has been reduced in size since the previous application, the proposed building does not appear an appropriate design and proportionate in size for the proposed stock levels. The large door opening into the existing hedge does not appear to be practical for tractor access or for the birds to “free range” onto the adjacent field. It would be more logical to provide doors on the west elevation. It is not a building that appears to be specifically suited to housing chickens/poultry.

The proposed building is dominant in this location and the applicant has done little to reduce the visual and landscape impact of the building. No screening has been proposed to reduce the prominent views of the buildings; however in this location screening is unlikely to be appropriate or adequate to reduce the impact of the isolated barn. In terms of landscape character the proposed building does not relate well to the local landscape.

Officers also note that formalisation of an agricultural use on this site is likely to lead to increased traffic to the site. The applicant has stated that they intend to visit the site twice daily and park adjacent to the building.

DEMONSTRABLE NEED

DMD34 states that agricultural development will be permitted if there is a demonstrable need that is proportionate to the use of the land, it relates well to the landscape features and other building groups and it demonstrates a scale that is well related to its function.

The proposed building of approximately 45sqm and 3m in height is considered to be excessive in size for the chicken stock levels identified. The design of the building does not relate well to the proposed function for the keeping of chickens. A chicken ark or product designed for the keeping of chickens may be more appropriate. This is consistent with advice given to the applicant’s agent in August 2017.

There was no evidence of agricultural activity on the site during the two site visits undertaken by the Case Officer and Landscape Officer respectively. There were two grazing horses in a field and approximately 6 ducks in a small cage on the sand school. There was no evidence of chickens, other poultry or farm machinery on the site.

Furthermore, the requirement of maintenance of the hedges is not in itself justification for a building of this scale in this location.

The building does not appear to be suitable for the proposed use, the scale is not well related to its function and it is poorly related to the landscape features and other buildings.

TOWN COUNCIL COMMENT

The Town Council supports the application.

It considers that, with the reduction in size of the proposed building and the revised location,

the applicant has taken into account DNPA's concerns for the visual impact and harm to the landscape character.

CONCLUSION

The two previous reasons for refusal have not been adequately addressed. The building is poorly related to landscape features and other building groups. The proposed building is contrary to policy COR1, COR3 and DMD5 because it does not conserve or enhance the character and special qualities of the Dartmoor landscape.

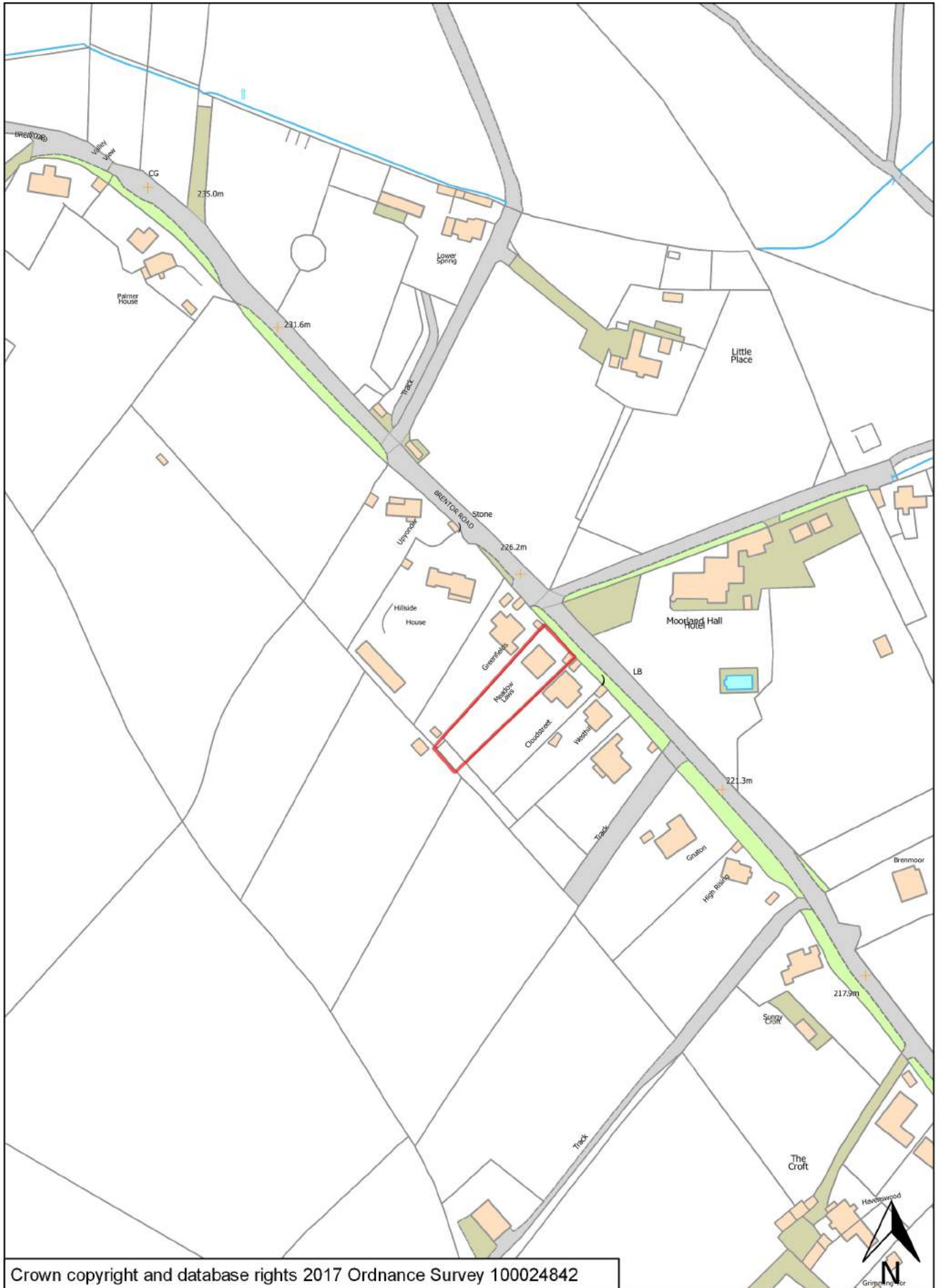
The introduction of an isolated building in this location would fail to reflect the building pattern associated with this landscape type and would therefore be harmful to landscape character.

Considering the size of the holding and limited agricultural activity on the site, the development is considered to be contrary to policy DMD34 because there is no demonstrable need for a building. The building is not of a scale that relates well to its function. The proposal therefore fails to meet the requirements of the Local Development Plan.

0578/17 - Meadow Laws, Mary Tavy



Scale 1:2,000



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3. Application No: **0578/17** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission -** Parish: **Mary Tavy**
Householder
Grid Ref: **SX498798** Officer: **Helen Maynard**

Proposal: **Replacement of bungalow with two-storey dwelling, summer house and garage**

Location: **Meadow Laws, Brentor Road, Mary Tavy**

Applicant: **Mr & Mrs C J Banks**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed replacement dwelling, by reason of its design, scale, proportions and appearance within the street scene fails to demonstrate a high quality design that would conserve or enhance the character and appearance of this part of the National Park. The proposal is therefore contrary to policies COR1, COR3, COR4, DMD1a, DMD3 and DMD7 of the Dartmoor National Park Development Plan and to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The proposed replacement dwelling, by reason of its additional height, proximity, location and relationship to surrounding properties would have a detrimental effect upon the residential amenity of the occupiers of neighbouring buildings, contrary to policies COR4 and DMD4 of the Dartmoor National Park Authority Development Plan and the advice contained in the Dartmoor National Park Design Guide, English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Meadow Laws is located on Brentor Road on the edge of Mary Tavy, opposite the Moorland Hall Hotel. This application proposes the replacement of the existing bungalow with a two-storey dwelling.

The application is presented to Members due to the Parish Council support of the proposal.

Consultations

Environment Agency:	Flood zone 1. Standing advice applies.
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications.
DNP - Ecology & Wildlife Conservation:	Require updated ecology report to include recommendations for bat mitigation suitable for the new building's vaulted roof. Agreed mitigation to be shown on the plans and drawings.

Once agreed, these would need to be a condition of any

planning approval. An ESPL licence would be required from NE if permission were granted.

Parish/Town Council Comments

Mary Tavy PC: Support. The Parish Council feel that the plans have been amended to comply with requirements of DNPA Planning. It was pleased to see the modern design and environmentally sustainable features, with ground source heating and off-street parking. With the number of bedrooms remaining the same, this would not affect the housing demographic. The plans were well thought through and clearly presented and benefitted from pre-planning advice.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD27 - Replacement dwellings in the countryside
DMD4 - Protecting local amenity
DMD40 - Parking provision - Residential
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

2 letters of objection 2 letters of support

Support

In keeping - will improve quality of housing in the village.

Modernisation of the property, enhancing the visual appearance of the site.

Objection

Loss of privacy

Reduced natural light of neighbours

Bulk of proposed property

Observations

PROPOSAL

Meadow Laws is a detached bungalow on Brentor Road. There is a long rear garden which is below the house level and slopes to the south west. This application proposes the replacement of the existing bungalow (95sqm) with a two-storey dwelling (183sqm); the erection of a summer house and the replacement of the existing garage.

PRE-APPLICATION ADVICE

Householder pre-application advice was sought for extensions to the existing dwelling and relocation of the garage. Officers commented extensively on the design; emphasised the 30% increase in habitable floorspace set out in policy DMD24; noted potential neighbour amenity issues and advised of the need for a bat and bird survey.

This application has been presented as a replacement dwelling rather than an extension to the existing property.

DESIGN

The existing building makes little contribution to the Dartmoor vernacular and there is scope to enhance the presentation of the site to contribute more positively to the character and appearance of the street scene. There is a mix of building styles along Brentor Road, comprising single storey, 1.5 storey and two-storey dwellings. The properties are fairly tightly spaced along the south western side of Brentor Road.

A key policy test is that a new dwelling should lead to an enhancement of the local environment and a replacement is on a scale that is sympathetic to its location. This is to enable better quality housing to be provided without major changes to the character of an area. The properties along Brentor Road adjacent to the site are generally linear development with garages to the front of the properties. Hillside House and Upyonder are larger dwellings of two-storey set in larger plots at an oblique angle to the road.

Although the advice given by Officers at pre-application stage has largely been taken into account, the design tests are greater with regards to a new dwelling than for extensions. A replacement dwelling must be a positive enhancement to the area. It is considered that the majority of dwellings along Brentor Road are not easily seen from the road. The proposal will present as a taller building with main ridge running across the width of the plot and will therefore present as a more dominant structure from the road, which will compromise the character and setting of buildings in the street scene. The increase in height by approximately 1.13m will look at odds with the existing dwellings and will be seen well above the hedgebank when viewed from the road.

The design of the glazing in the dormer and at more generally first floor level overwhelms the building making its appearance top heavy. The rooflights are too numerous and prominent and as such they compromise the appearance of the roof. It is considered that not all these rooflights are necessary. Consequently the proportion of windows to wall/roof on the north east and south west elevation compromises the overall appearance of the property. The advice given in the Design Guide states that in most Dartmoor buildings, the windows are modest in size when compared to the total area of wall.

Furthermore, the proposed dormer window in the front and rear facing roof slopes are not consistent with guidance set out in the Dartmoor Design Guide which recommends dormer windows be no wider than the width of a single casement window. The proposed first floor terrace at 15sqm seems excessively large and, with obscure glazed privacy screen on all sides, its design is considered unsympathetic and incongruous.

It is noted by Officers and the applicant that there is a property to the south east of the proposal (West Hill) that has been extended in a manner not dissimilar to the proposal. The

extensions to this property pre-date the DNPA Design Guide and Development Plan policies. The advice given on that proposal during the application process was that the principle of an extension to the south west elevation was acceptable, however the scale and bulk of the proposed two-storey extension was unlikely to be viewed favourably. The application was subsequently approved with minor amendments.

Removal of the existing garage and its relocation behind the existing hedge bank in front of the property is considered acceptable. Garages to the front of properties along Brentor Road are not uncommon and this relocation behind the hedgebank will ensure that the garage is largely screened from view. The location of the proposed garage adjacent to the outbuilding of the neighbouring property will ensure no harm is caused to the residential amenity of this property.

Officers consider that the principle, design and location of the proposed summerhouse is acceptable.

The improvements to the thermal capacity and sustainability of the building are acknowledged, but these do not outweigh the design concerns and fundamental policy objection set out in this report.

NEIGHBOUR AMENITY

Due to the proximity of the neighbouring properties, officers also have concerns relating to overlooking, particularly from the large rear first floor balcony. The need for an approximately 1.5m high obscure glazed screen to the side elevations of the balcony emphasises that there is an overlooking issue and the introduction of a large glazed screen is not a good design solution; the balcony opens out from the main living room of the proposed dwelling.

Cloud Street is a detached bungalow to the south of the application site situated along a similar building line. It is situated on ground lower than the application site. There are two ground floor windows in the side elevation facing the application site; these windows are approximately 4m away from the proposed replacement dwelling 0.6m from the party boundary. Given the intervening distance, relationship created by the dwelling at Meadow Laws and having regard to the principal lounge window and balcony to the south west, it is considered that there would be a loss of privacy which compromises the residential amenity of the neighbouring occupiers at Cloud Street.

Greenfields is a 1.5 storey detached dwelling to the north of the application site, it is situated along a similar building line. It is situated on ground slightly higher than the application site. There are four ground floor windows in the side elevation facing the application site. There are two proposed windows on the north west elevation of the proposed dwelling – a bedroom and bathroom window on the ground floor. There is approximately 4m distance between the bedroom window and approximately 6.5m distance between the bathroom window and the adjacent property. It is noted that bathroom windows can be conditioned obscure glazed to protect privacy. The only first floor window proposed is at a high level (the base of this window is approximately 2.1m above finished floor level and does not present amenity issue.

The increased width and height of the side elevations of the property (south west and north west) caused by the proposed shallow roof pitch is likely to be overbearing in relation to the properties Cloud Street and Greenfields. In particular, Cloud Street is set at a lower level to Meadow Laws and the proposed building is likely to lead to shading and loss of privacy of this property and its amenity space (garden). This same issue arises on the north west elevation

(facing the property Greenfields)but to a lesser extent.

It is acknowledged by Officers that there is unlikely to be the opportunity to allow for significant distances (21m) between properties given the constraints of the site, however consideration should be given to existing neighbouring properties. The loss of amenity of the neighbours can be addressed through the location and layout of the building within the plot and the design of the internal layout of the main habitable rooms.

INCREASE IN VOLUME

The agent has calculated an existing volume of 400.8m³, proposed volume of 613.5m³ and therefore a percentage increase of 53%.

WILDLIFE

The DNPA Ecologist has recommended that the submitted report is updated to include recommendations for bat mitigation suitable for the new building's vaulted roof. The agreed mitigation should be shown on the application drawings. Once agreed these would need to be a condition of any planning approval. An ESPL licence would be required from NE if permission is granted.

An updated wildlife survey report is awaited. However, it is likely that, with appropriate mitigation, the proposal will not have an adverse impact on protected species and complies with the objectives of policies COR7 and DMD14.

REPRESENTATIONS

Two letters of objection have been received from neighbours. The neighbours accept the need to modernise the property however, they note the difference in height of the land between properties and the excessive size and bulk of the property added by raising the roof . They do not consider the design of the property to be in keeping with the surrounding area.

Two letters of support have also been received. These neighbours encourage the modernisation of properties in Mary Tavy and support the improved appearance of Brentor Road.

These comments from the neighbours are noted and have been assessed as part of this report.

CONCLUSIONS

The principle of replacing the existing building is considered acceptable. However, any replacement should adhere to the policy restriction regarding size; good design; consideration of neighbours and justification for allowing a dwelling considerably larger than the existing.

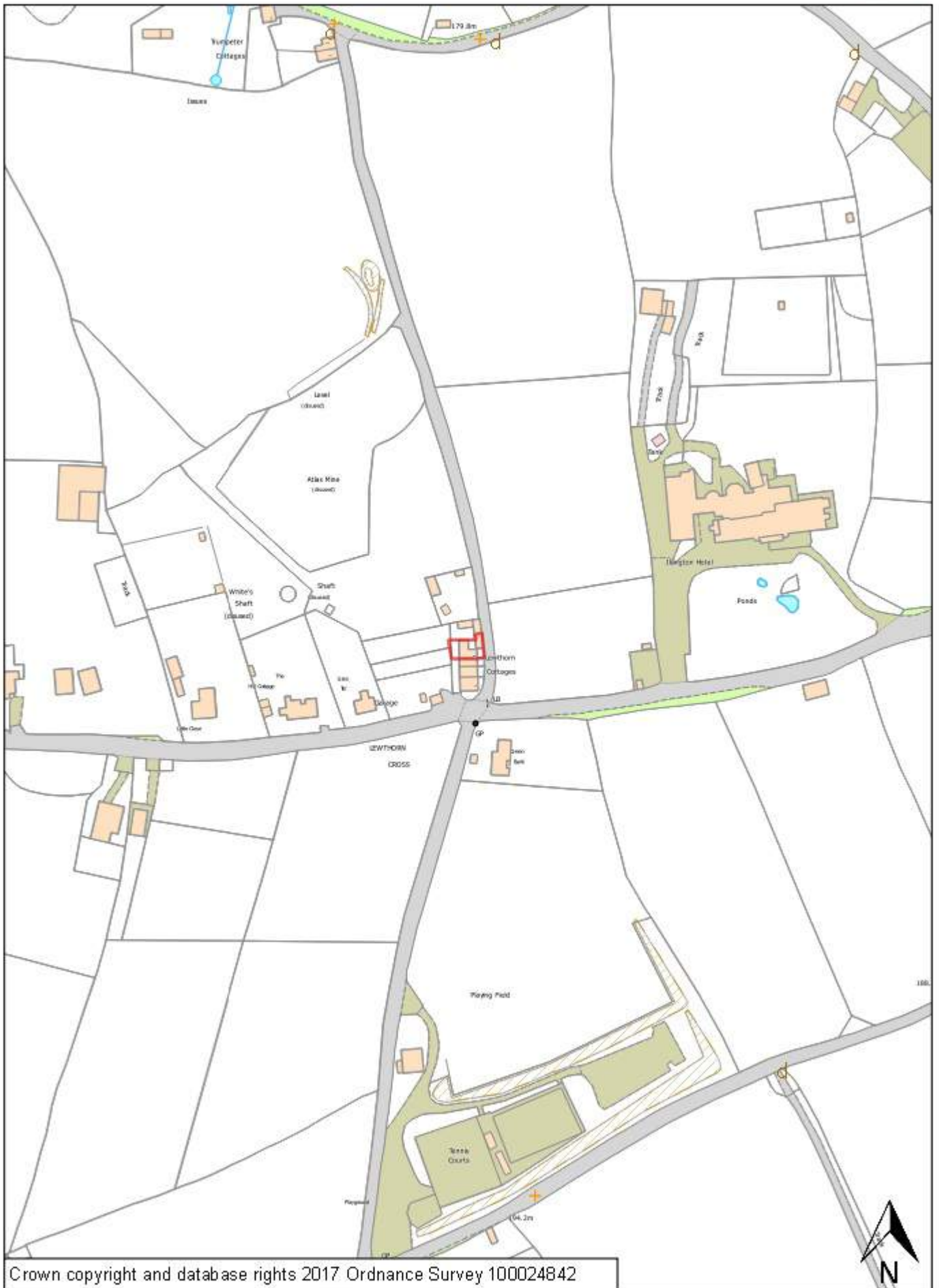
This proposal has arisen from the modification of a proposal for extensions to the existing property. A fundamental redesign without the existing dwelling being the starting point may be more appropriate.

This application is therefore recommended for refusal.

4 Lewthorn Cottages - 0612/17



Scale 1:2,500



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4. Application No: **0612/17** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission - Householder** Parish: **Ilington**
Grid Ref: **SX779761** Officer: **Nicola Turner**
Proposal: **Removal of flat roof extension and erection of two-storey extension and conservatory**
Location: **4 Lewthorn Cottages, Ilington**
Applicant: **Mr J Ash**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension by virtue of its inappropriate scale, massing and design would fail to conserve or enhance, and would be detrimental to, the character and appearance of the host dwelling and this part of the National Park, contrary to policies COR1, COR4, DMD1a, DMD1b, DMD7, and DMD24 of the Dartmoor National Park Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision, Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide.

Introduction

The property at 4 Lewthorn Cottages, Ilington, is an end terrace dwelling fronting onto the lane to the east side of the row of cottages. The property is accessed from the west elevation via the service track to the rear of the properties. It is located 400m west of Ilington village.

It is a two-storey dwelling with a previously constructed two-storey, flat roofed extension on the front elevation.

The proposal submitted is for the removal of the flat roofed extension and its replacement with a three storey pitched roof extension on the east elevation. It would provide a utility and bathroom at ground floor, open plan living room at first floor and a void with a mezzanine at second floor level.

No pre-application advice was sought prior to this application being submitted.

The application is presented to Members in view of the Parish Council support of the application.

Consultations

Environment Agency:	Flood Zone 1 Standing Advice applies
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Ecology & Wildlife Conservation:	An ecological survey report has been submitted with the application (David Wills, 28/11/17). The survey methods, presentation of results and recommendations are satisfactory. The survey found no evidence of bats or

nesting birds, and few external features likely to be used by bats. The report concludes that bats are not present.

The report provides recommendations around external lighting and general precautions to protect bats during the building work. Enhancements for wildlife are suggested.

There is no requirement for further survey or the need for any protected species licence. The recommendations of the report should be a condition of approval.

The proposed development lies within a strategic greater horseshoe bat sustenance zone of the South Hams Special Area of Conservation (SAC). There are no plans to change lighting and as such there is no mechanism to affect the SAC.

Teignbridge District Council
(EHO):

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority

Parish/Town Council Comments

Ilington PC: Visual improvement and providing additional family accommodation

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

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

DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

PROPOSAL

This application proposes the removal of the flat roofed extension and its replacement with a three storey glazed gable extension. It would have a glazed gable for the upper two-storeys and top hung fan lights on the small section of the elevation visible above the wall. The ridge of the extension would match that of the host dwelling and be roofed in tiled roof slates. The glazing would be framed in oak and the flank walls constructed in stone. It would project 7.5m from the ridge, 5.6m from the rear elevation, and be 8.2m from ground level to ridge.

There is also a conservatory extension proposed over the original front door which would be 2.7m high, 4.6m wide across the frontage and 2.4m deep. This would have a dwarf stone wall and glazed front and flank wall with a glazed roof as well.

The extension would extend the floor area by just over 25%, which is within the threshold of domestic householder extensions permitted by policy DMD24.

POLICY

The NPPF recognises good design is a key aspect of sustainable development, indivisible from good planning. Development should respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Policies DMD1, COR1, COR4 and DMD7 establish the objectives for conserving and enhancing the character and appearance of Dartmoor's built environment. This is reflected in The English National Parks and Broads UK Government Vision and Circular 2010.

Policies DMD7 and COR4 set out design considerations for new development, notably; scale, height, alignment, layout, detailing and materials.

Policy DMD24 requires extensions to not increase the habitable floor space of the existing dwelling by more than 30%, be consistent with advice contained in the Dartmoor Design Guide and not to adversely affect the appearance of the dwelling and its surroundings. Both DMD7 and DMD24 require a design approach which is consistent with the Authority's Design Guide. It is also acknowledged in the Design Guide that small original buildings have less opportunity to extend. The Design Guide also identifies that eaves and ridge heights of extensions should be no higher than the existing house and the roof pitch should match the existing, in this particular case it is considered by officers that this applies to the roofline of the whole terrace.

The Dartmoor Design Guide requires high quality locally distinctive design and stipulates that scale is a major issue with all extensions to existing properties. It advises that new extensions should not overwhelm the existing property and should be set back from the main elevation. It states that buildings that have been extended previously can reach a point where further extensions dominate the original dwelling to the point of being inappropriate to the site and building.

Policy DMD4 sets out the objectives for protecting residential amenity and policies DMD14 and COR7 establish the requirement to safeguard biodiversity and protected species.

ASSESSMENT

The proposed scheme fails to adhere to the design principles set out in policy and the design guide and the proposed extensions would subsume the original proportions of terrace, undermining the scale, proportions and character of the original terrace plan. The proposed high ridge line presents an uneasy design that could not be argued to be of high quality or locally distinctive.

The extension is of a form that is not considered to be acceptable, in this case the proposed development would harm the character and appearance of the small end-terraced cottage by introducing a poorly designed prominent feature to the front elevation. The removal of the existing flat roof extension is welcomed, however its replacement with a dominant extension on the front of this modest cottage is not considered appropriate.

The extension would extend the floor area by just over 25%, which is within the threshold of domestic householder extensions. This is only appropriate however where the design is acceptable.

The use of large expanses of glazing can be appropriate in some instances; however this modest cottage cannot suitably host a very large contemporary design such as this. The fenestration design does not reflect the character of the site, and are of poor proportions where it wraps around the sides of the projection.

Although Officers are sympathetic to the needs of the applicant and advice has been given that other measures may be possible to assist in providing adequate accommodation for the applicant's family, this does not outweigh the considerations outlined above.

IMPACT ON RESIDENTIAL AMENITY

Despite the proposed increase in massing and height of the building, it is considered that, on balance, the proposal would not result in a significant loss of amenity for local residents and therefore raises no conflict with policy DMD4.

CONCLUSION

Although the proposed extension complies with the floor space requirements of DMD24, the impact of the extension on the dwelling is considered to harm the character and appearance of the building and the wider setting. As such, it is considered to be contrary to policies DMD7 and DMD24.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 February 2018

MONITORING AND ENFORCEMENT

Report of the Head of Planning

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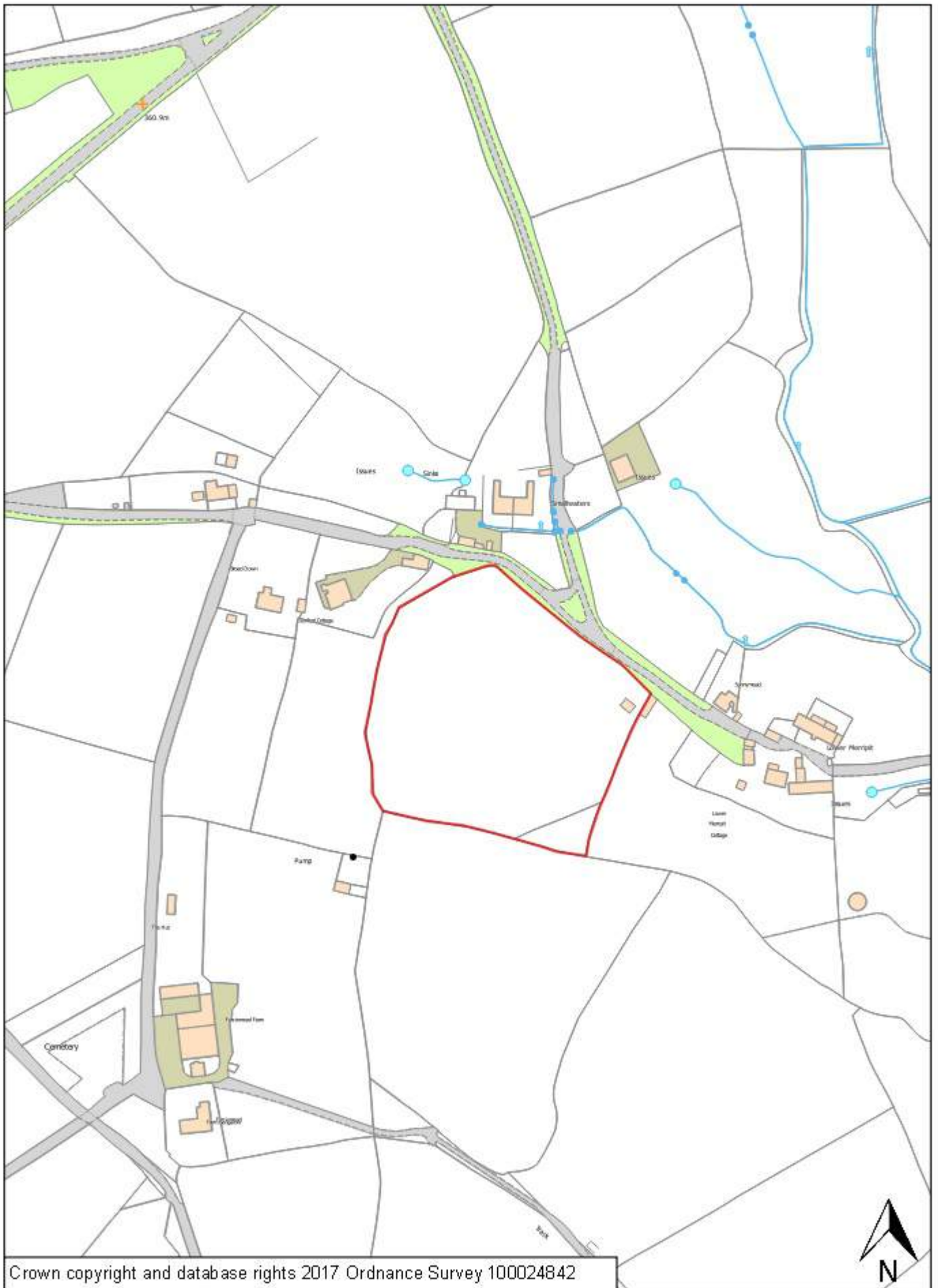
Item No. **Description**

1. ENF/0230/17 - Unauthorised residential use of land in a touring caravan, Land lying to the west of Sunnymead, Postbridge

Land west of Sunnymead - ENF/0230/17



Scale 1:2,500



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1 Enforcement Code: **ENF/0230/17** District/Borough: **West Devon Borough**
Grid Ref: **SX656791** Parish: **Dartmoor Forest**
Officer: **Nick Savin**

Description: **Unauthorised residential use of land in a touring caravan**
Location: **Land lying to the west of Sunnymead, Postbridge**
Land owner: **Mrs Watson**
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 caravan from the land and
2. Secure the cessation of the unauthorised residential use of the land.

Relevant Development Plan Policies

COR1 - Sustainable Development
COR2 - Settlement Pattern
COR3 - Environment & Heritage
COR4 - Built Environment
COR15 - Housing

DMD1a - Sustainable Development
DMD1b - National Park Purposes
DMD3 - Sustaining the quality of places
DMD5 - Landscape Character
DMD23 - Residential Development
DMD28 - Residential Caravans

Representations & Parish/Town Council Comments

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

Observations

THE SITE

The caravan is situated on agricultural land approx 400m south of the B3212, around 1km east of the centre of Postbridge.

HISTORY AND BREACH OF PLANNING CONTROL

In September 2017 a report to the Authority highlighted that two touring caravans had been sited in a field near Lower Merripit Farm, at Postbridge. One, it was alleged, was being used for residential purposes and one was being stored on the land and was in a state of disrepair. This second caravan has since been removed.

Further investigations confirmed that the landowner's son was living in one of the caravans.

Welfare forms have been issued and completed by the landowner of behalf of her son. The welfare forms have been reviewed and it appears that there is little prospect in there being a voluntary resolution to this breach of planning control.

Accordingly it is now considered appropriate to seek authorisation from Members to initiate the

appropriate legal action to secure the removal of the caravan and the cessation of the residential use of the land.

POLICY CONSIDERATIONS

Development Plan Policy COR1 seeks to ensure that all development in the National Park is undertaken in a sustainable manner with consideration given to, amongst other things, the need to make efficient use of land and respect for and enhancement of the character, quality and tranquillity of local landscapes and the wider countryside. The development is contrary to policy COR1 as the caravan is not of a high quality design nor does it respect or enhance the character, quality and tranquillity of local landscapes and the wider countryside.

Policy COR4 states that proposals should conform to a number of design principles, which include the need to demonstrate a scale and layout appropriate to the site and its surroundings. Development must also use external materials appropriate to the local environment. The caravan is not appropriate to the local environment, and has a detrimental visual impact on this site and its surroundings and does not therefore accord with this policy.

Policy DMD1b seeks to protect the special qualities of the National Park. The development does not accord with this policy as the use of the agricultural land at Lower Merripit to site a caravan fails to protect the special qualities of the National Park and is therefore contrary to that policy.

Policy DMD3 states that development proposals should help to sustain good quality places in the National Park by reflecting the principles set out in the Design Guide. Furthermore the development should conserve and enhance the character and special qualities of the Dartmoor landscape by ensuring that location, site layout, scale and design conserves and enhances what is special or locally distinctive about landscape character. The development is considered contrary to this policy.

Policy DMD5 seeks to conserve and/or enhance the character and special landscape and qualities that contribute to Dartmoor's distinctiveness. The visual impact of the caravan is considered detrimental to the characteristic landscape features that contribute to Dartmoor's special qualities.

Policy DMD23 seeks to restrict the erection of new dwellings outside Local Centres or Rural Settlements, except where a proven need for an essential rural worker has been established. There is no functional requirement for a new dwelling on this land.

Policy DMD28 considers residential caravans in circumstances where a rural business is in the embryonic stage and endeavouring to establish the functional and financial test criteria for the construction of an agricultural workers dwelling, or were it is to be sited on land during the construction of a new dwellinghouse. There is no rural business operating on the land or dwellinghouse under construction therefore, the siting of the caravan is contrary to this policy.

The HUMAN RIGHTS ACT 1998

The landowner has confirmed that the development is her son's 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 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".

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:

- The personal circumstances of the occupiers have been checked and fully taken into account.
- There are not understood to be any current education issues
- There are not understood to be any physical health or welfare concerns.
- * There is no current social services involvement

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.
-

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 February 2018

APPEALS

Report of the Acting Head of Planning

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

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

1	Application No:	D/17/3178522	District/Borough:	West Devon Borough
	Appeal Type:	Refusal of Full Planning Permission - Householder	Parish:	South Tawton
	Proposal:	Construction of driveway		
	Location:	Ferndale, Throwleigh Road, South Zeal		
	Appellant:	Mr R Knibbs		
	Decision:	DISMISSED		

2	Application No:	W/17/3175054	District/Borough:	Teignbridge District
	Appeal Type:	Refusal of Full Planning Permission	Parish:	Bovey Tracey
	Proposal:	Alterations and change of use of former threshing barn and linhay from storage and leisure use ancillary to the dwelling house to two tourism units		
	Location:	Bullaton Farm, Bovey Tracey		
	Appellant:	Mrs C Seward		
	Decision:	DISMISSED		

3	Application No:	W/17/3177227	District/Borough:	Teignbridge District
	Appeal Type:	Refusal of Full Planning Permission	Parish:	Widcombe-in-the-Moor
	Proposal:	Erection of agricultural workers dwelling		
	Location:	Land at Blackdown Piper Farm, Widcombe-in-the-Moor		
	Appellant:	Cator Blackaton Farming Ltd		
	Decision:	ALLOWED APPLICATION FOR AWARD OF COSTS REFUSED		

4	Application No:	W/17/3178017	District/Borough:	West Devon Borough
	Appeal Type:	Refusal of Full Planning Permission	Parish:	Chagford

Proposal: Sub-division of dwelling to create two dwellings
Location: **Trevery, Chagford**
Appellant: **Mr Hooper**
Decision: **DISMISSED**

5 Application No: W/17/3178165 District/Borough: West Devon Borough
Appeal Type: Refusal of Full Planning Permission Parish: Drewsteignton
Proposal: Erection of two storey rear extension with single storey link
Location: **Rambler Cottage, Crockernwell**
Appellant: **Mr R Shorey**
Decision: **DISMISSED**
APPLICATION FOR COSTS REFUSED

6 Application No: Y/17/3175055 District/Borough: Teignbridge District
Appeal Type: Refusal of Listed Building Consent Parish: Bovey Tracey
Proposal: Alterations and change of use of former threshing barn and linhay from storage and leisure use ancillary to the dwelling house to two tourism units
Location: **Bullaton Farm, Bovey Tracey**
Appellant: **Mrs C Seward**
Decision: **DISMISSED**

7 Application No: Y/17/3178205 District/Borough: West Devon Borough
Appeal Type: Refusal of Listed Building Consent Parish: Drewsteignton
Proposal: Erection of two storey rear extension with single storey link.
Location: **Rambler Cottage, Crockernwell**
Appellant: **Mr R Shorey**
Decision: **DISMISSED**
APPLICATION FOR COSTS REFUSED

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

1 Application No: D/17/3185212 District/Borough: Teignbridge District
Appeal Type: Refusal of Full Planning Permission - Householder Parish: Ilsington
Proposal: Erection of extension to form garden room
Location: **1 Ludgate Barns, Haytor**
Appellant: **Mr R Courtier**

2 Application No: W/17/3191100 District/Borough: South Hams District
Appeal Type: Refusal of Full Planning Permission Parish: South Brent
Proposal: Ancillary forestry building (21m x 9.27m)
Location: **The Hillyfield, land lying South of Harbourneford, South Brent**
Appellant: **Mr D King-Smith**

CHRISTOPHER HART