

**DARTMOOR NATIONAL PARK AUTHORITY**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Friday 4 May 2018**

Present: K Ball, S Barker, W Cann, J Christophers, A Cooper, P Harper, S Hill,  
P Hitchins, M Jeffery, J McInnes, D Moyse, N Oakley, C Pannell, M Retallick,  
P Sanders, M Simpson, D Webber, P Woods

Apologies: G Gribble

**1287 Minutes of the Meeting Held on Friday 6 April 2018**

The minutes of the meeting held on 6 April 2018 were agreed and signed as a correct record.

**1288 Declarations of Interest and Contact**

Members agreed to declare those interests set out in the matrix of membership of other bodies.

Mr McInnes, Mr Barker, Mr Christophers, Mr Ball, Ms Woods, Mrs Oakley, Mr Simpson, Mr Hitchins, Mr Cann, Mrs Pannell, Mr Hill, Mr Cooper, Mr Harper and Mr Retallick declared a personal interest in 0017/18 – 2 Forestry Houses, Bellever, Postbridge, due to receiving email correspondence.

Mr Sanders and Miss Moyse declared a personal interest in 0017/18 – 2 Forestry Houses, Bellever, Postbridge, due to communication with an objector; 0158/18 – rear of Millaton, Old Fire Station, Chagford, due to the applicant being a Member of the Authority; and 0144/18 – land at Blindfield Meadow, Murchington, due to communication with the applicant and knowing the agent.

Mr Barker, Mr Hill and Mr Hitchins declared a personal interest in item 0101/18 – The Old Fire Station, Manor Road, Chagford, due to communication with the applicant.

Mr Simpson declared a personal interest, due to knowing the family, in item 0064/18 – 34 Westabrook, Ashburton.

Mrs Pannell declared a personal interest, due to knowing the applicant, in item 0140/18 – Kingswood House, Exeter Road, South Brent. She added that she would not vote on this application.

Mr Hill declared a personal interest in item 0158/18 – rear of Millaton, Old Fire Station, Chagford, due to being the applicant. He advised that he would vacate the meeting room while the application was determined.

Signed James Retallick Date 15.6.18

Mr Retallick declared a personal interest, due to knowing the applicant and the agent, in item 0144/18 – land at Blindfield Meadow, Murchington.

**1289 Items Requiring Urgent Attention**

The Head of Development Management confirmed the dates for the forthcoming Development Management meetings being; 15 June, 27 July and 7 September.

Members were asked to note that they will receive an invitation to a Local Plan workshop for 6 June from 10-3pm. The Head of Forward Planning will circulate further details in due course.

**1290 Site Inspections**

Members received the report of the Head of Development Management (NPA/DM/18/016).

**Item 1 – 0017/18 Erection of first floor extension, single storey front porch extension and installation of external insulation – 2 Forestry Houses, Bellever, Postbridge**

Speaker: Mr P Harries – Objector  
Mr A Chetan - Applicant

The Case Officer advised Members that Historic England has confirmed the third party request for Listing 2 Forestry Houses, will not be taken forward. The proposal is for a two storey side extension with a porch across the top of the bay window beneath.

Mr Harries asked Members to consider that the Forestry Houses are simple designs to be valued. They are an important part of the local landscape and heritage positioned above the East Dart River. He stated that Historic England although not listing the property did, however, note 'a strong local interest of well distinguished post-war housing' and that photos and film of these houses are currently used by a range of organisations including Dartmoor National Park Authority. Mr Harries stated that if this application is granted it will set a precedent for future applications.

Mr Chetan stated that the site inspection had enabled Members to confirm that the proposed changes were modest and would not affect that harmony of the setting and greater landscape. The Case Officer had carefully considered every issue raised and had concluded that the proposed extension would not be dominant or overbearing. The properties were constructed in the 1940s, each dwelling with its own outshot. He added that, in his opinion, houses should be allowed to evolve. With regard to the Historic England report, the decision not to list the properties was due to the fact that the houses are not architecturally special in their design or build quality; rather it was the view and setting of the properties which is considered important.

Signed  Date 15-6-18

The Chairman stated that he had attended the site inspection and felt that the Case Officer's report was a fair reflection of the visit. Some Members felt that the cottages should remain as they are with no alterations or additions which could change the symmetry of the row of dwellings; in addition some expressed concern that the properties are currently affordable units and extending the property could effectively make it unaffordable. Others stated that they felt the proposed extension was modest in size and would not cause issues regarding the privacy of immediate neighbours.

Mr Jeffrey proposed that permission be REFUSED due to the adverse visual impact of the proposed extensions on the appearance of the dwelling and the surrounding area, which was seconded by Miss Moyse.

In response to Members discussions the Head of Development Management clarified that DMD24 is the key policy covering Members concerns regarding adverse impact in relation to the design of the extension.

**RESOLVED:** That permission be REFUSED for the reasons as stated above.

**Item 2 – 0101/18 Erection of office – The Old Fire Station, Manor Road, Chagford**

Speaker: Cllr Mrs M Stanbury – Chagford Parish Council (Objector)  
Mr J Dray – Objector  
Mr M O'Connor – Applicant

The Case Officer stated that this application went directly to a site inspection at the previous DM committee. Since the Officer's report was written there have been a number of additional comments from Members of the public. There are now 71 objections, 4 supporting comments and 3 general observations.


The key points raised in the additional objections reflect those already identified in the Officer's report.

The site is currently a grassy bank that forms part of the site of the Old Fire Station. The proposal is for a two storey office building assisting the growth of an existing business (Squirrel Design).

The Case Officer informed Members that the nature and scale of the business in this location is not considered to detract from the amenities of neighbouring occupiers, subject to appropriate working conditions.

The Case Officer drew Members attention to the key changes to the drawings in the Officer's report, amended during the application process.

Councillor Mrs Stanbury confirmed to Members that the Parish Council objects due to the scale of the proposal and the absence of parking. The grassy knoll is considered an asset. This plot was due to be landscaped and a community area

Signed  Date 15-6-18

created. The Parish Council considers the proposed building to be far too large for the site. COR4 states that a building should not be dominant, DMD5 sets out the requirements for visibility splays. In addition, the development should be 2 metres from the highway. There is a significant issue with residents parking at Chagford. The current application does not contain any proposed parking spaces. The Parish Council had also observed that there is available office space within the village and therefore questioned the need for more.

Mr Dray advised Members that he was speaking on behalf of 71 households, all of which shared the same concerns as the Parish Council. Concerns include the proposed size of the building upon the site; the lack of any provision for car parking which would result in additional vehicles parked on the street. The amended proposal to reduce the roof height by 400mm is considered insignificant. He added that objectors cite amenity of neighbouring properties; the likely reduction in visibility for vehicles and the dominance of the proposed building on the site as reasons for refusal.

Mr O'Connor informed Members that, in his opinion his architect practice, that will occupy the site, has comprehensively addressed concerns in the Officer's report. He informed Members that he currently employs a young person from Chagford who has trained with him for 7 years. He intends to continue to collaborate with the school to take on students for work experience and employ a part-time resident of Chagford for administrative work.

In response to Members' questions and concerns regarding car parking Mr O'Connor stated that there are likely to be 5 or 6 people working in the building at least 2 of which and hopefully 3, (new part-time admin), reside in Chagford and will not require parking.

In response to Members' questions around the visibility splay, Mr Townsend, (Highways Engineer, Devon County Council), confirmed to Members that there is no mention in the Highways report of any issue in this respect. He confirmed that the building is 2.4 metres back from the highway and the footway is not affected by the proposed plan.

Mr Sanders proposed that permission be GRANTED, which was seconded by Mr Ball.

The vote was NOT CARRIED.

Mr Hill proposed that permission be REFUSED for the reasons of inappropriate scale, massing and design and failure to conserve or enhance the character and appearance of this area of the National Park, which was seconded by Miss Moyse.

**RESOLVED:** That permission be REFUSED for the reasons as set out above.

Signed James D. T. Jones Date 15-6-18

**Item 3 – 0064/18 Erection of two-storey side extension – 34 Westabrook, Ashburton**

Speaker: Councillor Mrs Parker-Khan – Ashburton Town Council (In support)  
Mr N Laity – Applicant

The Case Officer reminded Members that this application is a proposed two-storey extension. The proposed extension would present a 56% increase in habitable floor space. This would take the dwelling from a modest 80sqm affordable 3 bedroom dwelling, to a 125sqm 5 bedroom dwelling.

Mrs Parker-Khan spoke on behalf of Ashburton Town Council and confirmed the Council's unanimous support. She informed Members that there is a significant shortfall of larger more affordable family dwellings in Ashburton which has resulted in a number of families migrating to other areas. The Town Council wishes for families to be able to remain in the community for economic growth.

Mr Laity told Members that the proposed extension will enable him to house his growing (in height) family of six. The house is set back from the road and will look identical to the existing property from the front. Mr Laity confirmed he cannot afford to buy a larger property to move his family and wishes to remain in Ashburton, as he currently sits on a local committee and is involved within the Ashburton community.

Members were reminded that Policy DMD24 is intended to restrict extensions relative to the existing properties. The 30% habitable floor space should not be exceeded unless clear design considerations indicate otherwise. There is no adverse effect and no neighbour amenity issues.

Mr Barker proposed that permission be GRANTED on the grounds that the proposal would not adversely affect the area or the amenity of immediate neighbours; the proposed design is sympathetic to the property and the surrounding area; the symmetry of the properties would not be affected due to the proposed location of the extension. In addition, there is a recognised need for larger family homes within the settlement of Ashburton. This was seconded by Mr Christophers.

The Head of Development Management advised that should Members be minded to grant planning permission the following conditions would be suggested:

1. That development shall be begun before the expiration of three years from the date of the permission;
2. Prior to the commencement of the development, materials to be submitted and approved by the Local Planning Authority in writing;
3. The proposed development to accord strictly with drawings, site location plan etc previously submitted to the Local Planning Authority;
4. Mitigation measures to address ecological issues.

Signed  Date 15.6.18

**RESOLVED:** That subject to the conditions set out above, permission be GRANTED.

**1291 Applications for Determination by the Committee**

Members received the report of the Head of Development Management (NPA/DM/18/017).

**Item 1 – 0158/18 – Replace existing single garage with double length garage, Rear of Millaton, Old Fire Station, Chagford.**

Mr Hill left the meeting.

The Case Officer informed Members that the proposal is domestic in scale and in a discreet location, significantly screened from neighbours. The proposed development represents a positive enhancement of the existing dilapidated building.

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

**RESOLVED:** That subject to the conditions as set out in the report, permission be GRANTED.

Mr Hill returned to the meeting.

**Item 2 – 0066/18 – Change of use of rear of building and rear courtyard to mixed use comprising A1 (Shop), A3 (Restaurant/café) and B1 (workshop) and internal alterations. 6 East Street, Ashburton**

Speaker: Mr M Hayles – On behalf of Applicant

The Case Officer confirmed an amendment to the report. It should state 'change of use of rear of building and rear courtyard to mixed use comprising A1 (Shop), A3 (restaurant/café) and B1 (workshop)' not B2 as stated. 6 East Street is a Grade II listed building.

The proposal seeks to change the use of the rear portion of the ground floor at 6 East Street to provide a mixed use unit comprising retail, workshop, and café/restaurant. The applicant has advised that the retail element is the core of the existing business and is a substantial part of the overall space and not a subsidiary to the café/restaurant element. He intends to renovate and sell antiques and run a restaurant/café to make the business more viable.

The Town Council has submitted comments raising concerns regarding the amenity of the neighbours. The Case Officer confirmed this is an existing business in a town centre location, where retail and café/restaurants would be expected to be located. The nature and scale of the business is not considered to detract from the residential amenity of the neighbouring occupiers subject to appropriate conditions regarding the opening hours. The proposed use is considered to be less intrusive to

Signed James De Jesus Date 15-6-18

neighbours than the former permitted use (a workshop for the construction of kitchens). The Case Officer asked Members to note that an application was approved in 2017 for the change of use of the building (excluding the courtyard) to provide workshop, retail and tea room.

The Environmental Health Officer is satisfied that the information submitted is sufficient to mitigate noise levels to an acceptable degree, subject to appropriate conditions.

The Case Officer confirmed that the application is recommended for approval, subject to the conditions set out in the report with an amendment to Condition 8. This should now read: "Plant, machinery, or equipment hereby approved shall only be operated on the premises between the times of 0900 and 2100 hours Monday to Friday and 0900 and 2200 hours on Saturdays and Sunday".

Mr Hayles as the tenant spoke on behalf of the applicant. He confirmed that fire safety is taken very seriously and fire alarms will be appropriately installed to meet all fire regulations. Delivery lorries will be expected to use the loading bays and potential customers will be expected to use the Town Car park for parking. He confirmed that a full noise impact survey has taken place and that the recommendation has been approved by the Environmental Health Officer. Mr Hayles lives and has worked in the local area and has received over 30 letters in support.

Mr Ball proposed the recommendation, which was seconded by Mr Christophers.

**RESOLVED:** That subject to the conditions as set out in the report and the amendment to Condition 8 as detailed below permission be GRANTED.

8. " Plant, machinery, or equipment hereby approved shall only be operated on the premises between the times of 0900 and 2100 hours Monday to Friday and 0900 and 2200 hours on Saturdays and Sunday",

**Item 3 – 0117/18 – Removal of flat roof extension and erection of three-storey extension and conservatory (Full Planning Permission – Householder), 4 Lewthorn Cottages, Ilsington.**

Speaker: Mr J Ash - Applicant

The proposal is to remove the flat roof extension and replace with a three storey pitched roof extension on the east elevation and the addition of a conservatory.

The Case Officer confirmed to Members that a previous scheme for a similar extension was refused by DM committee in February 2018. The key changes from the previously refused scheme are: change in materials from fully glazed to a rendered extension with a reduced number of windows, reduced width of extension at second storey level and roof material of conservatory changed from zinc to slate.

Signed James D. Jones Date 15-6-18

The Case Officer confirmed that the extension would project from the ridge, 5.6m from the rear elevation and would be 8.2m in height. The proposed extension overwhelms the original proportions of the terrace, undermining the character of the terrace plan. The high ridge line of the extension presents an uneasy design that cannot be argued to be of high quality or locally distinctive. The reduced width of the upper floor provides a very steep pitch and uneasy proportions which are not reflected elsewhere on this simple terrace.

Planning 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.

Mr Ash stated his strong need to extend the family home, where he has grown up, and has taken on board Planning Officers comments, but a suitable solution to achieve 2 additional bedrooms could not be found. The rest of the building has been renovated but this part is still cold and damp. Mr Ash confirmed he has the full support of both the Parish Council and his neighbours who feel it will bring a much needed visual improvement. In addition the proposal will allow for improvements to allow his father wheelchair access to the property which he does not have currently. The new design has been reduced in width still keeping under 30%.

Mr Christophers proposed that permission be GRANTED, which was seconded by Mr Cann.

The vote was NOT CARRIED.

The Head of Development Management advised Members that there was a clear discussion with the applicants following the refusal of their original application. The principle of an extension is acceptable, however, the design before Members is not.

Mr Sanders proposed the recommendation as set out, which was seconded by Mr Ball.

**RESOLVED:** That permission be REFUSED for the reasons as stated in the report.

**Item 4 – 0144/18 – Remove existing nissen hut and erect general purpose livestock building (Full Planning Permission), Land at Blindfield Meadow, Murchington.**

Speaker: Mr J Shears – On behalf of the Applicant

The proposal is to construct a general purpose building (27m x 12m) to be sited partially on the footprint of the nissen hut. The ridge of the building will be 5.3m to the ridge with the floor level being a maximum of 1.2m below natural ground level. A new hedgebank is proposed to the north and east of the building. The building is visible in the wider landscape seen from all directions. The proposed building is significantly larger and nearer to the road.

Signed James R. Ives Date 15-6-18



The Case Officer confirmed that since the report, 9 additional letters have been received from residents in and around Murchington; supporting the replacement of the dilapidated nissen hut with the proposed building.

The Case Officer stated that a letter received from an objector particularly raises concerns regarding the location, size and water supply to the building.

The existing building has the potential to be used by nesting birds so the Authority Ecologist has requested that if permission is granted an appropriate condition is imposed in regards of checking for nesting birds and delaying work if birds are present.

Mr Shears advised Members that pre-application advice had been sought. The application before Members was the second application for a building in this location due to the first application having been refused in December 2017. The proposed building is, in his opinion, in line with requirements, having a reduced roofline. Minimal excavation works would be required. He added that whilst local support for the application had not actively been sought, it was much appreciated by the applicant. The applicant has a thriving business and it is felt that there is a proven need for the building.

The Head of Development Management advised Members that need must be identified for any proposed new building in the open countryside. The proposal is not found to be acceptable due to its proposed size and height. Officers also concluded that excavations would be significant in order to gain a level area on which to place the building. In addition, in its proposed location, the building would have a harmful and detrimental impact on the landscape

A Member stated that there is nothing under current compliance legislation that requires animals to be housed.


The Head of Development Management advised Members that there is a conflict of policy and that Members should apply the 'Sandford' principle in order to maintain the National Park character and landscape in this location.

Mr Sanders proposed the recommendation, which was seconded by Mr Cooper.

**RESOLVED:** That permission be REFUSED for the reasons as stated in the report.

**Item 5 – 0113/18 – Erection of single storey extension to south east of existing property. Erection of studio workspace to north east together with cladding to original bungalow with rendered insulation system (Full Planning Permission – Householder), Southernwood, Peter Tavy.**

The Case Officer stated that this is an application for extensions to and cladding of a bungalow in Peter Tavy. The Parish Council does not consider the extension to be in keeping with the property. The Case Officer confirmed it is an unusual extension but by following pre-application advice, the impact on the wider area has been reduced and in the views of officers it is acceptable.

Signed  Date 15-6-18

Mr Barker proposed the recommendation, which was seconded by Mr Ball.

**RESOLVED:** That subject to the conditions as set out in the report, permission be GRANTED.

**Item 6 – 0140/18 – Extension to building with first floor terrace and alterations to front elevation (Full Planning Permission). Kingswood House, Exeter Road, South Brent.**

Mrs Pannell left the meeting

The Case Officer informed Members that the reason this application has been brought to Development Management Committee is because South Brent Parish Council were originally opposing the application. The Parish Council, however, is now in support of the application.

The neighbour has expressed his concern that the fence shown on the plan cannot be altered to glass or removed at any time in the future. There is an amendment to condition 5 in the report which should read 'retained to a height of 1.8m on the north and part of the west elevation' to address this.

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

**RESOLVED:** That subject to the conditions as set out in the report, permission be GRANTED.

Mrs Pannell returned

**1292 Monitoring and Enforcement**

Members received the report of the Head of Development Management (NPA/DM/18/018).

**Item 1 – ENF/0103/17 – Unauthorised building works incorporating a large 'extension', two residential units and a two storey workshop, Staddon Farm, nr.Badworthy, South Brent.**

The Case Officer advised Members that the proposed legal action relates to significant departure from a planning permission granted in 1990 which was for 'extensions' to an existing farmhouse at Staddon Farm, Badworthy. The permission provided for a substantial two/three storey extension, incorporating the conversion and enlargement of the attached barns at ground floor and lower ground floor level to the rear. The original farmhouse had a long linear form with several attached agricultural outbuildings.

Development commenced in 1994 with the construction of a porch on the original house. The 1990 permission was based on and incorporated the conversion of existing agricultural outbuildings which were attached to the southern end of the main dwelling. These outbuildings were completely demolished in 2013.

Signed James R. O'Connell Date 15-6-18

The as-built structure departs significantly from the approved drawings and facilitates the creation of at least two unauthorized residential annexes and an unauthorized "workshop". The original approval for an extension did not allow for any self-contained units. The current works include the provision of two self-contained annexes on the lower ground floor. The Parish Council was not able to comment as its meeting is scheduled after the Committee date.

Mr Hitchins proposed the recommendation, which was seconded by Mrs Pannell.

**RESOLVED:** Members authorised legal action as set out in the report.

### **1293 Appeals**

Members received the report of the Head of Development Management (NPA/DM/18/019).

**RESOLVED:** Members NOTED the content of the report.

It was duly proposed and seconded that in accordance with s.100A of the Local Government Act 1972 as amended, that report NPA/DM/18/020 should be taken in absence of the Press and Public, on the grounds that exempt information with the meaning of Part I Paragraph 5 to Schedule 12A of the 1972 Act (as amended) will be discussed, namely;

*Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

**RESOLVED:** Members resolved to move into Part II private session.

### **1294 Proposed Enforcement Action**

Members received the report of the Deputy Head of Development Management and the Chief Executive (National Park Officer) (NPA/DM/18/020)

A representative of the Affinity Woodland Workers Cooperative was invited to speak but did not take up the offer.

Mr Ball proposed the recommendation, which was seconded by Mr Hitchins.

**RESOLVED:** Members authorised legal action as set out in the report; that Members authorise legal action (in the form of a High Court Injunction) to secure compliance with the outstanding Enforcement Notices, as corrected and varied, pertaining to the unauthorised use of land and erection of buildings at Steward Wood, Moretonhampstead and also to secure removal of the other unauthorised developments on the land.

Signed James D. OCT Date 15-6-18