

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

01 November 2019

**SITE INSPECTIONS**

Report of the Head of Development Management

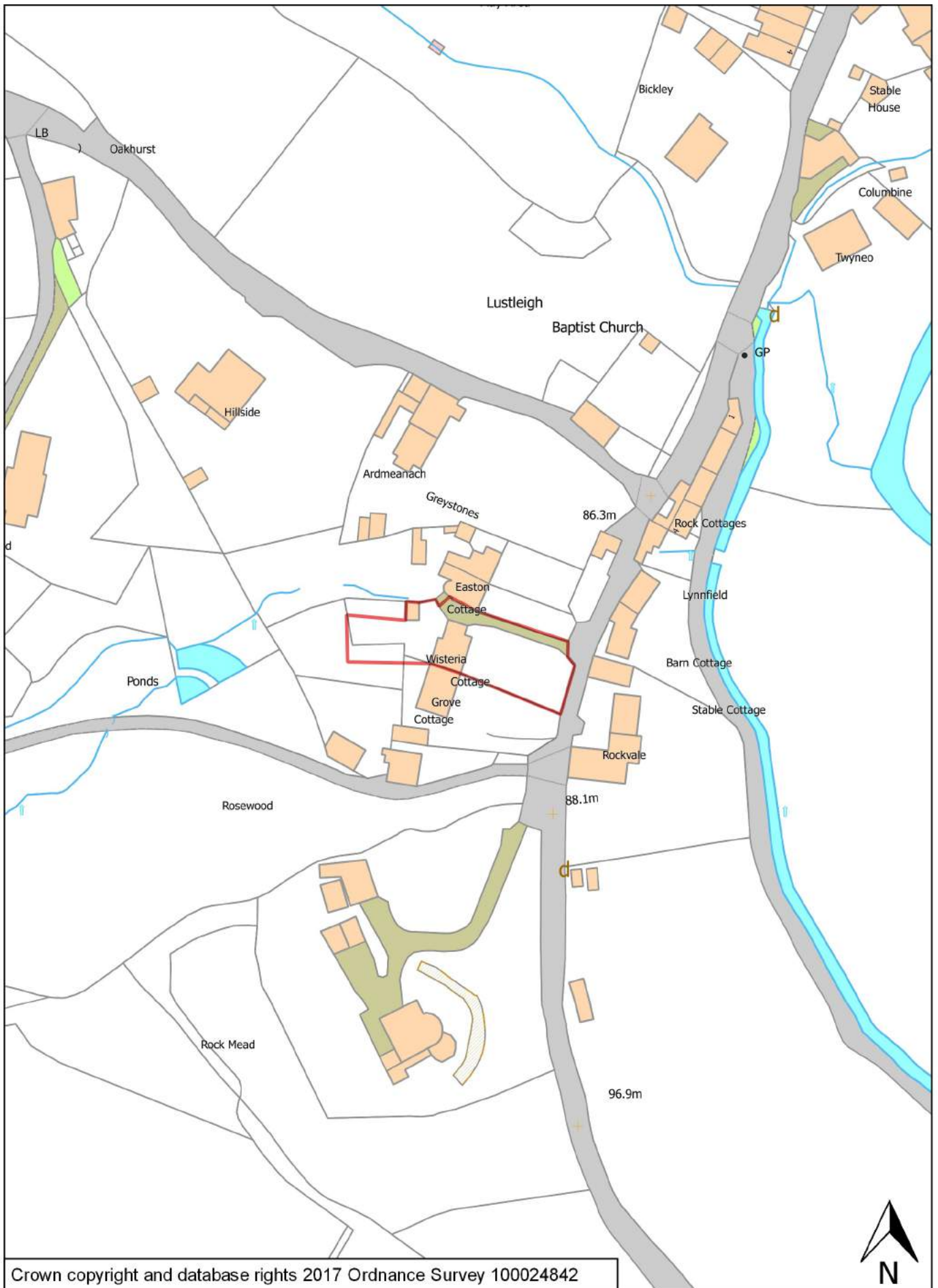
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<u>Item No.</u>	<u>Description</u>
1.	0299/19 – Replacement two-storey extension – Wisteria Cottage, Lustleigh

# 0299/19 - Wisteria Cottage, Lustleigh



Scale 1:1,250



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DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

01 November 2019

**SITE INSPECTIONS**

Report of the Head of Development Management

1 Application No: **0299/19** District/Borough: **Teignbridge District**  
 Application Type: **Full Planning Permission - Householder** Parish: **Lustleigh**  
 Grid Ref: **SX783810** Officer: **Nicola Turner**  
 Proposal: **Replacement two-storey extension**  
 Location: **Wisteria Cottage, Lustleigh**  
 Applicant: **Mr & Mrs R Plant**  
 Recommendation: **That permission be GRANTED**

**Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall, in all respects, accord strictly with drawings: WC 11E and WC 12 D received 19 August 2019 and Site Location Plan valid 2 July 2019.
3. Works to proceed in strict accordance with the approved drawings and recommendations (section 6 and drawing on page 13) in the preliminary ecological appraisal (George Bemment Associates, May 2019).
4. The rooflights on the development hereby approved shall, unless otherwise agreed by the Local Planning Authority in writing, be of the "conservation type" with a frame flush with the outer face of the roof slope.
5. Prior to installation, samples of all proposed surfacing, external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved surfacing, external facing and roofing materials shall be used in the development.
6. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the building shall be recessed at least 100mm in their openings.
7. The roof of the extension hereby approved shall be covered in slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.

8. The ground floor cloakroom window shall obscure glazing and retained thereafter.

Members met on site to consider the impact of the proposed extension in view of the concerns raised by the Parish Council and adjacent neighbours.

They considered the detailed plans and points raised by the Planning Officer. This included reference to the maintenance of the access to the site, parking arrangements and excavations necessary to accommodate the works. The position of windows and rooflights was noted.

The Parish Council representative stated that they were pleased to see the removal of the 1960's extension but expressed concern that the extension would 'hem in' neighbouring residents. A further concern was the height of the single store element to the rear which will result in a loss of light to the neighbour.

The Panel took the opportunity to view the proposal from the neighbouring property, Grove Cottage, in order to fully understand the concerns raised by the objector.

The Panel considered that the proposal was likely to be acceptable. Issues regarding parking and access arrangements within the site were noted as a civil issue to be resolved outside of the consideration of the planning merits of the case.

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**CHRISTOPHER HART**

3. Application No: **0299/19** District/Borough: **Teignbridge District**  
 Application Type: **Full Planning Permission -** Parish: **Lustleigh**  
**Householder**  
 Grid Ref: **SX783810** Officer: **Helen Maynard**  
 Proposal: **Replacement two-storey extension**  
 Location: **Wisteria Cottage, Lustleigh**  
 Applicant: **Mr & Mrs R Plant**

Recommendation **That permission be GRANTED**

**Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall, in all respects, accord strictly with drawings: WC 11E and WC 12 D received 19 August 2019 and Site Location Plan valid 2 July 2019.
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6. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the building shall be recessed at least 100mm in their openings.
7. The roof of the extension hereby approved shall be covered in slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.

**Introduction**

Wisteria Cottage is a semi-detached property within the Lustleigh Conservation Area.

This application proposes a part two-storey, part single storey extension to the rear elevation of Wisteria Cottage.

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

**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	Works to proceed in strict accordance with the approved

Conservation: drawings and recommendations (section 6 and drawing on page 13) in the preliminary ecological appraisal (George Bemment Associates, May 2019).

This should be a condition of any planning consent. The planning condition shall be discharged when the consultant ecologist confirms in writing to the Authority that the recommendations have been implemented

### **Parish/Town Council Comments**

Lustleigh PC: Objection - It does not meet the intent of the DNP Design Guide and DMD24 which relate to scale and proximity of the building which compromises the immediate neighbours.

### **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  
DMD12 - Conservation Areas  
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  
DMD4 - Protecting local amenity  
DMD7 - Dartmoor's built environment

### **Representations**

7 letters of objection 1 letter of support

#### Objection

- Too large an extension for the cottage
- Loss of modest size home
- Detrimental impact on Conservation Area
- Light spill from large windows into neighbouring properties.
- Impact on bats and nesting birds.
- Loss of parking area, new parking very close to Easton Cottage
- Loss of light into Easton Cottage
- Not clear how extension can be built whilst maintaining access to Easton Cottage
- Concerns regarding construction traffic
- Overbearing for Grove Cottage and overlooking the garden
- Effect of proposal on trees at Grove Cottage and Greystones
- Inappropriate materials for the Lustleigh Conservation Area
- Concerns regarding the stream between Wisteria Cottage and Greystones and flood risk.
- Amended plans do not allay the above concerns

#### Support

- Improvement to the unsightly rear of the cottage

### **Observations**

## PROPOSAL

This application proposes the replacement of the two-storey, flat roof rear extension and existing single storey porch (to the side of the property) with a part two-storey and part single storey extension. The proposed increase in floor space is 26%. The two-storey element replaces an existing flat roof extension and the single storey element projects into the garden from this to provide additional living accommodation.

The proposed materials for the extension are painted render and timber boarding walls, natural slate roof with flush fitted roof lights and painted timber windows and doors.

## AMENDED PLANS

Through discussions with Officers the applicant has reduced the size and bulk of the proposed extension to ensure that it complies with the floor space requirements of DMD24 and remains subservient to the existing dwelling. The initial proposal was for a full two-storey extension creating a 47% floor space increase. Additionally the windows on the side (north east) elevation have been removed to minimise overlooking into Easton Cottage.

## HOUSEHOLDER EXTENSION AND DESIGN CONSIDERATIONS

The property has been previously extended and this proposal improves the quality and coherence of the rear extensions and creates a more useable space for the occupants.

The proposed extension has been designed to be sympathetic in scale, proportions, form, detailing and materials to the existing dwelling (and the semi-detached pair) and will appear as a subservient addition to the rear of the dwelling, away from the front elevation with a lower ridge height than the existing dwelling.

There will be no material harm to the character and appearance of this part of the Dartmoor National Park. The amended proposal is considered to comply with the policy requirements of DMD24 and the Design Guide.

## CONSERVATION AREA

The proposed development is considered to be an enhancement to the existing rear elevation of the property which comprises a number of unsympathetic additions.

The proposed development will conserve and enhance the character and appearance of the Conservation Area in accordance with DMD12.

## PARISH AND NEIGHBOUR COMMENTS

The Parish have objected to the application due to the scale of the proposal and the impact on the neighbours. The amendments undertaken by the applicant reduce part of the two-storey extension to single storey only and remove a number of windows on the side elevation to minimise any overlooking. Officers consider that these revised plans address the comments raised by both the Parish Council and the neighbours. The two-storey element of the proposal replaces the existing two-storey flat roof extension (with a marginal increase in footprint).

Officers have visited the neighbouring properties of Grove Cottage and Easton Cottage to

assess issues of privacy and overlooking due to the location and angles of the windows. The Officer also assessed the loss of light and potential overbearing elements of the proposal. It is considered that, as the existing two-storey element is effectively being replaced with a two-storey extension, (with a more sympathetic, pitched roof) this would have a similar effect to the existing situation. The single storey part of the proposal is unlikely to affect any neighbours.

It is the Officer's view that the extension will not lead to any new or more intensive overlooking opportunities than occur currently and the extension will have no material impact on privacy or loss of light. Therefore it is not considered that the proposed development would have a harmful impact on the residential amenities of neighbouring occupiers.

## CONCLUSION

The proposal is therefore considered to comply with policy objectives COR1, COR2, COR4, COR5, DMD1, DMD4, DMD7 and DMD24. It is recommended that planning permission be granted, subject to appropriate conditions.

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DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

01 November 2019

**APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Report of the Head of Development Management

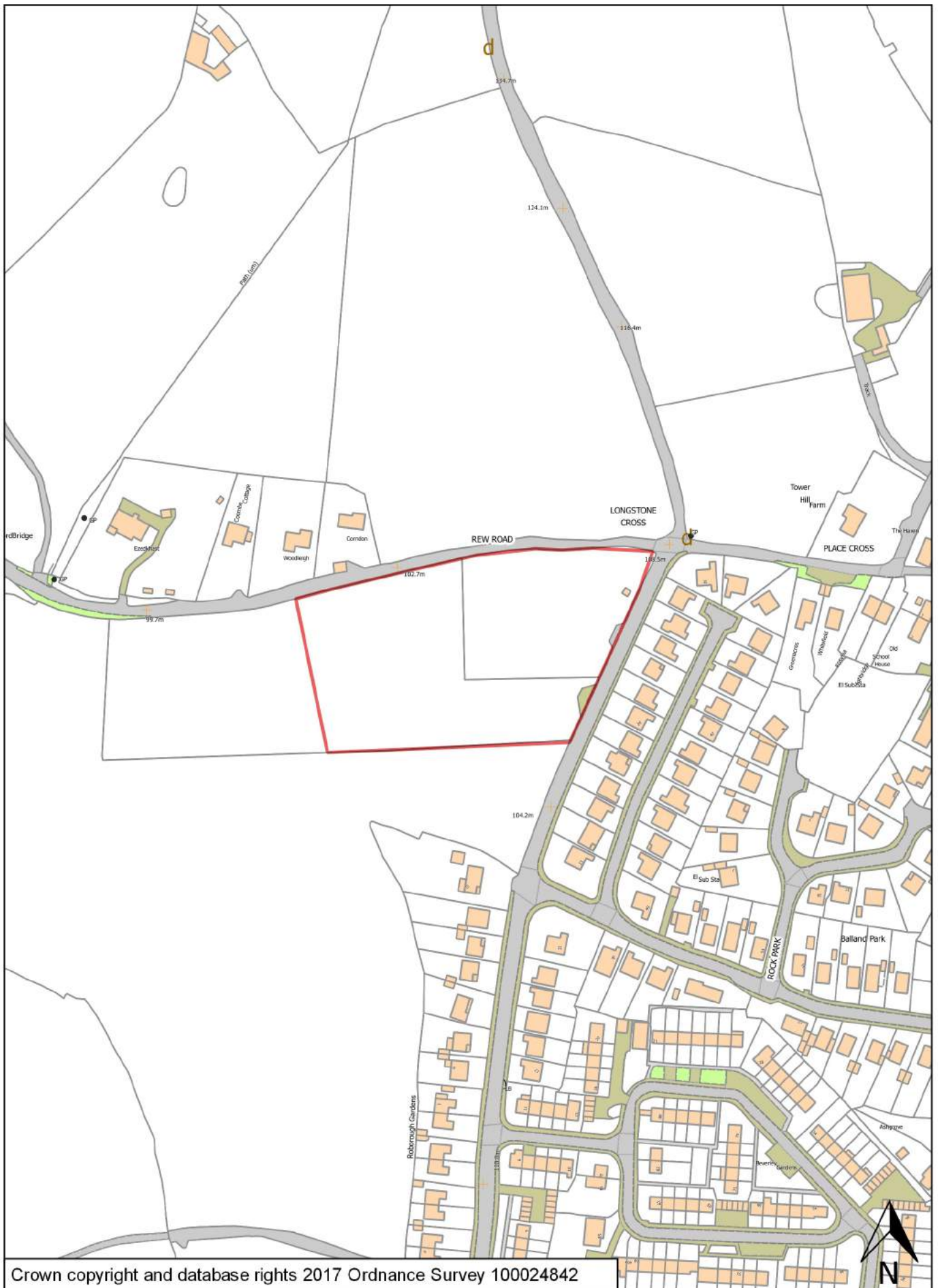
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# 0312/19 - Land at Longstone Cross, Ashburton



Scale 1:2,500



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1. Application No: **0312/19** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Ashburton**  
Grid Ref: **SX760708** Officer: **Cheryl Stansbury**

Proposal: **Affordable residential development of 39 units with a mix of one bed flats and two, three and four bed houses and an accessible bungalow together with road infrastructure and pumping station for foul drainage**

Location: **land at Longstone Cross,  
Roborough Gardens, Ashburton**

Applicant: **Live West Ltd**

Recommendation **That, subject to the completion of a S106 agreement in respect of affordable housing provision, an education contribution of £52,901, maintenance of all communal spaces and landscaped areas not within the ownership of any dwellings, maintenance of the bat corridor and maintenance of the drainage scheme, permission be GRANTED.**

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved drawings and reports:
  - 1727-100 received 12 July 2019
  - 1727-101 D, 1727 117 B and 1906/01 P5 received 24 September 2019
  - 1727-102 E, 1727-111 B to 1727-116 B inclusive, 1727-118 B to 1727-120 B inclusive, 1727-122 B to 1727-127 B inclusive, 1727-129 B and 1727-130 A received 25 September 2019
  - 17513-051 E received 26 September 2019
  - 1906/02 P4, 1727 121C and 1727-128 D received 4 October 2019.
  - Ecological Impact Assessment and Phase 2 Bat Surveys by JL Ecology Ltd July 2018 - updated September 2019; TWP Drainage and SuDS (Sustainable Drainage systems) Maintenance Plan dated August 2019.
3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address the rates, volumes and quality of the surface water runoff from the construction site. Works shall then be carried out in accordance with the agreed details throughout the construction phase.

4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Drainage Strategy Option A (Report Ref. 17513-051, Rev. D, dated April 2019) unless otherwise agreed in writing. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.
5. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure or structure shall be constructed or erected in or around the curtilage of the dwellings hereby permitted without the prior written authorisation of the Local Planning Authority.
7. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway;
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out;
  - C) The footway on the public highway frontage required by this permission has been constructed up to base course level;
  - D) A site compound and car park have been constructed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

8. The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the agreed details:
  - A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) Any street lighting for the cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
9. When once constructed and provided in accordance with condition 8 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained in accordance with the agreed details.
10. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, to include details of:
  - A) parking for vehicles of site personnel, operatives and visitors;
  - B) loading and unloading of plant and materials;
  - C) storage of plant and materials;
  - D) programme of works (including measures for traffic management);
  - E) provision of boundary hoarding behind any visibility zones;
  - F) measures to control dust
  - G) measures to prevent mud and other deleterious materials from entering the public highway.

Only the approved details shall be implemented during the construction period.

11. The dwellings hereby permitted shall not be occupied until the parking spaces for motor vehicles shown on the approved plans have been made available for use for each dwelling; thereafter the parking spaces shall be permanently retained for that use alone.
12. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.

13. No development shall take place until a Construction Environment Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) are submitted and approved in writing, and carried out in accordance with a timetable for implementation as approved. The CEMP and LEMP should incorporate recommendations of the EclA, landscape plan (1906-01 P5) and bat corridor plan (1906-02 P4).

Lighting associated with the development should be designed and implemented to achieve the dark bat corridor specified in the approved bat corridor drawing (1906-02 rev. P4), such that light levels should not exceed 0.5 lux measured at any point in the bat corridor at 1 metre above the ground.

14. A detailed schedule of the materials and finishes to be used on the approved dwellings shall be submitted and approved in writing by the Local Planning Authority prior to their installation. This shall include samples, as necessary, of the roof slate, walling stone, details of render finishes, window/exterior door units, verge/soffit details, positions of meter boxes, bin stores, driveway surface materials, kerbs, any proposed exterior lighting units and solar panels.
15. All new areas of slate roof shall incorporate slates which shall be fixed by nailing only.
16. No site clearance, preparation or construction work shall take place on site outside of the hours of Monday - Friday 0800 to 1800 and Saturdays 0900 to 1300, nor at any time on Sundays, Bank or Public Holidays. This includes vehicle movements on the site. Deliveries or collections of materials should only be made during these times, and vehicles should be discouraged from collecting on the public highway outside of these times with their engines and radios left running.
17. Prior to the commencement of development, full details of the play space, to include play equipment, landscaping and railings/fencing shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with these agreed details, and retained and maintained thereafter for the lifetime of the development. The play space shall be substantially complete and made available for use prior to occupation of the 25th dwelling, unless otherwise agreed in writing by the Local Planning Authority.

## **Introduction**

The site extends to approximately 1.3ha, and is largely within the settlement limit for the town of Ashburton; it extends further west, out of the defined limit. It forms part of an allocation under Proposal ASH1 in the adopted Dartmoor Local Plan for "...affordable housing to meet identified local needs". This allocation carries forward into the Final Draft of the 2018 - 2036 Local Plan, Proposal 7.4 Land at Longstone Cross, with the addition of the western area of land.

The site has two road boundaries; Rew Road to the north, and Roborough Lane to the east. To the south and west lies agricultural land, with housing further to the south, at the southern extent of the site allocation. To the east is housing development (Balland Park), and a small cluster of residential properties sits on the other side of Rew Road, opposite the western half of the site.

The site slopes gently down to its southwestern corner, where the land continues to fall down to the River Ashburn. It is within a Critical Drainage area and the South Hams Special Area of Conservation (SAC) Consultation Zone.

The application is presented to Members in light of it being large scale development and there being significant public interest.

A Site Inspection has been carried out by Members.

### Planning History

5/31/267/96/03	Change of use of land involving the construction of new bowling club house, green and car park	Full Planning Permission	Grant Conditionally	11 February 1997
05/31/1742/77	County primary school	Other	No objection	01 December 1977
5/3/1843/31/4D	Childrens play area to be used in connection with school	Full Planning Permission	Grant Conditionally	03 December 1976

### Consultations

DNP - Trees & Landscape: No objection, subject to clarifying the composition of the different types of hedges to be planted.

The site forms part of a grazed paddock. The northern and eastern boundaries are formed by banks with mixed native hedgerows growing on top. The dwellings and infrastructure within the site are set away from the boundary hedges and will have no impact on them. Access is through an existing gateway, the application shows a new entrance being created and the existing access closed. If the hedgerows are assessed against the criteria set out in the Hedgerows Regulations 1997 they would be classed as 'important' because they appear on the Ashburton tithe map. There is a presumption against the removal of 'important' hedges. However, considering there will be no net loss of hedgerow the development will have minimal impact on the historic hedgerows.

The applicants have submitted a landscape scheme to help integrate the development into the local landscape. The landscaping includes the planting of new boundary hedges along the southern and western boundaries. Native species will be used throughout and I'm happy in principle with the proposed landscaping scheme.

The landscape scheme indicates 5 different types of hedgerow to be planted across the site. The landscape and planting specification gives a list of species to be used, but it not clear whether the hedges will be planted with the same species mix or what the difference is between a native hedge and a naturalistic hedge.

Conclusion; The site is allocated for housing in the local plan. The proposal will have minimal impact on the historic

hedgerows forming the site boundaries. The submitted landscape scheme will help integrate the development into the local landscape.

Devon County Council (Flood Risk):

Following a previous consultation response in which an objection was raised, the applicant has provided additional information and revised the drainage proposals. The objection has been withdrawn.

Teignbridge District Council:

DCC has no in-principle objections to the planning application, assuming that pre-commencement planning conditions are imposed on any approved permission.

Initial response; Object on the grounds that there are insufficient public open space (play) contributions on and off-site to ensure the delivery of a sustainable development.

Evidence clearly demonstrates the substantial lack in provision of play spaces generally in Ashburton. The development is not served by any existing Local Areas of Play (LAP), Local Equipped Areas of Play (LEAP) or Neighbourhood Equipped Areas of Play (NEAP) and there is no on-site provision proposed. This will only exacerbate the identified shortfall, and will have a detrimental effect on children and families.

As a minimum, we strongly recommend on-site provision of LEAP and LAP facilities along with a Multi Use Games Area (MUGA) Contribution.

On site LAP & LEAP. The green buffer zone/s should be suitably designed to promote a biodiversity rich local landscape setting, to help mitigate the impact of the development. Dwellings should work in harmony with the play area/s and be an integral part of the design and not left over land from development. The LAP and LEAP should be designed and laid out in accordance with FIT guidance, as set out in 'Planning and Design for Outdoor Sport and Play'. On-site facilities should be suitably connected to pedestrian and cycle routes and contribute to the wider green space network. Connections should be attractive and safe and work effectively for all users.

A recent assessment on the provision of play in Ashburton identifies that existing provisions of equipped play space are significantly below the recommended standard and recommends further need for new facilities are a high priority given the major short falls identified.

(Please note the Play area at Cleder place is not strictly up to a LEAP classification (given it has an activity area below 400m<sup>2</sup>) however is shown as a LEAP as it could be made up to a LEAP in the future, where as other play areas shown such as Westabrook, Barnsey Gardens and Home



Park can only remain as LAPs (toddlers play area).

Active Recreation: In addition to the above we would also recommend that an active recreation contribution is sought in line with Sport England recommendations. Based on TDC'S playing pitch strategy a financial contribution should be sought for Pitch and Sport Hall Improvements with Ashburton.

Following revised plans the objection is maintained; the toddlers (0-6 year) play area could be improved in terms of safe access, which we would strongly recommend. Also the fact that it is located next to a substation detracts from the sense of place you are looking to generate. Relocation, or if not possible, further landscaping.

Conditions will need to ensure the type and quality of play equipment /landscaping

As previously advised due to the lack of play provisions within Ashburton, an on site LEAP play area should be provided. If this is not possible we would recommend an off-site contribution of £94,592.

Devon and Cornwall Police:

No objection, however, make the following comments and recommendations for consideration.

It is disappointing to note that neither designing out crime or crime prevention has been referred to in the Design and Access Statement. It is therefore difficult to ascertain whether such principles have been considered.

Access and Movement: On the whole routes are clearly defined, well overlooked and do not compromise security. The gates preventing access to the rear of plots throughout the development should also be capable of being locked from both sides and operable by key.

Ownership: Suitable boundaries have been considered throughout the development in order to clearly define and differentiate between public and private space.

Where '1.2m high post and 3 rail fencing with wire mesh' forms part of the boundary of the rear gardens of plots that border 'native species planting', the planting must be robust and of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. Access to the rear of plots must be prevented in order to reduce the risk of

burglaries and crime. The fence alone is not high enough to be considered a secure boundary.

Where ownership of car parking spaces is ambiguous, ensure that spaces are adequately marked to reduce the likelihood of ownership disputes.

Surveillance: Active frontages of plots provide good surveillance opportunities across the site and curtilage parking or parking close to plots has been incorporated. The parking court between plots 38/39 and 1-4 should be well lit and afforded as much surveillance as possible.

Lighting: Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

Physical Protection: All external doors and accessible windows shall comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and Secured by Design (SBD) standards as set out in Secured by Design Homes 2016.

Devon County Council:

The proposed increase of 31 family type dwellings will generate an additional 7.75 primary pupils and 4.65 secondary pupils which would have a direct impact on Ashburton Primary School and South Dartmoor Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested.

Ashburton Primary School currently has no capacity and is forecast to have a lack of capacity for the number of pupils likely to be generated by the proposed development. Therefore, DCC seeks a contribution towards additional primary education infrastructure, of £105,803.00 (based on the DfE extension rate of £13,652 per pupil). This will relate directly to providing education facilities for those living in the development. However, Ashburton Primary School is located on an extremely constrained site therefore, if expansion was not possible, DCC would use this contribution towards the transportation of pupils to another school.

South Dartmoor Community College is forecast to have capacity for the number of pupils likely to be generated by the proposed development. Therefore, DCC does not seek a secondary education contribution.

It should be noted that in accordance with the Education Infrastructure Plan, education contributions are required

from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to DCC's policy and result in unmitigated development impacts.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with the Community Infrastructure Levy Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

Teignbridge DC  
(Contaminated Land):

No objections

Teignbridge District Council  
(EHO):

Due the close proximity of residential development to this proposal, complaints of noise and dust nuisance are likely to be received. Conditions requested regarding noise, dust and mud during construction phases.

Natural England Consultation  
Service:

Further Information Required - Habitats Regulations assessment South Hams Bat - Special Area of Conservation (SAC)

The consultation documents do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by DNPA.

In considering the European site interest, NE advises that, as a competent authority under the provisions of the Habitats Regulations, DNPA should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

In advising your authority on the requirements relating to Habitats Regulations Assessment (HRA), and to assist you

in screening for the likelihood of significant effects, based on the information provided, NE offers the following advice: the proposal is not necessary for the management of the European site; that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects. The proposed development site falls outside of the greater horseshoe bat (GHB) sustenance zone and strategic flyways associated with the maternity and hibernation roost at Buckfastleigh and the surveys provided in support of this application show that low numbers of individual GHBs are using commuting routes around the site. There are proposals within the ecological assessments to protect and enhance the hedgerows that are used by GHBs and to provide a lighting plan with the aim of reducing impacts on them. NE advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Biodiversity Net Gain; Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the revised NPPF (2019) and within the Defra 25 year Environment Plan. NE advise that a net gain for biodiversity should also be sought in accordance with your emerging local plan, strategic policies 2.2 & 2.3.

Protected Landscapes; The proposed development is for a site within a nationally designated landscape namely Dartmoor National Park. NE advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

DNP - Ecology & Wildlife Conservation:

The EclA shows the site to be mainly agriculturally improved grassland with a small area of species-poor semi-improved grassland in the NE corner, bounded by relatively intact species-rich hedges. The boundary hedges were noted to offer potential bird nesting habitats and sub-optimal dormouse habitat. Other than access gaps these boundary hedges will be retained. Precautionary mitigation is proposed to manage any potential risk to these protected species during construction. There was no evidence of badgers and no suitable reptile habitat.

Bat activity surveys were undertaken between July 2017 and July 2018 in accordance with good practice guidance. Generally low levels of bat activity were recorded, with most activity associated with site boundaries and no foraging

observed over the centre of the field. Of note was the use of the northern boundary by small numbers of commuting greater horseshoe bats (2 or 3 passes per evening).

The development is approximately 4.4km from the Buckfastleigh Caves SSSI, which is a component of the South Hams Special Area of Conservation (SAC) and designated for its internationally important breeding greater horseshoe bats. The site falls outside the consultation zone of the (now superseded) South Hams SAC guidance (2010). DNPA has recently approved new guidance and because of the need to consider 'in combination' effects with at least one other large development we have consulted Natural England on 'stage 1' Habitats Regulations Assessment screening. Natural England support our conclusion of no likely significant effect on South Hams SAC.

The developer has proposed mitigation for bats (including the commuting greater horseshoe bats) by creating a dark flight corridor along the northern boundary of the site. This will ensure that the local bat population is protected (including greater horseshoe bats likely to passing on their way to and from Buckfastleigh). Proposed enhancements for biodiversity include permanent bat and bird boxes on the new buildings, and creation of new species-rich hedge banks.

In conclusion, levels of survey and assessment are adequate. They address policy requirements to protect biodiversity.

Mitigation (especially the dark bat corridor), including fencing/supplementary planting and subsequent maintenance should be secured via Landscape and Ecological Management Plan (LEMP), Construction Environmental Management Plan (CEMP) and Section 106 Agreement including mitigation monitoring, the details/timings of which will be secured within a pre-commencement condition.

County EEC Directorate:

Initial response:

The majority (although not all) of the application site is identified for residential development in Policy ASH1 of the Dartmoor National Park Development Management and Delivery Development Plan Document July 2013. Although the roads in the area have constraints, similar to many other roads within the Dartmoor National Park planning area, there is no reason from a highway safety point of view why they could not accommodate the additional traffic generated from 39 additional units (approximately 300 daily movements and 20 peak hour movements, which would equate to one extra vehicle movement every three minutes

in the peak hour).

There are, however, some detailed issues with the plans as submitted that require amendment and it is also noted that the TWP Section 38/278 plan does not entirely accord with the Highway Field plan 1727-102 so there are, effectively in some instances, alternative proposals for consideration.

Issues that will require attention and amendment before the plans are acceptable from a highway safety point of view are as follows:

1. Access to plot 10 obviously requires amendment as it is unnecessarily tight.
2. It is not possible to reverse out of plot 31's access due to the road narrowing opposite. Is this feature really necessary? Is the approach intervisibility adequate?
3. On the Highway Field plan (but not on the TWP plan) plots 20-23 have parking spaces half on / half off the carriageway which is not acceptable.
4. The right angles at the end of the footpath by plot 1 should be radii.

Further observations following receipt of additional plans and information:

With respect to the four comments raised as detailed issues in the initial response, three have been addressed by the amended plans. Number 2 will require addressing at the construction stage, but that matter can be resolved when the plans are submitted for the approval of a road adoption agreement.

Since the formal response was initially sent, there have been a number of representations made about the suitability of the highway network to accommodate the traffic generated by the proposed development. As a result, the applicant has submitted a Transport Statement prepared by Highways and Access. The site has also been visited for the whole of the morning peak period by an officer from the highway authority and a full turning and pedestrian movement count has been carried out at the Roborough Lane / Rew Road / Place Lane junction. The content of the Transport Statement is broadly accepted and agreed and accord with the highway authority's own observations and traffic counts.

For those reasons the highway authority recommends the imposition of appropriate conditions in any permission granted.

Teignbridge District Council:

No objections to this application in principle. Space has been allocated for the storage of waste and recycling

containers and these appear to be located within easy access to the public highway where the residents would have to place the containers on collection day.

Recommend that a swept path analysis is carried out to confirm that waste and recycling vehicles can access all parts of the estate and safely turn and leave after collections have been made. For the purpose of any swept path analysis our RCVs are 2.3m wide by 9.2m long by 3.5m high.

TDC has also had particular issues with block paved areas that are in-filled with sand to improve permeability being insufficiently robust for use by our collection vehicles which have a 26 tonne GVW.

### **Parish/Town Council Comments**

Ashburton TC:

In the Ashburton Local Housing Needs Report of September 2009, local housing needs were identified for 33 affordable homes in Ashburton.

Proposal ASH1 from the DNP (adopted version January 2014) identified a Rural Exception Site of 1.1ha, between Roborough Gardens and Longstone Cross, Ashburton, for affordable housing to meet identified local needs.

The Teignbridge Housing Enabling Officer, cites the strong need for locally affordable homes with their rent capped at Local Housing Allowance levels (including service charge). The number now is 36 families needing Affordable Housing.

Live West Homes Ltd has confirmed the service charge is "unlikely to exceed £5.00 per week".

Design and Access Statement "The proposal is to develop an exclusively affordable housing scheme in partnership with DNP, Teignbridge District Council and Ashburton Town Council." Also "Households with a local connection to Ashburton will be given priority when allocating the housing. A nomination procedure will be agreed with DNP Authority to be included in the Section 106 planning agreement."

As Ashburton Town Council are in this partnership of 3, it is clearly in the Town Council's remit to be part of the consultation regarding allocation of these units.

There is already a detailed report regarding those who are in need of housing in Ashburton. "A local connection..." is too vague. It is suggested that "The Ashburton Affordable Housing Allocation Plan October 2014" is used. Specifically, the "Allocation Criteria in Section 106 Agreement." This Plan is based on the Christow Housing

Allocation Plan and we are led to believe has been forwarded to the Teignbridge Housing Enabling Officer. Ashburton TC requires the Section 106 agreement to be clarified and ratified both by ourselves, the applicants, DNP and Teignbridge District Council, before the first brick is laid.

The proposed affordable housing includes: 1 two bedroom detached disabled unit, 26 semi-detached houses, a terrace of 4 houses and 8 flats. These 39 units will have 3 four bedroom houses, 12 three bedroom houses, 15 two bedroom houses and 8 one bedroom houses, also a two bedroom bungalow.

25 units will be available for social rented accommodation, including the bungalow designed for persons with disabilities. 14 units will be available for shared ownership.

The TC notes that most shared owners don't often end up owning a 100% freehold of their properties. Homes England, the funders for the applicant, state that shared ownership properties are valued at Open Market Value. This value is set by Live West's appointed valuer... "A restrictive covenant however will render the shared ownership properties unmortgageable and therefore unsaleable."

However, there are mechanisms available that would enable the land to be kept in perpetuity and therefore keep the properties affordable. ie co-op or community land trust. So far, there has been no mention of restrictions concerning tenants renting their properties at full market rate. This needs to be addressed in Section 106.

Will there be a restrictive covenant on the 25 Social Units within the Section 106, which keeps these units as rentable Social Housing. Or will tenants be able to buy their properties in the future?

Devon County Highway's cite that the surrounding highways are sufficient to accommodate the additional traffic generated from 39 additional dwellings. The TC is aware that local residents are very concerned that the extra traffic caused by this development will potentially be hazardous, particularly when students are walking to and from South Dartmoor Academy.

The TC suggests that the hedgerow at the junction of Rew Road and Roborough Gardens, be reduced substantially to aid visibility for vehicles and pedestrians, and that Devon Highways are requested to change the vehicle priority at the aforesaid junction. The traffic approaching the junction from Tower Hill should lose its right of way and traffic should be required to stop and give way to the westerly



traffic from Rew Road.

A suggestion has been made by a member of the public, that a passing place be created on the north side of the development on Rew Road. Rew Road being a very narrow Devon Lane, this would help the flow of the traffic. Could the applicants release a small amount of land to facilitate this? The strip of land running down and along the hedgerow, which has been designated access for tractors and also a bat corridor, should be made a public right of way down to the furthest end of the land owned by Devon County Council. This would give a much needed footpath for residents. At present pedestrians have to walk along Rew Road which is too narrow for a person and a car to safely pass. Pedestrians could then access the stile further down onto the wider and safer section of Rew Road.

Devon Highways have also highlighted internal road layout which needs tweaking.

Devon County Council Flood Team have highlighted the need for long term water storage to be included within the surface water drainage Management plan. The agent has stated a second attenuation tank would be included and "landscaping ". A water feature such as a pond and or a wet land area, could be created at the westerly edge of the development? This might be a way to ameliorate the problem of excess run off water while also supporting wildlife in the area. There is a need also for the hard standing areas in the development to be water permeable.

A lot of concern was raised by neighbouring properties about the evidence of quite a large bat population, both the great and lesser horseshoe bat. The ecology report has found no evidence of bat roosting on the site itself. The applicant has advised that they will put up bat boxes and also bird boxes on the houses. Sensitive use of lighting in this development is crucial to sustain the bats and other wildlife's environment as much as possible. The planting of "Emorgate Lawn Seed" will add to the general biodiversity and be beneficial to insects.

The land to the west, which is also owned by Devon County Council would be ideal for much needed allotments which would go some way to support our carbon neutral aim for 2025. Also, and perhaps more importantly, a playground for children and an open recreational area for the public would contribute towards the health and wellbeing of all. There is a real lack of play parks for children in the surrounding area.

The concerns of neighbouring property dwellers may also be addressed by sensitive use of this adjacent land, as

many of the neighbours contacted expressed real concern over the impact of this development. Space for wildlife habitats and good recreational areas may soften the urbanisation of the area.

The plans show the inclusion of solar panels on the roofs of the houses. The agent informed the TC that the solar panels would be part of the build, and the tenants would not be required to fit them retrospectively. I was encouraged by this as Ashburton Town Council has declared a climate emergency, aiming for carbon neutrality by 2025.

This is a Rural Exception Site, where only affordable housing may be built. This means that this development does not set a precedent for other forms of housing to be developed in the surrounding area. Also, that all the conditions set, if approved, should be signed off within 3 years. This to protect the site as a Rural Exception Site for 100% Affordable Housing.

The majority of this land has been owned by Devon County Council for some many years with the intention that it should be used to serve the community of the Parish of Ashburton.

The TC request consideration of the following;

- 1, That the combination of rent and service charge will not exceed the Local Housing Allowance.
- 2, That Ashburton Town Council be involved in the consultation regarding allocation of units?
- 3, That the Ashburton Housing Allocation Plan, October 2014, specifically the Allocation Criteria in Section 106 agreement be used.
- 4, The Section 106 be ratified before any build
- 5, The possibility of retaining the shared ownership units in perpetuity by CLT or a Co-op being involved.
- 6, That tenants are not able to rent their properties to other people at full market rate.
- 7, That tenants be able to buy their social houses.
- 8, That Live West reduce the hedge row on Rew Rd. That they allow a footpath along the bat corridor and access onto Rew Rd via the stile. That they ask Devon Highways to change the priority at the bottom of Tower Hill.
- 9, That a passing place along Rew Rd be considered.
- 10, That a wetland area be created to offset runaway water. That allotments and most importantly, a play area be created.
- 11, That all conditions set be approved within 3 years.
- 12, DNP have another site visit.

To conclude:

Most of the land has been owned by Devon County for the benefit of the Parish of Ashburton for many years. The TC acknowledge there is a housing crisis across the country. This crisis affects Ashburton. The worst hit in this housing shortage are people who are on the lowest incomes in our community. People who perhaps do not feel able to come to a council meeting to voice their need. People who do not think to write letters of support to DNP. People who may feel that their voice is hardly heard or almost always ignored. We have a duty to help these people.

Providing that the outstanding issues above are resolved, Ashburton Town Council SUPPORT this application for the benefit of residents of Ashburton who are in need of good quality affordable housing.

### **Relevant Development Plan Policies**

- COR1 - Sustainable Development Principles
- COR12 - Meeting the need for local infrastructure, community facilities and public services
- COR13 - Providing for high standards of accessibility and design
- COR14 - Meeting the infrastructure requirements of new development
- COR15 - Providing for limited new housing to meet local needs
- COR17 - Promoting increased health and well-being
- COR2 - Settlement Strategies
- COR21 - Dealing with development and transport issues in a sustainable way
- COR23 - Dealing with waste issues
- 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
- COR8 - Meeting the challenge of climate change
- COR9 - Protection from and prevention of flooding
- 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
- DMD2 - Major Development
- DMD21 - Residential development in Local Centres
- DMD3 - Sustaining the quality of places in Dartmoor National Park
- DMD31 - Provision of new recreational and leisure facilities
- DMD38 - Access onto the highway
- DMD4 - Protecting local amenity
- DMD40 - Parking provision - Residential
- DMD45 - Settlement boundaries
- DMD5 - National Park Landscape
- DMD7 - Dartmoor's built environment

## DMDASH1 - Housing Land at Longstone Cross

### Representations

67 letters of objection 2 letters of support 1 other letter

The objections centre around:

#### Principle of development

- Accept there is a need for affordable housing in Ashburton, but this is not the right location
- Brownfield sites should be developed before greenfield sites are considered
- Ashburton's brownfield sites will meet the housing need
- The plans show further development is proposed with a road leading to the edge of the site
- Contrary to the NPPF
- Contrary to National Park Statutory Principles
- Contrary to the Sandford Principle
- Contrary to the Dartmoor Local Plan
- Public consultations took place in 2010 & 2013. The site is now larger and there should be a new consultation
- Insufficient clarity on how the houses will be allocated, failing to ensure they will be for social rent for local people
- Concerns the housing will sold for profit, as has already happened in Ashburton
- The proposed development of 24 houses at Tower Hill Farm will further add to the problems

#### Landscape impacts

- Will not conserve or enhance the landscape
- The visual impact is recognised in the Landscape and Visual Appraisal as 'High'. At least 9 out of 17 views of the site assessed would have a major to moderate visual impact on the landscape
- Will increase light pollution
- Does not respect the tranquillity or sense of remoteness of Dartmoor
- Will impact upon public footpaths, Dartmoor Way and Terrace Walk
- Existing boundary hedges will need to be left for some time to achieve screening effects. Many of the mature trees are ash and affected by die back so wont be there for long
- the plans do not give the real picture of the rise and fall of the land, the greenness or tranquillity

#### Traffic and highway safety

- A traffic impact assessment has not been carried out
- (Following submission of a Transport statement) The TS is wrongly based on traffic movements out of peak hours. It underestimates vehicles and incorrectly makes assumptions about which roads will be used by vehicles and where people walk
- Rew Road and surrounding lanes are narrow, and not suitable for an increase in traffic
- The lanes are heavily used by pedestrians, school children, cyclists, horse riders and dog-walkers. Rew Road is single track, with no passing places, and is the primary access for residents of the whole Balland area to the footpath along the Ashburn. The proposal will generate additional vehicles, make congestion worse and increase the danger to all road users
- A footpath is needed from Longstone Cross to join the riverside path to enable residents to walk safely into town

- A vehicular passing place is needed on the northern edge of the site

#### Flooding and drainage

- The land is impermeable, with groundwater encountered in trial pits across the site. The site will contribute substantial new flows into the Ashburn, with potentially severe consequences downstream
- Ashburton has a history of flooding and has a flood prevention scheme. It was not designed to cope with additional run-off from some 40 properties upstream
- No evidence in the planning documents of any suitable measure to limit the impact of surface water run-off, other than through the fields to the west and inevitably down to the Ashburn
- The drainage attenuation tanks are not big enough
- There is no detail or plan provided for the foul drainage /sewage pumping station
- The applicant has reused the previous developer's Geo-technical report. Question the validity and accuracy of this report

#### Protected species

- This is a rural location with a very high bat profile of several species, and a bat corridor does not compensate for loss of habitat
- The prevalence of bats is such that the whole site should be a bat corridor
- The site is home to a range of animals including foxes, birds and deer and will result in a loss of habitat for these and other species

#### Other matters

- The primary school cannot cope with any more children
- This site would be a better place for a new school
- No provision made for sustainable construction, solar energy, heat pumps or rain water harvesting. The plans do not address the climate emergency declared by DNPA and the Town Council
- This development will have detrimental impact on the NHS
- Approval will set a precedent for further copycat development
- Out of character with the vernacular of bungalows
- The play area is too small, and poorly located

#### Supporting comments can be summarised as:-

- Since the sell-off of council housing, Ashburton has been desperately short of affordable housing for local people
- People are struggling with high rents and low wages, so are moving to other cheaper areas, changing the diversity of the town, meaning local businesses find it difficult to recruit staff
- This development will go some way to address the pressing need for affordable housing
- It is close to the school, has been well thought out and will not be obtrusive in the landscape
- Will continue the general style of housing in this part of Ashburton, with superior design to some existing buildings
- If the town is to continue as a vibrant, mixed community, this housing is vital. Without it, the town risks becoming a middle class ghetto, with lower paid service workers commuting from Newton Abbot
- The area was designated as a rural exception site many years ago. This development is the logical conclusion to that process

## Observations

### PROPOSAL

This full planning application proposes 39 residential units, comprising of 8 one bed flats, 15 two, 12 three and 3 four bed houses, and a single two bed accessible bungalow, with associated highway infrastructure and a new pumping station for foul drainage. All dwellings are affordable with a local needs connection, to be secured through a S106 agreement.

The tenure of the properties is split with 14 shared ownership two and three bed dwellings, with the remaining 25 secured as social rent, arranged as :-

26 semi detached dwellings  
4 terraced dwellings  
8 flats, in 2 blocks  
1 detached bungalow

A new vehicular access is proposed from Roborough Lane, to the west, where there is currently an agricultural field gate. A pedestrian access is proposed towards the northeastern corner.

The dwellings and flats are, with the exception of the bungalow, all two-storey. Construction materials comprise natural slate roofing, painted rendered blockwork with slate and timber cladding, and painted timber windows and doors.

A "bat corridor", an unlit linear strip with hedgerows on either side, is proposed to run along the north of the site, inside the site boundary, along with landscaping and new hedges throughout the site, including where new boundaries will be formed with the surrounding agricultural land.

An area of land has been set aside in the southwestern corner for playspace, adjacent to the foul drainage pumping station. Details of the play equipment proposed have not been provided at this stage and the applicant has suggested this be dealt with by condition.

### MAJOR DEVELOPMENT TEST

Paragraph 172 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for major developments in designated areas (National Parks, the Broads and Areas of Outstanding Natural Beauty) "...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;
- and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. "

The NPPF makes it clear that whether a proposal amounts to 'major development' is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not synonymous with the definition of a 'major planning application', but rather whether the development could be construed as major

development in the ordinary meaning of the word having regard to the character of the development in its local context. Recent examples of major developments in National Parks include applications for fracking, power line infrastructure and quarrying.

Having regard to the character, nature and scale of the proposed development adjoining the settlement limit, and taking the local circumstances and context into account, it is not considered to fall under the paragraph 172 definition of 'major development' .

## ENVIRONMENTAL IMPACT ASSESSMENT

The proposal has been screened under the Environmental Impact Assessment (EIA) Regulations and determined not to have a significant environmental impact requiring the submission of an EIA. This does not negate the need for relevant technical reports, and these have been submitted with the application.

## PLANNING HISTORY

The site has no recent planning history. Historically, as set out earlier in this report, it was the subject of proposals including a new primary school and associated playspace, but has remained undeveloped.

There have been discussions around other proposals for residential development of a lesser number than now proposed on a smaller area of land. These never materialised into planning applications.

## PRINCIPLE OF DEVELOPMENT

Core Strategy Policy COR1 seeks to ensure development is undertaken in a sustainable manner, with criteria including making efficient use of land, waste reduction, conservation of natural resources, high quality design and construction, service provision and avoidance of medium to high flood risk zones.

COR2 defines Ashburton, amongst other larger settlements, as a Local Centre, noting the priorities include meeting housing needs as well as maintaining, and where possible enhancing, the range of local services.

COR15 sets out "...a strong priority for the provision of affordable housing to meet local needs...targeted at... needs within and adjoining Local Centres..." The policy specifies a mix of around 70% social rent and the remainder being intermediate housing, with the precise mix being determined as applicable for each site.

Local Plan Policy DMD1a has a presumption in favour of sustainable development, stating a positive approach will be taken, in line with the NPPF, to secure development that improves the economic, social and environmental conditions in the area.

Policy DMD1b seeks to protect the special qualities of Dartmoor, noting there is a duty to foster social and economic wellbeing of communities in the National Park.

Policy DMD2 "Major development in Dartmoor National Park" states that major development will not be permitted unless there is an overriding public interest which outweighs the National Park purposes and the development cannot reasonably be accommodated in any other way.

Policy ASH1 allocates the land for affordable housing to meet identified local needs.

Policy DMD21 "Residential development in Local Centres" permits development within designated settlement boundaries "...on sites allocated in this document." The policy specifies a minimum of 50% affordable housing, and "Exceptionally, where the need for affordable housing cannot be met within the settlement boundary, and there is a specific local need identified for such housing, then permission will be granted for a development on suitable sites adjoining the settlement boundary. In such cases all the housing will be required to be affordable."

The site is partly allocated under Policy ASH1 for affordable housing. Whilst the draft Local Plan carries forward the allocation with the larger site area, it has not yet reached the stage where it is a material consideration in the determination of planning applications and the proposal must be determined under the adopted Local Plan. The western area of the site extends beyond the ASH1 allocation and settlement limit, therefore effectively being classed as a rural exception site. The application proposes 100% affordable housing, deliverable through the Local Housing Authority (Teignbridge District Council) and the housing association developer (Live West) working with Homes England, and therefore is consistent with Policy DMD21.

Objectors have commented that the brownfield sites also allocated in the Local Plan should be developed before this greenfield site, and that they will meet the housing need. Whilst brownfield sites are preferable, and the local plan seeks to meet need on previously developed land, as has become evident through recent applications, including in Ashburton, due to their constraints and significant development costs, they are not able to deliver the levels of affordable housing necessary to meet the current need. Furthermore, the national policy provision of "Vacant Building Credit" means previously developed sites with redundant buildings can yield little or no affordable housing.

Objectors also comment that the surrounding dwellings in this part of Ashburton are predominantly single storey and all but one of the proposed dwellings is of two-storey form. It is argued that this is out of character and detrimental to the area. It is often the case that the existing built form should be respected, however, in this case it would not make best use of a greenfield site to insist that all of the dwellings were single storey as this would either result in the need for significantly more land due to the larger footprint needed by bungalows, or reduce the number of dwellings proposed, thereby meaning the development did not meet local needs in the way it currently does.

The development will, whilst integrating into its setting, be viewed very much "of its time" as a distinct phase in the growth of Ashburton, in much the same way as the Balland Park estate is now. The existing built form is not of particularly high architectural merit, and therefore it should not simply be a case of replicating that. The proposed dwellings are considered to be of a simple, yet appropriate design, utilising materials suitable for this edge of settlement location. Exact finishes, materials and colours can be secured and retained by condition, to ensure they are retained through the lifetime of the development.

Therefore, as set out above, the proposal is not considered to be major development and the principle is deemed acceptable, subject to appropriate details and compliance with other local and national Policies.

## HOUSING NEED



The last Housing Needs Assessment for Ashburton (HNA) was carried out in 2015 and identified a need for 33 affordable homes. In the last 10 years, only 8 have been delivered.

It is generally considered that a HNA remains current for 3 to 5 years, depending on housing delivery and this survey is approaching a timescale where it is considered to be out of date. However, as stated by Teignbridge District Council's Housing Enabler, there is a strong need for affordable homes in Ashburton, with only 3 new homes developed in recent years. The Enabler reports a need for 36 affordable rented homes identified on Devon Home Choice (the housing register) as of January 2019. It is also considered there is likely to be a strong demand for the shared ownership properties, given that research indicates a worker in Teignbridge would expect to spend around 10 times their annual earnings on buying a home.

Whilst any measure of housing need is essentially a "snapshot in time" and constantly evolving, given the lack of affordable housing provision in Ashburton, it is considered the need will, if anything, have grown since the HNA. Housing Enablers also experience, once a development commences, that further people in housing need come forward.

The Local Plan, at para. 3.2.6 recognises that the other site allocation (Chuley Road) is expected to provide an element of affordable housing, but that there are viability constraints to its development, concluding "...land at Longstone Cross has been allocated to further contribute towards meeting the identified local need for affordable housing over the plan period. The Authority considers that both of these sites are required in order to meet the identified local need."

The Town Council have questioned whether tenants in the rented properties would be able to purchase their homes, thereby removing them from the affordable stock. Properties situated in a rural area (such as a National Park) designated by order of the Secretary of State under section 17(1)(b) (Right to Acquire: Supplementary Provisions) of the Housing Act 1996 are exempt from Right to Acquire, so they will remain rented. The Right to Buy only applies to Council homes, so is not an option for these properties.

With regards to the shared ownership properties, it is common for staircasing (the leaseholder (occupant) buying more shares in the property) to be capped at 80%. In this case, being in a Local Centre, this cap is not proposed, meaning 100% of the property can be purchased. This will assist borrowers in securing a mortgage as many lenders will not lend to registered providers where staircasing is restricted, and will help those who do not meet the priority-banding of Devon Home Choice but are in less stable private rental accommodation. Live West, the developer and Registered Housing Provider believe that based on previous experience, it is not likely this would be a reality for many of the shared ownership properties. However, the S106 will ensure that if the leaseholder acquires a 100% share of the house, when it becomes available for resale it will first be offered for sale back to the landlord (Live West). The local occupancy clause remains regardless.

A S106 agreement will be used to secure the dwellings as affordable and also restricted with a local needs occupancy criteria. Officers are therefore content this proposal meets the identified local housing need, as required by ASH1, COR15 and DMD21.

## HIGHWAY SAFETY

The application proposes a new vehicular access into the site from Roborough Lane, as well as a pedestrian link in the northeastern corner. Parking is proposed at 2 spaces per dwelling and 1.5 per flat. There is limited dedicated visitor parking proposed and it is expected on-street

parking would serve this function; the roads have been designed to allow this without causing obstruction.

At Officers' request and in response to the number of concerns raised over the increase in traffic that might result from this proposal, a Transport Statement (TS) was submitted. This has assessed vehicular and pedestrian routes into Ashburton town centre, as well as Dartmoor and the A38. It is noted several routes are a short drive to the main A38 road network and that the site has good pedestrian links to bus routes and the town centre. Ashburton, and the site itself, can be said to be well served by public transport with frequent services in both directions to Exeter and Plymouth, and also to the train station at Newton Abbot.

The County Collision Map has been consulted. There are no records of serious accidents in the vicinity of the site and it does not suggest that any incidents occurred as a direct result of existing features in the local highway network. Daily vehicular movements are predicted to be in the region of 300, with 20 peak hour movements, equating to one extra vehicle movement every 3 minutes in the peak hour. It is predicted that due to the site's proximity to the Primary Highway Network, traffic will dissipate quickly without issue. The TS concludes the proposal is not therefore likely to result in severe impacts, there will be a negligible peak hour impact and it will not result in any significant detriment to the operation of the local road network.

The proposal has been assessed by Devon County Council Highways, who requested minor changes be made in the original road layout. With the exception of one of these, which will be dealt with at detailed s38 highway design approval and construction stage (a process separate from planning where plans are submitted for the approval of a road adoption agreement), the changes have been made.

Highway matters were considered as part of the site allocation process, and DCC have assessed the current proposal. DCC's first response acknowledged that although the roads in the area have constraints, similar to many other roads within the National Park, there is no reason from a highway safety point of view why they could not accommodate the additional traffic generated from 39 additional units. Since that initial response, a number of representations have been received concerning the suitability of the highway network to accommodate the traffic generated by the proposal. A DCC officer has now visited the site for the whole of the morning peak period, and a full turning and pedestrian movement count has been carried out at the Roborough Lane/Rew Rd/Place Lane junction. It is concluded the content of the TS is broadly accepted, and accords with the Highway Authority's own observations.

It is noted the Town Council has made suggestions regarding works needed to the highway such as a passing place, change in priority junctions. It is not felt these are necessary, and the Highways Officer is supportive as the scheme stands. Similarly, the bat corridor is designed to have no public access, and therefore it would not be appropriate to open it up to use as a public right of way; especially considering it must remain unlit and that would have implications for public safety.

Paragraph 109 of the NPPF is key with highway matters, stating "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

It is inevitable with any development, that there will be an increase in vehicular traffic. However, the impacts of this proposal cannot be said to be unacceptable or severe. The proposal is therefore considered to accord with Local Plan Policies DMD38, DMD40 and

COR21, subject to the imposition of the conditions as suggested by the Highways Officer.

## ECOLOGY

The application has been accompanied by an Ecological Impact Assessment (EclA), part of which details a range of bat surveys carried out between summer 2017 and summer 2018, both walked transect surveys and records from the deployment of static bat detectors. Low levels of bat activity were recorded, no foraging over the centre of the field, with activity concentrated on the northern boundary, albeit in small numbers.

The EclA concludes with mitigation in place, to include bat and bird boxes, new species-rich hedgerows and planting throughout the site, a dark bat corridor running along the northern boundary and appropriate dark sky lighting, no significant adverse effects are predicted. Precautionary mitigation is proposed to avoid risk to protected species during the construction period.

Both DNPA's Ecologist and Natural England (NE) have reviewed the proposals and it has been necessary to carry out screening under the Habitats Regulations. NE support the conclusion that the proposal will have no likely significant effect on the South Hams SAC, subject to appropriate planning conditions and obligations.

It is therefore considered the proposal complies with Local and National Policy for biodiversity including Local Plan Policies DMD14 and COR7, which both require development to conserve and enhance biodiversity.

## DRAINAGE AND FLOOD RISK

The application has been accompanied by a Flood Risk Assessment, a foul and surface water drainage strategy and a "Drainage and SuDS Maintenance Plan". The site lies in Floodzone 1, the lowest flood risk category, but most of it sits within a Critical Drainage Area (CDA), defined by the Environment Agency (EA) as an area with recognised drainage problems where surface water needs to be managed to a higher standard than normal.

Core Strategy policy COR9 requires development to not be located where it is at risk of flooding, to not increase risk of flooding elsewhere or result in harm to water resources, including rivers and streams. The NPPF also directs development to areas at low risk, taking full account of climate change and for development to include robust drainage proposals.

It is proposed to connect into the existing public foul drainage system, with a new pumping station proposed on site to facilitate this. Surface water runoff will be dealt with by a SuDS scheme with underground attenuation tanks, designed to mimic the existing drainage as closely as possible with an allowance made for a 40% climate change increase in rainfall with controlled discharge to the existing watercourse, the River Ashburn.

One of the reasons previous proposals never materialised into planning applications was due to problems securing appropriate drainage. The disposal of surface water requires a connection to the River Ashburn, over third party land and agreement could not be reached; South West Water will resolve this through using their requisition powers.

Devon County Council are the Lead Local Drainage Authority with regards to surface water, and initially raised an objection due to the proposal failing to demonstrate that all aspects of the proposed surface water drainage management system have been considered in regard to

appropriately sized attenuation storage, the inclusion of a climate change uplift and that adoption and maintenance of the proposed surface water drainage management system demonstrates that all components will remain fully operational throughout the lifetime of the development. As a result, the surface water drainage proposals have been amended and DCC has withdrawn its objection, recommending conditions.

South West Water has been involved at an early stage in the design of the development. They are in agreement with the proposal, are able to adopt the system and will use their requisition powers to facilitate the necessary connections. Given the CDA designation, the Environment Agency have also been involved and confirmed that the developer does not need consent to discharge into the watercourse, the River Ashburn. An exemption to provide the outfall connection has been sought, and the final detail/design of this will be agreed between the EA, the developer and SWW once permission has been granted.

Subject to the suggested conditions to ensure the drainage is implemented appropriately at both construction and occupation stage, and subsequently managed (secured in the S106) to ensure it operates effectively, the proposal is considered to comply with the aforementioned Local Plan Policies and the guidance set out in chapter 14 of the NPPF.

## LANDSCAPE IMPACTS

Local Plan Policies DMD1b, DMD5, COR1 and COR3 all require development to conserve or enhance the Dartmoor landscape and features that contribute to its special qualities. Policy COR11 also seeks to ensure the National Park continues to offer a sense of tranquility to residents, and those who work in or visit the National Park.

A Landscape and Visual Appraisal accompanied the application. This has made an assessment of the landscape character type and looked at the effects of the proposal from 17 viewpoints, ranging from 15m to over 4km from the site. For 12 of these viewpoints, the effects are reported as "adverse", and in concluding the importance of these, 6 are classed as major/moderate, with the rest as moderate, minor or insignificant.

No objections have been raised by DNP's Tree and Landscape Officer (TaLO), subject to securing a fully detailed landscaping scheme by condition. The TaLO notes that the dwellings and infrastructure are set away from the boundary hedges and will have no impact on them. Acknowledging that existing hedgerows would be classed as "important" when assessed against the criteria set out in the Hedgerows Regulations 1997, there is a presumption against the removal of such hedges. However, considering there will be no net loss of hedgerow, the TaLO concludes the development will have minimal impact on the historic hedgerows.

A significant amount of local concern has been raised regarding the landscape and visual impacts of the proposed development. It is accepted the development will be visible from several public vantage points, some to a greater degree than others and this is inevitable with any development. However, this is not an isolated site. It is within (and adjoining) the settlement limit and any development on it will be viewed against the backdrop of existing built development to the east, south and a lesser degree to the north. With the exception of minor works to provide the access points, existing hedgerows are to be retained. Significant hedgerow planting is proposed, and this will, over time, along with the bat corridor, help to assimilate the development into the landscape once the planting matures.

Furthermore, through a "dark skies" lighting scheme, only providing low level lighting where absolutely necessary, it is not considered the tranquility of this area will be affected to any

degree warranting a refusal, mindful there will be some lighting overspill already occurring from the existing surrounding development, particularly where "traditional" street lighting exists.

The provision of 39 affordable homes carries significant social benefits, through meeting a pressing housing need and also through economic benefits during the construction process. This must be taken into the planning balance and weighed up against any harm when concluding whether the scheme is appropriate or not, whilst remembering that this is an allocated development site. It is considered the proposal broadly conforms to the aforementioned policies and Government guidance.

## NEIGHBOUR IMPACTS

As set out above, the site is bounded on more than one side by existing residential development, the majority of which are of single storey form.

The proposed development sits on lower ground than the rear of the dwellings in Balland Park, many of which have strong planted or fenced boundaries to Roborough Lane. As the land slopes away from these properties, down towards the south west, through careful design and the retention of existing hedgerows, overlooking of rear elevations has been reduced as far as possible.

At Officer request, a cross section through the site, Roborough Lane and the properties in Balland Park has been produced. This demonstrates, that in combination with the back to back distances (measuring 25m from the dwellings at the north of the site to almost 30m for the bungalow at the south of the site), the topography of the land, together with existing and proposed boundary treatments, the proposal is not considered to result in significantly harmful or unneighbourly impacts in terms of overlooking or being overbearing.

It is acknowledged that views can currently be gained from Balland Park across to the open countryside, and the proposed dwellings will be seen in these views. However, planning legislation does not protect the right to a view. Due to the sloping land, views will still be gained and it should be noted that the layout of the scheme has been designed to maintain these as far as is practical through the layout of the road and the pattern of semi-detached properties, rather than blocks of terraces.

TDC's Environmental Health Officer has recommended conditions be imposed to control hours of construction and minimise disturbance to surrounding properties from noise or dust. These conditions are imposed.

The proposal is therefore considered to comply with Local Plan Policy DMD4.

## INFRASTRUCTURE/S106

NHS - A request has been received from the NHS, requesting financial contributions towards Torbay Hospital in the order of £34.501. This appears to be based on assertion that all residents of these properties will be an entirely new population within the Trust area, when the proposal is for a 100% affordable housing scheme with local occupancy criteria, which requires the residents to already be local people or have a strong local connection to the area. Evidence suggests that a very high proportion of those moving into affordable homes meet the initial local occupancy conditions, either as new household formations from the existing population, or existing residents in unsuitable accommodation.

The response also states "...commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective development. It does not take into account housing land supply, housing need or housing projections." It is worth noting that other infrastructure providers, engage with the process of preparing plans and commenting on allocations. Additionally, it is claimed the NHS "will have no funding to meet healthcare demand arising... during the first year of occupation" when there is a lead in on planning applications, and construction, which would mean occupation would not be for probably 18 months.

In so far as other health services, local doctors surgeries are not run by the NHS, and in fact are now run more as "businesses" in which they receive a set funding amount per patient. No request has been received from the NHS for funding for local dental surgeries.

Education - A request for £105,803 has been received from Devon County Council Education. There is generally an expectation that by their very nature, affordable housing does not generate an increase in children in the same way that a development of open market units would, as explained above. Planning legislation also sets out "Social Housing Relief", a mandatory discount that applies to infrastructure provided through a Community Infrastructure Levy (CIL). Whilst there is no CIL payable in the National Park, Officers maintain that the same principles should apply to S106 agreements.

Furthermore, most schemes including affordable housing have viability constraints, and to insist on financial contributions would impact further on their viability, resulting in fewer affordable units. However, in this case, the scheme proposes 100% affordable units, secured through Homes England funding and the developer is able to go some way to meeting this request with an offer to pay 50% of the sum; this is secured in the S106.

Play Provision - An objection was received from TDC's Green Space team due to the lack of play provision on site, given the identified lack of play areas in the vicinity.

Negotiations have taken place with the developer and through the redesign of the drainage, an area of land has been set aside in the southwestern corner of the site for play. TDC has maintained its objection. Whilst ideally a play area would be more centrally located, in this instance it is considered to be an acceptable compromise. There is opportunity for it to be supervised from the flats to the north and dwellings to the east, and it is close to the remainder of the site allocation to the south, which is not part of this application, for it to also serve any dwellings that might be developed in the future.

A condition is imposed for details of the play equipment to be agreed and for it to be installed prior to the occupation of the 25th dwelling.

On the basis of the funding arrangements for this development, the fact that playspace is now included on site and that the developer is to contribute towards education, there is no additional money arising from the scheme (such as planning gain through cross-subsidy with open market dwellings or an uplift in land value) which would support additional S106 contributions. Indeed, for a scheme delivering 100% affordable housing, it is considered that the level of planning gain delivered is positive.

The developer will be entering into a S106, which is currently being finalised with DNPA's solicitors, and will secure:-

- The affordable housing as rented or shared ownership properties

- The local occupancy requirement
- Education contributions
- Maintenance of all landscaping and areas not within the ownership/control of individual properties, including the play area
- Maintenance of the bat corridor
- Maintenance of the drainage system

## OTHER MATTERS

Comments have been received stating that the proposed dwellings do not fit with the declared Climate Change Emergency by DNP and the Town Council. These declarations relate to the Authority itself, in that DNP is reviewing its functions and facilities in order to become carbon neutral. It does not mean there is a blanket approach to all developments being carbon neutral, or even prevented.

To implement measures towards carbon neutrality requires a change in planning policy, from national down to local level, with local policies needing to conform to national policies. The current local plan seeks to secure sustainable development through several of its policies, in particular DMD1a and COR1. The draft Local Plan also proposes additional measures such as securing standards above Building Regulations and electric vehicle charging points. However, this Plan is not yet at such a stage it can be taken into consideration.

In this instance, Live West has its own standards for sustainable construction, reuse of spoil and energy efficiency in the built fabric. Solar panels are also proposed and the dwellings will have to be built to current Building Regulations. The proposal is considered to broadly conform to Policies COR4 and COR8.

Mention has also been made of planned development at the nearby Tower Hill Farm land, and a leaflet circulated around Ashburton to that effect. It is correct to say the site was put forward during the last "Call for Land" in the earlier stages of the draft Plan preparation and was assessed through the Land Availability Assessment (LAA) process. Whilst the site was considered by the LAA Panel to be suitable for development, for reasons including it not being likely to provide affordable housing, it was discounted and not included as an allocation in the Draft Local Plan.

Future development - The proposed layout does show a potential access point to the land to the west, and 2 possible spurs to the south. It is a matter of good planning to consider future needs and Devon County Council, the land owners, would want to ensure they can access their land, regardless of whether they have current plans for it. The 2 spurs leading south are currently turning heads, but could, subject to negotiations between developers, serve as access to the remainder of the site allocation, negating the need for further vehicular access points onto Roborough Lane should that land be developed in the future. In any event, the planning decision is based on what is currently proposed, not what might be proposed in the future.

## CONCLUSION/PLANNING BALANCE

This proposal represents a long awaited scheme for a site that has been allocated in the Local Plan for development for several years. Indeed, one which the Town Council, it's Housing Working Group and the CLT have been keen to work with DNPA and Teignbridge District Council to bring to fruition. As with any development proposal, there are positives and

negatives. These must all be weighed into the planning balance when making a decision.

It is accepted there will be some landscape impacts from the proposal, as is the case for any development. The development will be visible from various vantage points, however, will be viewed against the backdrop of the existing built form of Ashburton. There will also be some additional traffic generated, but the Highways Officer is content these can be accommodated without detriment to the local highway network.

Biodiversity has been carefully considered and both DNP's Ecologist and the statutory body, Natural England, are satisfied that appropriate mitigation and enhancement can be secured by condition.

The drainage proposals have also been given consideration from an early stage and no objections have been raised from any consultees.

It has been suggested by objectors, that the scheme conflicts with the statutory purposes of the National Park being which are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage, and
- 2) to promote opportunities for the public understanding and enjoyment of the special qualities of the Park

Furthermore, that there is a conflict with the Sandford Principle which states:

"Where irreconcilable conflicts exist between conservation and public enjoyment, then conservation interest should take priority"

It should be remembered that as well as this being an allocated site in the adopted Local Plan which went through the lengthy Government appointed Planning Inspector led scrutiny process before it was adopted, it is not unplanned, piecemeal development. It will not set a precedent for other residential developments. Additionally, National Parks have a statutory duty to "...foster the economic and social well-being of local communities..." and DNPA also has a vision which includes prosperous communities and businesses, with a priority on providing everyone with the opportunity for a good quality affordable home.

The Sandford Principle is effectively that if, in doing something to meet the second purpose (promoting enjoyment) conflicts with the first purpose (conservation), the first purpose takes precedence. It is not about the Duty, nor is it about the first purpose being wholly overriding. It is not considered, as explained throughout this report that there are such conflicts as set out in the Sandford Principle, nor that the proposal prevents the Park from fulfilling its statutory purposes.

Paragraph 59 of the NPPF states "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

The scheme proposes 100% affordable housing, supported by the Local Housing Authority, secured with grant funding from Homes England, and provides associated social and economic benefits through the construction phase and in meeting a pressing need for local affordable housing.



The proposal is not considered to be in conflict with local or national planning policies, and approval is recommended subject to conditions and the developer entering in to a S106 agreement.

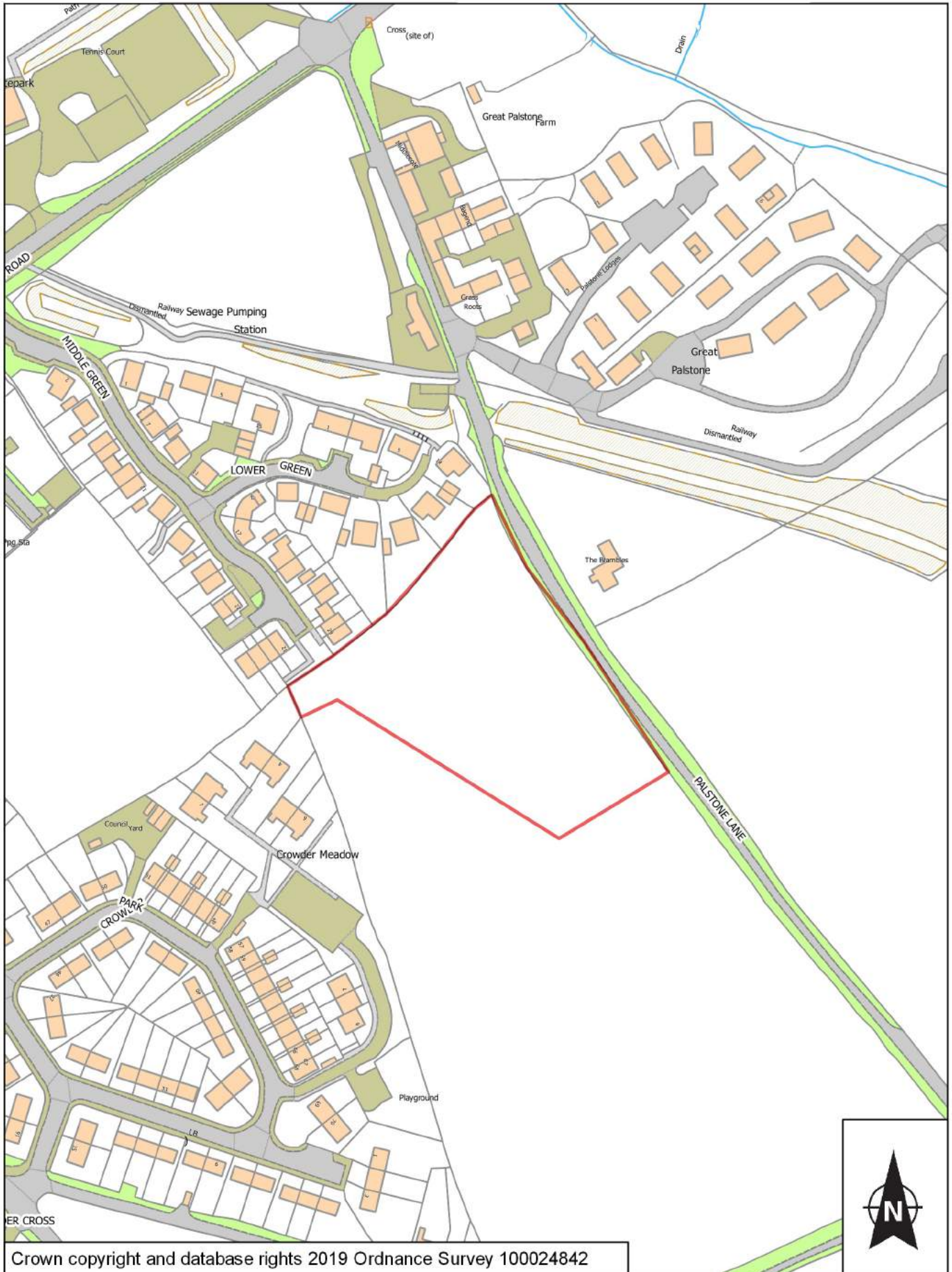
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# 0147/19 - Land at Palstone Lane



Scale 1:2,000

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2. Application No: **0147/19** District/Borough: **South Hams District**  
Application Type: **Full Planning Permission** Parish: **South Brent**  
Grid Ref: **SX705598** Officer: **Nicola Turner**

Proposal: **Erection of 17 dwellings (12 affordable and 5 open market) and associated infrastructure**

Location: **Land at Palstone Lane, South Brent**

Applicant: **South Hams District Council & South Brent Community Land Trust**

Recommendation **That, subject to the completion of a S106 legal agreement in respect of phasing of development, affordable housing, local occupancy and an 'overage clause', permission be GRANTED**

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved drawings numbered 1711 01, 1711 344, 1711 345, 1711 346 Rev A, 1711 347, 1711 348 Rev A, 1711 349, 1711 350 Rev C, 1711 351 Rev D, 1711 360, 1711 370, 1711 371 Rev A, 1711 372, 1711 373 Rev A, 1711 374, 1711 375 Rev A, 1711 376, 1711 377 Rev A, Highway Long Section Rev P03, Proposed Drainage and Utilities P02, Flood Routing Plan P01, Engineering Layout Rev P02 and Tree Protection Plan DTS.151.1.TPP, Valid 08 April 2019, and 1711 301 Rev H Received 23 September 2019.
3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. Works shall then be carried out in accordance with the agreed details through the construction phase.
4. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure, structure, erection or hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwellings hereby permitted without the prior written authorisation of the Local Planning Authority.

6. No part of the development hereby approved shall be commenced until:
  - i) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway
  - ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - iii) A site compound and car park have been constructed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with the agreed details:
  - i) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - ii) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - iii) The cul-de-sac visibility splays have been laid out to their final level;
  - iv) Any street lighting for the cul-de-sac and footpaths has been erected and is operational;
  - v) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - vi) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - vii) The street nameplates for the cul-de-sac have been provided and erected.
8. When once constructed and provided in accordance with condition 6 and 7 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority
9. No development shall start until a Construction Method Statement, to include details of:
  - i) parking for vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials;
  - iv) programme of works (including measures for traffic management);has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction period.

10. No site clearance, preparation or construction work shall take place on site outside of the hours of Monday - Friday 0800 to 1800 and Saturdays 0900 to 1300, nor at any time on Sundays, Bank or Public Holidays. This includes vehicle movements on the site. Deliveries or collections of materials should only be made during these times, and vehicles should be discouraged from collecting on the public highway outside of these times with their engines and radios left running.

11. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
12. A detailed schedule of the materials and finishes to be used on the approved dwellings shall be submitted and approved in writing by the Local Planning Authority prior to the use of such materials. This shall include samples of the roofing, walling, details of render finishes, window/exterior door units, verge/soffit details, positions of meter boxes, boundary fence design, driveway surface materials, roadway surface materials, kerbs and any proposed exterior lighting units.
13. There shall be no street lighting within the development unless otherwise agreed in writing with the Local Planning Authority.
14. No development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of the maintenance strategy for the open spaces within the development, a maintenance schedule for the public open spaces together with details of the protection and enhancement of the hedgerow on the western boundary of the site.
15. Prior to the commencement of any works, demolition or development on the land, all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.

## **Introduction**

This application is a proposal by South Brent Community Land Trust (CLT) (with support from South Hams District Council) for a development of custom build housing on the edge of South Brent. Officers have worked with the CLT over a long period over time (including on an earlier site, which did not progress), to support the group.

The site is accessed from Palstone Lane and is an open field site enclosed with hedgerows. Surrounding the site to the North is Middle Green and Lower Green and to the west is Crowder Meadow. The 17 houses being proposed are on a site of approximately 0.8ha in area.

The proposed dwellings are to be laid out around a central green area. The road access would be a cul-de-sac and the houses built around this, inward facing, with a play area and public open space with workshop and parking in the central area. The dwellings are all two-storey comprising semi-detached dwellings.

12 affordable units are proposed (3 four-bed dwellings, 4 three-bed dwellings and 5 two-bed houses). In addition, 5 open market units are proposed (1 two-bed dwelling, 3 three-bed dwellings and 1 four-bed dwelling).

12 dwellings are affordable with a local needs connection, to be secured through a S106 agreement. It is also to be conditioned that the open market dwellings are to be used only as principal residences (i.e. not second homes), with a Unilateral Agreement alongside to the same effect.

The application is presented to the Committee as it is a large and more complex proposal, of community interest.

### Planning History

0354/14	Residential development comprising forty dwellings including affordable housing, areas of open space and landscaping; a new access and pedestrian footway onto Exeter Road and associated infrastructure	Full Planning Permission	Grant Conditionally	27 November 2014
9/45/0096/75/1	Residential development	Outline Planning Permission	Refused by SHDC	08 April 1975
0346/18	Erection of 40 dwellings, including 14 affordable dwellings and associated infrastructure	Full Planning Permission	Not yet determined	

### Consultations

Environment Agency:	Flood Zone 1 - Standing Advice Applies
South Hams District Council:	No objection
County EEC Directorate:	No objection to amended plans - The proposal is acceptable to the Highway Authority from a highway safety point of view. A shared surface is preferable. Some concern is expressed over the distance from the dwellings that the parking has been provided.
	Conditions are summarised as follows: Development shall not commence until highway works have been carried out to the access, works to access each property shall have been carried out prior to occupation, the pavement and highway shall be maintained, and prior to construction a method statement shall be submitted.
DNP - Ecology & Wildlife Conservation:	No objection subject to conditions requiring a Construction Environment Management Plan and Landscape Ecological Management Plan to be submitted.
DNP - Trees & Landscape:	No objection, subject to conditions requiring the retained trees to be protected in accordance with the Tree Protection Plan (DTS.151.1.TPP) and a detailed landscape scheme is submitted and approved by the Authority prior to the commencement of works.
Devon County Council (Flood Risk):	No comment received

Natural England Consultation Service: No objection

South Hams District Council: No objection

Devon & Cornwall Police: No objections but advise that to design out crime, the applicant should use Approved Document Q to ensure safe doors and windows. Also the path at the rear of plots 1-5 should be left as open to view as possible, measures should be taken to prevent parking on the play area. Area adjacent to plot 6 should be monitored, garden gates should match fence height at 1.8 metres. Front doors should not be deeply recessed.

### **Parish/Town Council Comments**

South Brent PC: Support application

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR10 - Providing for renewable energy

COR12 - Meeting the need for local infrastructure, community facilities and public services

COR13 - Providing for high standards of accessibility and design

COR14 - Meeting the infrastructure requirements of new development

COR15 - Providing for limited new housing to meet local needs

COR16 - Meeting the needs of vulnerable groups and those with special needs

COR17 - Promoting increased health and well-being

COR2 - Settlement Strategies

COR21 - Dealing with development and transport issues in a sustainable way

COR24 - Protecting water resources from depletion and pollution

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

COR8 - Meeting the challenge of climate change

COR9 - Protection from and prevention of flooding

DMD14 - Biodiversity and geological conservation

DMD15 - Renewable energy

DMD19 - Sustainable Communities

DMD1a - Presumption in favour of sustainable development

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

DMD2 - Major Development

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD30 - Low impact dwellings in the countryside

DMD32 - Protection of recreational and amenity open space

DMD38 - Access onto the highway

DMD4 - Protecting local amenity

DMD40 - Parking provision - Residential  
DMD42 - Public Rights of Way  
DMD46 - Parish plans and development management  
DMD5 - National Park Landscape  
DMD7 - Dartmoor's built environment

## **Representations**

13 letters of objection 75 letters of support

### Supporting -

- Important that local people have the opportunity to build their own home and stay within the Parish.
- Encouragement for sustainable living and building in the community.
- The project is undisruptive and will help to provide affordable dwellings in the community.
- Good model for future development.
- Brilliant scheme focused on affordability and sustainability for people in the local area.
- The project has been carefully developed and will support people living and working on Dartmoor.
- It meets Local Plan guidance and park purposes.
- There will be no impact upon South Brent whatsoever.
- Well designed eco application which will fit in well.
- Well controlled for occupancy to give people their forever home in the area.
- An exciting project to keep local families local.
- The project is appropriate because of its emphasis on sustainability and allows for partial self build, rewarding both long term thinking and personal initiative.
- Grouping and open space designed to enhance the sense of community.
- Range of styles and sizes to attract a demographic mix and to visually enhance the development.
- Exemplar development.
- Only occasionally used for dog walking so would be a good use of the field.
- Zero-carbon design
- Can a condition be imposed that the open market dwellings be for Local occupancy/owners.
- Incorporation of wildlife areas in the development
- Quality build of a new home to ensure longevity

### Objections -

- The proposal will result in the loss of privacy to all existing dwellings and create overlooking.
- Visual amenity of the proposed dwellings overshadowing existing dwellings.
- Generation of more traffic through Palstone Lane.
- Loss of a green field site rather than using brown field sites.
- How will this scheme be affordable? Should it not be 100% affordable
- Palstone Lane floods during sustained periods of rainfall, contrary to the FRA submitted. A scheme to ensure the drainage of the whole lane area is required.
- Is a single lane access road suitable for around 79 homes ? No.
- Structural impact on adjacent Barns should be taken into account with access for construction vehicles and an agreement along the lines of that undertaken by Cavanna Homes should be carried out.
- It is felt that the access to the new site should be through Middle Green as that is where the access points already are.



- No infrastructure or facilities/shops to support the growing population.
- Loss of wildlife which is just returning after other local new development.
- Why an additional community building when there are several in South Brent already?
- Are the buildings self build, or by contractors?
- Impact upon schools and medical services, is this being addressed?
- Highway layout shows that it is possible to come through from Middle Green, this would be safer.

## **Observations**

### ENVIRONMENTAL IMPACT ASSESSMENT

The proposal has been screened under the Environmental Impact Assessment (EIA) Regulations and determined not to be EIA development having a significant environmental impact requiring the submission of an Environmental Statement. This does not negate the need for relevant technical reports, and these have been submitted with the application.

### SUSTAINABLE DEVELOPMENT

At the heart of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking.

Local Centres, including South Brent, are the towns and larger villages within the National Park, where development is intended to serve the needs of the settlement and its wider rural hinterland, including through delivering affordable housing. This site adjoins the settlement boundary of South Brent.

### PRINCIPLE OF DEVELOPMENT

This site was initially discussed with the CLT as a rural exception site; a development of affordable housing adjoining the settlement, to meet an identified affordable housing need. In this instance, whilst the 'traditional' affordable housing need is being met through development on allocated sites in conjunction with a housing association, the principle of custom/self-build need, was supported.

Whilst this is an exception site, the application has been 'caught up' by the review of the Local Plan, which identifies this site and an adjoining parcel of land for housing development. Whilst the emerging Local Plan does not at this point carry any notable weight, it would be unreasonable to ignore the emerging intentions of the Plan in this area.

This is therefore being treated as an exception site to meet an identified need for custom/self-build housing, in the context of an emerging allocation.

### MAJOR DEVELOPMENT TEST

Paragraph 172 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for major developments in designated areas (National Parks, the Broads and Areas of Outstanding Natural Beauty) "...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;
- and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. "

The NPPF makes it clear that whether a proposal amounts to 'major development' is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not synonymous with the definition of a 'major planning application', but rather whether the development could be construed as major development in the ordinary meaning of the word having regard to the character of the development in its local context. Recent examples of major developments in National Parks include applications for fracking, power line infrastructure and quarrying.

Having regard to the character, nature and scale of the proposed development adjoining the settlement limit, and taking the local circumstances and context into account, it is not considered to fall under the paragraph 172 definition of 'major development'.

## POLICY CONTEXT

Core Strategy Policy COR1 seeks to ensure development is undertaken in a sustainable manner, with criteria including making efficient use of land, waste reduction, conservation of natural resources, high quality design and construction, service provision and avoidance of medium to high flood risk zones.

COR2 identifies South Brent amongst other larger settlements, as a Local Centre, noting the priorities include meeting housing needs as well as maintaining, and where possible enhancing, the range of local services.

COR15 sets out "...a strong priority for the provision of affordable housing to meet local needs...targeted at... needs within and adjoining Local Centres..." The policy specifies a mix of around 70% social rent and the remainder being intermediate housing, with the precise mix being determined as applicable for each site.

DMD1a states that where an application which accords with policies, it will be approved, taking into account a positive approach that reflects the presumption in favour of positive development contained within the NPPF, to improve social and environmental conditions in the area. This positive approach continues through DMD1b; that proposals shall conserve and enhance the natural beauty of the National park, and shall be approved where social and economic wellbeing is fostered.

Policy DMD21 "Residential development in Local Centres" permits development within designated settlement boundaries "...on sites allocated in this document." The policy specifies a minimum of 50% affordable housing. It includes provision for exception sites, stating; "Exceptionally, where the need for affordable housing cannot be met within the settlement boundary, and there is a specific local need identified for such housing, then permission will be granted for a development on suitable sites adjoining the settlement boundary. In such cases all the housing will be required to be affordable." The site in question adjoins the settlement boundary.

The application proposes 70% affordable housing, deliverable through the CLT working with Homes England through the construction of dwellings built in a sustainable manner. Development of this site provides an opportunity for the Authority to meet its duty under the self and custom housebuilding Act to provide plots which meet a need for this type of housing. Furthermore it is doing so in a way which also meets the clear strategic priority for the delivery of affordable housing.

## AFFORDABLE HOUSING

Policy DMD21 requires that on an exception site, all the housing shall be affordable. The Authority's adopted Affordable Housing SPD, in line with the National Planning Policy Framework, allows for cross-subsidy on exception sites; this means an element of market housing is acceptable where it is necessary to support the delivery of affordable housing.

In this instance, the applicant has submitted the application for 70% affordable housing and this is supported by a viability assessment, undertaken by Plymouth City Council.

The affordable housing need which justifies this exception site development relates to self-build. The Authority holds a Self-Build Register. The members of the CLT who are intending to occupy the proposed dwellings, are on part 2 of the Authority's self-build Register, which relates specifically to 'local people' as defined in the Local Plan.

The Authority has considered the viability assessment in the submitted statement to assess whether the applicant's proposal is maximizing affordable housing delivery. This report has indicated that the proposed scheme is not considered to be viable without the Open Market housing. The scheme states that the 5 open market houses will be required to support the delivery of the 12 affordable units.

The viability of the development is also supported through a £400,000 contribution from Homes England.

Affordable housing will be secured through a S106 agreement. This will include an 'overage' clause, which means that if the development viability alters, the mix could alter slightly to provide for either a change in the level of discount rate on the properties, or switching one of the market units, to an affordable house.

It has been agreed at pre-application stage that the proposed units can be built slightly larger to allow for futureproofing the properties for growing families. There is space in the loft areas, due to the height of the eaves and wall plate to easily convert the roof space to allow for a growing family.

## THE PROPOSAL

The application proposes 17 dwellings comprising:

12 No Affordable

- Two-bed properties
- Three-bed properties
- Four-bed properties

5 No Open Market

- two-bed properties
- three-bed properties
- four-bed properties

The 12 affordable units will comprise properties to be owned by members of the CLT, who meet the eligibility criteria (being local people, in housing need and unable to afford market prices). They will be discounted by 65% from open market value. The discount and the local occupancy condition will remain on the properties in perpetuity.

The 5 open market units will have no specific occupancy or value restrictions, apart from the obligation to ensure they are a principal residence.

The proposed open market and affordable units will be 'tenure blind', built in a style representative of a rural farmyard grouping, as stated in the Design and Access Statement. The affordable housing will be dispersed through the site and it is intended to be indistinguishable from the private market housing in terms of design, character and architectural treatment.

The vehicular access point will be provided through the existing access at the north east corner of the field, linking with Palstone Lane. This will serve the whole of the application site. The highway authority considers this access is appropriate.

The proposed units are aligned and orientated so that they face onto the internal road and outdoor space within the site, however there is limited public aspect of the site as it is surrounded on the north and west sides by residential development, and the south and south west are backing onto a field. The full length of the eastern boundary is running along Palstone Lane where there is a mature Devon hedge.

All dwellings will have off road car parking provision in the form of driveways or parking bays.

A pedestrian link has been proposed through the southern end of the site, located alongside plot 15.

The existing boundary hedges along all the boundaries are to be retained. The existing landscape features will be supplemented by tree planting and new landscaping within the residential development, particularly within the curtilage of properties along the road frontages and outside edges of the site. There is the provision of a shared workshop for the residents of the properties for storage, and as a working area during construction. The site also has provision of a play space which would be accessible to anyone.

## ACCESS AND PARKING

Policy COR21 sets out the requirement for new development in relation to highways safety. Given the emerging local plan context, there is a requirement to show the ability to link the vehicular access to this site, the site to the south, and Middle Green in the future. A road link between the two sites does not form part of this proposal, however needs to be achievable to support delivery of an allocated site in the emerging Local Plan.

The proposal meets the parking requirements set out in DMD40 for new residential development, that is, for detached and semi-detached dwellings – a minimum of two spaces per dwelling.

The development does not justify the imposition of contributions to highway safety improvements off site. DCC Highways Officer is satisfied with the scheme as it stands.

It is inevitable with any development, that there will be an increase in vehicular traffic. However, the impacts of this proposal cannot be said to be unacceptable or severe. The proposal is therefore considered to accord with Local Plan Policies DMD38, DMD40 and COR21, subject to the imposition of the conditions.

## DESIGN

Policies COR1, COR4 and DMD7 set out the objectives for high quality locally distinctive design and for the conservation and enhancement of the built environment.

The detailed materials of the dwellings has been the subject of discussions between Officers and the applicant prior to submission, and officers are supportive of details of the scheme, which perhaps represent a different and contemporary approach compared with the traditional design elements seen in affordable housing schemes in the National Park.

The proposed scheme is designed to meet the current Passivhaus standard of low energy requirements, with low embodied energy and environmentally conscious building materials. The layout aims to create a traditional farmstead cluster, with a narrow entrance into the 'farm yard' and each property would be accessed over a swale feature via a bridge. The fabric first design approach seeks to minimise emissions and heating costs as well as comply with policy COR8. There is considered to be no need for further energy efficiency additions, for example photovoltaic or solar thermal panels.

The choice of materials are predominantly render, natural stone and timber horizontal weatherboarding and natural slate roofing with PVC windows.

The dwellings are proposed to have an upper floor of untreated larch cladding, some black stained larch cladding and a ground floor of self-coloured render. Local stone in gabion baskets would also be used. The roofs would have natural slate pitched roofs, and some with dark corrugated steel profiled roofing, and some green roofs. The doors and windows would be a composite timber frame and powder coated aluminium finish. The divisions between properties would be Devon banks, or larch, boarded fencing.

## FOUL DRAINAGE

Surface water will be disposed of using soil infiltration via a network of soakaways. The foul water will be connected to a below ground system linked up to the existing public foul pumping station within the adjacent Middle Green development. South West Water have confirmed a connection to this and agreed the connection points.

## ECOLOGY

The application has been accompanied by an Ecological Impact Assessment (EclA), part of which details a range of bat surveys carried out between summer 2017 and summer 2018.

The EclA concludes with mitigation in place no significant adverse effects are predicted.

Both DNPA's Ecologist and Natural England (NE) have reviewed the proposals.

It is therefore considered the proposal complies with Local and National Policy for biodiversity including Local Plan Policies DMD14 and COR7, which both require development to conserve and enhance biodiversity.

## LANDSCAPE IMPACTS

The Trees and Landscape Officer has raised no formal objection to the proposal. The site, from the majority of views towards the site, has the backdrop of other residential development.

Local Plan Policies DMD1b, DMD5, COR1 and COR3 require development to conserve or enhance the Dartmoor landscape and features that contribute to its special qualities. Policy COR11 also seeks to ensure the National Park continues to offer a sense of tranquility to residents, and those who work in or visit the National Park.

A significant amount of local concern has been raised regarding the landscape and visual impacts of the proposed development. It is accepted the development will be visible from several public vantage points but many are longer distant, screened views, some are to a greater degree than others and this is inevitable with any development of its scale.

However, this is not an isolated site. It is adjoining the settlement boundary and any development on it will be viewed against the backdrop of existing built development to the north and west. With the exception of minor works to provide the access points, existing hedgerows are to be retained. Significant hedgerow planting is proposed, and this will, over time, help to assimilate the development into the landscape once the planting matures.

## NEIGHBOUR IMPACTS

As set out above, the site is bounded on more than one side by existing residential development.

The proposed development sits on lower ground than the rear of the dwellings to the north, many of which have strong planted or fenced boundaries between them and the development site. As the land slopes away from these properties, down towards the south, through careful design and the retention of existing hedgerows, overlooking of rear elevations has been reduced as far as possible.

It is acknowledged that views can currently be gained from Middle Green and the other surrounding roads across to the open countryside, and the proposed dwellings will be seen in these views. However, planning legislation does not protect the right to a view. Due to the sloping land, views will still be gained and it should be noted that the layout of the scheme has been designed to maintain these as far as is practical through the layout of the road and the pattern of semi-detached properties, rather than blocks of terraces.

It is considered that the proposed properties do not overlook or create loss of privacy to any of the surrounding houses. The degree of separation is acceptable, and there are either road access routes or hedges and fields between properties.

## PLANNING OBLIGATIONS

A Section 106 Agreement is in draft form and has been agreed in principle.

The developer will be entering into a S106, which is currently being finalised with DNP's

solicitors, and will secure:-

- The affordable housing
- Phasing of development
- Any additional grant funding forthcoming shall lead to a re-evaluation of the affordable/open market/discount ratio (an 'overage' clause)
- The local occupancy requirement

The Affordable Housing SPD states "we would expect the cross-subsidy element of the scheme to explore how it could meet other local housing needs or requirements in the community". In this instance officers have encouraged the applicant to volunteer a principal residence restriction on the open market units, ensuring they cannot be occupied as second homes. The applicant has provided a Unilateral Undertaking, which provides this commitment.

## OTHER MATTERS

In this instance, the CLT has proposed sustainable construction, reuse of spoil and energy efficiency in the built fabric. The dwellings will have to be built to current Building Regulations. The proposal is considered to broadly conform to Policies COR4 and COR8.

Future development - The proposed layout does show a potential access point to the land to the south, and footpath access to the south. This does not commit the Authority to further development options, but is a matter of good planning to future proof development, considering permeability and not prejudicing future options.

## PARISH COUNCIL/NEIGHBOUR COMMENTS

The comments from neighbours are acknowledged by Officers and these have been predominantly addressed throughout this report. Whilst accepting the principle of development there is particular concern in respect of the proportion of affordable housing, connectivity and design.

## CONCLUSION/PLANNING BALANCE

It is accepted there will be some landscape impacts from the proposal, as is the case for any development. The development will be visible from various vantage points, however, will be viewed against the backdrop of the existing built form of South Brent. There will also be some additional traffic generated, but the Highways Officer is content this can be accommodated without detriment to the local highway network.

Biodiversity has been carefully considered and both DNP's Ecologist and the statutory body, Natural England, are satisfied that appropriate mitigation and enhancement can be secured by condition.

Paragraph 59 of the NPPF states "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

The scheme proposes 70% affordable housing, supported by the Local Housing Authority, secured with grant funding from Homes England, and provides associated social and economic benefits through the construction phase and in meeting a pressing need for local affordable housing. It meets a specific need for custom build housing identified within South

Brent.

Overall, the scheme is considered to be a positive opportunity to provide affordable housing within South Brent and an enhancement opportunity consistent with the desire to improve the overall character and appearance of the National Park.

Concerns of the Parish and local community have been carefully considered and Officers believe that careful management of the construction phases, conditional planning approval and a robust legal agreement give the confidence that this can be achieved with the minimum disturbance.

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# 0310/19 - Land adj to Southcombe, Widecombe



Scale 1:1,250



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3. Application No: **0310/19** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Widcombe-in-the-Moor**  
Grid Ref: **SX713765** Officer: **Nicola Turner**

Proposal: **Erection of timber frame building for housing of horses and sheep**

Location: **Land adjacent to Southcombe,  
Widcombe-in-the-Moor**

Applicant: **Mr D Faulkner**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed building fails to relate well to other building groups and by reason of its siting and design would have a harmful impact on the character and visual appearance of this part of the National Park contrary to policies COR1, COR3, COR4, DMD1b, DMD5, DMD33, and DMD34 of the Dartmoor National Park Development Plan, to the advice contained in the English National Parks and the Broads UK Government Vision 2010 and the National Planning Policy Framework 2019.

### **Introduction**

The application relates to a pastoral field flanking the highway set within a rolling agricultural landscape to the south of Widcombe-in-the-Moor.

The applicant's land ownership extends to approximately just over 3.5ha.

It is proposed to erect a barn with associated yard.

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

### **Consultations**

Environment Agency:	Flood Zone 1 - Standing Advice applies
Teignbridge District Council:	No objection
County EEC Directorate:	No highway implications
DNP - Trees & Landscape:	Objections - This building is an isolated structure that does not reflect the building pattern in this iconic landscape. This, together with the engineering works proposed would change the character and topography of the historic field. The development does not conserve or enhance the special qualities of this part of the Dartmoor landscape and will harm the local landscape character.

### **Parish/Town Council Comments**

Widcombe PC: Widcombe Parish Council supports this application.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

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

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

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD33 - Horse related development

DMD34 - Agricultural and forestry

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD6 - Dartmoor's moorland and woodland

DMD7 - Dartmoor's built environment

### **Representations**

4 letters of support

Support -

- No visual impact
- The application should be assessed as it is now in the landscape, not within what the landscape might become.
- Owners would be managing and improving the site.

### **Observations**

#### PROPOSED BUILDING

This is an application for a 14.6m x 7.3m building, measuring 4.3m high. The building would be located to the north end of the site outlined in red on the site location plan and involves excavation of levels in this corner by approximately 3m and grading out across the proposed yard area in front. An access into the field is already existing and incorporates a small turning area.

No pre-application advice was sought prior to the submission of this application.

#### POLICY CONSIDERATIONS & ASSESSMENT

##### ISOLATED LOCATION

Agricultural development has strong potential to impact the special qualities of the National Park as it typically takes place outside of designated settlements in the open countryside which has great landscape value and are consequently more sensitive to change/development.

All development in the National Park has potential to have an impact on landscape character and appearance. This impact is weighed against the justification for development and the nature of that impact.

The National Parks Circular makes clear that the Authority's primary responsibility is to deliver their statutory purposes. The first purpose of the National Park is one of conserving and enhancing its natural beauty. This is reflected in policy DMD1b of the Development Plan.

Policies COR1, COR3, COR4, DMD1b and DMD5 require new development to demonstrate the conservation and/or enhancement of the character and special qualities of the Dartmoor National Park landscape, having regard to scale, layout, design and materials. Policy DMD34 provides a list of explicit criteria that new agricultural development needs to satisfy.

The Dartmoor National Park Design Guide specifies that new agricultural buildings should be well designed, of good quality, functional and thoughtfully sited in the landscape.

The Development Plan does not provide a hierarchy of landscapes within the National Park. Dartmoor's special qualities are enriched by the mix of landscape character types that weave across the National Park. A Planning Inspector, in the determining an appeal within the Parish of Hennock, remarked that the local landscape is not any less valued and that development is not more acceptable because of screening that local landform may offer compared to a more exposed open moorland location (ref: APP/09497/A/14/2218992).

The site is within the Dartmoor Landscape Character Type 'Moorland Edge Slopes'. The building is to be located in enclosed pastoral land which has an intimate character. The land immediately around the site is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. There are few isolated buildings in this landscape. Winding lanes bounded by high hedges thread across the landscape.

The proposed building would be isolated from existing building groups and would be visually prominent when viewed from the public highway, it therefore clearly conflicts with policy DMD34 (ii).

This proposal, is both visually and physically isolated from existing building groups in the landscape; this conflicts with policy DMD34 (ii) which requires new farm buildings to relate well to other building groups. The development of a new building in this setting would be harmful to the character and appearance of this part of the Dartmoor National Park landscape contrary to policies DMD1b, COR3, COR4 and DMD5.

## DESIGN & FUNCTION OF THE BUILDING

Concerns had been raised during the application regarding the proposed use of the building and whether the scale and form was well related to its function and whether there was a demonstrable need that is proportionate to the use of the land in line with policy DMD34 (i) & (iv). The use of part of the building and land would be assessed under DMD33, Horse related development. It must be demonstrated that horse related development, on its own or cumulatively, would not have a detrimental impact upon the local landscape character. This proposed development would not conserve or enhance the special qualities of the Dartmoor landscape.

The applicant is understood to have two horses , occasionally a third, and this would lead to under grazing of the paddock to the east of the site, therefore a small flock of sheep would be introduced. There was no livestock on the land at the time of the officer's visit.

This building is clearly designed for agriculture and its purpose for the winter housing of sheep, together with shelter of horses.

## HIGHWAY SAFETY

There is an existing highway access into the applicant's land to the south west of the application site. No highway concerns have been raised.

## CONCLUSION

Applications for new isolated agricultural buildings on smallholdings always present difficulties in respect of the Dartmoor National Park's agricultural and landscape policies.

The proposed building is both visually and physically isolated from existing building groups in the landscape and expressly conflicting with policy and would be visually prominent when viewed from the public highway and in one of Dartmoor's iconic views towards Widecombe from the east. The proposed development fails to conserve the character and appearance of this part of the Dartmoor National Park landscape and is recommended for refusal.

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# 0393/19 - Barytes Farm, Bridford



Scale 1:1,250



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4. Application No: **0393/19** District/Borough: **Teignbridge District**  
Application Type: **Outline Planning Permission** Parish: **Bridford**  
Grid Ref: **SX829865** Officer: **Ben Gilpin**

Proposal: **Erection of rural worker's dwelling**

Location: **Barytes Farm, Bridford**

Applicant: **Mr & Mrs J Gallagher**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposal is in an area where the Authority would only permit a new dwelling in exceptional circumstances. The applicant has provided insufficient information to demonstrate that there is an existing functional need for a worker to be readily available at all times to meet the proven needs of an established and profitable rural based business. The proposal is therefore contrary to policies COR2, COR15 and DMD23 of the Development Plan and to advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2019.

### **Introduction**

The site is contained within a small former quarry approximately 1.4km to the east of Bridford village. The site is accessed from the highway to the south, and hosts 1 x stable block and 1 large agricultural building (part enclosed). The site is enclosed on three sides by high quarry faces (now self-seeded) and a 2m high post and lap fence along the southern boundary.

The applicant has identified this site as being part of a wider holding of associated land that is circa 8.4ha.

This application is presented to Members in view of the comments received from the Parish Council.

### **Planning History**

0089/09	Agricultural building (122.6sqm)		
	Full Planning Permission	Grant Conditionally	20 July 2009
05/36/3759/89	2 Loose boxes for horses, retain and use existing buildings and change of use of quarry to pony paddock.		
	Full Planning Permission	Grant Conditionally	07 February 1990

### **Consultations**

Environment Agency:	Flood Zone 1 - Standing Advice applies
Teignbridge District Council (EHO):	This site and nearby land may have been subject to a former use which may have resulted in soil and groundwater contamination. It may be appropriate to make any planning consent subject to the following planning conditions

i. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

ii. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

iii. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

iv. 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



County EEC Directorate: approved, in writing, by the local planning authority.  
DNP - Ecology & Wildlife Conservation: No objection - Standing Advice applies  
No ecology issues. The erection of a rural workers dwelling is unlikely to have any significant biodiversity impact. No objection on ecology grounds

### **Parish/Town Council Comments**

Bridford PC: The PC support the application.

This is an unusual application insofar as it is for the erection of a dwelling outside Bridford's settlement boundary and is not on a site previously identified for development but in our opinion this is a rare occasion where an exception should be considered.

The applicants have a fencing business which has been trading for more than ten years. The business is highly regarded among the local farming community and has become indispensable to farmers with livestock who elect to contract out their fencing needs to a specialist, as is evidenced by the number of letters of support.

The PC understand that the proposed site has long been owned by the family of Mrs Gallagher. The site is in a bowl inset into a hillside which was formed long ago by quarrying operations for Barytes. This is therefore a brownfield site which we assume would have contained some industrial structures relating to the quarrying operations but which now contains some structures relating to the fencing business.

The applicants have been the victims of rural crime and are aware of similar businesses also having been victims of crime, which has led them to store some of their plant and equipment on a farm on which the farmer is resident which they feel is more secure. Furthermore all of their administrative work has to be performed offsite in their modest home in the village. So the proposal would not only make the applicants feel that their plant and equipment was more secure but would also produce various commercial efficiencies.

If the applicant was an essential rural worker on a single farm there would be little controversy about the erection of a dwelling for him and his family and in our opinion should be no more controversial if he is an essential rural contractor to multiple farms.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs  
COR2 - Settlement Strategies  
COR3 - Protection of Dartmoor's special environmental qualities  
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  
DMD23 - Residential development outside Local Centres and Rural Settlements  
DMD4 - Protecting local amenity  
DMD40 - Parking provision - Residential  
DMD5 - National Park Landscape  
DMD7 - Dartmoor's built environment

### **Representations**

16 letters of support

Support

- Rural sector worker who caters for the local farming community. A new dwelling would help him expand his business.
- Supportive of local business
- Good fencing contractor good location to store fencing materials. New dwelling required for security.
- Will not impinge on any neighbours or views. Easy access for commercial business use.
- Worker who provides a service to the local community should be allowed to live near place of work
- No other obvious use for this piece of land

### **Observations**

#### **INTRODUCTION**

The outline planning application seeks permission for the erection of a permanent rural worker's dwelling. The application seeks to establish the principle of development at the site, together with access, layout and scale. The appearance and landscaping are Reserved Matters.

The accommodation proposed would be a single storey building measuring 21m long x 4m wide with a ridge height of 5.4m/eaves height of 3m.

The access to the site would be as existing, which is to the north eastern corner of the site. The position of the building on site would be to the centre of the site, with the various sheds to the east and north, with domestic garden to the west.

The land identified for the building (house) is currently grassed/part laid to permeable hardcore and is used as a store for numerous vehicles (machinery; trailers etc.) and materials associated with the applicants fencing/gate business (the site is used for the manufacturing of fences and gates and storage of gates and fences before installation on land at their clients' locations). From available records (accounts as submitted) farming ceased to be part of the business in the 2010/11 tax year.

The site is well enclosed on three sides (north, east and west) by the elevated and now vegetated cliff walls of the redundant quarry). To the south is a solid 2m high fence that fronts the minor highway.

The site is in open countryside, circa 1.4km to the east of the village of Bridford.

The nearest residential property to the site is approximately 100m to the south west.

The proposed dwelling is intended to provide accommodation for the applicant and family, in association with the business on site. The business trades as 'Devon Boundary Consultants'.

It is suggested the provision of the dwelling on site is primarily to provide on-site security against theft of machinery associated with the applicant's business. This business is considered to be a B2/B8 Use Class (being manufacturing and storage), as opposed to a Sui Generis Agricultural (or Forestry) Use.

The applicant has suggested the use on site is for 'Agroforestry' purposes. For clarity, Agroforestry is defined as 'agriculture incorporating the cultivation of trees'. As identified above the site is for manufacturing and the storage of 'made' products prior to despatch and installation on the sites of clients, and not agroforestry.

## AUTHORISED USE OF THE SITE

The site has no current planning permission for the B2/B8 Use currently being undertaken at the site.

The existing buildings on site result from the following planning permissions:

05/36/3759/89 – 2 loose boxes for horses; retain & use existing buildings and change of use of quarry to pony paddock (retrospective).

0089/09 – Agricultural building (122.6sqm).

## PRINCIPLE

Despite its name, the land does not form part of a farm. The applicant has confirmed in his application that it does not form part of a wider agricultural holding. It may be therefore fair to suggest the site has an authorised mixed use for equestrian and agricultural purposes only at this point in time. The status of the current unauthorised use is not clear. It would be for the applicant to establish this by means of a Certificate of Lawful Use if required.

The role of Planning within the National Park is to ensure developments protect the economic and social well-being of local communities, but only if they conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

The site is located within open countryside where planning policy seeks to strictly control new residential development unless there is a proven need for an rural worker to be present on site. The main issue for consideration is therefore the principle of the development and whether the application site is able to satisfy the policy requirements for a dwelling to be situated on the site.

Paragraph 78 of the Revised National Planning Policy Framework (2019) states that new sustainable dwellings in the countryside should be located where it will enhance or maintain the vitality of rural communities where there are opportunities for villages to thrive and grow especially where this will support local services. Where there are groups of smaller settlements the development may support services in a village nearby.

Paragraph 79, advise that development of isolated homes in the countryside should be avoided unless;

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure future of heritage assets;
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;
- d) The development would involve the subdivision of an existing residential dwelling; or
- e) The design is of exceptional quality, that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural area; and
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

In addition to the above, and critical to deliberations are the criteria listed in policy DMD23 of the Development Plan. It reads:

Outside the Local Centres and Rural Settlements, planning permission for a dwelling will only be granted where:

- (a) it is required for an agricultural holding, a forestry enterprise or a rural-based business; or
- (b) the proposal comprises the conversion of an existing building to an affordable dwelling and the conversion is compliant with Policy DMD9; or
- (c) the proposal comprises low impact residential development and is compliant with Policy DMD30.

Where a new building is proposed, the following criteria should be satisfied:

- (i) there is no satisfactory existing building that could be converted to provide the accommodation;
- (ii) there is a clearly established existing functional need for a worker to be readily available at most times;
- (iii) the accommodation need relates to a full-time worker or one solely or mainly employed on the holding or enterprise;
- (iv) the holding or rural-based business enterprise has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so;
- (v) the need for permanent accommodation cannot be met by another suitable and available dwelling on the holding or unit or in the locality;
- (vi) the building should be on a scale appropriate to the functional requirement of the holding or rural based business and sited such that it does not cause harm to the character and appearance of the site or the landscape character of the area. A site adjacent to existing buildings will generally be regarded as the most appropriate.

In addition, COR15 of the Dartmoor Core Strategy is relevant. It states, in its final paragraph that:

Outside Local Centres and Rural Settlements, housing development will be restricted to that serving the proven needs of agriculture and forestry or other essential rural businesses, or through the appropriate conversion of rural buildings to meet identified local needs for affordable housing.

For the application to be supported in principle it would need to accord with sub-section (a), (b) or (c), and all of points (i)-(vi) of Policy DMD23.

In this instance the proposal could possibly be deemed one that accords with Sub-Section (a) of DMD23 (only in relation to the 'rural-based business' and this is subject to clarification of the definition).

In addition, it is considered the proposed development could demonstrate accordance with Sub-sections (i), (iii) and (vi) of DMD23.

However, to be acceptable, the proposal will also need to demonstrate clear accordance with sub-sections (ii), (iv) and (v) of DMD23.

There are three main issues:

In the first instance, whether the site benefits from planning permission to operate as a B2/B8 manufacturing / storage use (the current use). The permitted use is clearly Sui Generis Agricultural / mixed use as evidenced in the sites' planning history.

Secondly, it is questionable whether there is a functional need for a worker to be readily available at most times, related to the site business and associated farming activities.

Thirdly, whether permanent accommodation cannot be met by another available dwelling on the holding or unit or in the locality.

In respect of each point the following should be considered.

Does the site and its use qualify as a rural based business?

Putting aside the legality of the present use, it is accepted that the use is a business based in a rural area. That however, does not equate to being a rural-based business.

The pretext to Policy DMD23, in paragraph 2.19.22 of the Dartmoor DMD Plan provides clarity. It reads:

However, the National Park is a living and working landscape and some people will need to live in the countryside to run agricultural, forestry and certain other rural-based businesses. With regard to the last category, such businesses (e.g. horse racing or livery stables) must demonstrate that the operational demands of the enterprise require workers to be in close and ready proximity.

The intent of the Policy is one that is aimed at the husbandry or care of livestock or animals (or equivalent high dependency activity), that require space and / or access to grazing that could

not be secured in a more urban setting.

The suggestion that the use of the site for the manufacture of gates and fencing is one that has to be carried out solely in a rural location is questionable.

The evidence provided by the applicant / agent identifies the location of clients that do appear to be wholly located in rural areas. However, the work carried out on the site at present is not one that has to be in this location.

The type of work and nature of the business is one that could legitimately be carried out in an established B2/B8 industrial unit, and as the location of the applicants clients' are varied, the location of the business could reasonably be located in such a purpose built unit.

In essence the business could operate anywhere and still provide for the clients identified. The business does not have to be in a rural location to be able to provide the goods and services to rural customers as the business is not reliant on something that is provided from the land, just that it uses the current site for this purpose.

Is there a functional need for a worker to be readily available at most times?

It is clear from the evidence produced that the sites' use at present is for the manufacture of gates and fences, their storage, and distribution to sites for installation.

Once manufacturing is finished for the day, the processes involved do not require the regular attendance and work that animal husbandry might necessitate (see 'pretext' to Policy DMD23), that in turn could justify the support for a rural workers dwelling in an open countryside location. There is no justification based on the need to manage livestock on the associated land.

As a consequence there is clearly no established existing functional need for a worker to be readily available at most times at the site. As such the proposal would fail against DMD23 (ii).

Can the need for permanent accommodation not be met by another suitable and available dwelling on the holding or unit or in the locality?

It is suggested that the distance between the applicant's existing residence to the site is too distant to enable proper site management (site security) and hence the need for the on-site property. The issue of site security, and if this meets the expected levels of justification, is detailed below.

On the point of proximity however, the 'holding' is in essence the floor of the now redundant quarry. The site hosts a three bay stable block, and enclosed large agricultural building, and an attached open fronted agricultural building. None of these three structures are considered suitable, qualify or are available for use as a dwelling on site.

In relation to dwellings in the locality it is stated that the applicants reside at Moreton Terrace in the village of Bridford. This is 1.4km (direct) or 2.1km by road. This is approximately 4 minutes distant from the site (source: [www.theaa.com](http://www.theaa.com)).

In this instance, consideration of case history is appropriate to establish what qualifies as 'within the locality'. For example in Appeal Ref: APP/D3315/W/19/3223097 (appeal against a refusal by Somerset West and Taunton Council for the erection of temporary farm worker's

accommodation) the Inspector stated, in relation to the functional need to be on site that 'any functional need can be addressed by existing accommodation in the local area, as is currently the case'. The Appellant stated they lived approx 2 miles from the site. On this point the Planning Inspector stated that:

"The appellant states that he lives about two miles from the farm, in a rented cottage.

This is not a long distance and the drive between the cottage and site would take no significant amount of time."

The applicant's already live in close proximity to the site. There are also permanent residential opportunities in the area, suitably close to the site to provide for the family, without the need for the erection of the dwelling on site that would be in open countryside.

## SECURITY AND NEED FOR ON SITE PRESENCE

It is suggested that the real need for a presence on site is for the protection of machinery associated with the business.

The issue of crime in rural areas is one that is not belittled as it is evident that it does happen. However, the adopted policy in the Development Plan does not support the provision of isolated dwellings in open countryside to facilitate the protection of equipment.

Security could be achieved by improved vehicle housing, insurance, boundary protection to the use, as well as improved digital surveillance / infra-red lighting etc.

At present these options do not appear to have been considered by the applicant in relation to securing the business and its assets. The need for security is not an issue which overrides policy in this case.

In light of the above the proposal is not considered to meet the criteria of Policy DMD23, sub-sections (i), (iii), and (vi) and as such cannot be supported in principle.

## SUSTAINABILITY

When considering development proposals, the Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It could be argued that the provision of a dwelling at the applicant's place of work would reduce the number of vehicle movements associated with the operation currently undertaken at the site.

Conversely however, the provision of a family home in an isolated location would necessitate vehicle movements to and from the location associated with domestic activities (school run, shopping, visit to services, Doctors etc.).

In addition, the delivery of raw materials to the site, and then the distribution of made products from the site would continue.

The above movements to and from the site would nullify any benefits that could be derived from being on site in this respect.

## HIGHWAYS

In relation to highways, there are no objections to the principle of this development. Due to the direction and angle of travel from the site it is only possible to turn left from the site.

However, with lines of sight being approx 50m in both directions, and with the nature of the road restricting vehicle speeds to a maximum of 30mph (although the road is technically derestricted) it is considered the access as proposed is acceptable from a highway safety perspective.

## CONCLUSIONS

Unfortunately, there is insufficient evidence submitted to give substantial weight to the need for a new dwelling to be located at this site in connection with the current use of the site. The fact that the B2/B8 Use is not considered to be a rural-based business, and that the applicants have accommodation locally, and no robust evidence has been submitted justifying the functional need for a worker to be readily available at the site at most times, are all matters that are contrary to policy.

It is concluded from the information submitted that the use of the site for manufacturing/distribution is unlikely to necessitate on-site presence and pass the functional test. It is considered security at the site could be achieved by external monitoring and improved on-site security measures. While the business has been planned on a sound financial basis, the business is not one that necessitates a rural location and as such the provision of a permanent dwelling in association with the business is not supported by the Development Plan.

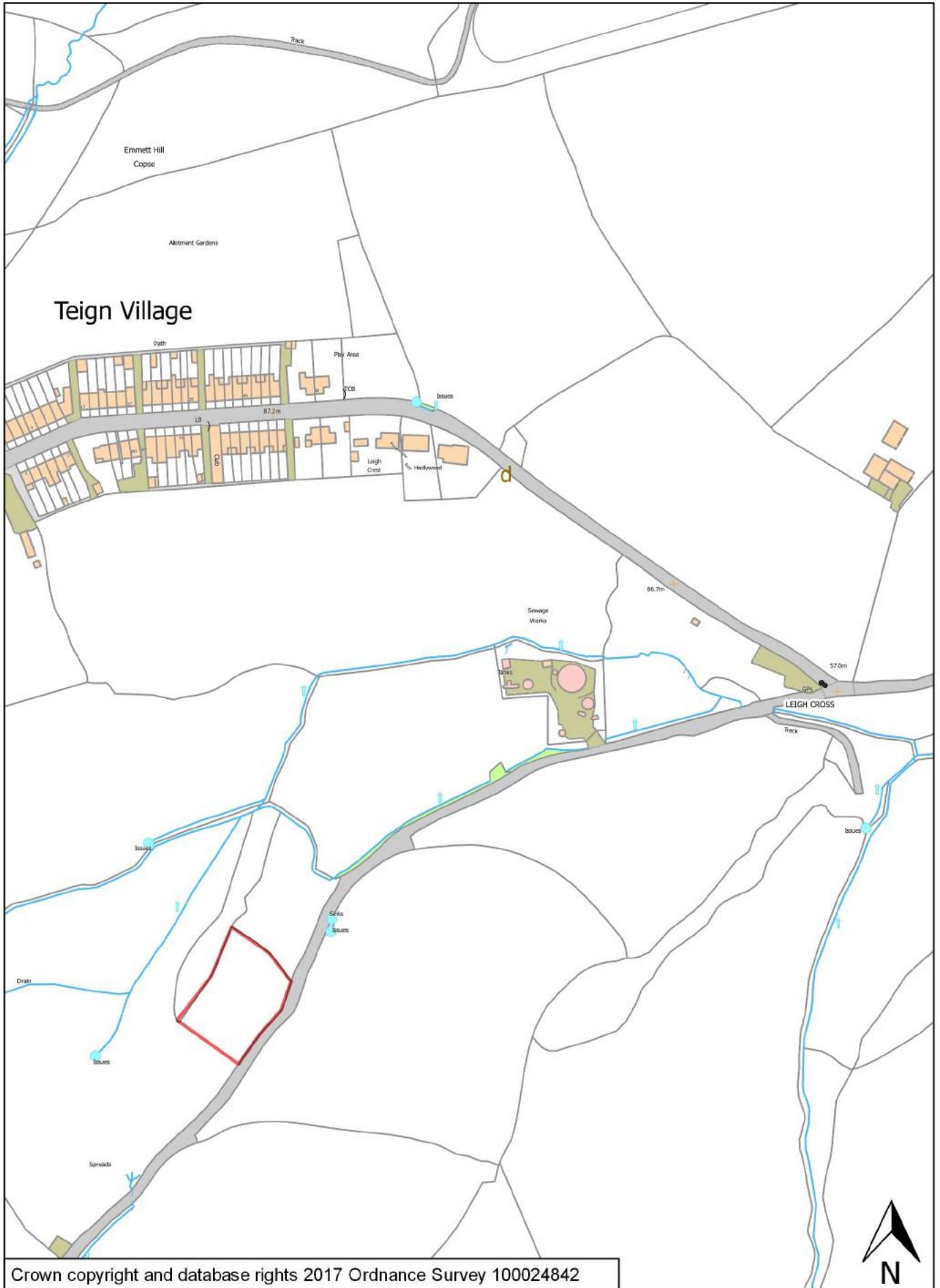
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# 0422/19 - Land at Teign Village



Scale 1:2,570



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5. Application No: **0422/19** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Hennock**  
Grid Ref: **SX838807** Officer: **Louise Barattini**

Proposal: **Erection of livestock building (13.5x9m) and creation of access**

Location: **Land South of Teign Village**

Applicant: **Mr D Wombwell**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed building fails to relate well to other building groups and by reason of its siting and layout would have a harmful impact on the character and visual appearance of this part of the National Park contrary to policies COR1, COR3, COR4, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan, to the advice contained in the English National Parks and the Broads UK Government Vision 2010 and the National Planning Policy Framework 2019.

### **Introduction**

The application relates to a pastoral field flanking the highway set within a rolling agricultural landscape to the south of Teign Village.

It is proposed to erect a livestock barn with associated new access, ground works, track and yard. The applicant's land ownership extends to approximately just over 7ha.

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

### **Planning History**

0166/18	Erection of barn and creation of new access		
	Full Planning Permission	Refused	18 June 2018
0596/17	Erection of agricultural barn		
	Full Planning Permission	Refused	29 January 2018

### **Consultations**

Environment Agency: No objection - flood zone 1 standing advice  
Teignbridge District Council: Does not wish to comment  
County EEC Directorate: There are no objections in principle from a highway point of view to the proposed development and new access, subject to the provision of suitable visibility splays at the access point. The plans need to be amended and detailed to show the provision of visibility splays of 2.4m x 25m in both directions from the access with no vertical obstructions greater than 600mm in height within that splay. To the north-east (down the hill) this will only require the visibility splay to be drawn to the horizontal tangent point of the bend.

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.

### **Parish/Town Council Comments**

Hennock PC: Support - the landscape impact is considered acceptable and the Parish Council has supported the previous two applications, the latter of which was very similar in size.

### **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

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

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD34 - Agricultural and forestry

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

### **Representations**

None to date.

### **Observations**

#### **PLANNING HISTORY**

Two previous planning applications have been submitted for an agricultural building on this site.

An application for a 18.5m x 13m (6.9m high) building was refused under application 0596/17 on the grounds that the building failed to relate well to other building groups and that its form was poorly related to its function and its scale, form and siting harmful to the character and visual appearance of this part of the National Park.

A subsequent application for a 12.2m by 9.1m (6m high) building was refused on the same

grounds under planning reference 0166/18 at the Development Management Committee on the 15 June 2018.

## PROPOSED APPLICATION

A new application has been submitted on a very similar siting for a 13.5m x 9m building, measuring 5m high. The building would be located a small distance further to the west and involves excavation of levels in this corner by approximately 1m and grading out across the proposed yard area in front. An access into the field is proposed in the same siting as the previous applications and this proposal incorporates a more substantial stone apron around the building than previous submissions.

No pre-application advice was sought prior to the submission of this application.

The difference between this application and the previous refusal relates principally to the size of the building (which has been increased in footprint but reduced in height), the design which is now more typical of a livestock building, an increased concrete yard area and small modification to siting with associated excavation works to the seat the building onto a level platform.

## POLICY CONSIDERATIONS & ASSESSMENT

### ISOLATED LOCATION

Agricultural development has strong potential to impact the special qualities of the National Park as it typically takes place outside of designated settlements in the open countryside which has great landscape value and are consequently more sensitive to change/development.

All development in the National Park has potential to have an impact on landscape character and appearance. This impact is weighed against the justification for development and the nature of that impact.

The National Parks Circular makes clear that the Authority's primary responsibility is to deliver their statutory purposes. The first purpose of the National Park is one of conserving and enhancing its natural beauty. This is reflected in policy DMD1b of the Local Plan.

Policies COR1, COR3, COR4, DMD1b and DMD5 require new development to demonstrate the conservation and/or enhancement of the character and special qualities of the Dartmoor National Park landscape, having regard to scale, layout, design and materials. Policy DMD34 provides a list of explicit criteria that new agricultural development needs to satisfy.

The Dartmoor National Park Design Guide specifies that new agricultural buildings should be well designed, of good quality, functional and thoughtfully sited in the landscape.

The Development Plan does not provide a hierarchy of landscapes within the National Park. Dartmoor's special qualities are enriched by the mix of landscape character types that weave across the National Park. A Planning Inspector, in the determining an appeal within the Parish of Hennock, remarked that the local landscape is not any less valued and that development is not more acceptable because of screening that local landform may offer compared to a more exposed open moorland location (ref: APP/09497/A/14/2218992).

The site is within the Dartmoor Landscape Character Type '3A Upper Farmed and Wooded

Valley Slopes'. The building is to be located in enclosed pastoral land which has an intimate character. The land immediately around the site is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. There are few isolated buildings in this landscape. Winding lanes bounded by high hedges thread across the landscape.

The proposed building would be isolated from existing building groups and would be visually prominent when viewed from the public highway with the newly proposed access and hardstanding leading directly to the building; it therefore clearly conflicts with policy DMD34 (ii).

There have been recent permissions for new agricultural buildings in the vicinity; however, these are set in a different context. The consent granted for a farm building immediately to the east of the ribbon of housing development at Teign Village was closely associated with this existing building group (ref: 0095/17). Permission for a very small agricultural building on the triangular parcel of land to the north east is sited adjacent to the sewage works compound and viewed against the backdrop of rising ground and ribbon development of housing at Teign Village (ref: 0352/17).

This proposal however, is both visually and physically isolated from existing building groups in the landscape; this conflicts with policy DMD34 (ii) which requires new farm buildings to relate well to other building groups. The development of a new building in this setting would be harmful to the character and appearance of this part of the Dartmoor National Park landscape contrary to policies DMD1b, COR3, COR4 and DMD5.

## DESIGN & FUNCTION OF THE BUILDING

Concerns had been raised on the previous applications regarding the proposed use of the building and whether the scale and form was well related to its function and whether there was a demonstrable need that is proportionate to the use of the land in line with policy DMD34 (i) & (iv).

The applicant is understood to be a mechanic approaching retirement. During pre-application discussions related to the previous applications, his agent advised that the building was for the storage of vintage tractors. The last application was supported with a statement from the applicant advising that his 'ultimate aim is to bring the quality of land up to a standard to allow it to be used for suckling calves'. There was no livestock on the land at the time of the officer's visit under the previous application. Furthermore, the previous building was not typically designed for the accommodation of livestock and not typical of Dartmoor's farm buildings.

This revised building is clearly designed for agricultural purposes and the supporting statement explains its purpose for the winter housing, and calving, of the cattle which are currently kept on this 19acre/7.7ha holding. The building is also stated to be designed for hay storage.

## HIGHWAY SAFETY

There is an existing highway access into the applicant's land to the south west of the application site.

The Highway Officer has requested that the plans are modified to show visibility splays of 2.4m x 25m in each direction. He has clarified that the visibility splays can be achieved and indeed are achieved at the current low managed height of the hedges. The visibility splay plan is requested by the Highways Officer so that if the application is approved he can recommend a

condition to require the visibility splay to remain free from obstruction over 600m in height.

## CONCLUSION

Applications for new isolated agricultural buildings on smallholdings often present difficulties in respect of Dartmoor National Park's agricultural and landscape policies.

The application has not fully addressed the reasons for the previous two refusals for an agricultural building on this site.

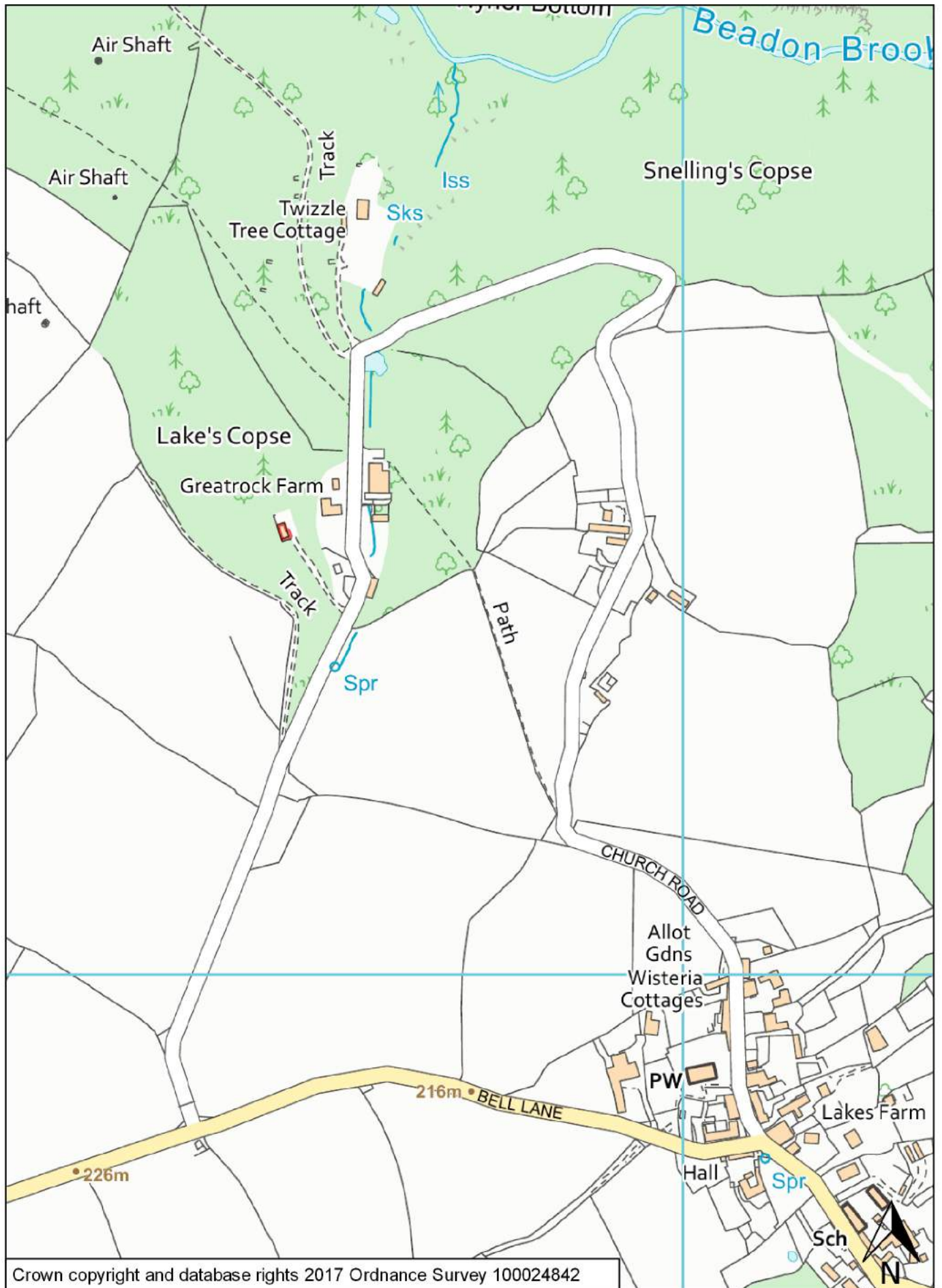
Whilst the design of the building is now improved, and better related to its agricultural function, the proposed building is still both visually and physically isolated from existing building groups in the landscape, expressly conflicting with policy and would be visually prominent when viewed from the public highway with the newly proposed access and hardstanding. The proposed development fails to conserve the character and appearance of this part of the Dartmoor National Park landscape and is recommended for refusal.

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# 0406/19 - Great Rock Farm, Hennock



Scale 1:4,000



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6. Application No: **0406/19** District/Borough: **Teignbridge District**  
 Application Type: **Full Planning Permission - Householder** Parish: **Hennock**  
 Grid Ref: **SX826813** Officer: **Louise Barattini**  
 Proposal: **Siting of Shepherd's Hut as holiday let**  
 Location: **Great Rock Farm, Bell Lane, Hennock**  
 Applicant: **Mr & Mrs K Breame**

Recommendation **That permission be REFUSED**

**Reason(s) for Refusal**

1. The proposal would result in a new unit of holiday accommodation situated outside of a recognised settlement which fails to meet any of the identified exemptions for this type of development, contrary to policy DMD44 of the Dartmoor National Park Development Plan.
2. The proposed shepherd's hut, by virtue of its design and siting, would fail to conserve or enhance the character and appearance of this part of the Dartmoor National Park contrary to policies COR1, COR3, COR4, DMD1b, DMD3, DMD5 and DMD7 of the Dartmoor National Park Development Plan, and to Government advice contained in the National Planning Policy Framework 2019 and the English National Parks and the Broads UK Government Vision and Circular 2010.

**Introduction**

Great Rock Farm is situated on the outskirts of Hennock within a wooded valley. The applicant has 3 holiday lets and a residence at this address; there is not understood to be any farming activity on site.

The application proposes the siting of a shepherd's hut for use as a holiday let.

The application is before Members due to the comments received from the Parish Council.

**Planning History**

0158/14	The use of land for the stationing of two caravans for holiday purposes and the temporary use of one of those caravans as a self-contained annexe	Full Planning Permission	Refused	07 May 2014
		Appeal lodged: 16 May 14	Result: Dismissed	
05/21/0434/77	Private family dwelling house on farm of 54 acres	Full Planning Permission	Grant Conditionally	01 April 1977

**Consultations**

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	No objection - flood zone 1 standing advice
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 also contrary to DMD5 because the location, site layout, scale and design do not conserve/and or enhances what is special or locally distinctive about the landscape character, the isolated structures and their design do not reflect the nucleated vernacular farmsteads found in this part of Dartmoor.

### **Parish/Town Council Comments**

Hennock PC: Support - it is increasing the critical mass of an established business with minimal impact on the environment and landscape

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR18 - Providing for sustainable economic growth  
COR19 - Dealing with proposals for tourism development  
COR2 - Settlement Strategies  
COR3 - Protection of Dartmoor's special environmental qualities  
COR4 - Design and sustainable development principles  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD3 - Sustaining the quality of places in Dartmoor National Park  
DMD4 - Protecting local amenity  
DMD44 - Tourist accommodation  
DMD5 - National Park Landscape  
DMD7 - Dartmoor's built environment

### **Representations**

1 letter of support

The development is in keeping with the surroundings and will blend in well with the woodland and cannot be seen from our property or the public footpath/highway and will have no impact on walkers or other passers by. The guests at Greatrock Farm contribute to the local economy by visiting the village pub and other nearby amenities and this is just the sort of development we need to enhance our community. Our neighbours have already made significant investment towards making this local business a success and improving the appearance of their property in sympathy with the natural woodland environment.

### **Observations**

PLANNING BACKGROUND

Retrospective planning permission was refused for two large standard mobile homes at Great Rock Farm in March 2014 (ref: 0158/14) and subsequently dismissed at appeal in February 2015. The associated appeals against the enforcement notices were also dismissed at appeal and these structures were consequently removed from the site.

In dismissing the planning appeal the inspector had regard to (i) the principle of the development and (ii), the impact on the character and appearance of this part of the Dartmoor National Park. He observed that their the proposal did not fall within the strict criteria of Policy DMD44 which only allows specified tourism accommodation and therefore the principle of the holiday accommodation was not accepted.

Furthermore he concluded that the two large standard mobile homes typical of those found on caravan parks, and their extensive suburban back garden decking areas, have a domestic appearance incongruous with the quality and beauty of the natural surroundings. In particular, he observed that the caravan located at the top of a slope on higher ground overlooking the farm was particularly prominent and harmful to the character and appearance of the area. It was acknowledged that there is the main house which has holiday lets within it, a barn and a detached holiday unit. Nevertheless, adding to this group of development by the wholly inappropriate appearance of the caravans and their associated works would not conserve the landscape. The appeal schemes would not meet the environmental role of sustainable development.

In summing up the Inspector explained that due to the harm identified the two caravans were not appropriate sustainable development based on the intrinsic qualities of the National Park. Also, the conservation and enhancement of the National Park's natural beauty, wildlife and cultural heritage must be given priority over other considerations in the determination of development proposals.

The previous owners have moved on and the current owners are seeking planning permission for a shepherds hut in the elevated location at the top of the slope - a similar position to the previous application.

There has been no change in policy since the previous planning application and appeal decision and the application is assessed against the same fundamental policy tests alongside any other material considerations.

## PRINCIPLE OF DEVELOPMENT

With regard to the principal of development, this remains the same as the previous application which was tested at appeal and found not to comply with policy.

Only justified new development is permitted in the open countryside of the National Park for the purposes of achieving sustainable development and protected National Park purposes which are set out in statute and enshrined in planning policy. All new development in the National Park has potential to impact on the special qualities of the National Park, especially development outside of developed settlement boundaries in the open countryside. This impact is weighed against the justification for new development and the nature of that impact.

Paragraph 2.23.7 clearly states that the provision of newly built holiday flats and cottages amounts to the development of new dwellings for which there is no overriding justification. While as a result there may be marginal improvements which would benefit the local economy, the effect on the countryside and built environment will usually outweigh those benefits. This

sets out the rationale for the tight controls over holiday accommodation within the National Park.

Policy DMD44 restricts the development of new holiday accommodation to the conversion of existing buildings, which when read in conjunction with other policies in the Local Plan and para. 2.23.8, makes expressly clear that this relates to traditional buildings only. Therefore, the exceptional permission for a new unit of self-catering accommodation of this type is balanced by the conservation of a building which contributes positively to the cultural heritage and scenic beauty of the National Park.

The only exception to this is the conversion of other non-traditional buildings in the case of farm diversification. Great Rock is not a commercial farm.

This proposal does not involve the replacement of substandard holiday units leading to an improvement in the character and appearance of the locality or works to existing caravan, chalet or lodge sites to reduce adverse environmental impact.

The application proposes a new self-catering holiday unit, not a conversion, and clearly fails to meet the specific circumstances in which holiday accommodation is permitted within the National Park. The principal of this proposal is therefore explicitly contrary to policy DMD44.

## DESIGN & IMPACT ON THE CHARACTER AND APPEARANCE OF THIS PART OF THE NATIONAL PARK

Great Rock Farm is in a relatively secluded location at the end of a long access road towards the bottom of a valley that has steep wooded slopes. The inspector in his consideration of the 2015 appeal rightly concluded that this setting does not mean that the local landscape is any less valued or that development in this location would be more acceptable because of the screening the local landform may offer compared to if it was located on more exposed open moorland for example. He went on to explain that this is because National Parks have the highest status of protection in relation to their landscape and scenic beauty which applies across the whole park area irrespective of variations in the landscape. Moreover, valued attributes identified in The Landscape Character Assessment for Dartmoor National Park for this type of landscape are its function between developed areas and the wild moorland core of the National Park and its human scale, evoking a sense of calm and history.

The land immediately around the site and to the north is mixed woodland. The land to the south is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Small linear mixed woodlands are a feature of this landscape. Narrow winding lanes enclosed by high banks are also a feature of this landscape. Old mining remains are found along the valley systems. There is a dispersed settlement pattern which is characterised by individual nucleated farmsteads of local stone, slate, thatch and colourwash nestled into the folded landform.

There are public rights of way crossing this intimate wooded valley. The development will have minimal visual impact from these public vantage points, although it may have greater impact from the footpath if or when the conifer plantation growing along the hillside is felled. The proposed development will, however, be clearly visible by those persons staying in holiday accommodation at Great Rock Farm.

Whilst the proposed holiday unit is arguably smaller than the previous chalet style unit applied

for, it nonetheless fails to demonstrate the principal tests for the conservation and enhancement of the character and appearance of the National Park. As explained above, all new development in the National Park has potential to impact on the special qualities of the National Park, especially development outside of developed settlement boundaries in the open countryside. This impact is weighed against the justification for new development and the nature of that impact.

Firstly, the inspector made quite clear conclusions about the intrusive potential of development on this isolated and elevated site. He explained that the caravan located in position 'X' at the top of a slope on higher ground overlooking the farm ( the same site as this application) is particularly prominent and harmful to the character and appearance of the area. It is acknowledged that there is the main house which has holiday lets within it, a barn and a detached holiday unit. Nevertheless, adding to this group of development by the wholly inappropriate appearance of the caravans and their associated works would not conserve the landscape.

Indeed, what is particularly notable about this site is that it is elevated, and physically isolated away from the existing building groups which are in the settled lower land in this small valley. Any development on this site has potential to disperse development up the more exposed valley side, away from the main cluster/building group, and harm the character and appearance of this part of the National Park. It will not reflect the building pattern in this part of Dartmoor which is classified under Landscape Character Type - 3A Upper Farmed and Wooded Slopes. In this landscape there is a dispersed settlement pattern which is characterised by individual nucleated farmsteads nestled into the folded landform. Policy DMD5 gives great weight to the impact of new development on Dartmoor's landscape character.

The site is situated on an elevated levelled plateau with open views across the valley. There is an existing summerhouse building adjacent to the site, tucked further into the northern corner, this structure appears on the aerial photos as being contemporary with the previous mobile home/caravan on the land (subject of the previous appeal). Officers are unable to find any planning permission for this structure.

What is clear is that the development of a self-contained holiday unit will have a greater impact than a modest domestic outbuilding. It will have associated overspill curtilage/sitting out area, parking, the activity (noise and lights (internal and external)) from the site in conjunction with its use as night and day holiday accommodation and the associated comings and goings of occupiers.

Bringing forward high quality, sympathetic and well informed design is vital to the achievement of National Park Purposes and the policies contained within the Local Plan. Planning policies COR1, COR4 and DMD7 set out the requirement for new development on Dartmoor to provide high quality locally distinctive design that reinforces local building traditions and Dartmoor's sense of place. Policies DMD1b, COR1 and COR4 are concerned with the conservation and enhancement of the National Park, which is afforded the highest level of protection within the NPPF and policies COR3 and DMD5 deal specifically with protecting the character and appearance of Dartmoor's landscape.

The Design Guide provides further advice to support local policy. Policy DMD7 requires new development to reflect the principles set out in the Design Guide.

Residential caravans are not a traditional building type on Dartmoor and typically fail to

demonstrate high quality, locally distinctive design that reinforces Dartmoor's sense of place and local building tradition. Hence the Local Plan specifically has a policy which states that the permanent siting of residential caravans will not be permitted.

The proposed shepherd's hut has a rather fussy domesticated character at odds with the more simple form of Dartmoor's rural buildings. Historic shepherds huts are typically much plainer and less ornate in their appearance and if they did occur on Dartmoor in the past (although this is questionable), they would have been associated with farmed livestock land and utilised for a temporary period during livestock calving/lambing seasons and hence would have only been a temporary feature of the landscape and within a specific agricultural context. This is in clear contrast to the permission being sought here.

## OTHER MATTERS

Given the scale of the holiday accommodation sought and the access roads leading to the site, the proposal is not considered to have a detrimental impact on highway safety in conflict with policy COR21.

The proposal will not impact adversely on protected species or neighbour amenity having regard to the location and nature of the development.

## CONCLUSION

This application fails to satisfactorily address the reasons for the dismissed appeal referred to above.

Officers recognise the positive benefits of tourism spending in the local economy and sympathise with the support received from the Parish Council and the adjacent neighbour, however, the principal of new holiday accommodation here still fails to meet the specific exception tests within policy DMD44 and the proposal, by reason of its design and siting would fail to conserve or enhance the character and appearance of this part of the Dartmoor National Park.

The application is therefore recommended for refusal.

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7. Application No: **0354/19** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Throwleigh**  
Grid Ref: **SX668908** Officer: **Ben Gilpin**

Proposal: **Removal of 4.4m of stone wall to widen existing access and hang wooden gates on granite posts**

Location: **2 Tolmen, Throwleigh**

Applicant: **Mr P Wilson**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed removal of part of an historic granite wall, to create a 4.4m wide gateway, would harm the character, appearance and significance of the Throwleigh Conservation Area. The wall is a key defining feature of the Conservation Area and as such the proposal to remove a section of it, and to reduce the height of the remaining bank to comply with highway visibility requirements, would be contrary to policies COR1, COR2, COR3, COR4, COR5, DMD1a, DMD1b, DMD7, DMD12 and DMD38 of the Dartmoor National Park Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision 2010 and the National Planning Policy Framework 2019.

### **Introduction**

The site is an historic looking wall that forms the boundary of the curtilage to 2 Tolmen. The wall is made of large granite 'boulders', topped with soil/vegetation.

The application seeks permission to remove 4.4m of stone wall to provide a vehicle access. The application is presented to the Committee as a result of the Parish Council view.

### **Planning History**

3/28/134/96/03	Single storey kitchen/dining extension incorporating back porch	Full Planning Permission	Grant Unconditionally	05 August 1996
3/28/258/95/03	Extension to existing garage	Full Planning Permission	Grant Unconditionally	06 February 1996
3/28/236/93/03	Single storey bedroom and en-suite extension	Full Planning Permission	Grant Conditionally	16 December 1993
3/28/004/93/03	Car port	Full Planning Permission	Refused	05 March 1993
	Appeal lodged: 28 July 93		Result: Dismissed	
3/28/040/92/03	Single garage	Full Planning Permission	Grant Conditionally	27 July 1992

### **Consultations**

West Devon Borough Council: Does not wish to comment

County EEC Directorate: From a highway safety point of view there are no objections in principle to the formation of the access as shown on the

plans. It is important, however, to ensure that adequate visibility is provided from and of emerging vehicles commensurate with the speed of those approaching vehicles. Although vehicle speeds are low in the vicinity of the site, the road that passes the site, C546 is the main approach road to the village from the old A30 to the north near South Zeal and is relatively busy. It is important that visibility from the access is optimised, particularly in the leading traffic direction from a 2.4m minor road distance, measured along the centre line of the access from the edge of the carriageway. The wall should therefore be reduced to 800mm in height for the whole of its length to optimise sight lines across it and those sight lines should be shown on the plans so that a suitable condition could be imposed preserving them.

Environment Agency:

Flood Zone 1 - Standing Advice

DNP - Building Conservation Officer:

2 Tolmen is a 20th Century property within the Conservation Area of Throwleigh. The roadside boundary wall is mainly of granite rubble. In order to facilitate off-street parking a section of wall would need to be removed and two wooden gates hung in its place. Furthermore, Devon County Council Highways have said that they have no objection, but in order to facilitate good visibility the wall should be reduced in height to 800mm for the whole of its' length to optimise sight lines.

#### Significance

Throwleigh's Conservation Area Character Appraisal considers the heritage qualities of the area, including boundaries and materials. The distinctive roadside walls are specifically mentioned; a very strong and unifying feature of Throwleigh and as such have aesthetic heritage value. The area of wall being considered is opposite the Grade I listed Church of St Mary the Virgin and the Grade II\* listed Church House; therefore its setting and the impact the changes would have, should be considered.

Removal of a section of the wall will have a negative impact on the character and appearance of the Conservation Area and the setting of the neighbouring grade II\* listed house.

#### Parish/Town Council Comments

Throwleigh PC:

Support - repairs to wall necessary, concrete mortar removed and wall to be rebuilt in conventional manner. Parish Council is confident that this will be done to highest standard in light of applicant's track record.

Parish Councillors are supportive and mindful that car parking within the curtilage is required for applicants job.

#### Relevant Development Plan Policies



COR2 - Settlement Strategies  
COR3 - Protection of Dartmoor's special environmental qualities  
COR4 - Design and sustainable development principles  
COR5 - Protecting the historic built environment  
DMD12 - Conservation Areas  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD38 - Access onto the highway  
DMD7 - Dartmoor's built environment

## **Representations**

2 letters of objection

Repairs to the granite wall are only necessary because of recent excavations which have widened the gap. This was a single pedestrian gate 1200mm wide and not the 1400mm as stated. No2 Tolmen has two garages in its possession and space for at least two cars off-road. There are a further two visitor parking spaces, making for ample parking within 10m of the front door of this property. There is, therefore no need for additional parking. The lane adjacent to Church House (Grade II\* listed) is extremely narrow and many larger vehicles already attempt to pass through this gap and have caused damage to the roof and boundary wall on a number of occasions. The 'swing' into the proposed gates will reduce the number of 'free' on-road parking spaces for residents, thereby increasing congestion in the village. It is likely that the proposals will increase the likelihood of vehicular accidents, as cars and vans meet each other, when coming out of the proposed drive. The proposal is in the historic part of the village and will forever 'modernise' the look as you approach into the village from this direction. This will take away from the beauty of this part of the village and make the modern 1960s bungalow be even more present to people coming in. Before this view was hidden by the trees and hedgerows that the owner of No2 has already taken down, without proper consent. The existing granite wall is historic and forms part of the original farming lanes in and out of the village, these add to the charm and tradition of the village and taking down 4.4m would forever change the look.

## **Observations**

### **SITE DESCRIPTION**

The wall forms the western boundary of 2 Tolmen, Throwleigh. It is within the Throwleigh Conservation Area.

The property is one of a pair of semi-detached bungalows, set behind a large granite boulder/grass topped wall. The properties have two allocated parking spaces for vehicles to the north of the building (one of the two spaces being a garage), and the property has a pedestrian footpath past the neighbouring house.

The area is predominantly rural in character (residential to the north, east south and west), with a number of listed buildings in close proximity Church House, Grade II\* (13m to the south of the site) and Wayside, Grade II (adjacent to the site)).

The area of wall proposed for removal is similar to walls around the village of Throwleigh.

This application proposes the removal of a 4.4m long section of the granite boulder/grass topped wall, and the insertion of wooden gates hung on granite posts.

## PRE-APPLICATION ADVICE

No pre-application advice was sought in relation to this proposal prior to receipt of the planning application.

## DESIGN

The proposal seeks to use solid wooden gates at 1.35m high, with a central join. The gates would be hung from new granite posts. The proposal seeks to reinstate walls where possible.

The use of granite 'posts' to hang the gates would be acceptable from a design perspective, but the solid form of the gates would appear slightly at odds with access gates in the vicinity.

That said, the deviation away from the standard gate style would not be considered to result in any qualified harm.

Given the above it is considered the scheme would be acceptable from a design perspective, but would still need to accord with other elements of the Development Plan to be considered acceptable in principle.

## HIGHWAYS

Policy DMD38 of the Development Plan concerns the creation of safe access to a public highway.

A sizeable section of roadside wall would need to be removed. In addition, to accord with the requirements of DCC Highways, the height of the remaining wall would need to be lowered to 0.8m for the entire length where it is in the control of the applicant.

## HERITAGE

It is noted that in the 1841 Tithe Map shows the site boundaries, and the boundary wall is featured (so is quite probably medieval). As a significant linear feature within the village, with landscape and heritage values, the removal of the wall would have a negative impact on the historic bank and the conservation area, with no demonstrable public benefits.

The Throwleigh Conservation Area Appraisal identifies granite walls in the settlement as being a very strong unifying feature of village.

In this case, there are existing vehicle parking spaces available to the residents of 1 and 2 Tolmen. The need to retain an important feature of the Conservation Area is outweighed by the harm that the removal of the wall would cause.

It is considered that the proposed development would be to the detriment of the character of the Conservation Area and as such the proposal would not accord with the objectives of Policy DMD7 of the Development Plan.

# 0372/19 - Higher Uppacott, Poundsgate



Scale 1:1,250



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8. Application No: **0372/19** District/Borough: **Teignbridge District**  
Application Type: **Listed Building Consent** Parish: **Widcombe-in-the-Moor**  
Grid Ref: **SX701728** Officer: **Sasha Chapman**

Proposal: **Replacement roof covering**  
Location: **Higher Uppacott, Poundsgate**  
Applicant: **Dartmoor National Park Authority**

Recommendation **That consent be GRANTED**

### **Condition(s)**

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.
2. The works hereby permitted shall be carried out strictly in accordance with the site location plan and drawings numbered 424-6.p.001, 424-6.p.002, 424-6.p.003, 424-6.p.004 and 424-6.p.005 received 12 August 2019.
3. The replacement roof and verge covering hereby approved shall be in natural slate, a sample of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof and verge shall be maintained in the approved natural slate.
4. The slate roofs hereby approved shall be covered in natural slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
5. All gutters and downpipes on the development hereby approved shall be of cast iron construction and round or half-round in section and, unless otherwise agreed by the Local Planning Authority in writing, shall be painted black not later than 30 days after the substantial completion of the development.

### **Introduction**

Higher Uppacott is a Grade I listed building of national significance in its type, detail and survival. It is an early Dartmoor longhouse with an unconverted shippon, cross passage, two-storey hall, inner room and thatched roof.

This application proposes a replacement slate roof covering to the attached cottage.

It is necessary to refer this application to the Committee as the property is in the Authority's ownership.

### **Planning History**

0032/15	Internal and external alterations to the site and buildings, including restoration of the barn to provide interpretation space in association with programmed heritage visits	Listed Building Consent	Grant Conditionally	09 April 2015
0033/15	External alterations to the site and buildings, including restoration of the barn to provide interpretation space in association with programmed heritage visits			

	Full Planning Permission	Grant Conditionally	18 March 2015
0512/14	Replacement lintels and windows to south elevation of barn cottage and lower parlour wing		
	Listed Building Consent	Grant Unconditionally	25 November 2014
0260/13	Fire precautions works to include heat and smoke detectors with control panel and extinguishers		
	Listed Building Consent	Grant Unconditionally	09 July 2013
0090/03	Remove existing bathroom, kitchen and dividing partition and create new bathroom and kitchen, re-fenestration of barn conversion and create porch roof, create WC and access path for the less-abled, re-open historic doorways, remove modern dry-lining, remove thatched porch roof, create viewing hatches to roof spaces, replace asbestos roofs in corrugated iron, refurbish medieval door frame, refurbish garage		
	Listed Building Consent	Grant Conditionally	22 July 2003
5/06/033/93/03	Garden Shed		
	Full Planning Permission	Grant Unconditionally	23 March 1993
05/06/0822/90	1) Remove defective glazing from ventilation slits in shippon and replace with makrolon 2) replace existing handrail with oak spindle ballustrade		
	Other	Withdrawn	19 February 1993

### Consultations

Environment Agency:	Flood Risk Zone 1 - Standing advice applies
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No objection
DNP - Ecology & Wildlife Conservation:	Two emergence surveys carried out by George Bemment Associates and no bats discovered.
Historic England:	No objection

### Parish/Town Council Comments

Widcombe PC:	Supports the application
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### Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR2 - Settlement Strategies
- COR4 - Design and sustainable development principles
- COR5 - Protecting the historic built environment
- COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
- DMD14 - Biodiversity and geological conservation
- DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
- DMD7 - Dartmoor's built environment
- DMD8 - Changes to Historic Buildings

### Representations

None to date.

## **Observations**

### PROPOSAL

The application is for replacement roof covering on the cottage and parlour wing.

The longhouse is unoccupied with an un-converted shippon. The cottage and parlour wing has been used as a dwellinghouse. The Authority runs guided heritage visits to the site. This amounts to approximately 15 programmed visits per annum.

Previous work was carried out as a project within the Heritage Lottery Fund Landscape Partnership Scheme 'Moor than Meets the Eye' .

Historic England has raised no objection but has asked that the Authority approve the colour, texture and size of the slates so that they respond sympathetically to the character of the building.

### CONCLUSION

This Grade I Listed Building is an iconic element of the cultural heritage of the National Park. Any proposals to the building need to demonstrate that they conserve or enhance the building and its setting in accordance with policies COR1, COR3, COR5, DMD1b and DMD8 of the Dartmoor Development Plan. The re-roofing of the cottage and parlour wing will enhance the listed building.

Policy DMD1b outlines the importance of delivering National Park purposes by conserving Dartmoor's cultural heritage and promoting understanding and enjoyment of the special qualities of the National Park.

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**CHRISTOPHER HART**

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

01 November 2019

**APPEALS**

Report of the Head of Development Management

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

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

1 Application No:	C/18/3216327	District/Borough:	Teignbridge District
Appeal Type:	Enforcement Notice	Parish:	Bridford
Proposal:	Unauthorised building works for the siting of two timber stable buildings		
Location:	<b>Land adjoining Lower Hole Bridford</b>		
Appellant:	<b>Mrs J Tully</b>		
Decision:	<b>DISMISSED AND NOTICE UPHELD</b>		

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2 Application No:	X/18/3211487	District/Borough:	Teignbridge District
Appeal Type:	Refusal to issue a Certificate of Lawfulness	Parish:	Bridford
Proposal:	Use of the land for agricultural purposes with siting of ancillary mobile field shelters		
Location:	<b>land adj to Lower Hole, Bridford</b>		
Appellant:	<b>Mrs Julie Tully</b>		
Decision:	<b>DISMISSED AND NOTICE UPHELD</b>		

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

1 Application No:	C/19/3222957	District/Borough:	West Devon Borough
Appeal Type:	Enforcement Notice	Parish:	Lydford
Proposal:	Unauthorised residential use of two holiday lets		
Location:	<b>Downtown Farm, Lydford</b>		
Appellant:	<b>Mrs E Leigh-Tyrer</b>		

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2 Application No:	C/19/3222958	District/Borough:	West Devon Borough
Appeal Type:	Enforcement Notice	Parish:	Lydford
Proposal:	Unauthorised residential use of two holiday lets		
Location:	<b>Downtown Farm, Lydford</b>		
Appellant:	<b>Mr G Tyrer</b>		

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3 Application No: C/19/3222959 District/Borough: West Devon Borough  
Appeal Type: Enforcement Notice Parish: Lydford  
Proposal: Unauthorised residential use of two holiday lets  
Location: **Downtown Farm, Lydford**  
Appellant: **Mr R St John Lumley**

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4 Application No: C/19/3222960 District/Borough: West Devon Borough  
Appeal Type: Enforcement Notice Parish: Lydford  
Proposal: Unauthorised residential use of two holiday lets  
Location: **Downtown Farm, Lydford**  
Appellant: **Mrs S Boyd**

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5 Application No: D/19/3236866 District/Borough: West Devon Borough  
Appeal Type: Refusal of Full Planning Permission - Householder Parish: Buckland Monachorum  
Proposal: Erection of new balcony and dormer  
Location: **Tanglin, Meavy Lane, Yelverton**  
Appellant: **Mr D Pitcher**

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6 Application No: W/19/3237221 District/Borough: West Devon Borough  
Appeal Type: Refusal of Full Planning Permission Parish: Buckland Monachorum  
Proposal: Erection of a single dwelling  
Location: **30 Grange Road, Yelverton**  
Appellant: **Mr & Mrs Russell**

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7 Application No: W/19/3237306 District/Borough: South Hams District  
Appeal Type: Refusal of Full Planning Permission Parish: South Brent  
Proposal: Siting of three field shelters  
Location: **Stippadon Farm, South Brent**  
Appellant: **Mrs S Tribble**

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8 Application No: X/19/3220670 District/Borough: West Devon Borough  
Appeal Type: Refusal to issue a Certificate of Lawfulness Parish: Mary Tavy  
Proposal: Use of ancillary accommodation as a dwelling  
Location: **Holditch Farm, Mary Tavy**



Appellant: **Mr Venner**

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**CHRISTOPHER HART**

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

01 November 2019

**ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS**

Report of the Head of Development Management

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

**(For further information please contact James Aven)**

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

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1 Enforcement Code: <b>ENF/0093/19</b>	District/Borough: <b>West Devon Borough</b>
Grid Ref : <b>SX673927</b>	Parish : <b>South Tawton</b>
Breach : <b>Unauthorised shed</b>	
Location : <b>Harlyn, Whiddon Down, South Tawton</b>	
Action taken / Notice served	<b>No further action taken</b>

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2 Enforcement Code: <b>ENF/0144/19</b>	District/Borough: <b>South Hams District</b>
Grid Ref : <b>SX706695</b>	Parish : <b>Holne</b>
Breach : <b>Unauthorised access/engineering operation</b>	
Location : <b>Land adjacent to Mill Pond House, Holne</b>	
Action taken / Notice served	<b>No further action taken</b>

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**CHRISTOPHER HART**