

0085/22 - Land at Highlands, Horrbridge



Scale 1:1,000



Applications for Development Management Committee on 10 June 2022

1.

Application No: **0085/22** District/Borough: **West Devon Borough**

Application Type: **Outline Planning Permission** Parish: **Horrabridge**

Grid Ref: **SX511702** Officer: **Sassie Williams**

Proposal: **Construction of up to five dwellings**

Location: **land at Highlands, Horrabridge**

Applicant: **Mr T Walsh**

Recommendation: **That, subject to the completion of a s106 legal agreement in respect of the following:**

- (i) restriction of occupancy to local needs custom and self build only**
- (ii) off-site highway improvements prior to commencement of development**
- (iii) contribution of £2052 towards secondary school transport costs**
- (iv) open space contribution of £4366 towards improvements to sports facilities at Fillace Park, Horrabridge**

permission be GRANTED

Conditions:

1. The development hereby permitted shall be begun either (i) before the expiration of three years from the date of this permission, or (ii) before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. An application for approval of any of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby approved shall be carried out in accordance with drawing numbered P01 Rev. P4, valid 23 May 2022.
4. No development shall commence until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority showing the proposed layout of the site and details of all proposed communal infrastructure and landscaping, including the arrangements for the disposal of foul and surface water, areas for vehicle parking, surfacing and lighting, internal roads, landscaping (including the identification of all trees to be retained and area(s) for the delivery of Biodiversity Net Gain), and all other communal works including walls, fences and other means of enclosure and screening and indicating the location and species of all trees existing on

the site. At all times thereafter the development shall be implemented strictly in accordance with the approved details.

5. No development shall commence on any of the custom and self-build plots until reserved matters applications have been submitted to, and approved in writing by, the Local Planning Authority detailing the proposed design and construction of each of the dwellings. These applications shall include the siting, design, the materials of which the dwellings are to be constructed and landscaping of the individual plots. At all times thereafter, the development shall be implemented strictly in accordance with the approved details.
6. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority showing the detailed design of the proposed permanent surface water drainage management system. It shall include details of percolation tests used to inform the strategy, the measures necessary to address surface water issues during the construction phase, future permanent arrangements and their ongoing maintenance. The report shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. Thereafter, the development shall be implemented and maintained strictly in accordance with the approved details.
7. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority which shall include a detailed Ecological Impact Assessment to include an assessment of habitats present or recently cleared, the suitability for foraging bats and specific avoidance, mitigation, compensation and enhancement measures necessary to address identified impacts. The assessment shall establish the base line for biodiversity net gain calculations and shall provide detailed information of the mitigation and enhancement requirements necessary to achieve a 10% biodiversity net gain above the agreed base line.
8. No development (including site clearance works) shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the Landscape and Ecological Management Plan setting out detailed plans for habitat creation, species specification, and management responsibilities and maintenance schedules for all communal landscaped areas, showing how the recommendations of the updated Ecological Impact Assessment have been incorporated and any mitigation measures deemed necessary. Thereafter, the development shall be carried out strictly in accordance with the approved plans and timetable for implementation.
9. No development (including site clearance works) shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the Construction and Environment Management Plan setting out details of environmental protection throughout the construction phase. Thereafter, the development shall be carried out strictly in accordance with the approved plans and timetable for implementation.
10. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority to include a

detailed scheme related to the proposed highway access to the site and its internal arrangements. This shall include details of the visibility splays, turning areas, private and public parking spaces, garage/hardstandings, access drive and access drainage arrangements. The agreed works shall be substantially complete before the occupation of any dwellings on the site.

11. No development shall take place until a detailed construction method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the details of parking for vehicles of site personnel, operatives and visitors, welfare facilities, loading and unloading of plant and materials, storage of plant and materials, programme of works (including measures for traffic management), times of working and arrangements for deliveries. Thereafter, the development shall be implemented strictly in accordance with the approved construction method statement.
12. No individual custom and self-build dwelling shall have a habitable floor area of greater than 93 square metres.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no extension to the custom and self-build housing units hereby permitted shall be constructed without the prior written authorisation of the Local Planning Authority.
14. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the methodology of a geophysical site survey of the site. The site survey shall seek to identify any below ground archaeological features, record their presence and include any mitigation necessary to inform the detailed development of the site. Thereafter, the development shall be implemented strictly in accordance with the approved geophysical site survey.
15. No part of the development hereby approved shall be brought into its intended use until the improvements to the School Lane / Whitchurch Road junction, as shown on drawing numbered 4510 - 001A of the Technical Statement dated February 2022, have been provided and retained for that purpose at all times.

1 Introduction

- 1.1 The site lies approximately 300m metres north-west of the centre of Horrabridge on the north side of Whitchurch Road, and within the Horrabridge settlement boundary. It is a sloping site facing southwards and was formerly part of the curtilage of a large, detached property, 'Highlands', which lies to the west. The site is predominantly rough pasture with a tennis court and surrounds located in the north-western corner. Access to the site is by way of the existing public highway, School Lane, leading onto a private track owned by the applicant and currently serving 3 properties at Hightertown located 50m north of the site.
- 1.2 The application is for outline planning permission to erect up to five dwellings as local needs custom self-build properties. All matters, except for access, are reserved for submission at a later stage.

- 1.3 The application is brought before the committee in view of the strength of local opinion and to rehearse the implications of the recently adopted policy relating to custom and self-build housing.

2 Planning History

- 03/35/0800/78 Construction of tennis court
Full Planning Permission Grant Conditionally 17 July 1978
- 03/35/0739/76 Erection of three detached bungalows with double garages
Outline Planning Permission Refused 10 September 1976

3 Consultations

3.1 County EEC Directorate (Highways)

Initial Comments:

- 3.1.1 The highway infrastructure serving the site is not without constraints of geometry and gradient, commensurate with many similar lanes within the Dartmoor National Park area. The construction of the development will offer particular challenges and it is for that reason that a condition requiring the prior approval is recommended.
- 3.1.2 On balance it is considered that the traffic movements generated by the proposed development could be accommodated safely within the existing highway infrastructure and there are no objections in principle to the proposals

Additional Comments:

- 3.1.3 This is a very 'balanced' judgement from a highway point of view.
- 3.1.4 I totally accept, on the one side, the constraints of the highway network serving the site, similar to many other villages in the Dartmoor National Park, but conversely, I also have to bear in mind the fact that the access to the site is an existing one and the highway authority's response has to have regard especially to the National Planning Policy Framework 2021 which states at Para.111:-
- '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'.*
- 3.1.5 I am entirely familiar with the constraints of School Lane, but nevertheless, I do not believe that I could sustain an objection on highways grounds that there would be the required 'unacceptable impact on highway safety'. It would certainly not result in severe residual cumulative impacts on the road network.
- 3.1.6 With respect to the proposed improvements to the School Lane / Whitchurch Road junction and proposed pedestrian access, I believe the improvement to the Whitchurch Road / School Lane junction is a tangible benefit improving visibility for all highway users at the junction and, to a tangible extent 'offsets' the additional vehicle movements that the site will generate onto the highway network. I have recommended below an appropriate condition to be imposed on any planning

permission granted.

- 3.1.7 Turning now to the proposed pedestrian access, that does give highway safety concerns without more details of how appropriate visibility can be achieved. The highway authority would either recommend not providing it at all (due to its position on the inside of a gradual bend with limited visibility), or a condition should be imposed requiring full details of the pedestrian access point – suggested conditions below.

No development shall start until a Method of Construction Statement, 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) has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.*

No part of the development hereby approved shall be brought into its intended use until the improvements to School Lane / Whitchurch Road junction, all as generally shown on the application drawings have been provided and retained for that purpose at all times.

The site pedestrian access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance details to be agreed with the planning authority in writing after consultation with the highway authority.

- 3.2 **Environment Agency** Flood zone 1 - standing advice applies

3.3 **DNP – Forward Planning and Ecology**

- 3.3.1 The Dartmoor Custom and Self Build register identifies a specific need in this location, with four households currently on the register claiming a local connection to either Horrabridge or Yelverton.

3.4 **DNP - Ecology & Wildlife**

- 3.4.1 The ecological information submitted for this outline application is sufficient for me to conclude that there are unlikely to be any ecological matters which would prevent development of the site or affect the proposed access details. However, the submitted ecology report lacks details needed to inform layout and other reserved matters. Recommendations are made below to address these points and the further information requested will be required in support of reserved matters application.

- 3.4.2 The phase 1 walkover is sufficient to conclude that there are unlikely to be ecological matters which would prevent development of the site or affect the proposed access details. The report recommends that detailed avoidance, mitigation, compensation measures will be secured at reserved matters stage through an approved landscape and ecological management plan (LEMP), biodiversity management plan or equivalent. I recommend that this will require an updated ecology report which should also address the comments made below.

- 3.4.3 The report makes general recommendation for enhancements, secured through the same mechanism. See below for more detailed comments on biodiversity net gain.
- 3.4.4 This development falls within the 'Zone of Influence' (Zol), as set out in the Plymouth and South West Devon Local Plan. Natural England advise that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development. Officers have completed a Habitats Regulations Assessment and have concluded that an Appropriate Assessment is not necessary, on the basis that the evidence supporting the Zol already establishes the potential for an effect within this area .
- 3.4.5 Boundary tree and hedge features will require protection during construction and their future management secured as part of an agreed landscape and management plan. Further survey and assessment should be undertaken at an appropriate time of year to inform layout and detailed avoidance – mitigation – compensation measures. This is also required to establish the baseline for biodiversity net gain metric.
- 3.4.6 In the absence of bat activity survey following BCT (2016) guidelines, the applicant should assume that multiple species of bat (including light sensitive greater horseshoe bats) may be using the site. The applicant will need identify how direct and indirect impacts on foraging and commuting) bats will be avoided, mitigated or compensated at the reserved matter stage. Potential impacts could be from permanent loss or change in habitats, and/or where the development could increase the levels of illumination on retained habitats and boundary features from internal and external lighting. This should inform the layout and landscaping design ahead of a reserved matters application and should be included in updated ecological impact assessment, Construction and Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP). No mitigation required for bat roosts, dormice or badgers.
- 3.4.7 Presence of reptiles will require trapping and translocation, followed by a destructive search. This would need to be detailed in a CEMP to be approved and conditioned at reserved matters.
- 3.4.8 The baseline value of existing habitats should be calculated through a suitable condition. This is so that the applicant can better understand the likely requirements to compensate the loss and deliver the 10% net gain required by DNP policy.
- 3.4.9 Conditions should be applied to require:
- a Landscape and Ecological Management Plan (LEMP) to include details relating to habitat creation, species specification and management
 - a Construction and Environmental Management Plan (CEMP) to include details of environmental protection throughout the construction phase
 - the submission of completed biodiversity net gain metric as per Local Plan policy SP2.3.

3.5 DNP Trees & Landscape Officer

- 3.5.1 The site is an old tennis court surrounded by grassland. The grassland may have been grazed in the past, but there is no recent evidence of grazing. The land slopes to the south and any development will require engineering works to create level platforms for housing. The southern and western boundaries are formed by hedgerows. The northern boundary is partially open with a line of cypress trees growing along the remaining part of the boundary. The eastern boundary is formed by a wall. The hedgerows appear to be in good condition. The application suggests an opening will be made through the hedgerow along the southern boundary. If the hedge is assessed against the criteria set out in the Hedgerows Regulations 1997 it would be classed as 'important' because it appears on the Horrabridge Tithe map. Whilst the hedge is 'important' the removal of a small section of hedgerow will have minimal impact on the hedgerow and may be acceptable, depending on how much hedgerow needs to be removed.
- 3.5.2 The line of Monterey cypress was probably planted as a hedge to screen the tennis court. The trees have not been managed for many years, they have poor form and have suffered branch loss in the recent storms. It would not be reasonable to expect these trees to be retained if the site is developed for housing. The trees would not be suitable for protection with a Tree Preservation Order. If the trees have to be removed we should seek compensatory planting within the site. Stumps of trees suggest numerous trees around the tennis court have been recently felled. Access onto the site will be from a private lane running along the northern boundary of the site.

Landscape character

- 3.5.3 Landscape Character Type - 2D Moorland Edge Slopes
- 3.5.4 The proposed development is located partially in a brown field site and a grass field. The land immediately to the east, south and west is residential development. The land beyond the developed area is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture. Winding lanes bounded by high hedges thread across the landscape with sunken lanes a feature of this landscape type. Small linear woods are found growing along shallow valleys. There is a sparse settlement pattern with small hamlets, villages and nucleated farmsteads nestled into the folded rolling landform and often surrounded by woodland. Mature trees are interspersed with residential development. Evidence of mining activity is found across this landscape.
- 3.5.5 The Landscape character Assessment lists valued attributes for this landscape type as:
- A rich and intricate landscape full of contrasts.
 - Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls.
 - Pastoral character of fields contrasting with heathy moorland.
 - Strong vernacular of granite colourwash and slate.
 - Spectacular views to the moorland core of Dartmoor as well surrounding countryside outside the National Park.
 - Features associated with the area's mining heritage and historic land use.

- 3.5.6 Considering the land is partially a brown field site and it has residential development on three sides, five self-build residential units will have minimal impact on the character of the local landscape.

Visual amenity

- 3.5.7 The site is very visible in the landscape. There are views from the minor road to the south and from the higher ground across the valley, particularly from the cycleway. The view from the road is screened by the boundary hedgerow, but if the hedge is coppiced the dwellings will be more visible. From across the valley the development will be seen in association with adjacent residential development and the proposed housing will not be visually intrusive.

Mitigation

- 3.5.8 The application is outline and no mitigation is proposed, but if permission is granted it should be on the understanding that a comprehensive landscape scheme will be required to help integrate the development into the local landscape.
- 3.5.9 The development will have minimal impact on the character of the local landscape and minimal visual impact. If self-build housing is required in this settlement, in landscape terms, this would be an acceptable location

3.6 Devon County Council (Education)

- 3.6.1 The above application of 5 dwellings has been considered and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested.
- 3.6.2 This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033.
- 3.6.3 It has been identified that the proposed 5 family type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils which would have a direct impact on Horrabridge Primary School and Tavistock College.
- 3.6.4 It has been forecast that the nearest primary and secondary school have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek an education infrastructure contribution. However, a contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from Tavistock College. The cost required is as follows: -

$$\text{£2.88 per day} \times 0.75 \text{ pupils} \times 190 \text{ academic days} \times 5 \text{ years} = \text{£2,052}$$

- 3.6.5 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) and the costs of transporting children from the development to Tavistock College.

3.7 Devon County Council (Flood Risk)

- 3.7.1 No comments received.

3.8 West Devon Borough Council (Open Spaces)

Open Space

- 3.8.1 The size of the site is such that on-site open space would be unlikely to be possible. There is however access to open space locally (c.450m walking distance from the proposed development site) at Fillace Park which comprises a park with play area and playing fields, including football pitches and associated pavilion (the home ground for Horrabridge Rangers).

Play

- 3.8.2 The site is not of a size that on-site play provision would be possible. The nearest local play facilities are at Fillace Park. The Play Audit within the 2017 West Devon OSSR Study scores this play area as 4 out of 5 noting that it has good variety, access and play value. It is thus not considered that a request for any financial contribution towards improvements to play facilities can be justified in this case.

Playing Pitches/Sport Facilities

- 3.8.3 The site is unable to accommodate any playing pitch/sports provision on site. The recently updated South Hams and West Devon Playing Pitch Strategy identifies the need to improve maintenance and playing surface, as well as provide new changing rooms/clubhouse facility at Fillace Park, Horrabridge (home to Horrabridge Rangers, and having 3 adult teams, 7 x youth under 15s, 2 x under 13s, 2 x under 14s, 2 x under 13s and an under 12s team). It is considered reasonable to assume that new residents would make use of the existing facilities at Fillace Park. The new residents would add pressure to these facilities, which have already been identified as in need of improvement.
- 3.8.4 A contribution of £370 per occupant towards improvements to sports facilities at Fillace Park, Horrabridge is requested. The development would give rise to 11.8 new occupants and the contribution would be £4,366.

3.9 West Devon Borough Council (Housing)

- 3.9.1 The Borough Council does not keep a record of specific housing needs related to custom and self build housing. There is a defined need for 41 units of affordable housing within Horrabridge as evidenced by the Devon Homes Choice Register.

3.10 DNP – Archaeology

- 3.10.1 Horrabridge as a settlement probably dates to the 14th century and developed after the construction of the bridge (which in its current form dates to c. 1400) on both sides of the River Walkham. The proposed development site is 250m to the north-west of the bridge and located on the approach to the crossing from this direction. Accordingly, there is an elevated potential for the presence of medieval features in this area. At the moment our knowledge of the site is insufficient to offer well-founded advice. Given that, I'd recommend that geophysical survey is undertaken prior to submitting a reserved matters application. The results of this work will inform future recommendations regarding any other mitigation measures which may be necessary.

3.11 South West Water

Clean Potable Water

3.11.1 South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

3.11.2 South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

Surface Water Services

3.11.3 The applicant should demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. Discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. However, should this method be unavailable, South West Water will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

3.12 Fire Authority

3.12.1 As the proposal will be subject to Building Regulations, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority.

3.12.2 Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations, to include access requirements for Fire Service Vehicles (B5). These include Vehicle Access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 metres.

3.12.3 In addition, the provision of appropriate water supplies for firefighting (Street Hydrants) including appropriate flow rates will need to be achieved.

4 Parish/Town Council Comments

4.1 Horrabridge PC: Support - however the PC has safety concerns regarding the proposed footpath exit onto Whitchurch Road

5 Relevant Development Plan Policies

Dartmoor Local Plan 2018-2036

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

Strategic Policy 1.2 Sustainable development in Dartmoor National Park.

Strategic Policy 1.3 Spatial Strategy.

Strategic Policy 1.5 Delivering good design.

Strategic Policy 1.6 Sustainable construction.

Policy 1.7 Protecting local amenity in Dartmoor National Park.

Strategic Policy 2.1 Protecting the character of Dartmoor's landscape.

Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity.

Strategic Policy 2.3 Biodiversity Net Gain.

Strategic policy 2.5 The Water Environment and Flood Risk.
Strategic Policy 2.6 Protecting tranquillity and dark night skies.
Strategic Policy 2.7 Conserving and enhancing heritage assets.
Strategic Policy 3.1 Meeting Housing Need in Dartmoor National Park.
Strategic Policy 3.2 Size and accessibility of new housing.
Strategic Policy 3.3 Housing in Local Centres.
Policy 3.6 Custom and Self-Build Housing.
Policy 4.4 Parking standards for new development.
Policy 4.5 Electric Vehicle Charging Points (EVCPs).
Policy 6.4 Waste Prevention.
Policy 7.1 Settlement Boundaries and Development Sites

6 Representations

6.1 22 letters of objection
1 letter of support

6.2 Summary of comments in support:
- more housing available to young people will benefit the area

6.3 Summary of comments of objection:
Most objections relate to proposed access via School Lane and private access track:

- Private access track not suitable as access for new development
- School Lane already too busy / too narrow to cope with additional traffic / too narrow to cope with construction traffic
- Junction between School Lane and private access track too narrow to accommodate large vehicles e.g. delivery vans, fire engines, and has poor visibility
- Junction between School Lane and Whitchurch Road has poor visibility
- Decreasing width of School Lane at the junction with Whitchurch Road would restrict use as passing place
- School Lane has poor visibility and lack of passing places meaning traffic must reverse up lane or back into Whitchurch Road
- School Lane has no pavement for pedestrians
- School Lane dangerous in winter months due to ice and gradient
- Increase in road traffic on School Lane would increase risk of accidents and injuries
- Adverse effect on local and visitor enjoyment and safety
- Detrimental impact on users of School Lane as a public bridlepath (walkers, horseriders)
- Whitchurch Road very busy during rush hour and when used by diverted traffic (common diversion route when A386 closed)
- Vehicular access would be better directly onto Whitchurch Road

6.4 Other points of objection:

- cul-de-sac-style development not in keeping with the surrounding area and detrimental to character.
- biodiversity loss
- lack of local need for such a development
- light, air and noise pollution
- negative impact on neighbour privacy and amenity

- Development may cause parking issues on Whitchurch Road
- increased traffic would have detrimental impact on nearby listed bridge
- two parking spaces per house insufficient
- detrimental impact on tranquillity and dark night skies
- contrary to policy as does not provide affordable housing
- loss of privacy and overbearing impact for residents living directly below site on Whitchurch Road (esp. Dostabrook Cottages, Glenview) if existing hedge is not maintained / allowed to grow higher
- self-build properties would not be in keeping with the surrounding area
- concern that any housing proposed would be beyond the means of young people/first time buyers
- 5 properties too many
- extended building time associated with self-build would cause too much disruption to local residents
- Proposed dwellings do not appear to be the starter homes that the village needs
- Concerns about increased surface water run-off due to sloping site
- Proposed footpath access on to a busy road with no footway would create major safety issue.
- concerns that number of additional vehicle trips underestimated in report
- concerns that count and speed survey report carried out on Whitchurch Road not representative

7 Observations

THE PROPOSAL

- 7.1 The application seeks outline planning permission for the principle of a development of up to 5 local-occupancy custom and self-build dwellings. Access to the site is part of these initial deliberations, by vehicle and on foot. All other matters, including the detailed layout, design and landscaping are reserved for submission at the second (reserved matters) stage. The application is specifically aimed at providing plots for local needs custom and self-build properties as identified in the recently adopted Local Plan policy 3.6.
- 7.2 The Planning Statement details the intention to subsequently submit reserved matters in respect of the site layout and communal infrastructure (internal road layouts, utilities, landscaping), enabling each individual plot to be sold as a 'fully serviced' self-build plot with outline planning permission. Further reserved matters would then be submitted on a plot-by-plot basis in respect of the detailed design of each dwelling.

POLICY BACKGROUND

- 7.3 The National Planning Policy Framework was updated in 2021. Paragraph 78. States that; 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

- 7.4 Paragraph 79 promotes 'sustainable development in rural areas.... housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services'.
- 7.5 Paragraph 176 emphasises that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.
- 7.6 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Dartmoor National Park Authority only has a duty to meet the identified demand for part 1 of the register, which is those households who pass the local connection test.
- 7.7 The Dartmoor Local Plan was adopted in December 2021. Its vision is focussed on protecting the special qualities of the National Park whilst meeting the needs of its communities. Strategic policies 1.1, 1.2 and the spatial strategy contained in Strategic Policy 1.3 set out the framework for meeting this vision. Development opportunities will be constrained to sustainable locations identified within the plan.
- 7.8 The site lies within the identified Settlement Boundary of Horrabridge, and therefore for the purposes of policy interpretation is considered to be within the Local Centre as defined in the Local Plan.
- 7.9 The focus of housing development in the National Park is the delivery of affordable, well-designed, efficient homes to meet the needs of local people. To achieve this aim Local Plan Strategic Policy 3.3 allows developments of up to 5 dwellings within the settlement boundary to comprise Local Needs Custom and Self-build Housing, as an alternative to 45% affordable housing delivery which is required on sites of 6 dwellings or more. This policy enables a greater degree of opportunity to deliver custom and self-build housing, meeting central government aspirations to increase the amount of housing coming forward through this route, while providing housing opportunities to meet the needs of local people. The proposal accords with the principles of adopted housing policy.
- 7.10 A further strategic objective of the Local Plan is to ensure that Dartmoor's limited development land is used to best effect. This is clarified at Local Plan paragraph 1.6.6 which states: *'The importance of Dartmoor's environment means that land supply in the National Park is severely limited. The Local Plan therefore seeks to ensure that what little suitable development land is available is used to best effect. In design terms this means development should... maximise density whilst maintaining an urban grain, scale and massing which complements adjacent development'*. Policy 1.5 contains a corresponding design principle to 'ensure land

is used efficiently and effectively, and proposals do not prejudice the delivery of future development'.

- 7.11 Site yields on allocated sites within the Local Plan use a benchmark density of 35 dwellings per hectare, this being the average density seen on larger housing sites across the National Park over the last plan period. The application site is 0.6 hectares, against this measure the site has a theoretical capacity of 21 homes.
- 7.12 It is evident that the site access is constrained, and it is unlikely an alternative access from Whitchurch Road would be feasible or desirable due to the impact of works required to overcome levels and safe visibility. The Highway Officer has confirmed that the current proposal (5 units) represents the upper limit of acceptable development in terms of highway safety.
- 7.13 Consistent with Strategic Policy 1.7, a lower unit yield is therefore acceptable in policy terms to ensure highway safety. A well-designed development of 5 modest-sized dwellings would fit comfortably with the grain and character of the settlement in this location.
- 7.14 Local Plan policy 3.6 part 2(b) gives positive support to a particular type of development aimed at meeting local need. This is not predicated on affordable housing need as traditionally identified by the Housing Authority (West Devon Borough Council), but a desire to develop an alternative route to home ownership for local people who cannot afford market prices but do not fall into the category of housing need. This has been an established route which has been formalised in the new Local Plan. Its benefits include:
- those who self-build may save money by carrying out work themselves (known as 'sweat equity'), making access to home ownership more affordable
 - it supports local suppliers, trades, and small builders
 - homes are tailored to the needs of the occupant, meaning also they are more likely to stay in the home and the community for longer
 - there is scope for a greater variety of design, and a greater opportunity for higher quality, innovative and sustainable design
 - it can make efficient use of land by using small or underused plots, and with a lower impact than larger scale development
- 7.15 The Dartmoor Custom and Self Build register identifies a specific need in this location, with four households currently on the register claiming a local connection to either Horrabridge or Yelverton. Dwellings developed through this route will be restricted to a maximum floorspace of 93sqm with occupancy restricted to those who are defined as a Local Person (Local Plan definition p.62) in perpetuity, and local need identified in line with Strategic Policy 3.1 part 4 (a) as being the need of the parish where the development is taking place and the adjoining parishes. This will be controlled through the associated legal agreement.
- 7.16 To be clear this is not a development aimed at a defined affordable housing need. Local Plan policy 3.6 allows for this opportunity.

HIGHWAY SAFETY

- 7.17 The application requires the Authority to consider access arrangements at this

outline stage. The development will be served off Whitchurch Road, the secondary but mainly parallel route to the main A386 which links Horrabridge to Whitchurch and Tavistock to the west. School Lane provides the link to the site access. It is a surfaced minor road which joins Jordan Lane some 700m to the north-east, serving a number of private residences and used by pedestrians and riders to access the countryside paths to the north of the village. The site access will be off School Lane, via an existing unsurfaced access track within the applicant's ownership which currently serves three properties at Highertown 50m to the north of the site. A number of objections have been received to the proposed access which are summarised in the representations section.

- 7.18 The Highway Officer has stated that, subject to a minor alteration to the junction of School Lane/Whitchurch Road, the access for vehicles is considered to be adequate and safe for the anticipated additional traffic that this development will bring. The highway improvements lie outside of the site boundary but within highway land owned by Devon County Council. Those improvements will be necessary before development commences on the site.
- 7.19 Additional traffic will be generated by the development however, it is considered that this is proportionate to the nature of existing use and not unacceptable.
- 7.20 A pedestrian access point was proposed directly through the southern boundary on Whitchurch Road, however following the site inspection and advice from DCC Highways the pedestrian access has been removed from the scheme. While this may be desirable it is not a requirement for the development to proceed.

LANDSCAPE CHARACTER/ECOLOGY

- 7.21 The site is seen in the local and wider context as part of the village. While it is currently lightly developed, dwellings on this site will be seen as part of the overall built form of the village. While visible in wider views from access land to the south, good layout, design and landscaping should integrate the development into its location without long term or significant harm.
- 7.22 The site currently has limited ecological value. Its attributes have been properly assessed in terms of its wider and localised impact, and further surveys will be required by condition to inform layout and other reserved matters. Local Plan policy requires an improvement in biodiversity value in line with biodiversity net gain policy 2.3. That will be assessed and addressed by condition at the reserved matters stage as part of the layout/design deliberations.

AMENITY

- 7.23 It is acknowledged that this site has been an open, largely undeveloped area for many years. The introduction of a tennis court in the late 1970's started to change that character. It is surrounded by other development and within the defined settlement boundary. Its development will undoubtedly change the aspect and character that immediate neighbours have enjoyed. However, the low density of development in this area is reflected in the proposal to place only five modest dwellings on this site. The layout and design of the properties will be the second stage of planning if permission is granted. There will be adequate opportunity to ensure that direct privacy and neighbour issues are addressed through high quality

layout and design. The intention to self-build properties does not dilute the requirement to seek high quality design solutions.

8 S106 Contributions

- 8.1 Devon County Council has made a request for developer contributions of £2052 towards secondary school transport costs for transporting students to Tavistock College. A contribution of £4366 to sports provision at Fillace Park in Horrabridge has also been requested by the Borough Council. Both are considered reasonable in this context.

9 Pre-Committee Site Inspection

- 9.1 A site visit took place on Thursday 19 May with 4 Members, 2 National Park Officers, representatives from the Parish Council and Devon County Council Highways, and the agent. The group viewed the site from Whitchurch Road including the proposed pedestrian access point, before walking up School Lane and along the private access track to the top of the site. Particular attention was given to the Whitchurch Road / School Lane junction and School Lane / private access track junction. Neighbour amenity and visual impact were also discussed on the site.
- 9.2 Following on-site discussions and advice from DCC Highways, it is concluded that the proposed pedestrian access onto Whitchurch Road does not meet the required highways safety standards. That element has now been removed from the scheme. The pedestrian access was a desirable addition to the scheme but is not a requirement for the development to proceed.

10 Conclusion

- 10.1 The application seeks to provide housing to meet a recognised local need. That need falls between open market provision and affordable housing as evidenced in the demand expressed in the self-build register and supported by the recently adopted Local Plan policy 3.6.
- 10.2 This is a site that can adequately accommodate development, within the defined boundary of a designated Local Centre where there are facilities to serve the occupants needs. In that respect it falls within the wider definition of sustainable development. The application is therefore recommended for conditional approval.

CHRIS HART

Dartmoor National Park Authority

The Old Parlour & The Sheepshed, Robertsacre



Compiled by gdriver on 4/10/2021



2.

Enforcement Ref: **ENF/0165/20** District Council : **Teignbridge**
Grid Ref: **SX822879** Parish: **Bridford**
Officer: **Jo Rumble**

Description: **Construction and use of two unauthorised dwellinghouses**
Location: **Building known as The Sheepshed & The Old Parlour,
Robertsacre, Bridford, EX6 7HH**
Landowner: **Mrs Roberts**
Recommendation: **That the appropriate legal action be authorised to:**
**(i) Secure the cessation of the residential use of the building/s,
and**
**(ii) Secure the removal of the unauthorised building works to
return the building to its previous form and design,
including the removal of the first floor, additional openings,
glazing, rooflights and flue pipes.**

1 Planning History (Enforcement)

ENF/0068/03 Subdivision and permanent residential use of holiday lets

Action: Enforce Resolved: 09 December 2008

ENF/0090/19 Unauthorised full time residential use of holiday lets

2 Relevant Development Plan Policies

SP 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
SP 1.2 Sustainable development in Dartmoor National Park
SP 1.3 Spatial Strategy
SP 1.7 Protecting local amenity in Dartmoor National Park
SP 2.3 Biodiversity Net Gain
SP 2.8 Conservation of historic non-residential buildings in the open countryside
SP 3.1 Meeting housing need in Dartmoor National Park
SP 3.2 Size and accessibility of new housing
P 3.6 Custom & Self-Build Housing
P 3.9 Rural Workers Housing
P 3.10 Residential annexes to support farming
P 5.5 Tourist accommodation
P 5.9 Farm diversification

3 Observations

3.1 INTRODUCTION

3.1.1 Robertsacre is located between Dunsford and Bridford within the open countryside, approximately 7m east of Moretonhampstead. It is accessed from an unclassified road off the B3193. The holding includes the main residence, Robertsacre Farm, and a range of outbuildings/barns which are some 60m to the north east of the farmhouse, with an independent vehicular access.

- 3.1.2 The two residential units, the subject of this report, namely 'The Old Parlour' and 'The Sheepshed' are formed predominantly in an 'L' shaped range of buildings located on a sloping site to the north east of, and attached to, Home Cottage and Oakstone Cottage, two existing residential units with consent for holiday use only. The Sheepshed has been extended to incorporate part of the ground floor of the holiday unit known as Oakstone Cottage.
- 3.1.3 Authorisation for enforcement action to secure the cessation of the residential use as sought, and obtained at the meeting of the 8 January 2021. This further report is presented to update Members and in recognition of the time since the original report was considered. The previously authorised enforcement action was held in abeyance due to the submission of a further certificate application, an impending appeal and changes to the owner's family circumstances.

3.2 PLANNING HISTORY

3.2.1 **Two Holiday lets** (ref. 5/36/251/94/04 & 5/36/168/95/03) – Granted

In 1994 -95 Oakstone Cottage and the adjoining property, Home Cottage, were granted permission for use as holiday lets. Permission was granted subject to condition limiting occupation to holiday use only.

3.2.2 **Certificate of Lawful Use** (ref: 0242/04) - Refused

An application for a Certificate of Lawful Use seeking to regularise the use of these buildings (Oakstone Cottage & Home Cottage) as residential letting accommodation was refused on 20 July 2004 due to insufficient evidence being submitted to establish that the buildings had been so used for a period in excess of 10 years. A Breach of Condition notice was served on 4 August 2004 requiring the 2 units to be occupied in accordance with the condition, this remains extant.

3.2.3 **Farm building alterations** (ref: 0266/07) - Granted

In May 2007 permission was granted for alterations to the farm buildings attached to the holiday cottages. Works included alterations to the roof including the raising of the roofline and inclusion of dormer to a newly created hayloft. The permission was subject to a number of conditions including limiting the use to agricultural only. There is nothing to indicate this permission was implemented and it lapsed in May 2010.

3.2.4 **Live – Work Unit** (ref: 0113/10) - Granted

On 15 March 2010 an application to change use of existing holiday cottage (Oakstone Cottage) and the adjoining redundant agricultural building to a live/work unit was granted permission on 26 August 2011 and was subject to a S106 legal agreement limiting occupation to those involved in agriculture, forestry or another 'essential rural business'. This permission was never implemented and consent has now lapsed.

3.2.5 **Certificate of Lawful Use** (ref; 0156/20) - Refused

An application for Certificate of Lawful Use seeking to regularise the use of the buildings the subject of this report, as two dwellings, was refused on 28 August 2020. The application sought to show that the building works to convert the buildings were undertaken over four years ago and that both the units have been in residential use for a period in excess of four years.

3.2.6 **Certificate of Lawful Use** (ref; 0308/21) - Refused

An application for Certificate of Lawful Use seeking to regularise the use of 'The Old Parlour' buildings only. The application was refused on 13 August 2021. Similar to above, the application sought to show that the building works to convert the buildings were undertaken over four years ago and that the unit created had been in residential use for a period in excess of four years.

- 3.2.7 Fundamental to the consideration of these applications was the claim that the unit(s) had been created by the conversion of existing buildings. While the unit(s) were believed to be on the same footprint as the previous, it was considered that the extent of the works undertaken to facilitate the residential occupation, including the complete rebuilding of the front wall and raising of the roofline to create second floors, amounted to the creation of a new building and not a conversion of the existing.
- 3.2.8 In situations where the creation of a dwelling has not come about from the 'change of use' or conversion of a building, the relevant time period for taking enforcement action is 10 years.
- 3.2.9 Accordingly, the applications were refused due to insufficient evidence being submitted to establish that the buildings had been so used for a period in excess of 10 years.
- 3.2.10 The second Certificate of Lawful Use application (0308/21) relating to The Old Parlour only, is now the subject of an appeal and will be considered at Inquiry this July.

3.3 ALLEGED BREACH

- 3.3.1 Having received a report of the possible residential use of buildings at Robertsacre, our investigations, including a visit in July 2020, revealed that four units (Oakstone Cottage, Home Cottage, The Old Parlour and The Sheepshed) were being occupied as permanent dwellings.
- 3.3.2 Oakstone Cottage and Home Cottage have been the subject of previous enforcement action in 2004 when a Breach of Condition Notice was served requiring compliance with the holiday occupation condition. This notice remains extant. It is understood that notice was given to the tenants and these two buildings have been now returned to holiday occupation.
- 3.3.3 Failure to comply with the extant Breach of Condition Notice makes the landowners liable to prosecution. Assurances have been received that resolve this particular issue but the site will be monitored in the summer to ensure compliance.
- 3.3.4 Two further residential units have also been created adjacent to the holiday cottages, namely The Old Parlour and The Sheepshed. The Old Parlour is occupied by the landowner's son and family and The Sheepshed was also tenanted, although it is understood that notice was served on the occupant(s) of that unit and assurances have been received that it is now vacant.
- 3.3.5 The Old Parlour forms a corner unit extended over two floors, and includes a family kitchen/diner, sitting room, bedroom and bathroom along with utility space. The Sheepshed is split levelled, the main living space and en-suite bedroom accommodated on the ground floor and first floor of the main structure respectively, with the kitchen, dining room and shower room projecting into the rear building (Oakstone) at an intermediary level.
- 3.3.6 The creation of these two unauthorised dwellings required the substantial rebuilding and extension of the former agricultural building in this location. Photographs of the site dating from 2010 indicate a single storey building of mixed render and block with sheeted roof. They show simple dual and mono pitch profiles and a substantially lower roofline to that now seen. The creation of a second storey to the dual pitched building forming part of The Old Parlour has involved the substantial raising of the walls and the lifting and provision of a new roof. In addition, the mono pitched roof has also been raised over both The Old Parlour and The Sheepshed to enable the creation of a first floor and a large dormer has been inserted to provide French doors and a Juliette balcony to The Sheepshed.

3.3.7 Information received from the Devon Building Control Partnership indicates that the front wall to both the Sheepshed and the Old Parlour has been rebuilt from ground level, with a slated new roof and the external walls to the second storey clad in timber boarding. While the building is believed to be on the same footprint as the previous, it is considered that the extent of the works amount to the creation of a new building and not a conversion.

3.3.8 The yard area to the front of the building has been divided into two to provide an outside area to each unit.

3.3.9 The evidence indicates that it is probable that the works were undertaken in excess of 4 years ago. However, as the works were carried out to facilitate the unauthorised change of use of the land, the works are not immune to enforcement action under the 'four year rule'.

3.4 POLICY

3.4.1 The National Planning Policy Framework (NPPF) seeks to avoid the creation of new dwellings in the open countryside of the National Park and this aim is reflected in the policies of the Local Plan.

3.4.2 The Old Parlour is occupied by the landowner's son, and his family. The accommodation provided goes beyond the scope of ancillary accommodation to the main dwelling and amounts to the creation of a separate new dwelling in the countryside, contrary to local and national planning policy.

3.4.3 In exceptional circumstances, policy supports the creation of new dwellings in the countryside, such as for agricultural workers when there is sufficient agricultural justification for such a dwelling. However, to date no such application has been forthcoming and no agricultural justification provided to support the creation of a new dwelling.

3.5 DISCUSSION

3.5.1 Information provided by the Devon Building Control Partnership indicates that building works were undertaken at Robertsacre during 2011. He refers to two file notes dating from the 7 October and 1 November 2011 relating to two site visits, the first when the owner indicated the intended use was as two separate dwellings and the second as one dwelling with an interconnecting door. The floor plans submitted to Building Control are at variance with that as built and it would seem likely that some further reorganisation of the internal space took place subsequently. These works include the extension of The Sheepshed into the adjoining building, 'Oakstone Cottage', and the area covered by the extant Breach of Condition notice relating to the holiday occupancy.

3.5.2 The evidence supplied in support of the Certificate of Lawful Use applications indicates that the new roof was tiled out in November 2011. Occupation is indicated to have occurred around the Autumn of 2012, with evidence ranging from July 2012 to more conclusive evidence relating to December 2012.

3.5.3 While a variety of evidence was submitted to support the Certificate of Lawful Use applications (ref: 0156/20 & 0308/21) for a period in excess of four years, the evidence, and further information provided by the Devon Building Control Partnership, indicates that the dwellings have not been occupied for more of ten years and as such, the use as two dwelling houses is not immune from enforcement action.

3.5.4 Officers therefore consider that it is lawful and expedient to take enforcement action against the unauthorised works and residential use of these buildings.

3.6 THE HUMAN RIGHTS ACT 1998

- 3.6.1 The Sheepshed is understood to have been occupied by a couple since August 2018 on a tenancy. The property is understood to now be vacant.
- 3.6.2 The Old Parlour is home to the owner's son, his wife and their daughter.
- 3.6.3 The courts will view any decision to take enforcement action as engaging their rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".
- 3.6.4 The courts have held that provided a balanced and proportionate approach is taken, having regard to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act 1998.
- 3.6.5 Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.
- 3.6.6 There are not believed to be any overriding welfare considerations at this time. Members are therefore advised that enforcement action would appear to be:
- (i) in accordance with law – s.178(3) Town & Country Planning Act 1990
 - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
 - (iii) proportionate to the harm
- and therefore not incompatible with the Human Rights Act 1998.

3.7 CONCLUSION

- 3.7.1 Since Members considered the earlier report in January 2021, a further Certificate of Lawful Use application (0308/21) - has been considered and refused. This is now subject to an appeal which is expected to be concluded during the summer. While the outcome of the appeal will have a strong bearing on any enforcement action to be taken, given the timescales involved it is not considered prudent to wait until the outcome of the appeal is known before serving notice.
- 3.7.2 The unauthorised development has created two open market dwellings in an unsustainable location, harmful to the special qualities of the National Park. The development is considered contrary to the advice contained in the National Planning Policy Framework and the National Park Local Plan policies and following the refusal of the Certificate of Lawfulness application, it is now considered appropriate to secure the cessation of the use of the buildings as dwelling houses.
- 3.7.3 Members are therefore asked to authorise appropriate legal action to secure a cessation of the unauthorised use and removal of the unauthorised building works.