

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 2 December 2022

Present: W Dracup, R Glanville, G Gribble, P Harper, G Hill, J McInnes, S Morgan, M Moyse, N Oakley, C Pannell, M Renders, L Samuel, P Sanders, P Smerdon, D Thomas, P Woods

Officers: C. Hart, Head of Development Management
J Aven, Deputy Head of Development Management
H Union, Solicitor (acting on behalf of Devon County Council)
D. Janota, Head of Forward Planning and Economy

Apologies: A Cooper, J Nutley, P Vogel

The Chairman welcomed the registered speakers, Miss Watt

1513 Declarations of Interests and Contact

Members agreed to declare those interests set out in the matrix attached to the Agenda (Membership of other Councils).

Mrs Hill declared a personal interest in Case No. 0336/22 – Former Water Treatment Works, North Bovey Road, Moretonhampstead. The mother of the applicant was the West Devon Borough Councillor known to Mrs Hill.

1514 Minutes of Meeting held on 4 November 2022

It was noted that Item 6, Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) and Hedgerow Removal Notices Determined Under Delegated Powers (NPA/DM/22/013), was not noted in the minutes of the meeting held on 4 October 2022, subject to the addition of this item, the minutes were AGREED as a true record.

1515 Items Requiring Urgent Attention

Mr Sanders reminded members of the Planning & Sustainable Development Panel tour on Friday 9 December.

1516 Applications for Determination by the Committee

Members received the report of the Head of Development Management (NPA/DM/22/014).

Item 1 - 0336/22 - Former Water Treatment Works, North Bovey Road, Moretonhampstead

The Officer reminded Members that this application had been brought to the Committee meeting on 7 October 2022. At that meeting the decision was deferred for a site visit. The site visit was held on the 21 October 2022.

This was an application for planning permission for the change of use of a former South-West Water treatment works outside North Bovey, to an open-market dwelling. The site was adjacent to the public highway at Bovey Cross, approximately 0.8km north of North Bovey and 1.2km south of Moretonhampstead.

The building was constructed in the 1970's and was used jointly for water treatment and testing and as offices for South-West Water. There were a number of concrete lined underground water tanks both within the building and within its curtilage. It was understood the site has been vacant since 2011.

Hospit Cross - grade II listed and a scheduled ancient monument – was located immediately beyond the south-western boundary of the site adjacent to the public highway.

There had been 140 letters of support for the application. There had also been 1 letter of objection, however as this objection had been submitted anonymously, it was not in accordance with the Authorities' policies and therefore not to be considered.

In 2012 planning permission for the conversion of the existing treatment works into a holiday cottage was granted planning permission. However, in July 2014, conversion of the redundant waterworks to a dwelling was refused by the Committee.

The officer summarised the comments from the Forward Planning team in the report which set out the policy position; they advised that:

The National Planning Policy Framework and Dartmoor Local Plan sought to avoid unjustified housing growth in the open countryside. National and Local policies required that development in National Parks was focussed upon protecting National Park Special Qualities and meeting the needs of local communities. The Dartmoor Local Plan therefore set out that speculative housing development was not supported in the National Park and housing development on Dartmoor was only permitted where it was delivering affordable and other identified local housing needs. The Local Plan permitted those uses in accordance with a spatial strategy that focused development within classified settlements.

This proposal was for an open market dwelling which did not meet an identified local housing need. The application proposes to convert a redundant water pumping station, which was of modern construction and not of any historic significance.

In the open countryside the Local Plan policy allowed for residential conversion of redundant historic buildings provided criteria in Policy 2.8 were met, which included marketing for uses which would be less impactful on historic significance first, the building being well related to a settlement, and where residential uses were accepted the provision of affordable housing.

This proposal did not involve a historic building, nor did the proposal involve provision of affordable housing, a principal objective of the Local Plan on housing sites of all sizes.

Miss Watt commented that she hoped the site visit gave the committee members a sense of the building and how it fit would into the landscape. She noted that the former water treatment works was originally designed to look like a residential bungalow and had been disused since 2011. Throughout that 11-year period no one had found a business use for the site and the site had been targeted by vandals and drug users.

The site was next to Hospit cross, a scheduled ancient Monument and the Dartmoor Way passed the site.

Miss Watt wanted to stay close to family employment, the local school which her children attend and the local community. She was grateful for the 140 residents who had taken the time to support the application as well as the North Bovey Parish Council who attended the last Development Management meeting.

In her view, the application met the Dartmoor Local Plan with regard to sustainable development, climate change, community resilience, design quality and supporting the economic vitality of the National Park.

The waterworks had been granted holiday home planning permission in 2012 and when pre-application advice was sought in April 2022 advice at the time was that holiday home use would again be acceptable.

Miss Watt believed that granting planning permission would not set a precedent for the re-use of other former utility buildings in the National Park, as other sites were not domestic in appearance. The only similar building identified was Tottiford water treatment works and this had been given planning permission to be turned into a holiday home.

Miss Watt did not think that North Bovey needed any more holiday homes as the community was under pressure from the number of holiday homes in the village. Moretonhampstead school, for example, had just moved three school years into one classroom as there were not enough pupils and the Ring of Bells in North Bovey had recently shut down partly due to a lack of trade outside peak holiday months.

The re-using of an existing building was inherently sustainable, the design for the Water Works was energy efficient and would create an environmentally sustainable home out of a disused eyesore.

Following member questions, Miss Watt clarified that the overall ceiling height in the main room would be reduced slightly, by the floor being raised for underfloor heating and the ceiling lowered to allow for insulation, but the ceiling would remain high vaulted.

Following member questions, officers clarified that:

- 'double lapped tiles' was a way of laying tiles or slates to help improve weather resistance on a shallow pitch roof
- although planning permission for conversion to a holiday let was granted in 2012, which had lapsed, permission would not be guaranteed now for conversion to a holiday let as the Authority's policies changed in 2021
- the proposed application would not alter the footprint of the current building
- a bat survey did not form a part of the 2012 application, however it did form a part of this application
- there was not a specific policy in place for this type of application, involving a building in the countryside with no historic value, strategic policy 2.8 was not applicable
- a business use of the site would be more appropriate for the building and would achieve the same benefits in terms of improved amenity
- there was no definition of 'historic building', however strategic policy 2.8 stated that the building must be of a form, structure and history that was traditional within the context of Dartmoor's built heritage
- paragraph 2.7.17 on page 50 of the Local Plan stated that the Authority would take the following steps when assessing proposals for re-use and conversion of all historic non-residential buildings in the open countryside: Suitable buildings needed to be historic within the context of Dartmoor's built heritage, redundant, and be capable of conversion without substantial alteration. The conversion of modern non-residential buildings, proposals which created a need for new buildings or involve the rebuilding, extension or alteration of historic buildings would not generally be acceptable under this policy. A building was redundant when it was no longer needed or useful for its intended purpose. When assessing for redundancy, a building's current and potential use would be taken into account. For example, although a building may not be of use to one owner it may still serve a need for its intended use in the wider area. Its value should reflect its current use, and not a 'hope value' for conversion. To be considered redundant a building should be entirely surplus to requirements and its loss should not generate a need for additional floorspace or an extension, even for

a general use such as storage. There were limited opportunities for conversion of modern buildings included elsewhere in the Local Plan, within policies for non-residential business and tourism development (Strategic Policy 5.1) and farm diversification (Policy 5.9).

- if approved a s106 could not be applied to the property limiting its future usage as the application is for an open-market dwelling.

Mr Sanders Proposed the recommendation, which was seconded by Mr McInnes.

During member debate the following points were raised;

- high housing unaffordability was making it difficult for local people and workers to live locally. A decreasing demand for services and facilities for younger people, including schools, was making them increasingly difficult to sustain in smaller communities.
- local communities were looking for the Local Plan's housing policies to: provide appropriate and flexible opportunities for housing development which meet communities' needs in a range of settlements; enable local families and working people to live on Dartmoor; work within environmental limits and achieve more sustainable construction
- policy 3.12 stated that low impact residential development would be permitted where; the proposal was located within, adjoining, or well-related to a Local Centre, Rural Settlement or Village and Hamlet, it was debated that this proposal was related to North Bovey; the development used suitable redundant historic buildings before proposing the construction of new buildings; and the development conserved and/or enhanced the National Park's Special Qualities, particularly landscape character, heritage significance and biodiversity
- permitting this development would produce an open market dwelling in the countryside, which could be sold at any point in the future
- personal situations and circumstances should not be considered when determining a planning application, only material planning considerations should be considered
- no conditions had been applied to this application as the recommendation was for refusal, the conditions mentioned in the report in paragraph 3.5.11 were suggested conditions from the Ecology & Wildlife Officer
- this proposal was not for the conversion of a property within the boundary of a village or town, but in open countryside
- whether the inclusion of conditions or a s106 agreement could be imposed to restrict the occupancy of the proposed dwelling

Following the member debate, the Devon County Council solicitor gave the following advice:

- Planning permission was not personal, it ran with the land not the applicants. The land could be sold with the benefit of planning permission for an open market dwelling. The identity of applicants must not form part of the decision, neither could personal circumstances. If those were taken into consideration, then the decision was vulnerable to legal challenge.
- There was a legal obligation to determine applications in accordance with the local plan unless material planning considerations indicated otherwise. Members must clearly identify that those material planning considerations outweighed the Local Plan. Again, the identity of the applicants was not a material planning consideration and was not relevant to consideration.
- Members should avoid picking out sentences and consider the policy and Local Plan as a whole. Weight should be given to the advice presented by officers. There had been the benefit of advice from the Head of Forward Planning, the Head of Development Management, the Deputy Head of Development Management and the advice in the Report from the Officer.

Following the vote, the officer recommendation was not carried.

Mrs Morgan proposed that the application be approved, supported by Strategic Policy 3.12-1 which stated that low impact residential development would be permitted where;

- a. the proposal was located within, adjoining, or well-related to a Local Centre, Rural Settlement or Village and Hamlet
- c. the proposal would make a positive environmental, social and economic contribution
- d. all activities and structures on site were demonstrated to have a low impact in terms of the environment and use of resources, consistent with development of this type
- e. the development used a suitable redundant historic buildings before proposing the construction of a new building;
- f. the development conserved and/or enhanced the National Park's Special Qualities, particularly landscape character, heritage significance and biodiversity

The proposal was seconded by Mr Renders.

Procedural advice was given by Devon County Council solicitor in respect of making a decision that could be considered to be a Departure from Policy:

- the Head of Development Management could request that the matter be deferred to the next meeting, giving reasons
- when this request was proposed the matter should be deferred to the next meeting, the Committee should accede to that request.

- the Chair of the Committee should then invite the proposer and seconder to withdraw their proposal to grant permission.
- if they agreed, the Chair should propose to defer for 1 month, a member should second the proposal and this should then be put to the vote.
- if the proposal to defer was carried, the matter would be deferred to the next meeting.

The Head of Development Management stated that the motion, as proposed by Mrs Morgan, if granted, would result in an approved application without conditions. He advised that planning conditions could not be added to the planning application following a vote to approve the application. Neither could a s106 be negotiated. They should form part of the motion if Members considered that to be appropriate before a vote was taken. The current proposal would be for an open market dwelling, in the open countryside, without condition, which was contrary to policy.

Furthermore, as the Members were minded to grant permission, such a decision was likely to be a Departure from Policy, where the Authority must comply with publicity requirements set out in Article 15(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This required that a site notice must be displayed for no less than 21 days, and a notice must be posted in a publication circulated in the locality in which the land to which the application relates before a decision was reached. The Head of Development Management advised that this course of action would be necessary.

Following this advice, Mrs Morgan withdrew her motion, as did her seconder Mr Renders.

Mr Sanders proposed that the decision be deferred until the February Committee, which was seconded by Mr McInnes.

RESOLVED: That the decision be **DEFERRED** to the February meeting of the Development Management Committee in order to comply with publicity requirements set out in Article 15(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1517 Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) and Hedgerow Removal Notices Determined Under Delegated Powers

Members received the report of the Trees and Landscapes Officer (NPA/DM/22/015).

RESOLVED Members NOTED the content of the report.