

**DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE**

4 July 2014

Present: K Ball, G Gribble, P Harper, J Hockridge, M Jeffery, J Kidner, D Lloyd, J McInnes (Chairman), Dr I Mortimer, D Moyse, J Nutley, N Oakley, M Retallick, P Sanders, P Vogel, D Webber, J Shears, S Barker

Apologies: P Hitchins

1490 Minutes of the meeting held on Friday 6 June 2014

Save for the amendment detailed below, the Minutes of the meeting held on Friday 6 June 2014 were signed as a correct record:

Mr Kidner asked that the minutes be amended to note that his personal interest on the application relating to Trendlebere was broader than receipt of correspondence.

1491 Declarations of Interest

Mr McInnes declared a personal interest, having received communications, in items 0667/13 – extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Barker declared a personal interest, having received communications, in items 0667/13 – extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Retallick declared a pecuniary interest in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney and advised the he would leave the meeting for this item, and a personal interest in item ENF/0266/13 – conversion and use of former agricultural building as residential accommodation – building at Little Sigford Farm, Sigford. He advised that he would remain in the meeting but would not take part in any debate or vote on this item.

Mr Sanders declared a personal interest, due to having been extensively lobbied and having undertaken a site visit with the applicant, one at the adjacent landowner's farm and one at the adjacent householder's property in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Signed.....

Date.....1-8-14.....

Mr Lloyd declared a personal interest, by means of contact, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Harper declared a personal interest, through contact with the applicant, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Nutley declared a personal interest, through contact with the applicant, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Miss Moyse declared a personal interest, as a Ward Member, in item 0667/13 extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland; a personal interest, having visited the site and having spoken to the applicant and objectors, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Hockridge declared a personal interest, having had a telephone conversation with the applicant and having undertaken a site visit, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.


Mr Kidner declared a personal interest, through contact, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Ball declared a personal interest, having received communications, in items 0667/13 – extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Gribble declared a personal interest, having received communications, in items 0667/13 – extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Webber declared a personal interest, having received communications, in items 0667/13 – extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Vogel declared a personal interest, having received communications, in items 0667/13 – extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Signed.....
Date..... 1 - 8 - 14

Dr Mortimer declared a personal interest, through contact, in item 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Jeffrey declared a personal interest, having received communications, in items 0667/13 – extension to working plan area if existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland, and 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney.

Mr Shears left the meeting room.

1492 Site Inspections

Members received the report of the Director of Planning (NPA/DM/37).

Item 1 – 0193/14 – change of use of land from agricultural to site observatory and storage shed – land adjacent to Greenbank, The Village, North Bovey.


Speakers: Mr C Hunt, Objector
Mr L Shorthouse, Applicant

The Case Officer reminded Members that the site is outside the residential curtilage of Greenbank, as well as the settlement limits of North Bovey. The development of observatory buildings in this location would not be in accordance with policy and would be visually prominent in an isolated position, in the middle of the field. This would have a harmful impact on the character and appearance of this part of Dartmoor. In order to clarify, the Officer advised that even if the application was for an agricultural building rather than an observatory, such an application would not be supported due to the visually prominent position of the site.

Mr Hunt stated that, as the owner of two fields adjacent to the proposal, he felt that he should have been advised of the application. As a result of this, the Parish Council was not aware of his objection. He added that, as the buildings would be constructed for a hobby, they would provide no sustainable use and were not exceptional in their proposed architecture. Therefore, he felt that the application should be refused. The Director of Planning clarified to Members that the Authority is required to notify statutory consultees ie, the owners of properties that are physically attached to the application site's boundary. The Authority can only notify properties identified by Ordnance Survey – this does not include fields.

Mr Shorthouse thanked Members for attending the site inspection. He advised that he would be happy to be flexible regarding the location of the observatory and associated buildings. The suggestion of the top corner of the field would not provide the clear skies required; the ash trees in that area would need to be felled. With regard to public access to the site, a separate access could be created via a short track; this could also provide parking space for a small minibus.

Mr Shears returned to the meeting.

Signed.....
Date.....1-8-14

In response to Member queries Mr Shorthouse advised that no groundworks would be required for the shed; however, the dome would require a concrete base, approximately 3m in diameter. The proposed shed would house two optical telescopes and a warm room for computer equipment.

The Chairman advised Members that the site inspection panel had felt that the proposed siting of the application was inappropriate; however, Members had felt that a solution may be found in future.

Mr Jeffrey proposed the recommendation, adding that he would encourage further discussion between the applicant and officers. This was seconded by Mr Ball.

RESOLVED:

That permission be REFUSED due to the reasons set out within the report.

1493 Applications for Determination by the Committee

Members received the report of the Director of Planning (NPA/DM/14/38).

Item 1 – 0667/13 - extension to working plan area of existing quarry – Yennadon Quarry, Iron Mine Lane, Dousland

Speakers: Mr C Tofts, Objector
Mr D Tilney, Applicant's Agent

The Case Officer advised Members that Yennadon Quarry is located in the South West of the National Park, 300m to the east of Dousland. The proposal is for the extension of the working plan area by 1.25ha. By way of an update, he added that an objection has been received from Dartmoor Preservation Association; the Dartmoor Society supports the proposal. He introduced Jane Newman, Officer from the Peak District National Park Authority, who has been assisting with the application.

Ms Newman reported that the application proposes a maximum annual extraction of stone to 10,000 tonnes. The quarry currently extracts 6,000 tonnes per annum although the current permission allows for up to 14,000 tonnes per annum. This increase would result in an additional 30 return lorry movements per week. The applicant proposed to construct a bund to attenuate noise and view; there would also be the advantage that the bund could be constructed using some of the spoil. The bund would be 15m wide and 4m high; it would proceed in a westerly direction and would be enclosed by a fence. Access would remain the same.

The recommendation for refusal is partially based on the fact that the environmental statement is inadequate as it is based on the current level of production i.e, 6,000 tonnes extraction. The statement does not take into account the environmental impact of the proposed increase. With regard the policy, the application is considered to be a major development with no proven need. There are alternative sources of the stone that the quarry extracts within the locality. The anticipated

Signed.....

Date.....1 - 8 - 14.....

impact on the landscape is considered unacceptable on the ground of amenity, tranquillity and wilderness.

Mr Tofts stated that, in accordance with the National Planning Policy Framework, the application would be considered a major application and should be refused on the ground of scale, noise and view, which would also be in accordance with National Park Purposes. The need for the stone has not been proved; local need could easily be met by reserves. He added that Yennadon stone does not feature in English Heritage's register; rather, the quarry provides stone to large developers, such as Taylor Wimpey. The extension of the working area would have a negative impact on the area until 2027.

Mr Tilney stated that on 1 July 2014 the applicant had written to the Director of Planning to request a deferral; the Director of Planning had felt that this would not be appropriate. Therefore, he advised that the applicant was not clear where they stood. It was his opinion that the environmental statement was correct in that a 'starting point' was needed; the current level of production was the obvious place to start. The existing permission allows for extraction until 2025; the quarry has been working since 1884.

In response to Member queries, Mr Tilney advised Members that there are 21 staff employed at the quarry; however, he was unable to answer the question regarding possible impact should the application be refused.

Some Members felt that the recommendation was the right one; the proposal was too large, the impact on the local landscape would be too big. The potential increase in traffic movements could also become an issue. A Member felt that permission should be granted in order that the quarry would continue to provide a niche market.

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

RESOLVED:

That permission be REFUSED due to the reasons set out within the report.

Mr Retallick withdrew from the meeting.

Item 2 – 0141/14 – erection of farmhouse/office and general agricultural unit with improved access – land at Pew Tor Farm, Sampford Spiney

Speakers: Cllr Le Messurier, Plasterdown Grouped Parish Council
Mr K Reed, Objector
Mr Cole, Applicant

The Case Officer updated Members with regard to the recommendation. Part 2 is deleted as, in consultation with the agent, the Tree Preservation Order has been served. With regard to the legal agreement, the applicant has stated that once the buildings were available the pedigree ewe flocks would move permanently to the

Signed.....

Date..... 1 - 8 - 14

land. In the light of this, phasing could be dealt with by way of a condition which would read:

'No person shall occupy the dwelling to be erected on the land as part of the development hereby approved until such time as the agricultural buildings to be erected on the land as part of the development have been substantially completed and brought into use for accommodating livestock.'

and, therefore, no legal agreement would be required.

The area of land between the field gate and the land is not in the ownership of the applicants. They have a right of access granted by the owner of Sampford Manor. However, it has also emerged that the land is not highway, nor is it in the ownership of the Manor. Legislation therefore requires the applicants to advertise the application in the press and sign Certificate D. The planning application cannot be determined until 21 days after the press advert has been published; the recommendation should therefore read:

'... subject to no representations being received from persons with legal interests in the land within 21 days from the advertisement appearing in the press – planning permission is granted subject to the following conditions:'

In addition, the Case Officer proposed to amend Condition 6 to read:


'No development shall take place until the improved access, turning area and surface water drainage of the yard and access have been provided. The access, turning area and surface water drainage shall be maintained in accordance with the approved drawings and retained for that purpose at all time.'

An additional five letters of objection and three of support have been received.

Agricultural justification for buildings on the land – the agricultural consultant has been satisfied regarding the business, number and type of stock, limits to the land at Princetown and the need to build the farmstead in the proposed location. The stock is already placed on the land during the summer months, the land is cut for hay; the proposed overwintering during the summer will reduce the quantity of dirty water and slurry and the conditions recommended by the Environment Agency will ensure that no contaminated water reaches the nearby watercourse.

With regard to the siting of the agricultural buildings, whilst there will clearly be an impact on the character of the landscape, the applicants have sought to mitigate the impact by proposing the formation of hedgebanks and planting.

Access and drainage – there is a clear difference in levels from the fields to the road; the Highways Officer has confirmed that the plans, gradients etc are acceptable and, in any case, drainage from private areas is not a matter for the highway authority as there is alternative legislation which controls the outfall of water from private land onto the highway.

Signed 
Date..... 1 - 8 - 14

A footpath runs adjacent to the site entrance. Nearby residents and the parish council have concerns that the development would have a negative impact on the character of the landscape. However, officers were of the opinion that the impact of an agricultural building would not be large enough to warrant refusal on recreational impact grounds. In addition, the design of the farmhouse has greatly changed and reduced in comparison to the original design.

Cllr Le Messurier advised Members that he represented Plasterdown Parish Council who had rejected both the original and revised plans. The application was the most controversial one that the Council had seen for many years. The main concern was that of visual impact; it was felt that the buildings would spoil the view of the hamlet which has remained predominantly unspoilt since medieval times. He highlighted other issues that the Parish Council felt should be raised, including poor access, possible water contamination, the possibility of expansion on the site, plus a query regarding the sustainability of the development.


Mr Reed stated that, should the application be approved, he would have concerns regarding water supply and possible contamination. He added that he felt that the economic viability of the local area could be adversely affected. Supporters of the application were from the wider community, not from neighbouring local businesses and home owners within the hamlet. Mr Reed stated that there would be no increased employment possibilities if the application were approved; there was also the possibility of increased traffic movements. The impact on the environment would, in his opinion, be immeasurable.

Mr Cole advised Members that he had received letters of support from various organisations such as the National Farmers' Union, Dartmoor Livestock Protection Society, and Members of Dartmoor Commoners Council. He apologised to anyone who might find his application unacceptable, advising that it had taken six years to get to their current proposals for a modern and efficient farmstead. He added that the Environment Agency, South West Water and Devon County Council all had no issues with the application; all proposed conditions had been agreed to.

Overwintering of stock would be under cover; dung could be stored for up to one month before it would need to be spread on the land. With regard to water supplies to properties downstream, Mr Cole advised that there are four separate supplies that would feed his development as well as the properties downstream; the design of the proposed farmstead has been done in consultation with the Environment Agency. At present he has 80 cattle on the land. Supplies have never run dry, even during the hottest summer.

In response to Member queries, the Case Officer confirmed that the process was unusual in that the application was for the agricultural buildings and the house prior to any proof of the business. However, it is understood that the business is in existence and the agricultural consultant has confirmed that there is justification for the application. A financial test has been undertaken; the business has been established for at least three years, has been profitable for at least one year, is financially sound and there is a clear prospect of it remaining so.

Mr Barker proposed the recommendation, which was seconded by Dr Mortimer.

Signed.....
Date.....1-8-14

Mr Lloyd felt that the landscape issues warranted further discussion and proposed that the matter be deferred in order for the site inspection to be carried out, which was supported by Mr Kidner.

RESOLVED:

That, subject to the conditions as set out in the report, the inclusion of a new condition to deal with phasing, the amendment to the recommendation and the amendment to Condition 6 as detailed above permission be GRANTED.

Mr Retallick returned to the meeting.

Item 3 – 0160/14 – conversion of redundant Waterworks to dwelling – The Waterworks, Bovey Cross, North Bovey

Speaker: Mr P Rowan, Applicant's Agent

The Case Officer advised Members that the application was for the conversion of a redundant South West Water treatment works into a 3-4 bedroom open market dwelling, incorporating a detached garage and study. The application first appeared before Members in May 2014 and was deferred in order that further consideration could be given to the policies that were pertinent to the case.


Officer advice remains that there is no conservation argument for the conversion of the property. Its conversion to an open market dwelling would be a fundamental departure from policy.

Mr Rowan stated that the application had been deferred in order to allow for a time for reflection. The current permission to convert the property into a holiday let does not prove economical; the Parish Council would prefer to see it converted for full time residential use. He added that each application should be determined on its own merits; the building has no architectural merit.

In response to a query from the Director of Planning, Mr Rowan advised Members that his client was aware of the condition attached to the current planning permission when it was purchased. His client did not take pre-application advice as they were under the impression that the condition would be lifted.

The Head of Legal and Democratic Services advised Members that not once in the past 10 years had this Committee approved an open market dwelling in the open countryside contrary to policy. He advised them to weigh up the arguments carefully as the application required consideration of the fundamental policies and principles of the Authority in managing development and bringing forward justified housing.

Dr Mortimer commented that the poor visual appearance of the site was not a strong enough reason to go against policy, and proposed the recommendation, which was seconded by Mr Jeffery.

Signed.....
Date.....1-8-14.....

RESOLVED:

That permission be REFUSED due to the reasons set out within the report.

1494 Monitoring and Enforcement

Members received the report of the Director of Planning (NPA/DM/14/039)

Item 1 – ENF/0266/13 – conversion and use of former agricultural building as residential accommodation – building at Little Sigford Farm, Sigford

The Case Officer reported that in 2006 permission was granted for the conversion of the eastern most third of the barn to provide ancillary accommodation to the farmhouse. Since that time, works have taken place to convert the barn into a three-bedroom dwelling which is completely different from the original permission. An application in 2013 sought permission to convert the final western third of the barn and showed the middle section as having already been converted – no permission had been granted for this part. The application was subsequently withdrawn.

120m² has been converted rather than the 44 m² originally approved. No part of the conversion has been carried out as previously agreed. Effectively, a new dwelling in the open countryside has been created. The applicants contend that the building is immune from enforcement as the works commenced in 2008. A Certificate of Lawfulness has never been applied for.

Dr Mortimer proposed the recommendation, which was seconded by Mr Sanders.

RESOLVED:

That the appropriate legal action be taken to:

- (i) Secure the cessation of the use of the building as a separate unit of residential accommodation, and
- (ii) Secure appropriate remedial works in respect of unauthorised external features such as additional openings, glazing, rooflights and flues.

1495 Consultations by Neighbouring Local Authorities


Members received the report of the Director of Planning (NPA/DM/14/040).

RESOLVED:

Members noted the content of the report.

1496 Appeals

Members received the report of the Director of Planning (NPA/DM/14/041).

Signed.....
Date.....1-8-14.....

RESOLVED:

Members noted the content of the report.

1497 Applications Determined Under Delegated Powers and Applications Withdrawn

Members received the report of the Director of Planning (NPA/DM/14/042).

RESOLVED:

Members noted the content of the report.

1498 Enforcement Action Taken Under Delegated Powers

Members received the report of the Director of Planning (NPA/DM/14/043).

RESOLVED:

Members noted the content of the report.

DRAFT

Signed.....Jean R. McT...
Date.....1-8-14