

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 March 2014

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Director of Planning

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1. Application No: **0016/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX708855**
Proposal: **Create passing bay for cattle grid and associated works**
Location: **Stiniel Cross, Chagford**
Applicant: **Chagford Commoners Association**

District/Borough: **West Devon Borough**
Parish: **Chagford**
Officer: **Louise Smith**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be GRANTED**

Condition(s)

1. Standard 3 Year Condition
2. No development shall take place until consent has been obtained under the Highways Act 1980 for the construction of the cattle grid adjacent to the passing bay hereby approved.
3. No site clearance work or development shall take place on the land between 1 March and 31 July unless a thorough check for nesting birds has been made not more than 24 hours prior to site clearance work or development to ensure no nesting birds are present. If occupied nests are found, no works shall start until the young have fledged and left their nest.
4. The new hedge bank shown on approved drawing CRE1218_LS_R1.B shall be formed in accordance with the details shown on the Devon Hedge bank specification sheet hereby approved within 12 months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The hedge banks shall be maintained for a period of not less than 5 years from the date of the commencement of the development, such maintenance to include the replacement of any trees or shrubs that die or are removed.
5. Dormouse watching brief - wording to be confirmed at the committee meeting.

Introduction

The application relates to a section of public highway between Stiniel Cross and Batworthy Mill Cross in the countryside to the south of Chagford. The highway is a narrow carriageway flanked by Devon hedge banks with trees growing atop.

It is proposed to create a passing bay at the midway point between the two junctions on the north east side of the highway.

The proposed works are in connection with a cattle grid proposal which will be carried out by the Highway Authority under its permitted development rights, without the need for planning permission, provided that the appropriate consents are issued.

The works to create the passing bay are not proposed to be carried out by the Highway Authority. These works therefore will not benefit from permitted development rights and hence the submission of this application for the passing bay.

This application is not for a cattle grid and a planning condition is proposed to preclude any works from taking place until such time as consent has been obtained under the Highways Act 1980 for the associated cattle grid. This is a separate matter to this planning application.

The application is before Members at the discretion of the Director of Planning.

Consultations

West Devon Borough Council: No comments received

County EEC Directorate: No objection from a highway safety perspective there are no comments to make on the proposed development.

The applicant will need to liaise with the County Highway

Authority for appropriate consents to install the cattle grid and by-pass and it is understood that such liaisons are already taking place.

South West Water: No objections
Environment Agency: No objection - flood risk zone 1 standing advice only
DNP - Ecology & Wildlife Conservation: Recommend moving the location of cattle grid and layby away from hedgerow where recent stone wall is standing. If this is not possible for other reasons then works to be carried out outside bird nesting season and Dormouse watching brief required.
DNP - Trees & Landscape: No objection

Parish/Town Council Comments

Chagford PC: Support

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR11 - Retaining tranquillity
COR2 - Settlement Strategies
COR21 - Dealing with development and transport issues in a sustainable way
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD34 - Agricultural and forestry
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

4 letters of objection

The objectors are concerned about the impact on the peace, tranquillity and historic setting of Stiniel, the loss of trees on the Devon bank, highway safety and the close proximity of the proposal to the highway junctions and that the animals roaming the highways contravenes the Highways Act.

Observations

THE PROPOSAL

The proposed carriageway widening will allow greater control of livestock in the area, enabling a grazing regime to be re-established on Stiniel Common to benefit the management of the common and help to contain cattle from straying onto the B3212.

The carriageway bypass (to the side of the cattle grid) is proposed for a total length of approximately 33m. The hedge bank is proposed to be reinstated along the edge of the bypass.

IMPACT ON LOCAL LANDSCAPE

Policies COR1, COR3, DMD1b and DMD5 of the Development Plan establish the principles for the conservation and enhancement of the National Park Landscape.

The works require the removal of a section of hedge bank. A mixed native hedgerow is growing on top of the bank with semi-mature oak interspersed along the bank. This hedgerow would be deemed as important as it appears on the Chagford tithe map.

Whilst there is a presumption against the removal of 'important hedgerows', in this instance the loss of a small section of hedgerow will have minimal impact on the integrity of the hedgerow or the enclosed historic field system. The proposed new bank and hedge will also mitigate the impact of the hedge removal and maintain the traditional enclosure along this highway. Cattlegrid by-passes are not an uncommon feature within the Dartmoor landscape and the development will have a minimal impact on the character of the area. The trees are not significant features and their removal will also have minimal impact on the character of the area.

The impact on landscape character and appearance will be limited and contained in the immediate area, having no harmful impact on the wider landscape or the historic setting of Stiniel.

Objectors have raised additional concerns about the peace and tranquillity of the local landscape. The proposed development is not considered that the proposed works would conflict with the objectives of policies COR1 and COR11 of the Development Plan.

IMPACT ON ECOLOGY

Policies COR7 and DMD14 of the Development Plan set out the objectives for nature conservation.

The Authority's ecologist, and an objector, has queried why the carriageway widening could not be relocated to a stretch of this lane where there are no trees along the bank, therefore minimising disturbance to vegetation and habitats.

The Highway Authority requires the works to be positioned a safe distance from the junctions and the proposed siting reflects the best location in this respect.

An ecological report has been submitted with the application demonstrating that there will be no significant impact on ecology and the Authority's ecologist raises no objection to the proposal.

IMPACT ON HIGHWAY SAFETY

Policy COR21 of the Development Plan sets out the objectives for new development and highway safety and capacity of the highway network.

The letters received from local residents raise a number of objections in relation to highway safety.

The Highway Authority raises no objection to the proposed development on grounds of highway safety or the capacity of the highway network.

The application for consent under the Highways Act 1980 for the proposed cattle grid and passing bay is presently under consideration by the County Council and is a separate matter to this planning application.

CONCLUSIONS

The proposed development will allow greater control of livestock in the area, enabling a grazing regime to be re-established on Stiniel Common to benefit the management of the common and help to contain cattle from straying onto the B3212. The proposal will not have a harmful impact on the character, appearance or tranquillity of the landscape, the historic setting of Stiniel, nor highway safety and is therefore recommended for approval.

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to deliver sustainable development.

2. Application No: **0545/13**
Application Type: **Listed Building Consent**
Grid Ref: **SX694910**

District/Borough: **West Devon Borough**
Parish: **Drewsteignton**
Officer: **Jo Burgess**

Proposal: **Retention of external door in annexe**

Location: **Middle Venton Farm,
Drewsteignton**

Applicant: **Mrs L Sowrey**



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50m
Scale 1:1250 @ A4

Recommendation **That consent be GRANTED**

Introduction

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988.

The complex at Middle Venton comprises the Grade II* house and shippon, a Grade II barn on the western side of the former farmyard now a courtyard, a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon. Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the applicants ownership. To the east of the courtyard the applicant owns a parcel of agricultural land part of which has been fenced off from the remainder. To the north of the house lies a garden area bounded by a public right of way.

The annexe was approved in one of the curtilage listed buildings in order that the applicants had somewhere to live on site whilst works were being carried out on the main house.

The application was due to be considered by the Committee in December but was withdrawn from the list by the Director to allow further consideration of issues raised by the applicant by officers and English Heritage.

This retrospective application seeks to regularise an unauthorised glazed door to the annexe which was installed without Listed Building Consent and is presented to Committee in view of the comments made by the Parish Council.

Planning History

0543/13	Amended design for two doors and amended detail of glazing to lean-to Listed Building Consent	Grant Unconditionally	05 December 2013
0871/07	Alterations to outbuildings ('stables') within curtilage of listed building Full Planning Permission	Grant Conditionally	18 December 2007
0179/07	Internal and external alterations to existing stables Listed Building Consent	Grant Conditionally	13 September 2007
0157/07	Construction of plant room within existing linhay Listed Building Consent	Grant Unconditionally	28 August 2007
0746/06	Internal and external alterations Listed Building Consent	Grant Conditionally	02 April 2007
0701/05	Conversion of 'cow byre' into studio annexe Full Planning Permission	Grant Conditionally	06 June 2006
0702/05	Conversion of 'cow byre' to studio annexe including internal and external alterations Listed Building Consent	Grant Conditionally	06 June 2006
0703/05	Internal and external alterations to farmhouse, 'linhay' and 'stables' Listed Building Consent	Withdrawn	01 November 2005
0700/05	Extension of domestic curtilage to incorporate west end of home paddock		

	Full Planning Permission	Withdrawn	17 October 2005
03/09/1654/79	Conversion of building to provide additional accommodation		
	Change of Use	Grant Conditionally	29 January 1980
0571/13	Retention of hand rail and balustrade to shippon end of house		
	Listed Building Consent	No Decision	
0572/13	Retention of glazing to former loading door and timber shutter on rear of house		
	Listed Building Consent	No Decision	
0573/13	Retention of limecrete floor and limewashing of the walls		
	Listed Building Consent	No Decision	
0544/13	Retention of en suite bathroom		
	Listed Building Consent	No Decision	
0570/13	Replacement door and shutter within the shippon end of house		
	Listed Building Consent	No Decision	

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
South West Water:	No objections
Environment Agency:	Flood Risk Zone 1 -standing advice applies
English Heritage:	English Heritage comments are contained in the appended letter
Historic Buildings Officer:	The proposal is considered in the context of the conditional grant of both Listed Building Consent 0702/05 and Planning Permission 0701/05 where a holistic scheme for change and development was agreed for the curtilage listed outbuilding.

Those embodied principles and approach to change set out in the above permissions at the time were based on informed decision making and understanding of the heritage asset, and good building conservation practice to ensure preservation and enhancement of the character and significance of the designated heritage asset.

Introduction of the external door into the curtilage listed outbuilding is not considered appropriate in this case due to the adverse impact on character and significance of the designated heritage asset. Informed conversion of the outbuilding was originally supported to enable works to the Grade II* Listed longhouse to take place. Potential change to the outbuilding was also carefully considered at this time to ensure the significance of heritage assets and setting of the longhouse was sustained and where appropriate enhanced.

Retention of the unauthorised external door is therefore not

supported.

Parish/Town Council Comments

Drewsteignton PC: Support retention of external door in annexe. The siting of this door is un-obtrusive and adds natural light to the interior.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

DMD1a - Presumption in favour of sustainable development

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

DMD8 - Changes to Historic Buildings

Representations

2 letters of support

Two neighbours have supported the application saying it allows in light and from a safety point of view it allows residents to see visitors.

Observations

INTRODUCTION

Middle Venton is a Grade II* listed farmhouse. An archaeological assessment carried out in 2006 highlighted two aspects of Middle Venton which mark its particular importance, Firstly it was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also features and it's roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988'. The Grade II* listing reflects the fact that it is recognised as an important survival - only 4% of Listed Buildings in England are of this status and in Devon there are fewer than 20 longhouses surviving in this form. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons. The significance of the building is set out in the comments from English Heritage. (see Appendix 2)

PLANNING HISTORY

Planning and Listed Building Applications were submitted in 2005 but the applications relating to the house were withdrawn because the alterations proposed were unacceptable. The Authority and English Heritage agreed to the applications submitted in 2009 because they enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a staircase whilst retaining the unconverted shippon. An extension was given permission on the rear of the dwelling containing a replacement staircase, a bathroom at first floor level and a ground floor toilet.

Planning application 0701/05 proposed the conversion of the cow byre which is a curtilage listed building within the farmyard, to an annexe. The Authority exceptionally allowed the conversion of this building to residential accommodation to take pressure off the house and to

enable the applicants to live on site in modest accommodation while the main house was being worked on. The policies that applied at the time would normally have ruled against the conversion of buildings affecting the setting of such an important listed building into residential accommodation. The permission was subject to the following condition –

The unit hereby approved shall be used solely as additional living accommodation in connection with, and ancillary to the existing dwelling and shall not be used, let or otherwise disposed of as a separate unit of accommodation.

THE PROPOSAL

The drawings approved under 0701/05 showed a solid timber access door in a re-opened doorway from the adjacent linhay. It was considered that a solid door was necessary to retain the character of the farm yard. Details of doors and windows were required by condition; however the applicants installed a glazed door without previously agreeing the details. Officers agreed that the glazed door could be retained during the applicant's occupation of the annexe, which has now ceased. Despite the applicants having been informed that the door could only be retained in the short term, the door has remained in place.

CONSIDERATIONS

The text supporting policy DMD9 reflects the advice previously contained in the Local Plan First Review that there are certain buildings which, because of their special historical, architectural, landscape or constructional characteristics, or because of their value within a local setting, are unlikely to be suitable for conversion. These include farm buildings providing an essential agricultural setting for a Grade I or Grade II* listed Farmhouse. It is also stated that it is important to maintain control over the setting of the building, especially where it contributes to the architectural or historical character of the locality.

It is argued by the applicant that the retention of the glazed door causes minor harm, however the conversion was accepted on the basis of a solid timber door to protect the character of the building and setting of the listed building. As soon as the door was installed it was identified by officers as not complying with the approved plans and causing harm. It was acknowledged that while the applicants were permanently living in the annexe during building works the glazed door improved residents amenity and informal permission was given for it to remain in the short term.

Although the annexe only has approval as ancillary accommodation, the applicants were made aware of this issue as the building affects the setting of the listed building.

Consideration has been given to the National Park Design Guide which in itself suggests that a glazed door structure could be acceptable in a conversion of this nature. The applicants argue that whilst the building is limited to annexe accommodation it could be lived in on a permanent basis by members of the extended family. The glazed door provides additional light into a living area that only has one other small window and borrowed light from a small kitchen window. Consideration has also been given to the position of the door and its' impact on the overall setting of the group. On balance it has been concluded that listed building consent should not be refused in this case and that the glazed door can be retained.

The applicants attention has however been drawn to the unauthorised window at first floor level in the annex which will need addressing separately.

English Heritage in their recent letter have stated that they do not wish to comment on this aspect of enablement as the real harm is what has taken place in the shippon.

CONCLUSION

Although the retention of the glazed door has a detrimental impact on the external appearance and unpretentious agricultural character of a building which contributes to the essential agricultural setting of this important Grade II* listed longhouse building on balance it is considered that it does not represent substantial harm and therefore the retention of the door in its current form is acceptable. It is recommended that Listed Building Consent is granted.

3. Application No: **0544/13**
Application Type: **Listed Building Consent**
Grid Ref: **SX694910**

District/Borough: **West Devon Borough**
Parish: **Drewsteignton**
Officer: **Jo Burgess**

Proposal: **Retention of en suite bathroom**

Location: **Middle Venton Farm,
Drewsteignton**

Applicant: **Mrs L Sowrey**



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50m
Scale 1:1250 @ A4

Recommendation **That consent be REFUSED**

Reason(s) for Refusal

1. The proposed ensuite by reason of altering the plan and volume of the chamber room within the Grade II* Listed Building and the associated pipe work would cause substantial harm and be detrimental to the character and appearance of the Listed Building and to this part of the National Park. The proposal is therefore contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document, in particular policies COR1, COR3 and COR5, policies DMD1, DMD3, DMD8 and DMD10 of the Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012

Introduction

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988. A copy of the official List entry can be found at Appendix 1.

The complex at Middle Venton comprises the Grade II* house and shippon, a Grade II barn on the western side of the former farmyard now a courtyard, a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon. Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the applicants ownership. To the east of the courtyard the applicant owns a parcel of agricultural land part of which has been fenced off from the remainder. To the north of the house lies a garden area bounded by a public right of way.

In order to achieve the opening up of the cross passage and restoration of the hall, planning permission and Listed Building Consent were granted in 2009 for alterations and extensions to the farmhouse and re-roofing of the shippon in thatch. In addition a separate planning permission and listed building consent were granted for annexe accommodation in a former cow byre on the other side of the courtyard. A selection of approved plans can be found at Appendix 2 to this report. Again these plans are relevant to all applications relating to the house and shippon.

This retrospective application seeks to regularise unauthorised works to create an en-suite bathroom in a first floor bedroom. These works were carried out without Listed Building Consent.

The application was due to be considered by the Committee in December but was withdrawn from the list by the Director to allow further consideration of issues raised by the applicant by officers and English Heritage.

Following a site inspection English Heritage have now revised their original comments. The full text of their letter dated 14 February 2014 can be found at Appendix 3. The Appendices have been reproduced once as part of this report but are relevant to this and the following four reports.

Should Members choose to refuse any of the applications listed on the agenda the subject of enforcement will need to be addressed as all the applications are retrospective. At this stage however it is considered that Members should consider the principle issues of impact on the

Listed Buildings and whether or not Listed Building Consent should be granted or refused. Later reports to a following committee will then consider the expediency of enforcement and options available.

This application is presented to Committee in view of the comments made by the Parish Council.

Planning History

0543/13	Amended design for two doors and amended detail of glazing to lean-to Listed Building Consent	Grant Unconditionally	05 December 2013
0101/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Grant Conditionally	25 November 2009
0100/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Full Planning Permission	Grant Conditionally 08 October 2009
0439/07	Internal and external alterations	Listed Building Consent	Withdrawn 30 July 2007
0703/05	Internal and external alterations to farmhouse, 'linhay' and 'stables'	Listed Building Consent	Withdrawn 01 November 2005
0700/05	Extension of domestic curtilage to incorporate west end of home paddock	Full Planning Permission	Withdrawn 17 October 2005
03/09/1654/79	Conversion of building to provide additional accommodation	Change of Use	Grant Conditionally 29 January 1980
0545/13	Retention of external door in annexe	Listed Building Consent	No Decision
0570/13	Replacement door and shutter within the shippon end of house	Listed Building Consent	No Decision
0571/13	Retention of hand rail and balustrade to shippon end of house	Listed Building Consent	No Decision
0572/13	Retention of glazing to former loading door and timber shutter on rear of house	Listed Building Consent	No Decision
0573/13	Retention of limecrete floor and limewashing of the walls	Listed Building Consent	No Decision

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
South West Water:	No objections
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	The proposal is considered in the context of the conditional grant of both Listed Building Consent 0101/09 and

Planning Permission 0100/09 where a holistic scheme for change and development was agreed for the grade II* listed longhouse.

Those embodied principles and approach to change set out in the above permissions at the time were based on informed decision making and understanding of the heritage asset, and good building conservation practice to ensure preservation and enhancement of the character and significance of the designated heritage asset.

Introduction of the en-suite bathroom into the chamber above the cross-passage is not considered appropriate in this case due to the adverse impact on the first floor plan form and historical development of the longhouse. Appropriate agreed provision was made for bathroom facilities to serve the three existing chambers through a two-storey extension to the rear which sought to relieve pressure for any additional en-suite accommodation etc. and to ensure for example, enhancement of significance for the unconverted part of the longhouse shippon.

Retention of the unauthorised en-suite bathroom is therefore not supported.

English Heritage:

Objects to this application - see appended letter

Parish/Town Council Comments

Drewsteignton PC:

Support retention of en-suite bathroom. This shower room is clearly separate to the listed building and could easily be restored to its historical state, with no serious harm to the building.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

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

DMD8 - Changes to Historic Buildings

Representations

2 letters of support

Two neighbours have supported the application citing the need for a convenient bathroom.

Observations

INTRODUCTION

Middle Venton is a Grade II* listed farmhouse. An archaeological assessment carried out in

2006 highlighted two aspects of Middle Venton which mark its particular importance, Firstly it was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also features and its roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988'. The grade II* listing reflects the fact that it is recognised as an important survival - only 4% of Listed Buildings in England are of this status. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons.

PLANNING HISTORY

Planning and Listed Building Consent Applications were submitted in 2005 but were withdrawn because the alterations proposed were unacceptable. The Authority and English Heritage agreed to the applications submitted in 2009 because they enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a staircase whilst retaining the unconverted shippon. An extension was given permission on the rear of the dwelling containing a replacement staircase, a bathroom at first floor level and a ground floor toilet.

THE PROPOSAL

This application seeks to retain the ensuite bathroom and associated fixtures and fittings and the ledge and braced door and surrounding partition.

CONSIDERATIONS

The formation of a chamber over the cross passage is a standard historic element of longhouses. The chamber above the cross passage was formed in the C17 by creating an opening in the cross-wall between the domestic end and the shippon end at the upper floor (hayloft level). The chamber is jettied over the passage wall and occupies the first of the four bays at the upper level. The approved plans showed the plan to be retained with a new hot water cylinder in the corner of the room.

An ensuite shower room and toilet have been created in a new bathroom to the rear of the chamber. Although the works are reversible, the Authority and English Heritage consider that the bathroom is un-necessary bearing in mind the new bathroom in the extension and more importantly it has changed the plan form of this modest secondary bed room. The significance of this Passage Chamber lies in its plan form and modest character and the introduction of the en-suite has changed the plan form and modest nature. In addition to the impact on the internal layout of the house, the bathroom has added to the ugly complex of pipework on the rear elevation of the building which is not shown on the drawings.

English Heritage has recently visited the property and considers that the bathroom is an unnecessary intrusion into the simple volumes of the room with harmful impact on the significance of the plan-form of the house. They state that this is compounded by the scale and crude appearance of the plumbing externally and they remain opposed to it.

APPLICANTS COMMENTS

The applicant points out that the bedroom is a later alteration and is of secondary importance. The applicants have undertaken a series of works and a full restoration of the original (17th century bedrooms) and removed features which harmed their character such as a staircase, water tanks and pipework. There has been no loss of historic fabric (other than where a pipe

runs through a wall) and the works are reversible. The approved plans showed a water tank where the en suite is. The bathroom fittings in themselves do not require listed building consent.

The applicants are of the view that removal of the partition would leave the bathroom exposed and serve little practical purpose.

CONCLUSION

The retention of the bathroom cannot be supported because it compromises the historic plan of the chamber over the cross passage and has implications for the external appearance of the building that are considered to be unacceptable. Cumulatively the harm of the unauthorised works is substantial. It is recommended that Listed Building Consent is refused.

Should Members be minded to grant Listed Building Consent the application will have to be referred to the Secretary of State.

4. Application No: **0570/13**
Application Type: **Listed Building Consent**
Grid Ref: **SX694910**

District/Borough: **West Devon Borough**
Parish: **Drewsteignton**
Officer: **Jo Burgess**

Proposal: **Replacement door and shutter within the shippon end of house**

Location: **Middle Venton Farm,
Drewsteignton**

Applicant: **Mrs L Sowrey**



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50m
Scale 1:1250 @ A4

Recommendation **That consent be REFUSED**

Reason(s) for Refusal

1. The proposed door and shutter by reason of their impact on the significance, historic interest, cultural significance and loss of an important fixture of the Grade II* Listed longhouse will cause significant harm to the building which would not be outweighed by public benefit and would be detrimental to the character and appearance of the Listed Building and to this part of the National Park. The proposal is therefore contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document, in particular policies COR1, COR3 and COR5, policies DMD1, DMD3, DMD8 and DMD10 of the Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012

Introduction

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988. A copy of the official List entry can be found at Appendix 1.

The complex at Middle Venton comprises the Grade II* house and shippon, a Grade II barn on the western side of the former farmyard now a courtyard, a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon. Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the applicants ownership. To the east of the courtyard the applicant owns a parcel of agricultural land part of which has been fenced off from the remainder. To the north of the house lies a garden area bounded by a public right of way.

In order to achieve the opening up of the cross passage and restoration of the hall, planning permission and Listed Building Consent were granted in 2009 for alterations and extensions to the farmhouse and re-roofing of the shippon in thatch. In addition a separate planning permission and listed building consent were granted for annexe accommodation in a former cow byre on the other side of the courtyard. A selection of approved plans can be found at Appendix 2 to this report. Again these plans are relevant to all applications relating to the house and shippon.

This retrospective application seeks to retain a replacement door and shutter within the shippon end of the house. These works were carried out without Listed Building Consent.

The application was due to be considered by the Committee in December but was withdrawn from the list by the Director to allow further consideration of issues raised by the applicant by officers and English Heritage.

Following a site inspection English Heritage have now revised their original comments. The full text of their letter dated 14 February 2014 can be found at Appendix 3. Both Appendices have been reproduced once as part of this report but are relevant to all six reports.

Should Members choose to refuse any of the applications listed on the agenda the subject of enforcement will need to be addressed as all the applications are retrospective. At this stage however it is considered that Members should consider the principle issues of impact on the

Listed Buildings and whether or not Listed Building Consent should be granted or refused. Later reports to a following committee will then consider the expediency of enforcement and options available.

This application is presented to Committee in view of the comments made by the Parish Council.

Planning History

0543/13	Amended design for two doors and amended detail of glazing to lean-to Listed Building Consent	Grant Unconditionally	05 December 2013
0101/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Grant Conditionally	25 November 2009
0100/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Full Planning Permission	Grant Conditionally 08 October 2009
0439/07	Internal and external alterations	Listed Building Consent	Withdrawn 30 July 2007
0703/05	Internal and external alterations to farmhouse, 'linhay' and 'stables'	Listed Building Consent	Withdrawn 01 November 2005
0700/05	Extension of domestic curtilage to incorporate west end of home paddock	Full Planning Permission	Withdrawn 17 October 2005
03/09/1654/79	Conversion of building to provide additional accommodation	Change of Use	Grant Conditionally 29 January 1980
0545/13	Retention of external door in annexe	Listed Building Consent	No Decision
0544/13	Retention of en suite bathroom	Listed Building Consent	No Decision
0571/13	Retention of hand rail and balustrade to shippon end of house	Listed Building Consent	No Decision
0572/13	Retention of glazing to former loading door and timber shutter on rear of house	Listed Building Consent	No Decision
0573/13	Retention of limecrete floor and limewashing of the walls	Listed Building Consent	No Decision

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No objection
South West Water:	No objections
Environment Agency:	Flood Risk Zone 1 - standing advice applies
English Heritage:	Objects to this application - see appended letter
Historic Buildings Officer:	The proposal is considered in the context of the conditional

grant of both Listed Building Consent 0101/09 and Planning Permission 0100/09 where a holistic scheme for change and development was agreed for the Grade II* Listed longhouse.

Those embodied principles and approach to change set out in the above permissions at the time were based on informed decision making and understanding of the heritage asset, and good building conservation practice to ensure preservation and enhancement of the character and significance of the designated heritage asset.

The details provided in this application are unclear in the context of the above where the intention of the permissions was to retain the existing shippon door which opened inwards. Replacement of this existing door, which is still retained on site, with a domestic style partially glazed door with side light is not considered appropriate in this case due to the adverse impact on the character and significance of the longhouse shippon. Also, the proposed 'shutter' whilst suggested as a replacement for the existing door is unnecessary in conservation terms where the old door can be repaired to extend the life of historic fabric.

Retention of the unauthorised door and shutter is therefore not supported.

Parish/Town Council Comments

Drewsteignton PC: Support - the weatherproof door protects the building and the shutters give a historical exterior appearance

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

DMD1a - Presumption in favour of sustainable development

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

DMD8 - Changes to Historic Buildings

Representations

2 letters of support

Two neighbours have written supporting the applications stating that the shippon has not been in agricultural use for some time and that the works have been carried out to ensure that the shippon is weathertight whilst being in keeping.

Observations

INTRODUCTION

Middle Venton is a Grade II* listed farmhouse. An archaeological assessment carried out in

2006 highlighted two aspects of Middle Venton which mark its particular importance, Firstly it was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also features and it's roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988'. The Grade II* listing reflects the fact that it is recognised as an important survival - only 4% of Listed Buildings in England are of this status and in Devon there are fewer than 20 longhouses surviving in this form. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons. The significance of the building is set out in the comments from English Heritage.

The applicant has presented evidence in the form of letters, that agricultural use of Middle Venton ceased in 1977 and that the shippon has been used for a range of domestic uses including coal and log storage since 1944. It is asserted that due to internal connections between the two elements of the building, the lawful use is as part of the domestic dwelling.

The lawful use of the property is a material consideration but does not however dislodge the requirement to justify works that may be harmful to the Listed Building or the need for consent for such works.

PLANNING HISTORY

Planning and Listed Building Applications were submitted in 2005 but were withdrawn because the alterations proposed were unacceptable. The Authority and English Heritage agreed to the applications submitted in 2009 because they enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a staircase whilst retaining the unconverted shippon. An extension was given permission on the rear of the dwelling containing a replacement staircase, a bathroom at first floor level and a ground floor toilet.

Following a recent site visit and further consideration of information provided by the applicant English Heritage has provided further advice which is appended to this report. It is noted that at the time of the Exeter Archaeology report in 2006 apart from the conversion of the Dairy to a kitchen, the functionality of the shippon was not impaired. It is clear from correspondence following withdrawal of the 2005 applications and Design and Access statement submitted with the 2009 applications that the retention of the character of the shippon and re-instatement of the cross passage together with the issue of the stairs, were the key drivers for the proposals being put forward.

THE PROPOSAL

The plans approved in 2009 showed the existing solid timber shippon door to be rehung to open outwards. The door was removed in 2013 (and still remains on site) and a glazed door has been installed on the inside of the doorway into the shippon and a timber shutter installed on the outer wall. This application seeks to retain the glazed shippon door and shutter.

At the present time the door into the shippon is being used as the primary front door to the property, notwithstanding that a new front door has now been re-instated into the hallway and is perfectly functionable. This is historically correct – the use of the shippon door as a main entrance door to the house is not. At this point it should also be noted that the 2009 Listed Building Consent had other doors shown in the hallway effectively closing off the unconverted shippon from the house. Those doors have not been re-instated so at present the shippon area is open to the hallway.

CONSIDERATIONS

The applicant argues that the shippon has been used as part of the house for 60 years and that the previous door was of poor quality and not weatherproof. The applicant has installed a modern timber door with glazed panels which matches doors on the exterior of the domestic part of the building and attempted to fit an outside door as a shutter. This is a standard barn conversion solution but it is considered to be wholly misplaced when domestic conversion of the shippon is what the Authority and English Heritage have resisted from the outset.

The archaeological assessment states that around the cow door, noticeably massive pieces of granite have been employed, supporting the conclusion that this door, which allowed separate access to the shippon, is a primary feature of the farmhouse and the significance of the historic doorway lies in its evidential value.

Prior to the applicant carrying out works to the building, externally the shippon had a very different appearance to the house by virtue of a corrugated iron roof, the stonework not being rendered and the non-domestic access door and window. The Authority gave planning permission and Listed Building Consent for the whole of the roof of the building to be thatched, however sought to retain the visual differentiation between the farmhouse and the shippon by insisting on the existing door being retained and a window with vertical mullions rather than a casement window being installed.

Maintaining the unconverted character of the shippon has been paramount in all the negotiations between officers and the applicant and the installation of this domestic door is contrary to this aspiration and as English Heritage has advised causes substantial harm. Policy DMD8 requires the Authority only to grant consent for alterations to listed buildings when, having assessed the significance of the building (which is high in this case with the property being Grade II* listed) and whether the proposed development will result in harm to the building and the scale of the harm; it concludes that any harm is outweighed by the public benefits the proposed development will bring.

In this case the Authority and English Heritage has assessed the harm and identified that the works detract from the original significance, form, quality and setting of the building, adversely affect its historical and architectural interest, does not maintain the cultural significance of the building and does not protect the important fixtures and fittings of the building. The original door remains on site and could be rehung in accordance with the approved drawings thus retaining the significance of this most important heritage asset. Although a shutter has been installed (without Listed Building Consent), it is tied open so the glazed door is on view for most of the time. The applicant has offered to remove the shutter if the new door is considered acceptable. At the time of the most recent site visit the shutter had suffered from storm damage and had been removed.

HUMAN RIGHTS ISSUES AND LAWFUL USE

It has been concluded that there is no interference with human rights where planning and listed buildings policy and law is being properly followed. It is not unlawful to refuse consent for works that would otherwise facilitate a lawful use of a property if the refusal of consent is properly justified in accordance with policy and all material considerations.

There is nothing to suggest that the shippon has to be converted to conserve Middle Venton Farmhouse or its significance, or to conserve the farmstead and its significance. There is no

suggestion that the shippon had to be converted to domestic use to secure the future of the site.

'Passive storage' appears to be a perfectly sustainable use and there is no need for it to be heated and draught proof. By carrying out the works in question, the distinction is blurred between domestic and non-domestic, which is key to maintaining the significance of the longhouse.

It might be argued that the scale of harm to the character of the shippon of individual elements of the work is small scale therefore less than substantial but guidance in the draft National Planning Practice Guidance on Decision-taking : historic environment (August 2013) makes it clear that even minor works have the potential to cause substantial harm.

There is no justification because increasing market value at the expense of significance is not a public benefit. The harm is substantial and cannot be justified on the grounds of necessity or of optimum viable use.

APPLICANTS COMMENTS

It was made clear from the outset that the applicants believed that the issue of the lawfulness or otherwise of the part former shippon was central to the determination of the applications.

Both the response of EH and the committee reports are based on the proposition that a domestic use is harmful per se to the "character" or "cultural significance" of the listed building. This argument is entirely undercut if the perceived "harmful" domestic use is already lawful, and has been for 60 years. There is a world of difference in dealing with applications that will alter a "pristine" vernacular building in the course of introducing a new use and dealing with a building that has been in a lawful domestic use of sixty years and needs updating.

The applicant's view is that there is no domestication of the building as the domestic use has been lawful for 75 years; the impacts of the proposed alteration are minor and far outweighed by the benefits of restoring the house; even if the domestic use was not already lawful it is the optimal viable use of the property. Attempts to limit the use of the shippon end from a full domestic use by making the end of the house unusable are unlawful and unreasonably infringe upon the applicants human rights.

Previously present was a replacement C20th door of poor quality. This has been replaced with a high quality joinery door but, instead of the approved solid door, a door with a glazed panel has been installed. In addition, a shutter was attached to the wall which could be closed off to give the appearance of a solid door; this has been blown off in the recent gales and only the framework remains.

The applicant advises there has been an improvement to the appearance to the listed building in that a high quality door (albeit one with a glazed panel) has replaced a poor quality one. The panel provides illumination and enables people in the kitchen to see if someone arrives in the yard. The applicants have offered to remove the shutter if it is considered superfluous. The new door replaced a C20th door of poor quality; no historic fabric has been lost and the works are reversible.

Doors are a key architectural element and this is one of the principal doors of the house. The removal of the shutter presents no difficulty and the door can be altered and the glazed panel filled in.

CONCLUSION

The lawful use of the property is a material consideration but it does not dislodge the requirement to justify works that may be harmful to a listed building in accordance with the statutory consideration in the Planning (Listed Building and Conservation Areas) Act 1990 and the policies in the NPPF.

English Heritage has concluded that although the works have not been badly executed and in general they have been executed to a high 'spec' and adapted a run-down, damaged and spartan farmhouse into a comfortable home, the house would have been no less comfortable and the significance would have been better enhanced had the works been carried out in accordance with the requirements of the earlier listed building consent and planning permission.

The Authority and English Heritage do not agree with the applicant that the works have retained the character of the shippon. To the contrary the door is completely out of character with this unconverted part of the building and cumulatively the harm of the unauthorised works is considered substantial. It is therefore recommended that Listed Building Consent is refused.

The key consideration for Members is whether or not the works have caused harm to the building, and its setting, and whether or not the works detract from the very reasons why the building was given such a high Listed status.

Should Members be minded to grant Listed Building Consent the application will have to be referred to the Secretary of State.

5. Application No: **0571/13** District/Borough: **West Devon Borough**
Application Type: **Listed Building Consent** Parish: **Drewsteignton**
Grid Ref: **SX694910** Officer: **Jo Burgess**

Proposal: **Retention of hand rail and balustrade to shippon end of house**

Location: **Middle Venton Farm,
Drewsteignton**

Applicant: **Mrs L Sowrey**



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50m
Scale 1:1250 @ A4

Recommendation **That consent be REFUSED**

Reason(s) for Refusal

1. The proposed retention of the balustrade and handrails by reason of their impact on the significance, historic interest and cultural significance of the Grade II* Listed longhouse will cause significant harm to the building which would not be outweighed by public benefit and would be detrimental to the character and appearance of the Listed Building and to this part of the National Park. The proposal is therefore contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document, in particular policies COR1, COR3 and COR5, policies DMD1, DMD3, DMD8 and DMD10 of the Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988. A copy of the official List entry can be found at Appendix 1.

The complex at Middle Venton comprises the Grade II* house and shippon, a Grade II barn on the western side of the former farmyard now a courtyard, a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon. Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the applicants ownership. To the east of the courtyard the applicant owns a parcel of agricultural land part of which has been fenced off from the remainder. To the north of the house lies a garden area bounded by a public right of way.

In order to achieve the opening up of the cross passage and restoration of the hall, planning permission and Listed Building Consent were granted in 2009 for alterations and extensions to the farmhouse and re-roofing of the shippon in thatch. In addition a separate planning permission and listed building consent were granted for annexe accommodation in a former cow byre on the other side of the courtyard. A selection of approved plans can be found at Appendix 2 to this report. Again these plans are relevant to all applications relating to the house and shippon.

This retrospective application seeks to retain a hand rail and balustrade within the shippon end of the house. These works were carried out without Listed Building Consent.

The application was due to be considered by the Committee in December but was withdrawn from the list by the Director to allow further consideration of issues raised by the applicant by officers and English Heritage.

Following a site inspection English Heritage have now revised their original comments. The full text of their letter dated 14 February 2014 can be found at Appendix 3. Both Appendices have been reproduced once as part of this report but are relevant to all six reports.

Should Members choose to refuse any of the applications listed on the agenda the subject of enforcement will need to be addressed as all the applications are retrospective. At this stage however it is considered that Members should consider the principle issues of impact on the

Listed Buildings and whether or not Listed Building Consent should be granted or refused. Later reports to a following committee will then consider the expediency of enforcement and options available.

This application is presented to Committee in view of the comments made by the Parish Council.

Planning History

0543/13	Amended design for two doors and amended detail of glazing to lean-to Listed Building Consent	Grant Unconditionally	05 December 2013
0101/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Grant Conditionally	25 November 2009
0100/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Full Planning Permission	Grant Conditionally 08 October 2009
0439/07	Internal and external alterations	Listed Building Consent	Withdrawn 30 July 2007
0703/05	Internal and external alterations to farmhouse, 'linhay' and 'stables'	Listed Building Consent	Withdrawn 01 November 2005
0700/05	Extension of domestic curtilage to incorporate west end of home paddock	Full Planning Permission	Withdrawn 17 October 2005
03/09/1654/79	Conversion of building to provide additional accommodation	Change of Use	Grant Conditionally 29 January 1980
0545/13	Retention of external door in annexe	Listed Building Consent	No Decision
0544/13	Retention of en suite bathroom	Listed Building Consent	No Decision
0570/13	Replacement door and shutter within the shippon end of house	Listed Building Consent	No Decision
0572/13	Retention of glazing to former loading door and timber shutter on rear of house	Listed Building Consent	No Decision
0573/13	Retention of limecrete floor and limewashing of the walls	Listed Building Consent	No Decision

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No objection
South West Water:	No objections
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	The proposal is considered in the context of the conditional grant of both Listed Building Consent 0101/09 and

Planning Permission 0100/09 where a holistic scheme for change and development was agreed for the Grade II* Listed longhouse.

Those embodied principles and approach to change set out in the above permissions at the time were based on informed decision making and understanding of the heritage asset, and good building conservation practice to ensure preservation and enhancement of the character and significance of the designated heritage asset.

Introduction of the handrail and balustrade into the shippon for ladder access and to guard part of the loft floor is not considered appropriate in this case due to the adverse impact on the character and significance of the interior of the longhouse shippon. There can be no justification for the proposal where within the context of the above extant permissions it was intended that the shippon loft floor was to be fully boarded over. This would have negated the need for a balustrade and a ladder was agreed where implicitly no handrail would be needed for such limited access.

Retention of the unauthorised hand rail and balustrade is therefore not supported.

English Heritage:

Objects to this application - see appended letter

Parish/Town Council Comments

Drewsteignton PC:

Support - these are safety features which are common sense whatever use the building is put to

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

DMD1a - Presumption in favour of sustainable development

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

DMD8 - Changes to Historic Buildings

Representations

3 letters of support

Three neighbours have written to support the application stating that for safety reasons the rails have been installed in a complimentary fashion to the rafters under the thatch.

Observations

IINTRODUCTION

Middle Venton is a Grade II* listed farmhouse. An archaeological assessment carried out in 2006 highlighted two aspects of Middle Venton which mark its particular importance. Firstly it

was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also features and its roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988'. The Grade II* listing reflects the fact that it is recognised as an important survival - only 4% of Listed Buildings in England are of this status. In Devon there are fewer than 20 longhouses surviving in this form. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons. The significance of the building is set out in the comments from English Heritage.

PLANNING HISTORY

Planning and Listed Building Applications were submitted in 2005 but were withdrawn because the alterations proposed were unacceptable. The Authority and English Heritage agreed to the applications submitted in 2009 because they enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a staircase whilst retaining the unconverted shippon. An extension was given permission on the rear of the dwelling containing a replacement staircase, a bathroom at first floor level and a ground floor toilet.

Following a recent site visit and further consideration of information provided by the applicant English Heritage has provided further advice which is appended to this report. It is noted that at the time of the Exeter Archaeology report in 2006 apart from the conversion of the Dairy to a kitchen, the functionality of the shippon was not impaired. It is clear from correspondence following withdrawal of the 2005 applications and Design and Access statement submitted with the 2009 applications that the retention of the character of the shippon and re-instatement of the cross passage together with the issue of the stairs, were the key drivers for the proposals being put forward.

The applicant has presented evidence in the form of letters stating that agricultural use of Middle Venton ceased in 1977 and that the shippon has been used for a range of domestic uses including coal and log storage since 1944. It is asserted that due to internal connections between the two elements of the building, the lawful use is as part of the domestic dwelling.

The lawful use of the property is a material consideration but does not however dislodge the requirement to justify works that may be harmful to the Listed Building or the need for consent for such works.

THE PROPOSAL

Prior to any works being carried out, the hayloft extended over the kitchen and the shippon retained beams and joists from the former hayloft. Access to the existing hayloft was via a ladder when required. The approved plans showed the hayloft floor to be reinstated across the whole shippon in sawn planking with a fixed ladder installed in a gap in the proposed floor created by the removal of one of the joists.

The significance of the hayloft floor is evidential and practical; it was a serviceable and non-domestic floor for storage.

Works have not been carried out in accordance with the plans approved in 2009 in that although the beams in the shippon have been retained, the joists have been removed and the proposed hayloft across the whole shippon has not been created. Instead the existing hayloft (tallet) has been re-boarded and a 'rustic' balustrade with a gate in it erected along the outside

edge and a fixed ladder with 'rustic' handrails installed to enable access.

The applicant prefers the double height space so has opted not to implement the floor over the shippon. This application seeks to retain the balustrade and gate that have been erected along the outside edge of the hayloft and the handrails on the ladder for safety reasons and to enable the hayloft to be used as a sleeping platform. It is argued by the applicant that because the ladder is a new element in the shippon and has an artisan appearance which matches the underside of the new thatched roof the harm to the listed building is minor.

The use of the first floor of the shippon as a hayloft is supported by the existence of the hayloft door on the rear elevation, the surviving joists and beams and fragments of boarding that survived at the time of the archaeological assessment. In addition this assessment states that 'there are no signs that the hayloft was ever used as a chamber'. The 2005 scheme that was withdrawn proposed a new bedroom on the hayloft and was unacceptable partly because of this incursion into the shippon space.

CONSIDERATIONS

The applicant argues that the shippon has been used as part of the house for 60 years and that balustrade and handrails are needed for safety reasons to enable the use of the hayloft as sleeping accommodation.

The survival in an unaltered form of approximately half of the shippon, was the crucial feature in placing a high listing status on the farm. Unlike at Uppacott, it is clear that the upper floor of the shippon had been used as a hayloft and when considering the works to the house and shippon in 2009, the reinstatement of the hayloft was seen as a positive aspect of the approved scheme. Access either via a ladder through the floor or through the hayloft door was accepted by the applicants. The balustrade and handrail have been introduced only because the space is not being used as it historically has been or was envisaged to be on the 2009 approved plans.

Maintaining the unconverted character and low key use of the shippon has been paramount in all the negotiations between officers and the applicant and the installation of the balustrade and handrails on the ladder are contrary to this aspiration. Policy DMD8 requires the Authority only to grant consent for alterations to listed buildings when, having assessed the significance of the building (which is high in this case with the property being Grade II* listed) and whether the proposed development will result in harm to the building and the scale of the harm; it concludes that any harm is outweighed by the public benefits the proposed development will bring.

In this case the Authority and English Heritage has assessed the harm to be substantial and identified that the works detract from the original significance, form, quality and setting of the building, adversely affect its historical and architectural interest, do not maintain the cultural significance of the building and do not protect the important fixtures and fittings of the building. There are no public benefits to the works and there is no need for day to day access to the hayloft. The balustrade and handrails are out of keeping with this agricultural setting and do not retain the significance of this most important heritage asset.

Although the safety concerns are acknowledged the applicant has chosen not to implement the 2009 approved plans in full and the introduction of domestic fittings to what was approved as a hayloft ladder is not appropriate in this setting.

HUMAN RIGHTS ISSUES AND LAWFUL USE

It has been concluded that there is no interference with human rights where planning and listed buildings policy and law is being properly followed. It is not unlawful to refuse consent for works that would otherwise facilitate a lawful use of a property if the refusal of consent is properly justified in accordance with policy and all material considerations.

There is nothing to suggest that the shippon has to be converted to conserve Middle Venton Farmhouse or its significance, or to conserve the farmstead and its significance. There is no suggestion that the shippon had to be converted to domestic use to secure the future of the site.

'Passive storage' appears to be a perfectly sustainable use and there is no need for it to be heated and draught proof. By carrying out the works in question, the distinction is blurred between domestic and non-domestic, which is key to maintaining the significance of the longhouse.

It might be argued that the scale of harm to the character of the shippon of individual elements of the work is small scale therefore less than substantial but guidance in the draft National Planning Practice Guidance on Decision-taking : historic environment (August 2013) makes it clear that even minor works have the potential to cause substantial harm.

There is no justification because increasing market value at the expense of significance is not a public benefit. The harm is substantial and cannot be justified on the grounds of necessity or of optimum viable use.

APPLICANTS' COMMENTS

It was made clear from the outset that the applicants believed that the issue of the lawfulness or otherwise of the part former shippon was central to the determination of the applications.

Both the response of EH and the committee reports are based on the proposition that a domestic use is harmful per se to the "character" or "cultural significance" of the listed building. This argument is entirely undercut if the perceived "harmful" domestic use is already lawful, and has been for 60 years. There is a world of difference in dealing with applications that will alter a "pristine" vernacular building in the course of introducing a new use and dealing with a building that has been in a lawful domestic use of sixty years and needs updating.

The applicant's view is that there is no domestication of the building as the domestic use has been lawful for 75 years; the impacts of the proposed alteration are minor and far outweighed by the benefits of restoring the house; even if the domestic use was not already lawful it is the optimal viable use of the property. Attempts to limit the use of the shippon end from a full domestic use by making the end of the house unusable are unlawful and unreasonably infringe upon the applicants human rights.

The hayloft has been part reinstated and consent has been granted for the reinstatement of the rest. This has not been undertaken as the owner prefers the floor part reinstated and in addition; the works cannot be completed as she has run out of money. A balustrade has been installed; this is well made and of rustic appearance.

The applicants advise it is a reasonable and necessary alteration for health and safety purposes. When the floor is fully reinstated the balustrade will be removed.

There has been no loss of historic fabric and the works are reversible. If the balustrade is removed people (particularly children) using the hayloft could fall off and be injured.

A hand rails has been provided to the (approved) ladder stairs which matches the balustrade. It is well made and of rustic appearance.

The applicants advise that the hand rail is necessary for health and safety purposes.

There has been no loss of historic fabric and the works are reversible. If it is removed then there is the possibility that people (of all ages) will be more likely to fall down the stairs, which are steep.

CONCLUSION

The lawful use of the property is a material consideration but it does not dislodge the requirement to justify works that may be harmful to a listed building in accordance with the statutory consideration in the Planning (Listed Building and Conservation Areas) Act 1990 and the policies in the NPPF.

English Heritage has concluded that although the works have not been badly executed and in general they have been executed to a high 'spec' and adapted a run-down, damaged and spartan farmhouse into a comfortable home, the house would have been no less comfortable and the significance would have been better enhanced had the works been carried out in accordance with the requirements of the consent and planning permission.

The Authority and English Heritage do not agree with the applicant that the works have retained the character of the shippon. To the contrary the balustrade and handrails are completely out of character with this unconverted part of the building and cumulatively the harm of the unauthorised works is considered substantial. It is therefore recommended that Listed Building Consent is refused.

The key consideration for Members is whether or not the works have caused harm to the building, and its setting, and whether or not the works detract from the very reasons why the building was given such a high Listed status.

Should Members be minded to grant Listed Building Consent the application will have to be referred to the Secretary of State.

6. Application No: **0572/13** District/Borough: **West Devon Borough**
Application Type: **Listed Building Consent** Parish: **Drewsteignton**
Grid Ref: **SX694910** Officer: **Jo Burgess**

Proposal: **Retention of glazing to former loading door and timber shutter on rear of house**

Location: **Middle Venton Farm, Drewsteignton**

Applicant: **Mrs L Sowrey**



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50m
Scale 1:1250 @ A4

Recommendation **That consent be REFUSED**

Reason(s) for Refusal

1. The proposed glazing to the hayloft door by reason of it's impact on the significance, historic interest and cultural significance of the Grade II* Listed longhouse will cause significant harm to the building which would not be outweighed by public benefit and would be detrimental to the character and appearance of the Listed Building and to this part of the National Park. The proposal is therefore contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document, in particular policies COR1, COR3 and COR5, policies DMD1, DMD3, DMD8 and DMD10 of the Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988. A copy of the official List entry can be found at Appendix 1.

The complex at Middle Venton comprises the Grade II* house and shippon, a Grade II barn on the western side of the former farmyard now a courtyard, a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon. Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the applicants ownership. To the east of the courtyard the applicant owns a parcel of agricultural land part of which has been fenced off from the remainder. To the north of the house lies a garden area bounded by a public right of way.

In order to achieve the opening up of the cross passage and restoration of the hall, planning permission and Listed Building Consent were granted in 2009 for alterations and extensions to the farmhouse and re-roofing of the shippon in thatch. In addition a separate planning permission and listed building consent were granted for annexe accommodation in a former cow byre on the other side of the courtyard. A selection of approved plans can be found at Appendix 2 to this report. Again these plans are relevant to all applications relating to the house and shippon.

This retrospective application seeks to retain the glazing to the former loading door and timber shutter on the rear of the shippon end of the house. These works were carried out without Listed Building Consent.

The application was due to be considered by the Committee in December but was withdrawn from the list by the Director to allow further consideration of issues raised by the applicant by officers and English Heritage.

Following a site inspection English Heritage have now revised their original comments. The full text of their letter dated 14 February 2014 can be found at Appendix 3. Both Appendices have been reproduced once as part of this report but are relevant to all six reports.

Should Members choose to refuse any of the applications listed on the agenda the subject of enforcement will need to be addressed as all the applications are retrospective. At this stage however it is considered that Members should consider the principle issues of impact on the

Listed Buildings and whether or not Listed Building Consent should be granted or refused. Later reports to a following committee will then consider the expediency of enforcement and options available.

This application is presented to Committee in view of the comments made by the Parish Council.

Planning History

0543/13	Amended design for two doors and amended detail of glazing to lean-to Listed Building Consent	Grant Unconditionally	05 December 2013
0101/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Grant Conditionally	25 November 2009
0100/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Full Planning Permission	Grant Conditionally 08 October 2009
0439/07	Internal and external alterations	Listed Building Consent	Withdrawn 30 July 2007
0703/05	Internal and external alterations to farmhouse, 'linhay' and 'stables'	Listed Building Consent	Withdrawn 01 November 2005
0700/05	Extension of domestic curtilage to incorporate west end of home paddock	Full Planning Permission	Withdrawn 17 October 2005
03/09/1654/79	Conversion of building to provide additional accommodation	Change of Use	Grant Conditionally 29 January 1980
0544/13	Retention of en suite bathroom	Listed Building Consent	No Decision
0570/13	Replacement door and shutter within the shippon end of house	Listed Building Consent	No Decision
0571/13	Retention of hand rail and balustrade to shippon end of house	Listed Building Consent	No Decision
0545/13	Retention of external door in annexe	Listed Building Consent	No Decision
0573/13	Retention of limecrete floor and limewashing of the walls	Listed Building Consent	No Decision

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No objection
South West Water:	No objections
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	The proposal is considered in the context of the conditional grant of both Listed Building Consent 0101/09 and Planning Permission 0100/09 where a holistic scheme for

change and development was agreed for the grade II* listed longhouse.

Those embodied principles and approach to change set out in the above permissions at the time were based on informed decision making and understanding of the heritage asset, and good building conservation practice to ensure preservation and enhancement of the character and significance of the designated heritage asset.

Replacement of the existing loft door with a domestic style glazed frame is not considered appropriate due to the adverse impact on the character and significance of the longhouse shippon. Also, the proposed 'shutter' which is combined with the glazed frame behind is a misrepresentation of the shippon loft wall opening and causes adverse impact on character and significance.

Retention of the unauthorised door and shutter is therefore not supported.

English Heritage: Objects to this application - see appended letter

Parish/Town Council Comments

Drewsteignton PC: Support - the glazing protects the walls from wet weather and the shutter maintains a suitable exterior appearance.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

DMD1a - Presumption in favour of sustainable development

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

DMD8 - Changes to Historic Buildings

Representations

2 letters of support

Two neighbours have supported the applications stating that the glazing and shutter are important to keep the building weather tight.

Observations

INTRODUCTION

Middle Venton is a Grade II* listed farmhouse. An archaeological assessment carried out in 2006 highlighted two aspects of Middle Venton which mark its particular importance, Firstly it was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also features and it's roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988'. The grade II* listing reflects the fact that it

is recognised as an important survival - only 4% of Listed Buildings in England are of this status and in Devon there are fewer than 20 longhouses surviving in this form. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons. The significance of the building is set out in the comments from English Heritage.

PLANNING HISTORY

Planning and Listed Building Applications were submitted in 2005 but were withdrawn because the alterations proposed were unacceptable. The Authority and English Heritage agreed to the applications submitted in 2009 because they enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a staircase whilst retaining the unconverted shippon. An extension was given permission on the rear of the dwelling containing a replacement staircase, a bathroom at first floor level and a ground floor toilet.

Following a recent site visit and further consideration of information provided by the applicant English Heritage has provided further advice which is appended to this report. It is noted that at the time of the Exeter Archaeology report in 2006 apart from the conversion of the Dairy to a kitchen, the functionality of the shippon was not impaired. It is clear from correspondence following withdrawal of the 2005 applications and Design and Access statement submitted with the 2009 applications that the retention of the character of the shippon and re-instatement of the cross passage together with the issue of the stairs, were the key drivers for the proposals being put forward.

The applicant has presented evidence in the form of letters, stating that agricultural use of Middle Venton ceased in 1977 and that the shippon has been used for a range of domestic uses including coal and log storage since 1944. It is asserted that due to internal connections between the two elements of the building, the lawful use is as part of the domestic dwelling.

The lawful use of the property is a material consideration but does not however dislodge the requirement to justify works that may be harmful to the Listed Building or the need for consent for such works.

THE PROPOSAL

Prior to any works being carried out, the hayloft extended over the kitchen and the shippon retained beams and joists from the former hayloft. The plans approved in 2009 showed the existing shutter on the rear elevation to be retained.

The significance of the hayloft floor is evidential and practical; it was a serviceable and non-domestic floor for storage and hay was pitched through the door and it provided access to the hayloft.

Works have not been carried out in accordance with the 2009 approved plans in that glazing has been fitted into the hayloft shutter opening and a new shutter installed. The applicant prefers the double height space so has opted not to implement the floor over the shippon. This application seeks to retain the glazing installed in the hayloft opening.

CONSIDERATIONS

The applicant argues that the shippon has been used as part of the house for 60 years and that the glazing is required to make the building weather tight and that the glazing of the

'window' does not cause any harm.

The impact of glazing the opening is to make the shippon more habitable and so erode its non-domestic character, being more evident when the hatch door is not in place as a shutter. This is harmful to the significance of Middle Venton as it has undermined its historic integrity.

The survival in an unaltered form of approximately half of the shippon, was the crucial feature in placing a high listing status on the farm. Unlike at Uppacott, it is clear that the upper floor of the shippon had been used as a hayloft and when considering the works to the house and shippon in 2009, the reinstatement of the hayloft was seen as a positive aspect of the approved scheme. The withdrawn plans in 2005 showed the hayloft door to be glazed and this was one of the reasons why the scheme was considered to be unacceptable. The retention of the hayloft door was accepted by the applicants. The glazing has been introduced only because the space is not being used as it historically has been or was envisaged to be on the approved plans. The applicant calls the opening a window but it has only ever been a hayloft door so glazing was and is not considered appropriate or necessary.

Maintaining the unconverted character and low key use of the shippon has been paramount in all the negotiations between officers and the applicant and the installation of the glazing is contrary to this aspiration. Policy DMD8 requires the Authority only to grant consent for alterations to listed buildings when, having assessed the significance of the building (which is high in this case with the property being Grade II* listed) and whether the proposed development will result in harm to the building and the scale of the harm; it concludes that any harm is outweighed by the public benefits the proposed development will bring.

In this case the Authority has assessed the harm and identified that the works detract from the original significance, form, quality and setting of the building, adversely affect its historical and architectural interest, do not maintain the cultural significance of the building and do not protect the important fixtures and fittings of the building. There are no public benefits to the works. The glazing is out of keeping with this agricultural setting and does not retain the significance of this most important heritage asset.

Although the desire to make the building weather tight is acknowledged, the applicant has chosen not to implement the 2009 approved plans in full and the introduction of glazing into a space shown on the approved plans to be a hayloft is not considered necessary or appropriate in this setting. A key element of the 2009 consent was the sealing of the hallway from the shippon by internal doors. The fact that this has not been done has in effect led to the need to glaze the loft hatch.

HUMAN RIGHTS ISSUES AND LAWFUL USE

It has been concluded that there is no interference with human rights where planning and listed buildings policy and law is being properly followed. It is not unlawful to refuse consent for works that would otherwise facilitate a lawful use of a property if the refusal of consent is properly justified in accordance with policy and all material considerations.

There is nothing to suggest that the shippon has to be converted to conserve Middle Venton Farmhouse or its significance, or to conserve the farmstead and its significance. There is no suggestion that the shippon had to be converted to domestic use to secure the future of the site.

'Passive storage' appears to be a perfectly sustainable use and there is no need for it to be

heated and draught proof. By carrying out the works in question, the distinction is blurred between domestic and non-domestic, which is key to maintaining the significance of the longhouse.

It might be argued that the scale of harm to the character of the shippon of individual elements of the work is small scale therefore less than substantial but guidance in the draft National Planning Practice Guidance on Decision-taking : historic environment (August 2013) makes it clear that even minor works have the potential to cause substantial harm.

There is no justification because increasing market value at the expense of significance is not a public benefit. The harm is substantial and cannot be justified on the grounds of necessity or of optimum viable use.

APPLICANTS COMMENTS

It was made clear from the outset that the applicants believed that the issue of the lawfulness or otherwise of the part former shippon was central to the determination of the applications.

Both the response of EH and the committee reports are based on the proposition that a domestic use is harmful per se to the "character" or "cultural significance" of the listed building. This argument is entirely undercut if the perceived "harmful" domestic use is already lawful, and has been for 60 years. There is a world of difference in dealing with applications that will alter a "pristine" vernacular building in the course of introducing a new use and dealing with a building that has been in a lawful domestic use of sixty years and needs updating.

The applicant's view is that there is no domestication of the building as the domestic use has been lawful for 75 years; the impacts of the proposed alteration are minor and far outweighed by the benefits of restoring the house; even if the domestic use was not already lawful it is the optimal viable use of the property. Attempts to limit the use of the shippon end from a full domestic use by making the end of the house unusable are unlawful and unreasonably infringe upon the applicants human rights.

The applicants advise that the shippon is an integral part of the house and can lawfully be used for any domestic purpose; it cannot be put to any use if the shippon window is left unglazed. Officers have accepted the interlinking of the shippon and the rest of the house and it is unreasonable to expect the shippon to be used as an "outhouse" and there are no planning conditions that require this to be the case. If the glazing is removed the wind will blow into, not only the shippon, but through the rest of the house. It is therefore necessary to glaze the hayloft door, just as the dunghole has been glazed.

There is no loss of historic fabric and the works are reversible. If the glazing is required to be removed, weather will blow directly into the dwelling and it will not be weather tight

CONCLUSION

The lawful use of the property is a material consideration but it does not dislodge the requirement to justify works that may be harmful to a listed building in accordance with the statutory consideration in the Planning (Listed Building and Conservation Areas) Act 1990 and the policies in the NPPF.

English Heritage has concluded that although the works have not been badly executed and in general they have been executed to a high 'spec' and adapted a run-down, damaged and

spartan farmhouse into a comfortable home, the house would have been no less comfortable and the significance would have been better enhanced had the works been carried out in accordance with the requirements of the consent and planning permission.

The Authority and English Heritage do not agree with the applicant that the works have retained the character of the shippon. To the contrary the glazing is completely out of character with this unconverted part of the building and cumulatively the harm of the unauthorised works is considered substantial. It is therefore recommended that Listed Building Consent is refused.

The key consideration for Members is whether or not the works have caused harm to the building, and its setting, and whether or not the works detract from the very reasons why the building was given such a high Listed status.

Should Members be minded to grant Listed Building Consent the application will have to be referred to the Secretary of State.

7. Application No: **0573/13**
Application Type: **Listed Building Consent**
Grid Ref: **SX694910**

District/Borough: **West Devon Borough**
Parish: **Drewsteignton**
Officer: **Jo Burgess**

Proposal: **Retention of limecrete floor and limewashing of the walls**

Location: **Middle Venton Farm,
Drewsteignton**

Applicant: **Mrs L Sowrey**



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50m
Scale 1:1250 @ A4

Recommendation **That consent be REFUSED**

Reason(s) for Refusal

1. The proposed floor and limewash by reason of their impact on the significance, historic interest and cultural significance of the Grade II* Listed longhouse will cause significant harm to the building which would not be outweighed by public benefit and would be detrimental to the character and appearance of the Listed Building and to this part of the National Park. The proposal is therefore contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document, in particular policies COR1, COR3 and COR5, policies DMD1, DMD3, DMD8 and DMD10 of the Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012

Introduction

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988. A copy of the official List entry can be found at Appendix 1.

The complex at Middle Venton comprises the Grade II* house and shippon, a Grade II barn on the western side of the former farmyard now a courtyard, a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon. Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the applicants ownership. To the east of the courtyard the applicant owns a parcel of agricultural land part of which has been fenced off from the remainder. To the north of the house lies a garden area bounded by a public right of way.

In order to achieve the opening up of the cross passage and restoration of the hall, planning permission and Listed Building Consent were granted in 2009 for alterations and extensions to the farmhouse and re-roofing of the shippon in thatch. In addition a separate planning permission and listed building consent were granted for annexe accommodation in a former cow byre on the other side of the courtyard. A selection of approved plans can be found at Appendix 2 to this report. Again these plans are relevant to all applications relating to the house and shippon.

This retrospective application seeks to retain the limecrete floor and white limewash on the walls within the shippon end of the house. These works were carried out without Listed Building Consent.

The application was due to be considered by the Committee in December but was withdrawn from the list by the Director to allow further consideration of issues raised by the applicant by officers and English Heritage.

Following a site inspection English Heritage have now revised their original comments. The full text of their letter dated 14 February 2014 can be found at Appendix 3. Both Appendices have been reproduced once as part of this report but are relevant to all six reports.

Should Members choose to refuse any of the applications listed on the agenda the subject of enforcement will need to be addressed as all the applications are retrospective. At this stage however it is considered that Members should consider the principle issues of impact on the

Listed Buildings and whether or not Listed Building Consent should be granted or refused. Later reports to a following committee will then consider the expediency of enforcement and options available.

This application is presented to Committee in view of the comments made by the Parish Council.

Planning History

0543/13	Amended design for two doors and amended detail of glazing to lean-to Listed Building Consent	Grant Unconditionally	05 December 2013
0101/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Grant Conditionally	25 November 2009
0100/09	Alterations and extensions to farmhouse and reroofing of shippon roof in thatch	Full Planning Permission	Grant Conditionally 08 October 2009
0439/07	Internal and external alterations	Listed Building Consent	Withdrawn 30 July 2007
0703/05	Internal and external alterations to farmhouse, 'linhay' and 'stables'	Listed Building Consent	Withdrawn 01 November 2005
0700/05	Extension of domestic curtilage to incorporate west end of home paddock	Full Planning Permission	Withdrawn 17 October 2005
03/09/1654/79	Conversion of building to provide additional accommodation	Change of Use	Grant Conditionally 29 January 1980
0545/13	Retention of external door in annexe	Listed Building Consent	No Decision
0544/13	Retention of en suite bathroom	Listed Building Consent	No Decision
0570/13	Replacement door and shutter within the shippon end of house	Listed Building Consent	No Decision
0571/13	Retention of hand rail and balustrade to shippon end of house	Listed Building Consent	No Decision
0572/13	Retention of glazing to former loading door and timber shutter on rear of house	Listed Building Consent	No Decision

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No objection
South West Water:	No comments received
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	The proposal is considered in the context of the conditional grant of both Listed Building Consent 0101/09 and

Planning Permission 0100/09 where a holistic scheme for change and development was agreed for the Grade II* Listed longhouse.

Those embodied principles and approach to change set out in the above permissions at the time were based on informed decision making and understanding of the heritage asset, and good building conservation practice to ensure preservation and enhancement of the character and significance of the designated heritage asset.

Retention of the Limecrete floor in the shippon is not considered appropriate in this case due to the adverse impact on the character and significance of the interior of the longhouse shippon. Retention of the level floor construction encroaches upon the original form of the ground floor shippon causing reduced headroom and together with the loss of existing first floor joists compounds the damage to the meaning of a longhouse shippon. Substantial harm has been caused to the significance of the shippon.

Likewise, retention of limewash to the longhouse shippon where there was no surviving evidence for this treatment is not justifiable. Limewash was once used in an agricultural context to sanitize the interior of an animal house. However, in this case limewash has been used to enhance the interior for domestic use in lighting and ambience terms. It has caused harm to the significance of the shippon interior.

Retention of the unauthorised Limecrete floor and limewash are therefore not supported

English Heritage:

Objects to this application - see appended letter

Parish/Town Council Comments

Drewsteignton PC:

Support - this current floor replaces a dirt floor which is a sensible improvement, both surfaces using appropriate materials.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

DMD1a - Presumption in favour of sustainable development

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

DMD8 - Changes to Historic Buildings

Representations

2 letters of support

Two neighbours have written to support the application stating that it causes no harm to the building and is in keeping with the overall renovation of the building.

Observations

INTRODUCTION

Middle Venton is a Grade II* listed farmhouse. An archaeological assessment carried out in 2006 highlighted two aspects of Middle Venton which mark its particular importance, Firstly it was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also features and it's roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988'. The Grade II* listing reflects the fact that it is recognised as an important survival - only 4% of Listed Buildings in England are of this status and in Devon there are fewer than 20 longhouses surviving in this form. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons. The significance of the building is set out in the comments from English Heritage.

PLANNING HISTORY

Planning and Listed Building Applications were submitted in 2005 but were withdrawn because the alterations proposed were unacceptable. The Authority and English Heritage agreed to the applications submitted in 2009 because they enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a staircase whilst retaining the unconverted shippon. An extension was given permission on the rear of the dwelling containing a replacement staircase, a bathroom at first floor level and a ground floor toilet.

Following a recent site visit and further consideration of information provided by the applicant English Heritage has provided further advice which is appended to this report. It is noted that at the time of the Exeter Archaeology report in 2006 apart from the conversion of the Dairy to a kitchen, the functionality of the shippon was not impaired. It is clear from correspondence following withdrawal of the 2005 applications and Design and Access statement submitted with the 2009 applications that the retention of the character of the shippon and re-instatement of the cross passage together with the issue of the stairs, were the key drivers for the proposals being put forward.

The applicant has presented evidence in the form of letters, stating that agricultural use of Middle Venton ceased in 1977 and that the shippon has been used for a range of domestic uses including coal and log storage since 1944. It is asserted that due to internal connections between the two elements of the building, the lawful use is as part of the domestic dwelling.

The lawful use of the property is a material consideration but does not however dislodge the requirement to justify works that may be harmful to the Listed Building or the need for consent for such works.

THE PROPOSAL

Prior to any works the shippon was in two parts. In the utility area a concrete screed had been laid. The rest of the shippon had a dirt floor. The evidence of its one time use for stock apparently removed. Its significance lay in its evidential value of simple, non-domestic character, unimproved in the lower two bays and simply made serviceable as a surface to

support its use as a utility space under the hayloft. The Listed Building Consent plans approved in 2009 showed earth and stone floor and walls to be restored/reinstated. This consent did not include any hard surface floor in this part of the shippon.

Works have not been carried out in accordance with the 2009 approved plans in that a solid floor of uncertain make up has been laid throughout the shippon, apart from in the passage and the kitchen. The applicant describes the floor as limecrete which is a form of concrete where lime is used in place of cement. The applicant has now clarified that the floor laid was in fact a concrete floor with added lime, the margin around the areas shown as shippon on the earlier approved plans was limecrete; there is a visible difference between the two. The floor was laid over stone aggregate. In this respect officers consider the description as set out on the application form is incorrect. The applicant considers that it is reasonable to have a new hard floor within a listed domestic property and that because limewashing is traditional in agricultural buildings the application of limewash is in keeping with the building and the harm to the listed building is minor. This application seeks to retain the floor and limewash to enable the shippon to be used as domestic space.

CONSIDERATIONS

The applicant argues that the shippon has been used as part of the house for 60 years and that introduction of the floor and limewash are reasonable in this space. The survival in an unaltered form of approximately half of the shippon, was the crucial feature in placing a high listing status on the farm.

Maintaining the unconverted character and low key use of the shippon has been paramount in all the negotiations between officers and the applicant and the introduction of a level floor and wall covering in the form of white limewash are contrary to this aspiration. Policy DMD8 requires the Authority only to grant consent for alterations to listed buildings when, having assessed the significance of the building (which is high in this case with the property being Grade II* listed) and whether the proposed development will result in harm to the building and the scale of the harm; it concludes that any harm is outweighed by the public benefits the proposed development will bring.

The removal of the makeshift screen has improved the character of the shippon by restoring some of its volume, however the impact visually is to create a level floor for domestic use. This alters the surviving essentially non-domestic character of the former shippon in a manner which is considered to seriously harm its significance.

In addition the applicant has stated that the walls have been limewashed. Although English Heritage states that the work has lightened the shippon and thus made the fine new exposed thatched roof more obvious, the painting of the walls has given a misplaced emphasis to the hayloft and its roof. English Heritage does not object to what has been undertaken to the walls but recommends that it should not be touched up or renewed at the hayloft level.

In this case the Authority has assessed the harm and identified that the works detract from the original significance, form, quality and setting of the building, adversely affect its historical and architectural interest, do not maintain the cultural significance of the building and do not protect the important fixtures and fittings of the building. There are no public benefits to the works and there is no need for the shippon to be used on a daily basis. The floor and use of limewash throughout the shippon are out of keeping with this unconverted setting and do not retain the significance of this most important heritage asset.

It was made clear from the outset that the applicants believed that the issue of the lawfulness or otherwise of the part former shippon was central to the determination of the applications.

HUMAN RIGHTS ISSUES AND LAWFUL USE

It has been concluded that there is no interference with human rights where planning and listed buildings policy and law is being properly followed. It is not unlawful to refuse consent for works that would otherwise facilitate a lawful use of a property if the refusal of consent is properly justified in accordance with policy and all material considerations.

There is nothing to suggest that the shippon has to be converted to conserve Middle Venton Farmhouse or its significance, or to conserve the farmstead and its significance. There is no suggestion that the shippon had to be converted to domestic use to secure the future of the site.

'Passive storage' appears to be a perfectly sustainable use and there is no need for it to be heated and draught proof. By carrying out the works in question, the distinction is blurred between domestic and non-domestic, which is key to maintaining the significance of the longhouse.

It might be argued that the scale of harm to the character of the shippon of individual elements of the work is small scale therefore less than substantial but guidance in the draft National Planning Practice Guidance on Decision-taking : historic environment (August 2013) makes it clear that even minor works have the potential to cause substantial harm.

There is no justification because increasing market value at the expense of significance is not a public benefit. The harm is substantial and cannot be justified on the grounds of necessity or of optimum viable use.

APPLICANTS COMMENTS

Both the response of EH and the committee reports are based on the proposition that a domestic use is harmful per se to the "character" or "cultural significance" of the listed building. This argument is entirely undercut if the perceived "harmful" domestic use is already lawful, and has been for 60 years. There is a world of difference in dealing with applications that will alter a "pristine" vernacular building in the course of introducing a new use and dealing with a building that has been in a lawful domestic use of sixty years and needs updating.

The applicant's view is that there is no domestication of the building as the domestic use has been lawful for 75 years; the impacts of the proposed alteration are minor and far outweighed by the benefits of restoring the house; even if the domestic use was not already lawful it is the optimal viable use of the property. Attempts to limit the use of the shippon end from a full domestic use by making the end of the house unusable are unlawful and unreasonably infringe upon the applicants human rights.

A concrete floor with a high lime content with a part damp proof membrane and a margin of high lime content around the walls (to facilitate moisture movement) (known as a "hybrid" floor) has been provided; the applicants advise that this was undertaken after discussions with former conservation staff at DNPA who recommended the use of such a floor. Consent was granted for part of the shippon to have a concrete floor, but not the whole area, two thirds should be earth and stone and officers consider that a complete concrete floor is a domesticating feature which harms the character of the listed building.

The applicants advise it is unreasonable to expect an earth floor to be retained within the living space of a dwelling in the 21st century where electrical equipment will be used. The floor is necessary for practical and safety reasons and is as discussed with conservation staff of DNPA.

There has been no loss of historic fabric and the works are reversible. If the concrete floor is partly removed then the applicant will be left with an earth floor in part of their dwelling.

CONCLUSION

The lawful use of the property is a material consideration but it does not dislodge the requirement to justify works that may be harmful to a listed building in accordance with the statutory consideration in the Planning (Listed Building and Conservation Areas) Act 1990 and the policies in the NPPF.

English Heritage has concluded that although the works have not been badly executed and in general they have been executed to a high 'spec' and adapted a run-down, damaged and spartan farmhouse into a comfortable home, the house would have been no less comfortable and the significance would have been better enhanced had the works been carried out in accordance with the requirements of the consent and planning permission.

The Authority and English Heritage do not agree with the applicant that the works have retained the character of the shippon. To the contrary the floor and use of limewash throughout are completely out of character with this unconverted part of the building and cumulatively the harm of the unauthorised works is considered substantial. It is therefore recommended that Listed Building Consent is refused.

The key consideration for Members is whether or not the works have caused harm to the building, and its setting, and whether or not the works detract from the very reasons why the building was given such a high Listed status.

Should Members be minded to grant Listed Building Consent the application will have to be referred to the Secretary of State.

8. Application No: **0024/14**
Application Type: **Full Planning Permission -
Householder**
Grid Ref: **SX711921**
Proposal: **Single storey extension to rear of property**
Location: **Torr, Drewsteignton**
Applicant: **Mrs H Hunt**

District/Borough: **West Devon Borough**
Parish: **Drewsteignton**
Officer: **Jo Burgess**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension by reason of its impact on the character and appearance of the building will cause harm to the significance of the heritage asset and to this part of the National Park. The proposal is therefore contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document, in particular policies COR1, COR3 and COR5 policies DMD1b, DMD3, DMD8 and DMD24 of the Development Management and Delivery Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012

Introduction

Torr is a converted stone bank barn with some render elements with living accommodation upstairs and bedroom accommodation and bathroom downstairs. It is located in an isolated location just south of the A30 to the north west of the village.

The proposal is to extend at the upper level to form an upstairs toilet and sitting room. The roof of the proposed extension mirrors that of the barn and it is proposed to finish the extension in render.

The application is presented to the Committee in view of the comments received from the Parish Council.

Planning History

0949/02	Planting of garden, erection and siting of greenhouse and erection of wooden fence			
	Full Planning Permission	Grant Conditionally	23 January 2003	
0484/00	Details of house proposals following change of use approval ref 0773/99			
	Full Planning Permission	Grant Conditionally	12 October 2000	
0773/99	Conversion of redundant barn to dwelling			
	Change of Use	Grant Conditionally	06 March 2000	

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highway implications

South West Water: No objections

Environment Agency: Flood Zone 1 - standing advice applies

Historic Buildings Officer: The former bank barn is a curtilage listed building and therefore a designated heritage asset. There is concern that the form and materials of the proposed extension will cause harm to the significance and character of the converted farm building where works were originally contained within the external walls of the barn. It is therefore recommended that permission is refused.

Historic maps show an engine house type structure dating from probably the mid to late 19th century in the location of

the present proposal which may provide an alternative design approach to that under consideration. A contemporary design reflecting this vernacular farm building type but with a shallow (flat) roof would need careful detailing to determine if such an approach were feasible.

Parish/Town Council Comments

Drewsteignton PC: Support because it cannot be seen from the public highway and has no detrimental effect on the National Park or street scene

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

DMD24 - Extensions and alterations to dwellings

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

INTRODUCTION

The barn was converted following approval in 2000. The first floor area is a single, large open plan area with a vaulted ceiling, large voids in the floor provide light wells to the ground floor accommodation. This creates a large area to heat and maintain a temperature which is made worse by a lack of lobby to the external access door. The design and layout of the kitchen area has also presented difficulties in the lack of space and storage. The application seeks to extend the building to address the applicant's long term needs in a way which does not impact on the elevations visible from the road.

PLANNING POLICY

Barn conversions are considered against policies COR5, DMD8 and DMD9. DMD9 specifically states that a building should be capable of conversion without the need for substantial extension and that permitted development rights will be removed in order to control the character and appearance of any subsequent extension or alteration to the converted building. In common with other barn conversions throughout the Park, when permission was given for conversion of this building in 1999, permitted development rights were removed hence the need for this application. This reflects the general rule that extensions to barn conversions are not acceptable and have to be specifically justified.

Although the building does not appear on the Historic Environment Record in its own right, the

Historic Buildings Officer considers that the building is a curtilage listed building (to the farm on the opposite side of the lane) and therefore considered to be a heritage asset, therefore policy DMD8 applies. In accordance with this policy a Statement of Significance has been submitted in which it is concluded that the impact is minimised by design and placement.

Policy DMD24 in addressing extensions to dwellings state that extensions 'will not adversely affect the appearance of the dwelling, its curtilage or immediate surroundings, even if not generally visible from public viewpoints'.

CONSIDERATIONS

Although the applicant discussed the proposal over five years ago with an officer, the building is clearly a vernacular farm building dating from before 1919 and is now recognised as a heritage asset. The policies outlined above therefore apply.

The planning history indicates that Tor Barn on the west side of the lane was associated with Newton Barton Farmhouse a Grade II Listed Farmhouse on the east side of the lane, however the listing (1952) does not include in the description any curtilage buildings. In 1999 the barn was in the ownership of another farm to the west but was described as being part of the Newton Barton Group. Although map evidence as led the Historic Buildings Officer to the conclusion that it is curtilage listed, study of the historic planning records indicates that this was not considered to be the case at the time of conversion and because the building clearly has its own curtilage now, officers have concluded that it should not be considered as a curtilage listed building. It is considered however that it is a heritage asset.

The building has aesthetic, historical and evidential value and is therefore of considerable significance. Although the applicant has sought to extend the building in a way which mirrors the form of the existing building yet is subservient to it and sited such that the extension is on the rear of the building and out of public view, officers consider that the form of the extension and the materials are such that the scale of the harm to the building is significant and not outweighed by any public benefits as is required by the policies and National Planning Policy Framework.

The Historic Buildings Officer has considered historic maps and offered an alternative solution however the applicant has rejected the conclusions of the Historic Building Officer and his suggestion.

CONCLUSION

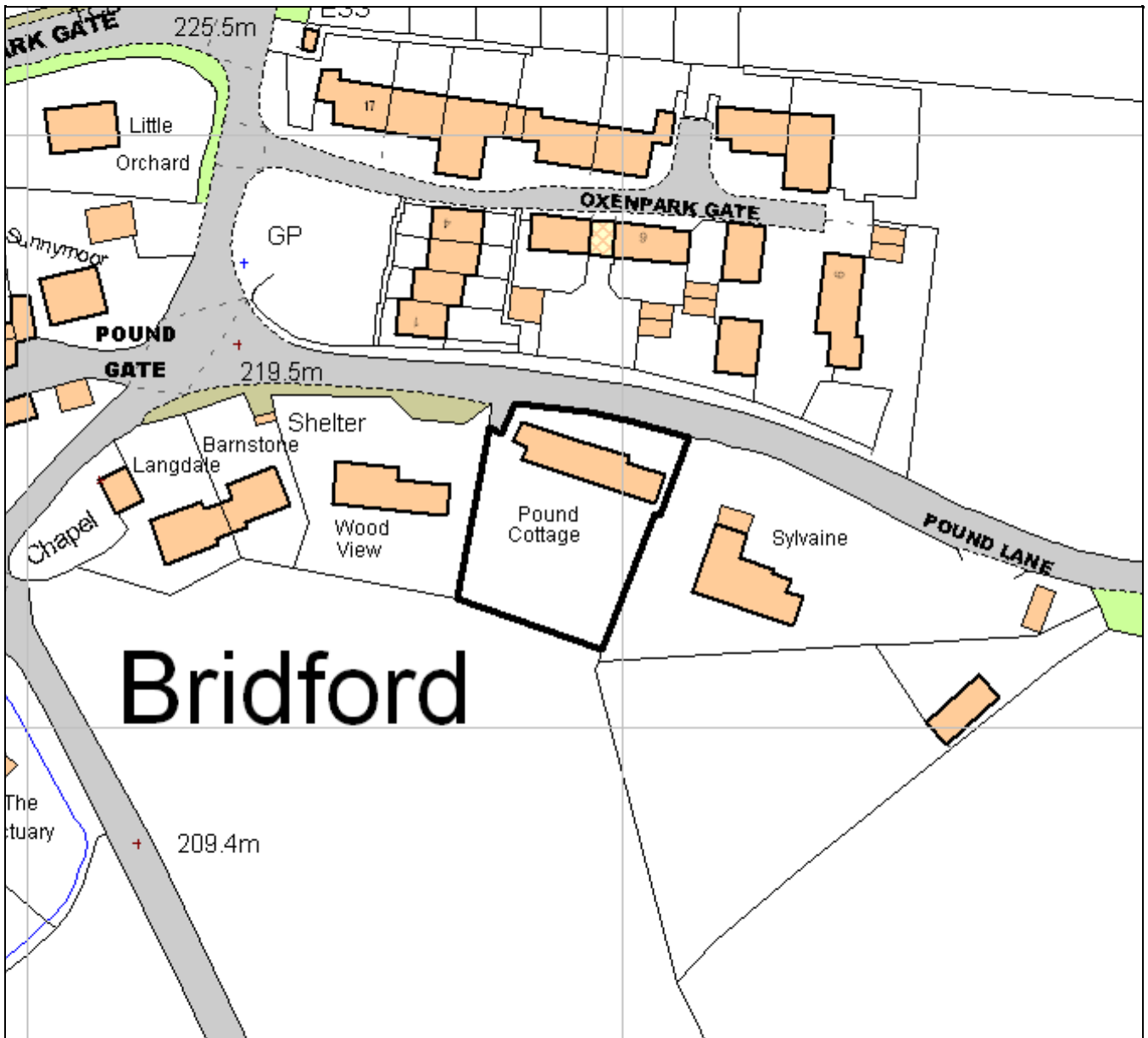
Although the Parish Council's comments are noted, policy DMD24 specifically states that extensions will only be permitted where they do not adversely affect the appearance of the dwelling, its curtilage or immediate surroundings, even if not generally visible from public viewpoints.

In this case, although the applicant has designed the extension to reflect the building, the massing is too great and in the context of the building being a heritage asset, the design and finish is considered to have an unacceptable impact on the character and appearance of the building.

Consideration has been given to the views of the Parish Council. Whether or not the extension can be readily seen from public vantage points should not be the key consideration in the assessment of good design and harm to a heritage asset and on this basis there is a

fundamental policy objection to the proposal.

9. Application No: **0026/14** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission -
Householder** Parish: **Bridford**
Grid Ref: **SX817864** Officer: **Jo Burgess**
Proposal: **Erection of two- storey extension and alterations to existing dwelling**
Location: **Pound Cottage, Bridford**
Applicant: **Mr A Hawksworth**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension to this heritage asset, by reason of its form, design and detailing would have an unacceptable impact on and cause significant harm to the character and appearance of this building and the character and appearance of this part of Dartmoor National Park contrary to the Dartmoor National Park Core Strategy Development Plan Document and in particular policies COR1, COR3, COR4 and COR5, policies DMD7, DMD8 and DMD24 of the Dartmoor National Park Development Management and Delivery Development Plan Document and to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Pound Cottage is a cottage of 19th century origins. By virtue of its age and form it is considered to be a local heritage asset. The property faces the road on the main approach to the village. The property was extended over a former outbuilding at the eastern end in the 1990's and there is a small flat roofed extension at the western end.

It is proposed to remove the small flat roofed extension at the western end of the original cottage, together with a modern conservatory on the rear and erect a two-storey extension at the western end in conjunction with internal re-ordering and other alterations which do not require planning permission.

The application is before Members in view of the comments received from the Parish Council.

Planning History

0561/13	Extension to dwelling			
	Full Planning Permission - Householder	Withdrawn		04 December 2013
05/36/2797/91	Change of Use of approved alteration of existing connected outbuilding to office/pot pourri & scented products workshop			
	Change of Use	Grant Conditionally		30 January 1992
05/36/2553/90	Alterations of existing connected outbuilding to studio and/or house extension			
	Full Planning Permission	Grant Conditionally		30 November 1990

Consultations

Teignbridge District Council:	Recommends a condition in respect of unsuspected contamination.
County EEC Directorate:	No highway implications
South West Water:	No objections subject to separate drainage
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	The Statement of Significance contained in the Design and Access Statement has taken account the heritage values of the local heritage asset and is a reasonable assessment of both significance and impact in this case.

This appears to have been acknowledged in part by the proposal for the front elevation, although the wing extension as expressed by the two side elevations and the rear north elevation are of concern. The extent of the rear hipped roof design over the wing does not appear to fully over the external walls and this forms an incongruous detail which would not normally occur in the context of a vernacular cottage.

Recommendation: Refusal - The proposal causes harm to the significance of local heritage asset.

Parish/Town Council Comments

Bridford PC: No objection - the Parish Council is happy with the revised design

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

DMD24 - Extensions and alterations to dwellings

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

INTRODUCTION

An earlier version of this proposal was withdrawn by the applicants following a report to the Development Management Committee in December 2013 recommending that planning permission be refused. Subsequent discussions have taken place with the case officer.

Pound Cottage appears to have previously been two cottages. The applicants consider that the privacy and amenity of their garden has been compromised and they would like to regain this privacy. In addition they consider that the first floor plan is confused and unacceptable to modern living. They wish to rationalise the layout and remove two unsightly extensions and erect a two-storey extension to the eastern end. The reworking of the internal arrangements will allow the applicants to work from home, provide a bin store, alter the front appearance of the house and improve parking arrangements.

THE BUILDING

Historic maps and the form of the cottage indicates that it has mid to late 19th century origins and retains its original external form apart from the adjoining outbuilding which was extended in the 1990s to provide additional domestic accommodation. The form of that extension reflects its previous appearance and use. The original property is constructed from stone which has been painted and has gable ends with large gable chimney stacks at each end. By virtue of its age and appearance the building is considered a local heritage asset and being prominently located at the entrance to the village, in accordance with Development Management and Delivery Plan Document (DMDPD) policy DMD8, it is important that any development is assessed in terms of whether it will result in harm to the building or the asset and the scale of that harm.

THE EXTENSION

The element of the works which requires planning permission is the two-storey extension proposed partly on the footprint of the existing single storey flat roofed extension. It is proposed to accommodate an open plan kitchen area with a bedroom/dressing room above. Unlike with the previous scheme the large gable chimney is to be retained.

The design of the extension has changed to present a set back roof, windows and doors to match that on the main cottage on the front elevation. It presents a subservient gable end with a significant projecting rear extension with a hip roof set back behind a narrow flat roof element which can be viewed from the village to the west. The extension is to be finished with render and stone.

In comparison with the previous scheme the extension is set back from the front of the main house, has a traditional form and matching fenestration and materials on the front elevation, the width has been reduced at the front, windows have been introduced to break up the side elevation, the roof pitch has been increased and the chimney has been retained.

However the form of the rear part of the extension with the flat roof surrounding the hip roof and extending or wrapping round of the extension on to the rear elevation creating a gable significantly wider than the front of the extension and wider than the width of the original cottage, is considered to detract from the significance and appearance of the original cottage and result in substantial harm to the building contrary to DMDPD policies DMD7 and DMD8. Although the overall scheme will deliver improvements to the sustainability of the building and enable the removal of a large conservatory from the rear of the house, it is not considered that the proposed development will secure substantial public benefits which outweigh the harm.

In terms of policy DMD24, the Authority's Design Guide recommends that an analysis of the origin and development of the building should be provided. A Statement of Significance has been submitted and makes reference to the vernacular aesthetic including the slate pitched roof, the chimneys, the rendered façade and the cottage style windows. It is stated that the original dwelling and its vernacular style will still be readable from the lane.

The Design Guide states that using traditional methods and materials, but in a modern contemporary way with careful attention to detail, can help blend the old with the new. In considering extensions generally, it is stated that side extensions should not have a width greater than half the width of the front of the original house and have a lower ridge. The proposed extension is less than half the width of the original cottage at the front and has a ridge 0.5m lower than the existing. However the length of the extension, the width at the rear and design of the roof results in a massing and form which is considered to be inappropriate and adversely affects the appearance of the dwelling.

Although a neighbour raised concerns regarding privacy and overlooking in respect of the previous application, it is considered that the relationship between the extension and neighbours is such that residential amenity will be protected in accordance with policy DMD4.

The additional floor space is within the 30% specified in DMDPD policy DMD24, however the form of the extension and its detailing are considered to represent a design approach that has an adverse effect on the appearance of the dwelling and its immediate surroundings. The extension is therefore considered to be contrary to this policy.

Although pre-application advice has been taken to a large extent, the applicant was aware before submitting the application that officers did not consider the overall scheme to be acceptable. It was pointed out that the degree of visibility was not the crucial test and that unsatisfactory development should never be permitted in the National Park simply because few people would see it.

CONCLUSION

Although the improvements to the design since the previous scheme are acknowledged, the size falls within the policy limits and neighbouring amenity will not be compromised, it is considered that the appearance of the side and rear of the proposed extension and its relationship with the historic cottage will adversely affect the appearance of the dwelling, causing substantial harm to the local heritage asset. The development is therefore considered to be contrary to policies DMD7, DMD8 and DMD24.

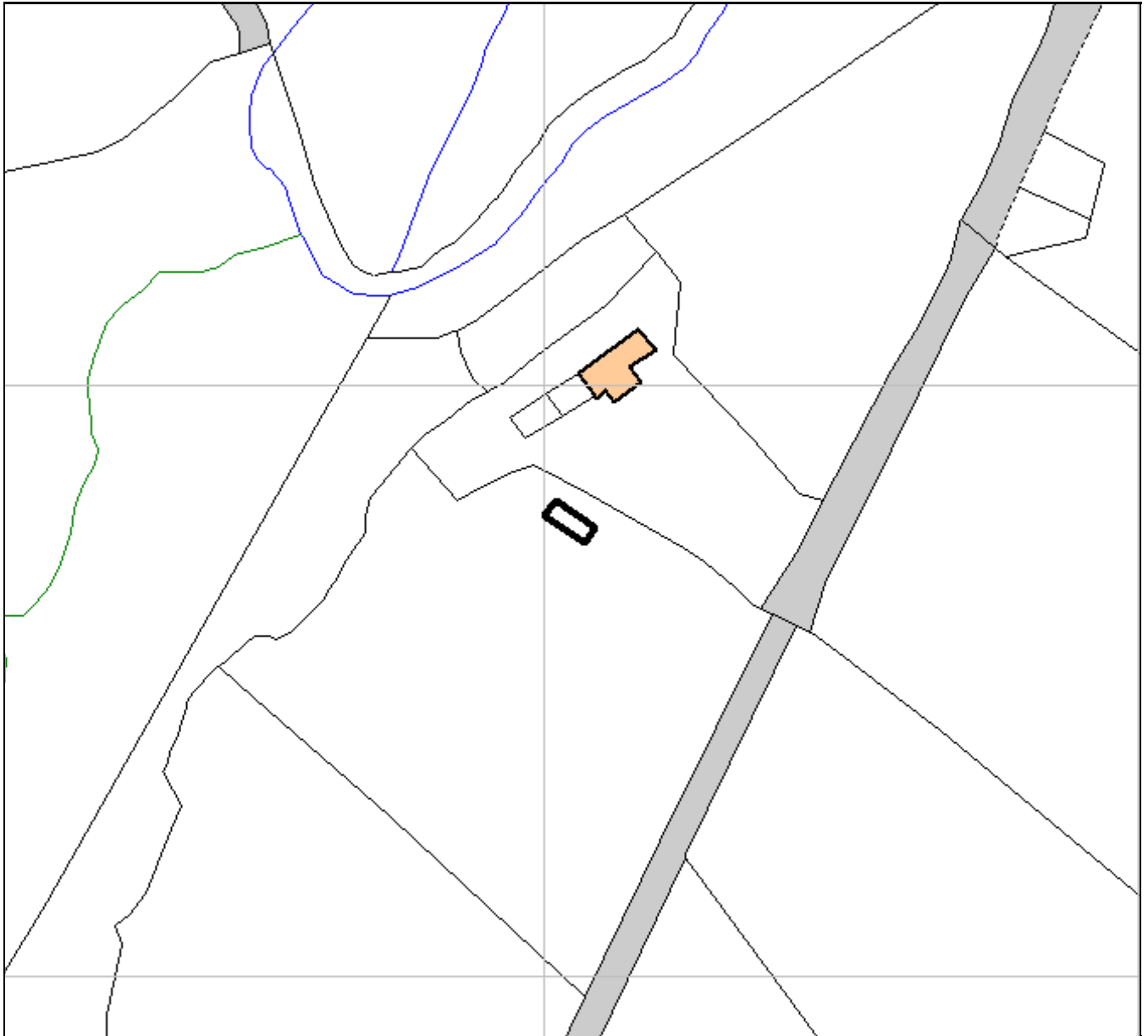
10. Application No: **0065/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX605713**

District/Borough: **West Devon Borough**
Parish: **Dartmoor Forest**
Officer: **Jo Burgess**

Proposal: **Installation of ground-mounted solar panels**

Location: **Peat Cot Cottage, Peat Cot,
Princetown**

Applicant: **Mr I McAuliffe**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

1. The proposed solar PV panels, by reason of their form, materials and divorced location from existing buildings, would introduce a harmful urbanising development that would be detrimental to the visual amenity and landscape character of this upland moorland landscape. The proposal is therefore contrary to the Dartmoor National Park Core Strategy Development Plan Document and in particular policies COR1, COR3, COR4 and COR10, policies DMD1b, DMD5 and DMD15 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document and to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012

Introduction

Peat Cot Cottage is an isolated dwelling south of Princetown that is reliant on oil for heating fuel. It has a large garden which is largely surrounded by conifer trees.

It is proposed to erect a photovoltaic array of 16 panels on unimproved grassland within a complex of small fields to the south west of and adjacent to Peat Cot Cottage. To the east is a hedge bank separating the field from the mature garden. The site is visible from the adjacent public right of way, the road and open land to the west.

The application is presented to the Committee in view of the comments received from the Parish Council.

Consultations

West Devon Borough Council: Does not wish to comment
County EEC Directorate: No highway implications
South West Water: Comments awaited
Environment Agency: Flood Risk Zone 1 - standing advice applies
DNP - Trees & Landscape: Comments awaited

Parish/Town Council Comments

Dartmoor Forest PC: Support - reduces use of generation

Relevant Development Plan Policies

COR10 - Providing for renewable energy
COR4 - Design and sustainable development principles
DMD15 - Renewable energy
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD5 - National Park Landscape

Representations

None to date.

Observations

INTRODUCTION

Peat Cot Cottage is located south of Princetown. The site for the proposed ground mounted solar panels is visible from the adjacent bridlepath and from the road to the west and access land beyond. Although the site is seen against the backdrop of the garden and house and with the adjacent property in the foreground the panels would clearly be on agricultural land.

THR PROPOSAL

The application proposes the erection of a single array of two rows of black panels mounted on a galvanized frame. The proposed array measures approximately 8.2m long and 2.5m above the ground at its highest point. They would be orientated south west within a rough grazed field approximately 20m from the dwelling and outside the residential curtilage.

POLICY CONSIDERATIONS

The importance of renewable energy is recognised in planning policy, however, within National Parks such proposals need careful consideration to ensure that there will be no adverse impacts on the intrinsic qualities of the protected landscape, namely the natural beauty, wildlife and cultural heritage. This is enshrined in the National Planning Policy Framework which attaches great weight to conserving such landscapes which have the highest status of protection. The importance of delivering Park purposes is reiterated in the objectives of policy DMD1b.

Policy COR10 establishes that small scale renewable energy schemes will be considered favourably providing that there are no over-riding environmental and amenity considerations. Policy DMD15 highlights the requirement for renewable energy installations to not cause harm to landscape character.

Policy COR1 requires all new development proposals to respect and enhance the character and quality of local landscapes and the wider countryside and to sustain local distinctiveness. Policy COR3 identifies natural features and vernacular buildings as contributing to the special environmental qualities of the landscape. The importance of understanding landscape character is embedded in emerging policy DMD5. This policy explicitly states that development proposals should respect the valued attributes of landscape character types, ensuring that location, layout, scale and design conserves/enhances the special qualities of the local landscape, avoiding unsympathetic development that will harm the wider landscape and respecting the tranquillity and sense of remoteness on Dartmoor.

Policy COR4 requires new development proposals to demonstrate a scale, layout, and use of materials appropriate to the site and its surroundings.

LANDSCAPE CHARACTER TYPE

The proposed panels would be located to the northern edge of a small rough grazed field. The field is one of several stone enclosed fields to the south and west of the dwelling. Beyond the fields is open moorland and the road leading to Whiteworks. The land immediately to the north is a large garden associated with the isolated dwelling 'Peat Cot Cottage'. There is a strong sense of isolation and remoteness with few individual buildings or structures in the landscape.

The site falls within the 'Upland Moorland with Tors' landscape character type. The Dartmoor National Park Landscape Character Assessment identifies the valued attributes of this landscape as dramatic moorland landscape with wide open spaces and strong sense of tranquillity, valued and rare wildlife habitats, granite tors, archaeological remains, granite local vernacular and recreational access land.

The proposed development contrasts strongly with this remote landscape and will introduce an urbanising influence into a remote tranquil landscape.

IMPACT ON VISUAL AMENITY AND LANDSCAPE CHARACTER

Planning policy requires development proposals to be assessed in terms of their impact on (i) the intrinsic character and qualities of the landscape, and (ii) the visual amenity of the area.

New development needs to be carefully sited in the landscape. Development should be closely grouped with existing buildings and make use of natural folds and hollows in the landscape, avoiding exposed locations. For these reasons, officers guide proposals for domestic renewable energy installations to locations within the domestic curtilage.

The site proposed is visible from the bridleway which runs to the south of the site. There are views of the site from the high ground to the south west. This land is open access land; people on the bridleway and access land will be visiting to enjoy the scenic beauty of this upland moorland landscape. The proposed arrays, when viewed from the bridleway and from the high ground to the west will be seen in isolation and will not be visually linked to the dwelling due to the conifers within the curtilage which screen the dwelling which itself is at a lower level. There is a strong visual contrast between the garden of Peat Cot Cottage and the adjacent roughly grazed field.

The proposed development will have a detrimental impact on the character of the area. This part of Dartmoor has a moorland character. The introduction of a solar array in a rough grazed pasture which is part of a historic field system will present an incongruous urbanising feature into this remote tranquil landscape. The panels are also visually intrusive because of their form and because they do not relate to other buildings or structures in the landscape.

The proposed development will therefore be contrary to policies COR1, COR3 and DMD5 in that it does not respect or enhance the character, valued attributes, or tranquillity of the local landscape and the proposed location, scale and design does not conserve or enhance what is special or locally distinctive about the landscape character and will present an unsympathetic development that is harmful to the wider landscape.

CONCLUSIONS

The proposed solar panels fail to meet the required policy test of conserving and enhancing the landscape character and visual amenity of the National Park. Impact on landscape character is as important as visual impact and this has been highlighted in recent appeal decisions.

The applicant has been encouraged to withdraw the application and consider an alternative siting within the curtilage. Instead he has suggested that he reduce the number of panels to make it less intrusive. Officers have advised that the principle of the development in this location is unacceptable so have not encouraged amended plans to be submitted.

Officers are aware of Members' decision to approve panels at Whiteworks a short distance to the south. Here Members considered that given the remote location and circumstances of the property being dependent on fuel deliveries, and noise from the generator, together with the limited landscape impact, the proposal was considered acceptable.

In this case, although the applicant is dependent on fuel deliveries there have been no concerns raised by neighbours regarding generator noise and unlike at Whiteworks the site is not seen from the wider landscape to be in such close proximity to the dwelling and is clearly not within the curtilage.

The proposed solar PV panels by reason of their form, materials and divorced location from existing buildings in a historic field system, would introduce an incongruous urbanising feature into this remote tranquil landscape harming both the character and visual amenity of this upland moorland landscape. Officers are therefore unable to give their support to this proposal.

11. Application No: **0015/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX744858**

District/Borough: **Teignbridge District**
Parish: **Moretonhampstead**
Officer: **Andy West**

Proposal: **Erection of isolation/welfare building (remove existing building)**

Location: **land at Cherry Tree,
Moretonhampstead**

Applicant: **Mr T Pollard**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed building by reason of its size and location would result in a detrimental visual impact on the character and appearance of this part of the Dartmoor National Park. The proposal is therefore contrary to the Dartmoor National Park Development Plan Document and in particular Policies COR1, COR3, COR4, together with Policies DMD5 and DMD34 of the Development Management and Delivery Development Plan Document, The English National Parks and the Broads UK Government Vision and Circular 2010 and to the advice contained in the National Planning Policy Framework 2012.
2. The proposed development by reason of its proximity to private residential properties is likely to give rise to statutory nuisance complaints of odour, noise and flies. The proposal is therefore contrary to Policy DMD4 of the Development Management and Delivery Development Plan Document and the Dartmoor National Park Core Strategy, in particular Policy COR11.

Introduction

The application site is situated approximately 0.5km to the west of Moretonhampstead in the north-western corner of a field which adjoins the main road between Moretonhampstead and Postbridge.

The proposal is for a livestock building for the isolation of sick cattle. The building would have a rectangular shaped floor plan of 54.6sqm. It is proposed to site the building 4.0m from the northern boundary of the site, which in turn is 14.5m from the edge of the aforementioned highway.

The application is before Committee in view of the comments of the Parish Council.

Planning History

0387/12	Erection of agricultural building (396sqm)		
	Full Planning Permission	Refused	26 September 2012
0122/12	Agricultural building (264sqm)		
	Full Planning Permission	Refused	11 May 2012
0066/11	Agricultural building (396sqm)		
	Full Planning Permission	Withdrawn	10 May 2011

Consultations

Teignbridge District Council:	No comments received.
County EEC Directorate:	The details have been inspected and it is considered that there are no highways implications.
South West Water:	There are no objections to this development.
Environment Agency:	Flood Risk Zone 1 - Standing advice applies

Parish/Town Council Comments

Moretonhampstead PC:	Supports the application, subject to the existing building being removed.
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Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

DMD1a - Presumption in favour of sustainable development

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

DMD34 - Agricultural and forestry

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

Representations

3 letters of objection 2 other letters

The letters of objection raise concerns over the visual impact that the proposed building would have, together with fears over the noise and odour nuisance that could be caused by the siting of an agricultural livestock building in close proximity to a number of nearby dwellings.

Unease about the suitability of the application site's access is also raised.

The other letters simply confirm that the applicant has recently received planning permission for two agricultural buildings in Bridford and at Brinning and question the necessity of this additional building.

Observations

BACKGROUND

This application follows on from two previous refusals and the withdrawal of another application regarding the erection of agricultural buildings on the land.

The applicant states that at present he owns or rents 347.5 acres and has approximately 190 cattle and 102 sheep. It is also contended that at present he has nowhere to accommodate sick animals that need to be isolated.

FUNCTIONAL NEED

It is accepted by the Authority that there is a need for farmers to accommodate sick animals in isolation, away from others for welfare reasons. However, there is a question as to whether this need has to be met on the application site, or whether it could be (better) met at other sites which the applicant owns or rents such as Beetor Farm. Indeed when a planning appeal was dismissed for the erection of two buildings (on the same piece of land) for the overwintering of livestock, calving and lambing in 2009, the Planning Inspector noted that the option of siting agricultural buildings at Beetor Farm had not been fully explored by the applicant.

The majority of the objectors to this proposal point to the fact that the applicant has recently been granted permission for a similar agricultural building at Brinnings Lane, Moretonhampstead and therefore question whether it is necessary for the applicant to have

another such building on this site. The Authority has not been provided with any justification (beyond details relating to the size of the applicant's holding and stocking numbers) as to why this building is required. It is therefore considered that there is little or no justification for the proposed building and that it is therefore not compliant with Policy DMD34.

LANDSCAPE IMPACT

The application site is reasonably open and as such; there are no buildings on site with which the proposed building could be grouped. Furthermore, it is understood that the south extent of the application site is marshy and unlikely to be suitable for building upon as it is exposed in landscape terms.

The land that surrounds the site is characterised by gently rolling agricultural land, enclosed by hedges. From the north of the site there are distant views to the west of the higher moor as well as of woodland and the surrounding agricultural landscape. Groups of buildings are visible, but isolated buildings such as the one that is proposed do not form part of the character of the area.

The proposed building, despite its relatively low ridge height would be highly visible from the adjacent highway and from the nearby residential properties. Although it is not proposed to alter the levels of the land to facilitate the construction of the building, there are no proposals to landscape the area surrounding the building in order to soften its impact. Having said that it is unlikely that any landscaping would sufficiently reduce the impact of such a building in this prominent roadside location.

In dismissing the aforementioned appeal in 2009, the Planning Inspector stated that there was no overriding need for an agricultural building to be sited in close proximity to Moretonhampstead, given the short distance to other land that is either rented or owned by the applicant. The Authority has not been provided with any information as to why this location is preferable to the applicant over other land in his ownership or interest.

For these reasons, it is considered that the proposed building would have a detrimental impact on the character and appearance of the surrounding area and that the proposed building is therefore contrary to Policies COR3, COR4 and DMD4, DMD5 as well as DMD34.

OTHER ISSUES

A number of objectors have raised concerns over the proximity of the proposed building to nearby dwellings and the likelihood that the building will have a detrimental environmental impact in terms of the noise and odour that will emanate from the building. Although no formal comments have been received on this application from Teignbridge District Council's Environmental Health Section, it should be noted that they previously objected to an application (0387/12) for the siting of an agricultural building on the same piece of land, due to the proximity of such a building to a number of private residential properties and the fact that this could give rise to justifiable complaint regarding noise, odour and flies. With this in mind the proposal is considered to be contrary to Policy DMD4.

Additional concerns have also been raised over the suitability of the access into the site and whether there would be sufficient room for a tractor and trailer to enter the site without blocking the highway. Whilst these concerns are appreciated it was noted during the case officer's site visit that the site benefits from a large visibility splay on either side of the access. Additionally, no objection has been raised regarding the proposal by the County Council's Highway's

Officer.

Although the applicant has offered to remove a dilapidated building from the site if the proposed building is approved, it is not considered that this small gain is sufficient to override the concerns that the Authority has about the proposal.

CONCLUSION

The proposal would be visible within the landscape and would therefore have a detrimental visual impact on the undulating landscape and the wider expanse of views from the road.

These concerns are enhanced by strong concerns that the proposed building would have a detrimental impact on the amenity of nearby residential properties and their inhabitants.

In broad terms therefore, while government guidance shows support for rural economies and for rural based businesses, it also gives great weight to the need to protect landscape from inappropriate development. It is with this reasoning in mind that the application is recommended for refusal.

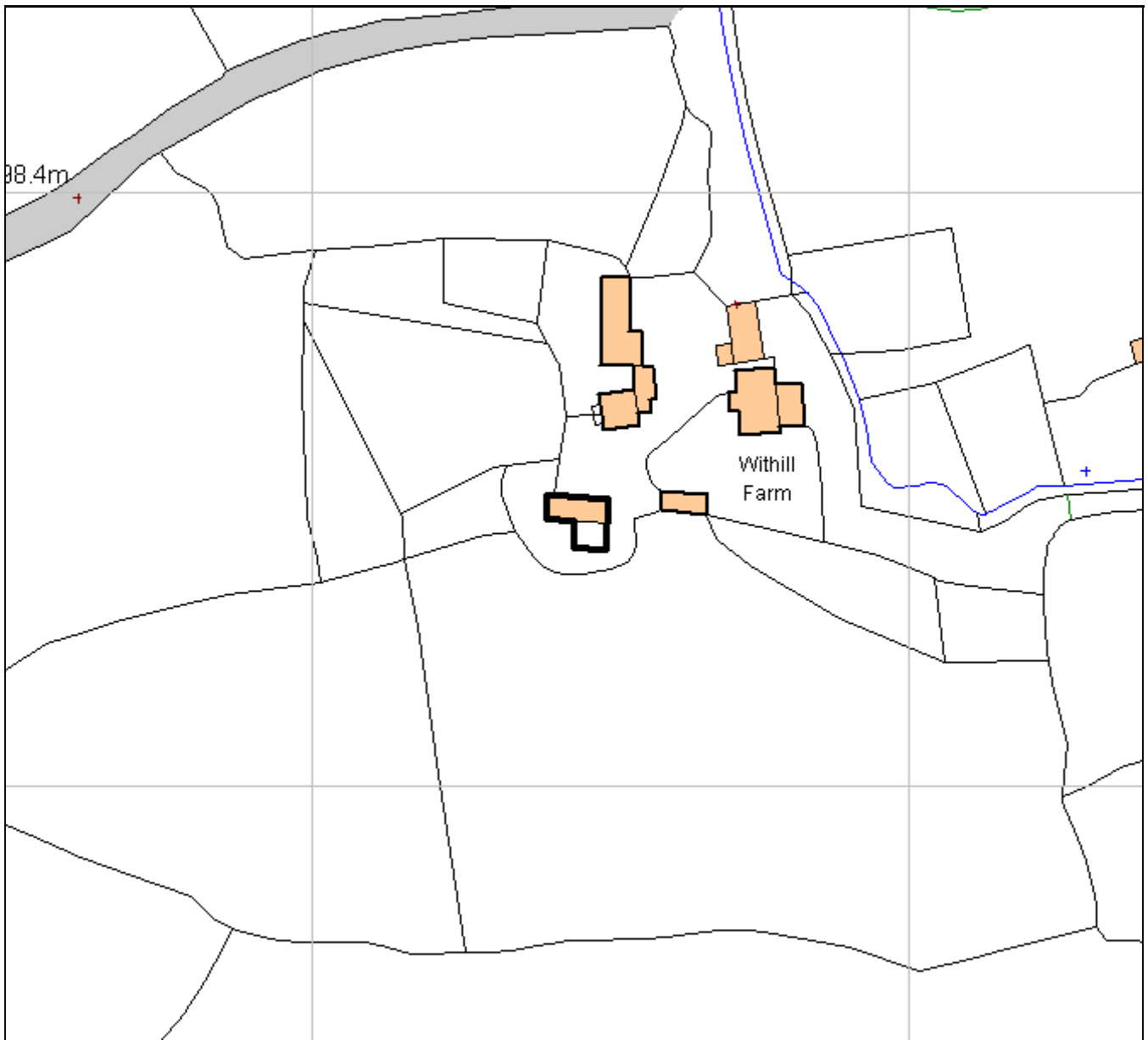
12. Application No: **0042/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX548726**

District/Borough: **West Devon Borough**
Parish: **Burrator**
Officer: **Andy West**

Proposal: **Conversion of barn to ancillary accommodation/holiday use
(retrospective application)**

Location: **Withill Farm, Sampford Spiney**

Applicant: **Mr & Mrs R Kitchin**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development, by reason of the degree of independence and physical separation from Withill Farmhouse, would be tantamount to the creation of an unjustified dwelling in the open countryside contrary to the Dartmoor National Park Core Strategy Development Plan Document in particular policies COR2 and COR15, the Development Management and Delivery Development Plan Document in particular policies DMD23 and DMD25 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.
2. The proposal would result in holiday accommodation in a building outside a recognised settlement which is not in association with an acceptable farm diversification scheme contrary to the Dartmoor National Park Core Strategy Development Plan Document in particular policies COR2, COR18, COR19 and COR20, policies DMD9, DMD35 and DMD44 of the Development Management and Delivery Development Plan Document and the advice contained in the National Planning Policy Framework 2012.

Introduction

Withill Farm is located approximately 1.5 kilometres to the east of the village of Sampford Spiney on the western edge of the National Park and is registered as a 'Historic Farmstead' on the Authority's Historic Environment Record.

The building in question is situated in the south-western corner of a farm complex (some 33 metres from the main farmhouse), that is centred around a central yard area.

It is proposed to retain the converted barn as ancillary accommodation or as self-catering holiday accommodation.

The application is presented to the Committee in view of the Parish Council comments and at the request of Miss Moyse.

Planning History

0616/12	Certificate of Lawfulness for an existing use in respect of the use of building as a dwelling		
	Certificate of Lawfulness for an existing use	Certificate not issued	07 March 2013
	Appeal lodged: 19 April 13	Result: Withdrawn	
3/56/221/95/04	Conversion of barn into residential accommodation to be used ancillary to main dwelling		
	Full Planning Permission	Grant Conditionally	18 October 1995
03/53/1862/88	Change of use of farmbuildings to bunkhouse and cottage type holiday accommodation to serve moorland walkers and pony trekkers		
	Change of Use	Refused	03 February 1989

Consultations

West Devon Borough Council: Does not wish to comment.

County EEC Directorate: The details have been inspected and it is considered that there are no highway implications.

South West Water: There are no objections to this development.

Environment Agency: Flood Risk Zone 1 - Standing advice applies

Historic Buildings Officer: Any comments will be reported at the meeting.

Parish/Town Council Comments

Burrator PC: The Parish Council supports the application

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR11 - Retaining tranquillity

COR18 - Providing for sustainable economic growth

COR19 - Dealing with proposals for tourism development

COR2 - Settlement Strategies

COR20 - Providing for agricultural diversification

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

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

DMD10 - Enabling development

DMD1a - Presumption in favour of sustainable development

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

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD25 - Ancillary residential development

DMD35 - Farm diversification

DMD4 - Protecting local amenity

DMD44 - Tourist accommodation

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

DMD9 - The re-use and adoption of historic buildings in the countryside

Representations

7 letters of support

These letters support the works that have taken place to restore a traditional stone barn and to stop it from falling into a state of disrepair and it is felt that the works that have been carried out have led to a sympathetic conversion of the building. The majority of representations state that the proposed use of the barn seems the only viable way in which the building can be retained and the current landowners can remain on site.

It is commented that the preservation of traditional farms and farmsteads is important, and that diversification in the manner being applied for is the only feasible way of retaining traditional farm buildings for future generations. In addition, two of the representations make the comment that the letting of the building has been beneficial to the local community and has resulted in no additional strain being put upon the existing infrastructure.

Observations

THE APPLICATION SITE

Withill Farm is a historic farmstead comprising the main farmhouse and five other buildings centred around a traditional yard area.

The application building is situated in a slightly elevated position in the south-western corner of the yard area and is likely to have its origins contemporary with the remainder of the farmstead. It is of a traditional Dartmoor design, and at one stage before its conversion its southern elevation was built into a high bank behind.

Conversion works took place during 2005 and 2006 which resulted in the replacement of the original roof with slate, the installation of a number of windows and doors, the subdivision of the interior of the building, the installation of a kitchen and bathroom and the construction of an extension on the rear south elevation that increased the size of accommodation by approximately 40%. These works are now immune to enforcement action as they were completed more than four years ago.

BACKGROUND/PROPOSAL

Over the past 15 months two applications (references 0616/12 and 0008/13) have been made for Certificates of Lawfulness regarding the use of both the application building and a building immediately to the north of it as independent units of accommodation. Whilst a Certificate was issued for the building to the north of the yard, there was insufficient evidence to demonstrate that the use of the barn which is the subject of this application was lawful and as such, the Certificate was refused.

Following the refusal of the Certificate above, an Enforcement Notice was issued that required the landowners to stop using the building as a dwellinghouse and to remove the internal walls, fixtures and fittings that enable this use. This Notice is currently extant and should be complied with by 23rd February 2014. No appeal was submitted against the Notice.

In an attempt to regularise the matter and thus avoid having to comply with the requirements of the aforementioned Notice, the current application has been submitted by the property owners and their Agent. It is proposed to retain the building in its current form and to use it as ancillary accommodation to the main farmhouse. Furthermore, it is also proposed to offer the barn as self-catering holiday accommodation in order to provide the holding and the applicants with economic benefit.

The application is accompanied by a draft Section 106 Agreement that seeks to confirm that the application building would not be sold separately from the existing buildings on the site and that its use would be limited solely to ancillary or holiday accommodation.

IMPACT AND POLICY CONSIDERATIONS

Although the conversion of the building has been carried out in a reasonably sympathetic manner, the loss of an example of an authentic farm building is considered to be contrary to DMD8 and DMD9 of the Authority's Development Management and Delivery Development Plan Document (DMDPD).

DMD8 states that consent will be granted for the change of use and alteration of designated

heritage assets where, having assessed the significance of the building and whether the proposed development will result in harm to the asset and the scale of such harm, the Authority concludes that any harm identified is outweighed by the public benefits the proposed development will bring. With regard to applications directly or indirectly affecting non-designated buildings the Authority will come to a balanced judgement having regard to the scale of any harm or loss and the significance of the building.

It is considered that this building has a high significance within the farmstead. With this in mind, the Authority is of the opinion that the retention of the building in its current form will result in the loss of historic fabric to such an extent that there has been considerable harm to the significance of the building as a heritage asset. The proposal is therefore considered to be contrary to DMD8.

Policy DMD9 accepts the principle of converting traditional buildings to short stay holiday accommodation, but does also confirm that in all cases, the building should be sited where there is reasonable access to local services and facilities preferably by a variety of means of transport. The site is located on a single track road, in a remote location (some 1.5 kilometres from the nearest village). It is therefore only accessible by private motor vehicles and is a considerable distance from any established public transport links. On the basis of this it is considered that the proposal is contrary to DMD9.

FARM DIVERSIFICATION

The agricultural holding comprises Withill Farm, Withill Cottage (the building that was granted a CLEUD in 2013), the application building, associated barns and land extending to 8.21 acres. At the present time Withill is still a working farm, but the applicants do not want to continue to farm the land due to their age.

Core Strategy Policies COR18 and COR20, together with Development Plan Policy DMD35 broadly support farm diversification projects. However, Policy DMD35 states that in order for such diversification projects to be supported they must support the farm enterprise and be based on a scope to add value to the agricultural output of the holding. Given the size of the remaining farm holding, the Authority is concerned that there is little real prospect of Withill remaining as a working farm. As such, any holiday units would be likely to provide an alternative income stream away from agriculture rather than supporting the continuing agricultural enterprise.

Furthermore, opportunities exist for holiday accommodation to be offered from the adjacent barn that was recently granted a CLEUD or from the main farmhouse (as has happened in the past). For these reasons, it is considered that proposed development is wholly non-compliant with Policy DMD35.

TOURIST ACCOMMODATION

Core Strategy policies COR18 and COR19, along with Policy DMD44 of the Development Management and Delivery Document support sustainable tourism projects.

Policy DMD44 states that planning permission for such development will be permitted only where it comprises new small scale hotels and guest houses or the conversion of existing buildings for short stay accommodation within Local Centres and the conversion of existing buildings for short stay accommodation within Rural Settlements. As the proposed building is located some distance outside of either a Local Centre or Rural Settlement it is non-compliant

with this policy.

Furthermore, the policy also goes on to confirm that tourist accommodation will only be permitted if the accommodation is provided as part of an acceptable farm diversification exercise. As has been detailed above; it is not considered that the relevant tests relating to farm diversification have been met.

ANCILLARY ACCOMMODATION

The proposed building is the furthest from the main farmhouse of all of the agricultural buildings on the holding. In this regard, it is disassociated from the main dwelling in a way that many other ancillary buildings are not.

Policy DMD25 states that where ancillary accommodation is located within the curtilage of a nearby separate structure, a legal agreement may be required to ensure that the use of the accommodation remains ancillary to the principal dwelling. Although a draft legal agreement has been provided as part of this application, the Authority has strong concerns that due to the isolated location of the building and the site as a whole, that this would be extremely difficult to monitor and is open to being breached in much the same way that a planning condition can be. If a breach were to occur or if the building was used as an independent unit of accommodation then this would mean that three separate units of accommodation would be present on the site.

CONCLUSION

Although it is clear that the applicants are making a consolidated effort to regularise the current situation that exists and to avoid having to completely cease the use of the building in question, it is not considered that the proposed use of the building as either ancillary or holiday accommodation is acceptable to the Authority on policy grounds.

The applicant had the opportunity to test the Enforcement Notice on Appeal, but chose not to do so. Prior to the submission of this application and in response to a request for advice, the Director of Planning wrote to the applicant's agent in October 2013 confirming that any submitted application would likely be to be recommended for refusal on the grounds set out above.

It is therefore recommended that planning permission be refused.

STEPHEN BELLI

NPA/DM/14/015

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 March 2014

MONITORING AND ENFORCEMENT

Report of the Director of Planning

INDEX

Item No. **Description**

1. ENF/0167/13 - Change of use of shop to a mixed use incorporating a café, 40 Fore Street, Buckfastleigh
2. ENF/0199/13 - Unauthorised residential use of a mobile home, Land at Great Rock Farm, Hennock

1 Enforcement Code: **ENF/0167/13**
Grid Ref: **SX739661**

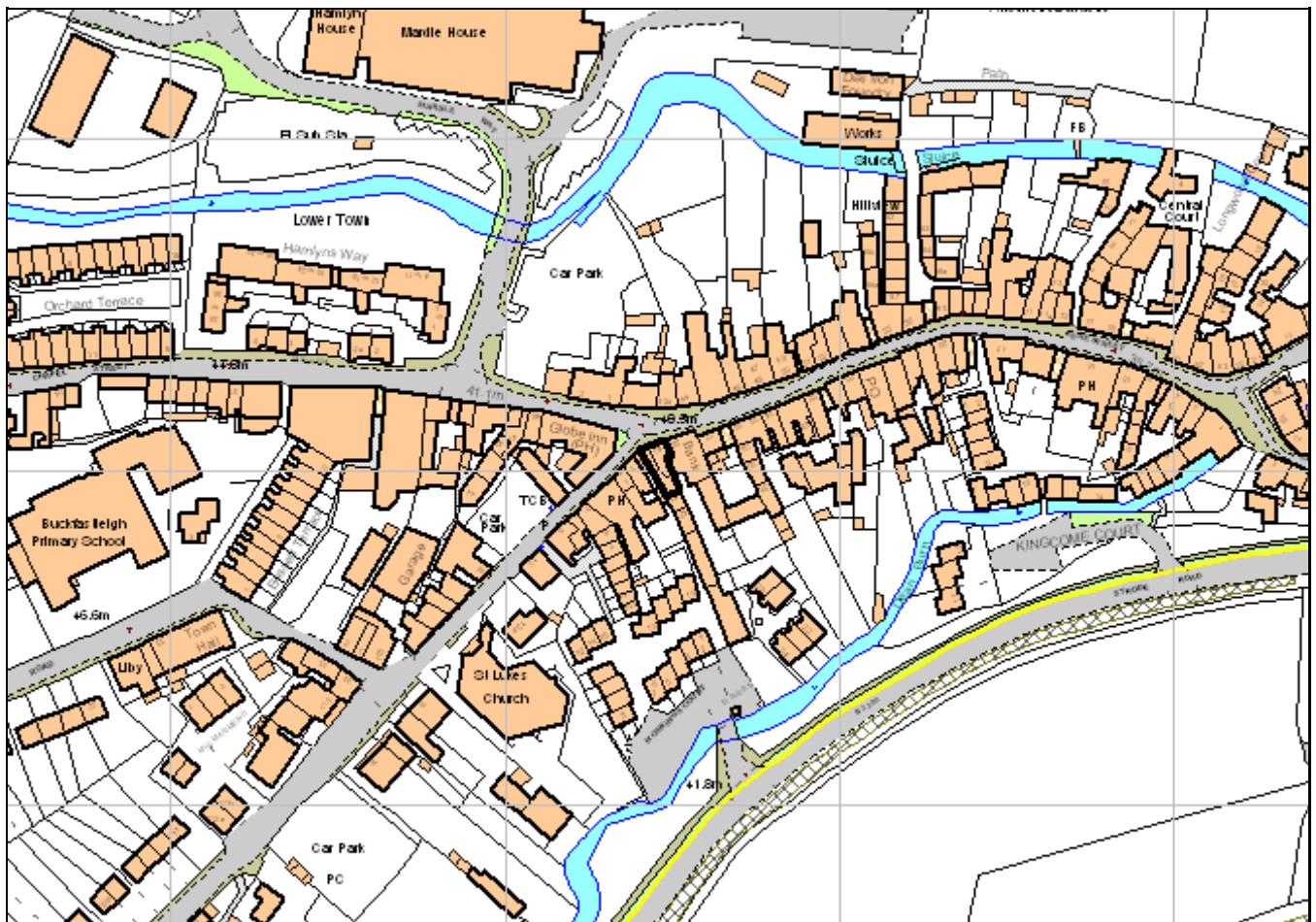
District/Borough: **Teignbridge District**
Parish: **Buckfastleigh**
Officer: **Andy West**

Description: **Change of use of shop to a mixed use incorporating a café**

Location: **40 Fore Street, Buckfastleigh**

Land owner:

Recommendation **That subject to the consideration of any comments from the Town Council, the appropriate legal action be authorised to;**
1. Secure the cessation of the A3 (Restaurant and Cafe) use within the building; and
2. Secure the removal of all fixtures and fittings associated with this unauthorised use.



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

COR1 - Sustainable Development
COR3 - Protection of Dartmoor's Special Environmental Qualities
COR4 - Design and Sustainable Development Principles

DMD1a - Presumption in Favour of Sustainable Development
DMD1b - Delivering National Park Purposes and Protecting Dartmoor's Special Qualities

DMD4 - Protecting Local Amenities
DMD7 - Dartmoor's Built Environment
DMD8 - Changes to Historic Buildings and Other Heritage Assets
DMD19 - Local Services and Facilities

Representations & Parish/Town Council Comments

Any comments from the Town Council will be reported at the meeting.

Observations

This matter was first brought to the Authority's attention in August 2013 when concerns were raised that partition walls had been removed from within a listed building and that a material change of use of the premises had occurred.

As a result of these complaints the premises were visited on 10 September 2013. During this visit, the Authority's Enforcement Planners met with the new leaseholders of the property, who advised that they would shortly be opening a shop (that is managed and run by members of a Community Interest Company) selling wholefoods.

In order to facilitate the use of the premises as a shop, a number of plasterboard partition walls that had been installed by the previous tenants (a hairdressers) in order to subdivide the floor space had been removed. It was clear that these walls were not original features, and that their removal had improved the internal appearance of the building, and as such it was not considered expedient or necessary to pursue this particular issue any further.

However, it was clear from this visit that a coffee machine had been installed near the till area and that a section of the shop's floorspace had been set aside as a seating area. On the basis of this it was considered that the use of the premises had been changed from an A1 (Shop) usage to a mixed use of both A1 and A3 (Restaurants and Cafes).

The Community Interest Company that operates the business was contacted in late October 2013 and advised that a breach of planning control was occurring at the premises with regard to its usage and were requested to either carry out works to ensure that the unauthorised café/refreshment area was removed from the premises or to apply retrospectively for permission to change the use.

Following this initial letter, detailed and extensive correspondence has been entered into with the Community Interest Company/current leaseholders to try and draw this matter to a conclusion. The current way in which the premises are used is considered to be acceptable to the Authority in planning terms, provided that the situation can be properly controlled and/or conditioned, through either a planning permission or the signing of a legal agreement limiting the area of the premises that can be put to an A3 use, thereby preventing the business from increasing to a size that would be unacceptable. However, the leaseholders have not been able to either apply for permission or sign any form of legal agreement as this approach is not supported by the landowner.

In view of this, the Authority finds itself at somewhat of an impasse, where the current use of the premises is deemed to be acceptable but the Authority is unable to secure the necessary controls to prevent the level of use increasing to the extent that it has a detrimental impact on the surrounding area.

With this in mind, it is considered necessary to take legal action to ensure that the unauthorised use of the premises as a café/refreshment area ceases. The Community Interest Company's lease is understood to expire in November 2014 and so any legal action taken could provide a

compliance period that coincides with this date.

2 Enforcement Code: **ENF/0199/13**
Grid Ref: **SX826813**

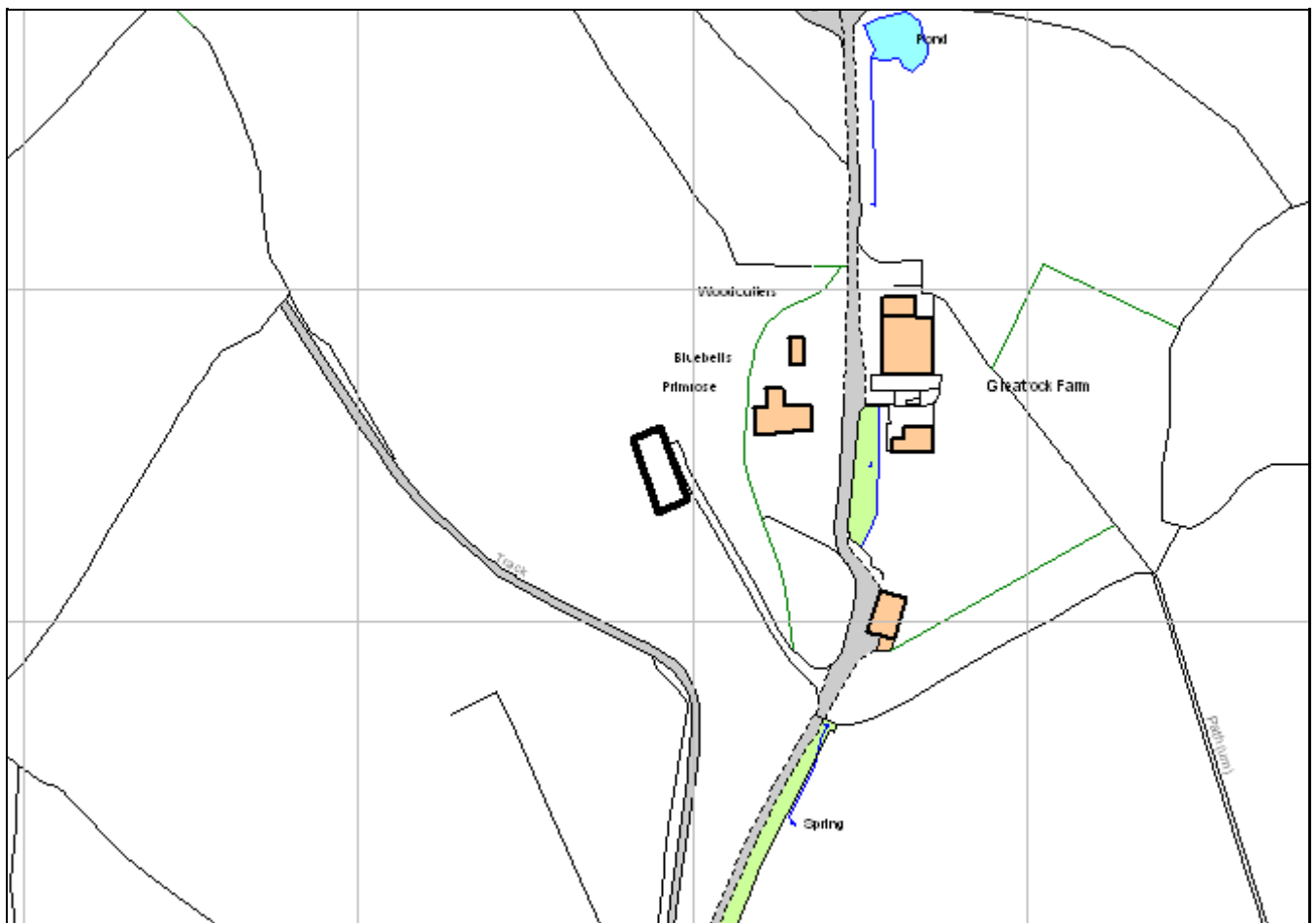
District/Borough: **Teignbridge District**
Parish: **Hennock**
Officer: **Nick Savin**

Description: **Unauthorised residential use of a mobile home**

Location: **Land at Great Rock Farm, Hennock**

Land owner:

Recommendation **That, subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to;**
1. Secure the removal of the mobile home, exterior decking and associated summerhouse from the land and;
2. Secure the cessation of the residential use of the land



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100m
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Relevant Development Plan Policies

COR1 - Sustainable Development
COR2 - Settlement Pattern
COR3 - Landscape Character
COR15 - Housing

DMD1b - Dartmoor National Park Special Qualities
DMD3 - Quality of places

DMD5 - Landscape Character
DMD7 - Built Environment
DMD23 - Residential Development outside Local Centres
DMD28 - Residential Caravans

Representations & Parish/Town Council Comments

Any comments from the Parish Council will be reported at the meeting

Observations

Great Rock Farm is situated some 800m north west of the village of Hennock. It comprises of a number of self-catering holiday cottages as well as owners accommodation in the main farmhouse.

In October 2013 officers noted two large mobile homes on land at Great Rock Farm. One unit was situated due west of the farmhouse on a raised area some 40m or so from the farmhouse. The mobile home had substantial exterior decking down the length of one side and around the front of the unit and a canopy had been provided over part of the decked area. Next to the mobile home is sited a small summerhouse which is believed to be used for domestic storage and is also unauthorised. The unit and summerhouse are accessed by a tarmac track from the main driveway to the farmhouse.

The other mobile home which is situated to the east of the farmhouse is unoccupied and subject to separate enforcement action under the scheme of delegation.

The two units were brought onto the land in 2010 and were initially intended for occasional accommodation for family and friends. Due to unforeseen circumstances, the unit to the west of the farmhouse is now occupied by an elderly relative of the owners of the farm who requires a degree of care. Any enforcement action that affects an individual's home cannot be dealt with under the scheme of delegation which is why this report has come before members.

The owners have recently confirmed that it is their intention to make a planning application to retain the two mobile homes as additional self-catering units of accommodation and include the residential use of the western unit for the elderly relative on a personal need basis in the interim and an application is expected shortly.

The Authority understands that the units were delivered in April 2010 and that the additions, decking, porch etc, fixed to them almost immediately they arrived. There is an argument that when a mobile home is added to in this way it stops being mobile, acquires a degree of permanence and therefore should be treated as a building rather than a mobile home. This being the case the units will become lawful after a 4 year period (April 2014) rather than a 10 year period which is the case for free standing mobile homes.

To protect the position of the Authority therefore and to "stop the clock", it is deemed appropriate to issue an enforcement notice to require the removal of the residential unit and summerhouse while allowing an appropriate compliance period which will take into account the personal circumstances of the resident of the mobile home and also allow any planning application to be considered.

Welfare Considerations

The mobile home is occupied by an elderly relative of the land owners as her home. As such it is important to be clear about the impact of enforcement action upon her and the availability of suitable alternative accommodation.

In addition to the principal dwelling at Great Rock Farm, there are three self-contained dwellings known as Bluebells Cottage, Primrose Cottage and Woodcutters Cottage which benefit from a Certificate of Lawfulness for use as self-contained residential accommodation for holiday letting purposes granted in October 2006. Woodcutters Cottage is a small (34m²) 2 bed cottage in a detached building a short distance from the rear of the principal dwelling and is laid out on a single floor without steps or stairs. It would appear very suitable for use as a self-contained annexe to the principal dwelling

If it is not possible to accommodate the elderly relative within the principal dwelling, the Authority would be sympathetic to an application for a personal permission to enable the elderly relative to occupy one of these three holiday letting units (the use reverting to a holiday letting use when no longer required for the relative).

The Human Rights Act 1998

The occupiers have said that the development is their relative's home. As such, the courts will view any decision to take enforcement action as engaging the occupiers' rights under Article 8 ECHR (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".

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.

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.

Given the availability of suitable alternative accommodation on site, there are not believed to be any overriding welfare considerations. Members are therefore advised that enforcement action would be:

(i) in accordance with law – s.178(1) T&CPA 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
Provided that Members are satisfied that it is expedient to take enforcement action and that the impact of such action will not be disproportionate to the harm caused by the unauthorised development, such action will not be incompatible with the Human Rights Act.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 March 2014

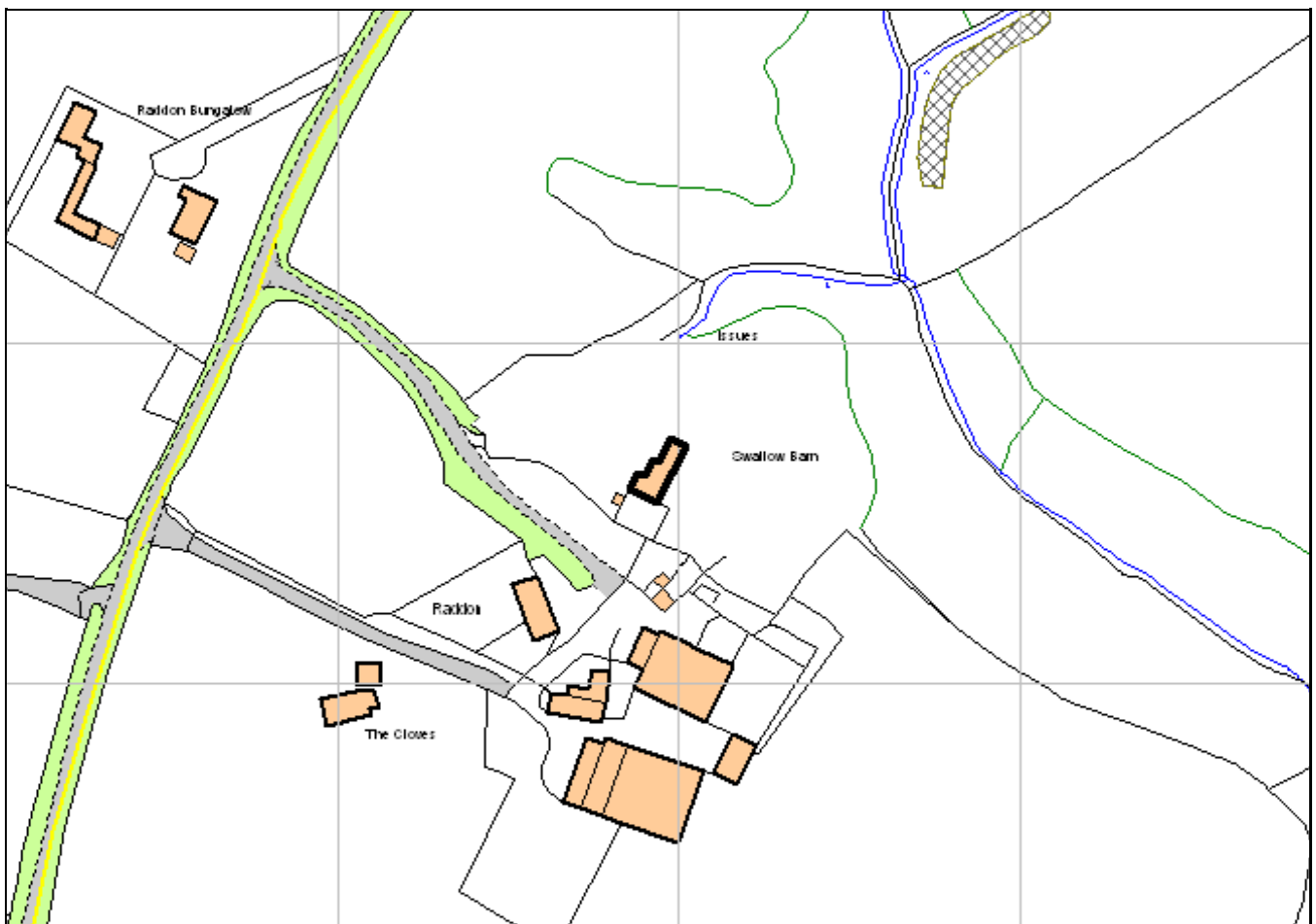
APPEALS

Report of the Director of Planning

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

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

- | | | | |
|-------------------|--|-------------------|--------------------|
| 1 Application No: | A/13/2206094 | District/Borough: | West Devon Borough |
| Appeal Type: | Non Determination within 8 weeks | Parish: | Lydford |
| Proposal: | Removal of condition (9) of permission 0855/05 relating to a holiday let | | |
| Location: | Swallow Barn, Lydford | | |
| Appellant: | Ms J Lawrence | | |
| Decision: | DISMISSED | | |



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In dismissing the appeal, the Inspector considered the principal issue to be whether the holiday occupancy condition was necessary and reasonable, having regard to national policy and the Dartmoor National Park Development Plan in relation to sustainable development.

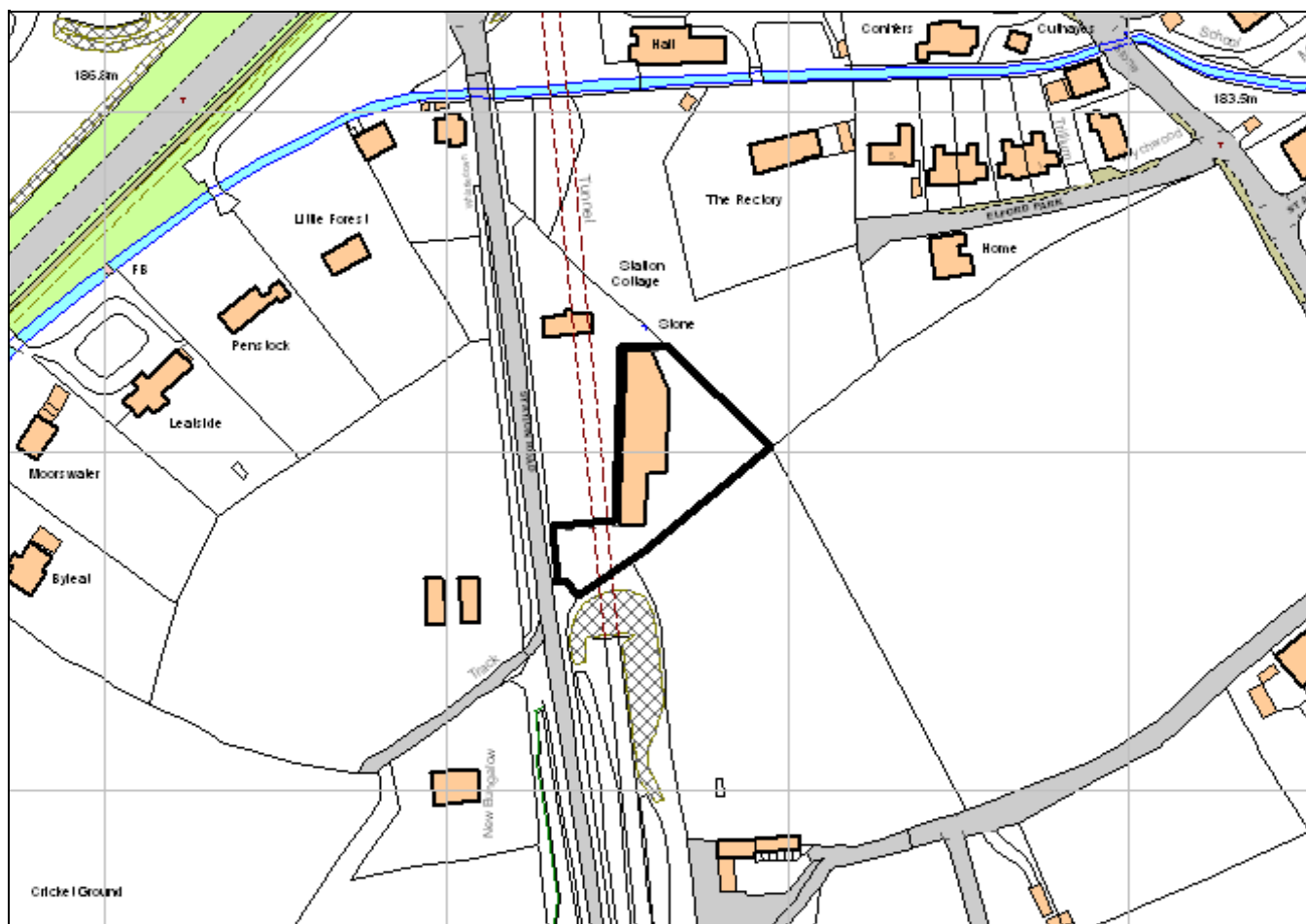
He assessed the proposal against policy DMD26. This policy requires applicants to demonstrate that the demand for holiday accommodation no longer applies and that the dwelling has been offered for sale, rent or lease for a period of at least 12 months, together with a willingness to enter into a legal agreement to reserve the property for occupation by local persons as an affordable dwelling.

He found that whilst the appellant's holiday business was operating at a loss, the evidence put forward to demonstrate a lack of demand for holiday accommodation in the area was not compelling. He noted that the Authority had approved 10 proposals for tourist accommodation within the last 12 months and that other high end holiday accommodation rates are lower than those set by the appellants. Furthermore, he found that the appellant had not undertaken the requisite 12 month marketing period and appeared unwilling to so do.

He agreed with the appellant and the Authority that given the size, location and running costs of the dwelling it would not be economically viable as an affordable dwelling. He also expressed concerns regarding the use of the property as a permanent dwelling with regard to impact on tranquillity by increased traffic and its unsustainable location in relation to facilities and services.

The Inspector concluded that the holiday occupancy condition was necessary and reasonable and therefore would not vary the permission by deleting the condition.

2 Application No: A/13/2208105 District/Borough: West Devon Borough
 Appeal Type: Refusal of Full Planning Permission Parish: Buckland Monachorum
 Proposal: Single dwelling to replace 500sqm metal swimming pool building (Contemporary Design)
 Location: **Station Cottage, Station Road, Yelverton**
 Appellant: **Mrs J Perryman**
 Decision: **ALLOWED**



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Members will recall that this application was presented to the October 2013 DM Committee with a recommendation of refusal on the basis of it being an open market dwelling contrary to policy, and the impact on nearby trees. In the event Members refused the application on design grounds.

The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area.

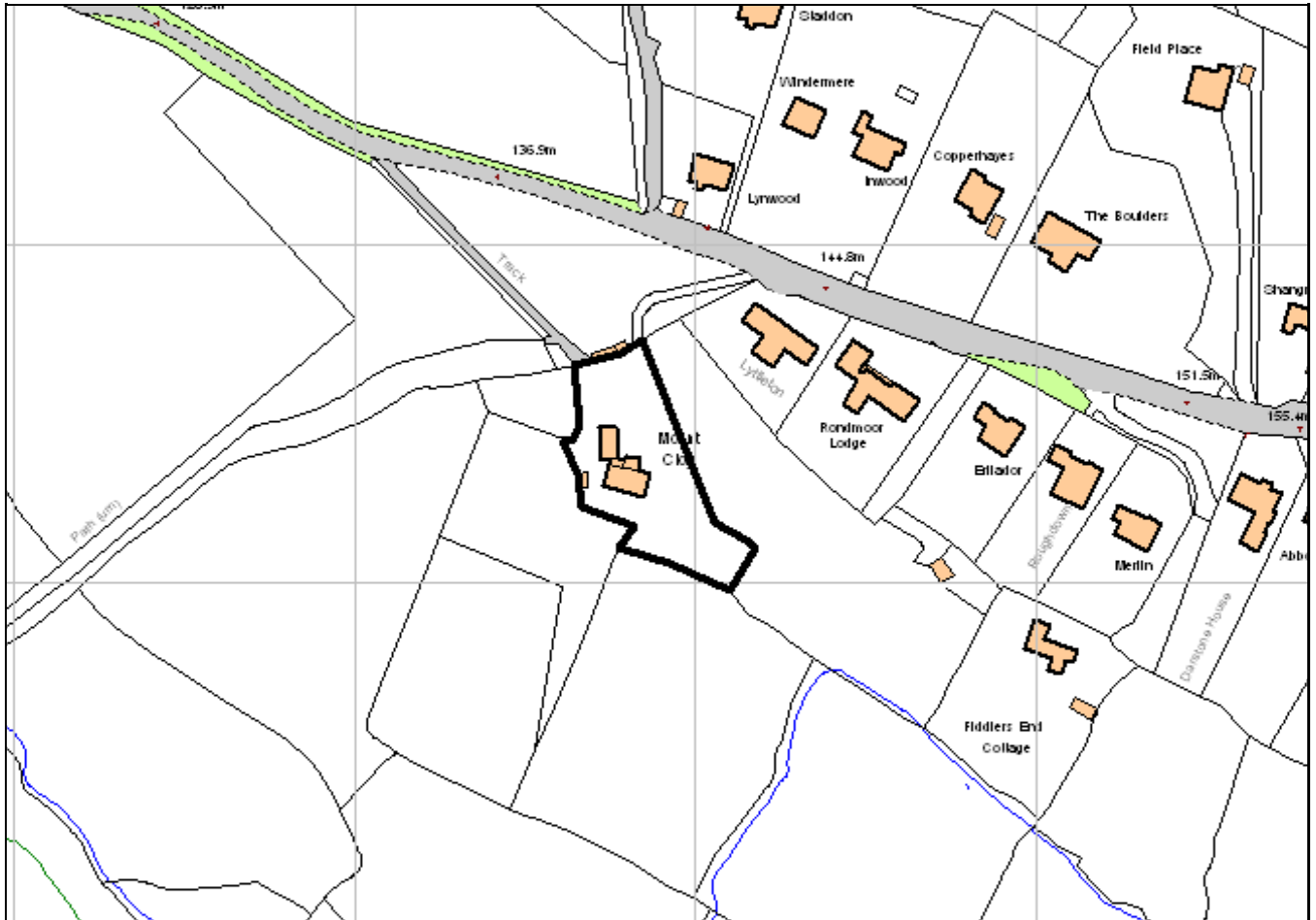
The appeal arose from the Authority's consideration of two concurrent schemes for a new dwelling following demolition of an existing building (swimming pool) on the site.

The Inspector acknowledged that the unashamedly modern design may not be to everyone's taste, however he considered that the site represents an opportunity to building something

different, especially given the nature of the existing building and the fact that the adjoining Station Cottage is set at a much higher level.

In making reference to the Design Guide and the sustainability and ecological credentials of the proposed dwelling, the Inspector concluded that the proposal would not harm the character or appearance of the site or its surroundings and he could find no material conflict with policies COR4 or DMD7. Planning permission was granted subject to a number of conditions.

3 Application No: D/13/2209202 District/Borough: South Hams District
Appeal Type: Refusal of Full Planning Permission - Householder Parish: Shaugh Prior
Proposal: Single storey rear extension to provide garden room and enlarged ground floor WC and shower room
Location: **Mount Clogg, Shaugh Prior**
Appellant: **Mr & Mrs P Burkill**
Decision: **DISMISSED**

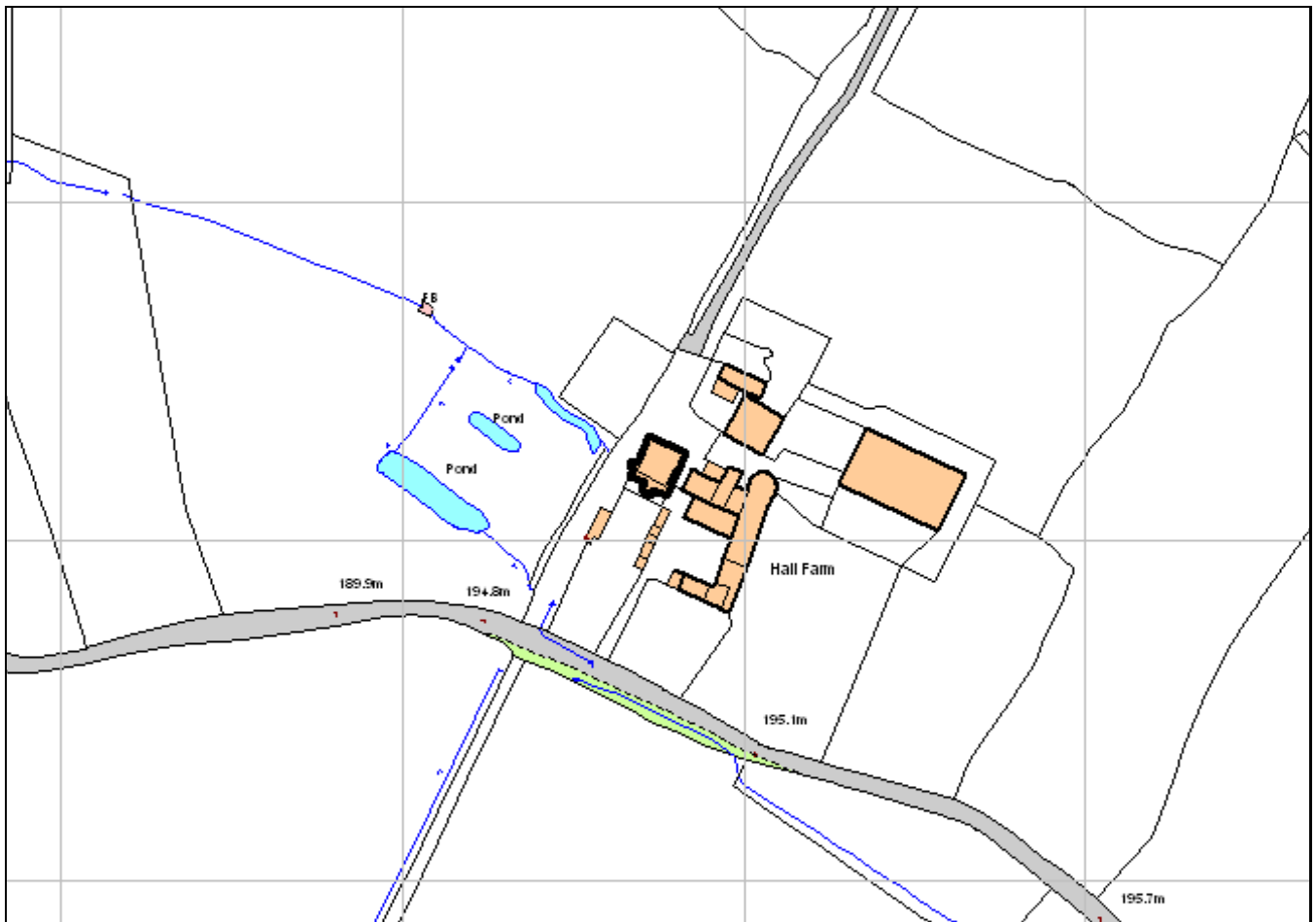


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The Inspector considered that the main issue was the effect of the proposed development on the character and appearance of the building.
In reaching his conclusion to dismiss the appeal, he considered that the proposed forward projection of the extension would have a significant adverse impact on the fine elevation of the original house. While mindful of the benefits of passive solar gain and light space he concluded that this did not outweigh the potential harm.

4 Application No: F/12/2185949 District/Borough: South Hams District
Appeal Type: Enforcement Notice Parish: Harford
Proposal: Without Listed Building Consent, the execution of alterations and works to the building namely; the removal from the building of single glazed window units and the insertion of double glazed window units
Location: **Hall Farm, Harford, Ivybridge**
Appellant: **Mr C Venables**
Decision: **ALLOWED AND NOTICE QUASHED**



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100m
Scale 1:2500 @ A4

This appeal was made against a listed building enforcement notice that alleged; (a) the removal of single-glazed window units from a grade II listed building and (b) the insertion of replacement double-glazed units. The requirements of the notice were; (a) removal of the new windows from the building and (b) installation of windows to match the former windows.

The Inspector considered that there was one main issue in the appeal: the effect of the replacement windows on the special architectural and historic character of the listed building.

This enforcement notice was a re-issue of an earlier notice that also went to appeal and was found to be a nullity by the first Inspector.

Hall Farm dates from the 17/18th Century with possibly earlier origins. The windows that were

replaced by the appellant probably dated from the 1950s although they may have replicated earlier 19th Century versions.

The replacement windows are made of painted hardwood but differed in detail to those they replaced in that, among other things, they are double glazed and had integral projecting cills, trickle ventilation grilles and heavier glazing bars.

The appeal was made on the following grounds:

(c) that the matters alleged do not constitute a contravention;

(d) that the works were urgently necessary in the interests of safety or health or for the preservation of the building and that the works carried out were limited to the minimum measures immediately necessary;

(e) that listed building consent ought to be granted for the works; and

(j) that the steps required to be taken in the notice exceed what is necessary to alleviate the effect of the works executed to the building.

The appellant argued that listed building consent for the windows was not needed but the Inspector found that the new windows are different to those they replaced and had consequently affected the listed buildings appearance. He held that listed building consent was therefore required for the alterations and the appeal on ground (c) consequently failed.

The Inspector appreciated that there were good reasons for replacing the windows, but also that it was not necessary to change the design of the windows to achieve the aim of making the building wind and weather tight. He considered that the building was in no immediate danger and that the same result could have been achieved by replacing the windows in a like-for-like fashion. The appeal on ground (d) therefore also failed.

Since the first appeal was determined, the appellant had made a number of modifications to the windows in an attempt to satisfy the concerns raised. He had removed the projecting drip beads, narrowed some of the glazing bars, inserted timber to make the glazing symmetrical and attached timber strips to mask the trickle vents.

The Inspector considered that, as first installed, the new windows appeared somewhat clumsy and out of character but also that the modifications had improved the situation to a considerable degree and that further modifications would further lessen any harmful impact.

She noted that the windows still had a different appearance to those that they replaced, but these differences were now more subtle and were not causing the 'great harm' that was previously identified. The Inspector stated that although, in an ideal world, it might have been preferable if closer replicas had been used, those that have been inserted are not now so different or out of character that the historic and architectural interest of the building has been unacceptably damaged.

The Inspector also noted that the replacement windows have brought considerable benefits in terms of sustainability by improving the thermal efficiency of the building and that the benefits now outweigh the limited harm that the modified windows cause to the appearance of the listed building.

The appeal was allowed and the listed building enforcement notice quashed. Listed building consent was also granted for the retention of the double-glazed window units subject to the following conditions:

1. All the windows shall be modified to remove the drip mouldings, mask the trickle vents and balance the size of the glazed panels; and

2. Windows 6, 7, 8 and 9 are to have glazing bars inserted.

Members are informed that agreement has since been reached with the appellant, clarifying what modification works are required in order to comply with the Inspectors conditions.

COSTS APPLICATION

A costs application was made by the appellant following the issue of a second listed building enforcement notice after the first was found to be a nullity. The terms of this notice were, the appellant complained, more onerous than that of the first and he believed that the Authority could not introduce such a requirement in the new notice.

The Inspector advised that because the first notice was a nullity, this means that, in law, it did not exist. The Authority was therefore quite within its rights to issue the second notice requiring the removal of the replacement windows and to specify their replacement with those that matched the ones that were removed. Furthermore, the Inspector noted that it was open to the appellant to submit an application for listed building consent for a modified scheme, but relied instead on the appeal process to determine whether listed building consent should be granted. In such circumstances, it was not unreasonable for the Authority to re-issue a listed building enforcement notice.

The Inspector agreed that the original windows were unacceptable, but was satisfied that they could be made acceptable by modifications secured through conditions. She noted that the Authority took a different view but confirmed that this was not an unreasonable stance for it to have taken. She found nothing in the way the Authority had conducted the appeal that was unreasonable and consequently lead to unnecessary or wasted expense for the appellant.

The application for an award of costs was subsequently refused.

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

1 Application No:	C/14/2211926	District/Borough:	West Devon Borough
Appeal Type:	Enforcement Notice	Parish:	Burrator
Proposal:	Unauthorised pole barns		
Location:	Stone Park, Walkhampton Church Lane, Yelverton		
Appellant:	Ms J Glanville		

2 Application No:	E/14/2210237	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Listed Building Consent	Parish:	Widcombe-in-the-Moor
Proposal:	Installation of rooflight on rear of converted barn linked to house (retrospective)		
Location:	Southway Farm, Widcombe-in-the-Moor		
Appellant:	Mr T Wilding-White		

3 Application No: F/13/2210174 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Widecombe-in-the-Moor
Proposal: Unauthorised rooflight in curtilage listed building
Location: **Southway Farm, Widecombe-in-the-Moor**
Appellant: **Mr TM Wilding-White**

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 March 2014

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS
AND APPLICATIONS WITHDRAWN**

Report of the Director of Planning

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

(For further information please contact Stephen Belli)

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

1	Application No: 0001/14 Application Type: Prior Notification Proposal: Open-fronted agricultural machinery store (13.8m x 4.6m) Location: The Field, Foxhole Hill, Christow Decision: No objection	District/Borough: Teignbridge District Parish: Christow
2	Application No: 0002/14 Application Type: Full Planning Permission - Householder Proposal: Construction of external stairway from living room to rear garden with associated works Location: The Old Garage, Lydford Decision: Grant Unconditionally	District/Borough: West Devon Borough Parish: Lydford
3	Application No: 0018/14 Application Type: Prior Approval Proposal: Erection of livestock unit and covered yard Location: Lower Lowton Farm, Bridford Decision: Withdrawn	District/Borough: Teignbridge District Parish: Bridford
4	Application No: 0021/14 Application Type: Full Planning Permission Proposal: Alterations to provide disabled access including door to replace windows and widening of door all in the east elevation Location: Glazebrook House Hotel, South Brent Decision: Grant Conditionally	District/Borough: South Hams District Parish: South Brent

5 **Application No:** 0034/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Bovey Tracey
Proposal: Single storey extension incorporating conservatory, glazed lantern and porch
Location: Colehayes Bungalow, Colehayes, Bovey Tracey
Decision: Withdrawn

6 **Application No:** 0554/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Buckland Monachorum
Proposal: Garage extension and alterations to dwelling
Location: Tanglin, Meavy Lane, Yelverton
Decision: Grant Conditionally

7 **Application No:** 0632/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Horrabridge
Proposal: Erection of detached garage and store
Location: Glentor, Old Station Road, Horrabridge
Decision: Grant Conditionally

8 **Application No:** 0634/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Mary Tavy
Proposal: Conversion of barns to form two holiday lets and one unit of staff accommodation, with new access drive and parking
Location: Wringworthy Farm, Tavistock
Decision: Withdrawn

9 **Application No:** 0635/13 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Mary Tavy
Proposal: Conversion of barns to form two holiday lets and one unit of staff accommodation, with new access drive and parking
Location: Wringworthy Farm, Tavistock
Decision: Withdrawn

10 **Application No:** 0636/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Chagford
Proposal: Erection of timber framed agricultural barn (5m x 14m)
Location: Rushford Mill Farm, Chagford
Decision: Refused

11 **Application No:** 0641/13 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Lustleigh
Permission - Householder
Proposal: Re-instatement of flue from front of dwelling to rear
Location: Valley View, Moretonhampstead Road, Lustleigh
Decision: Grant Conditionally

12 **Application No:** 0643/13 **District/Borough:** Teignbridge District
Application Type: Advertisement Consent **Parish:** Moretonhampstead
Proposal: Projected hand painted hanging sign and fascia sign advertising
business and retail outlet
Location: 26 Cross Street, Moretonhampstead
Decision: Grant Unconditionally

13 **Application No:** 0644/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Moretonhampstead
Proposal: Projected hand painted hanging sign and fascia sign advertising
business and retail outlet
Location: 26 Cross Street, Moretonhampstead
Decision: Grant Conditionally

14 **Application No:** 0647/13 **District/Borough:** West Devon Borough
Application Type: Prior Approval **Parish:** Dartmoor Forest
Proposal: Extension (222sqm) to existing agricultural building
Location: Brimpts Farm, Dartmeet, Princetown
Decision: No objection

15 **Application No:** 0649/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Ashburton
Proposal: Replace existing roofing with slate
Location: 17 East Street, Ashburton
Decision: Grant Conditionally

16 **Application No:** 0650/13 **District/Borough:** South Hams District
Application Type: Full Planning **Parish:** Shaugh Prior
Permission - Householder
Proposal: Installation of wood burner and flue and Velux roof window, extend
granite path around property and construction of dry wall in garden
Location: 1 Dunstone Farm Barns, Plympton
Decision: Grant Conditionally

-
- 17 **Application No:** 0651/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Burrator
Proposal: Demolish inside of septic tank and replace with Klargester BC biodisc treatment plant
Location: Dewerstone Cottage, Goodameavy
Decision: Grant Unconditionally
-
- 18 **Application No:** 0654/13 **District/Borough:** Teignbridge District
Application Type: Certificate of Lawfulness **Parish:** Ashburton
for a proposed development
Proposal: Mixed use of the premises as a ground floor shop(A1) with a single flat (C3) above
Location: 2 Kingsbridge Lane, Ashburton
Decision: Certificate issued
-
- 19 **Application No:** 0655/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Throwleigh
Proposal: Erection of livestock building (15m x 18m)
Location: Mount Pleasant Farm, Murchington
Decision: Grant Conditionally
-
- 20 **Application No:** 0656/13 **District/Borough:** West Devon Borough
Application Type: Certificate of Lawfulness **Parish:** Dartmoor Forest
for a proposed development
Proposal: Removal of chimneys
Location: 1, 2, 8, 9, 15, 16 and 17 Burrator Avenue, Princetown
Decision: Certificate issued
-
- 21 **Application No:** 0657/13 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Ashburton
Permission - Householder
Proposal: Conservatory to rear of barn
Location: Sparnham Barn, West Street, Ashburton
Decision: Grant Conditionally
-
- 22 **Application No:** 0658/13 **District/Borough:** West Devon Borough
Application Type: Full Planning **Parish:** Chagford
Permission - Householder
Proposal: Alterations to dwelling
Location: Percy's, Chagford
Decision: Withdrawn
-

23 **Application No:** 0659/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** South Tawton
Proposal: Erection of agricultural livestock building (18m x 6m)
Location: Great Head, South Zeal
Decision: Withdrawn

24 **Application No:** 0660/13 **District/Borough:** Teignbridge District
Application Type: Change of Use **Parish:** Hennock
Proposal: Change of use from allotment orchard to communtiy orchard/park (retrospective)
Location: Jubilee Orchard, Teign Village Allotments, Teign Village
Decision: Grant Unconditionally

25 **Application No:** 0661/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Buckfastleigh
Proposal: Construction of outdoor manege (50m x 30m)
Location: land at Pearroc Vean, Grange Road, Buckfastleigh
Decision: Withdrawn

26 **Application No:** 0662/13 **District/Borough:** South Hams District
Application Type: Outline Planning Permission **Parish:** Holne
Proposal: Agricultural worker's dwelling
Location: land at Mill Leat, Holne
Decision: Grant Outline Conditionally

27 **Application No:** 0663/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Peter Tavy
Proposal: Extension to existing agricultural building for the housing of livestock (28m x 11m)
Location: Coxtor Farm, Peter Tavy
Decision: Grant Conditionally

28 **Application No:** 0664/13 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** Holne
Proposal: Refurbishment and alterations to existing farmhouse
Location: Shuttaford Farm, Holne
Decision: Grant Conditionally

-
- 29 **Application No:** 0665/13 **District/Borough:** South Hams District
Application Type: Listed Building Consent **Parish:** Holne
Proposal: Refurbishment and alterations to existing farmhouse
Location: Shuttaford Farm, Holne
Decision: Grant Conditionally
-
- 30 **Application No:** 0666/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Buckland Monachorum
Proposal: Installation of external insulation to part of house
Location: Ferncote, Tavistock Road, Yelverton
Decision: Grant Unconditionally
-
- 31 **Application No:** 0668/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh
Proposal: Extension to existing outhouse to form living accommodation, replacement of roof and insertion of rooflight
Location: 77 Barn Park, Buckfastleigh
Decision: Grant Unconditionally
-
- 32 **Application No:** 0669/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Christow
Proposal: Extension to existing Engine House to provide further accommodation
Location: Wheal Exmouth, Christow
Decision: Withdrawn
-
- 33 **Application No:** 0670/13 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Christow
Proposal: Extension to existing Engine House to provide further accommodation
Location: Wheal Exmouth, Christow
Decision: Grant Conditionally
-
- 34 **Application No:** 0671/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Manaton
Proposal: Construction of agricultural livestock building (8.7m x 18.3m)
Location: Holwell Bungalow, Widecombe-in-the-Moor
Decision: Refused
-

35 **Application No:** 0672/13 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Drewsteignton
Proposal: Further repairs to part of first floor structure (retrospective)
Location: Primrose Cottage, Drewsteignton
Decision: Grant Unconditionally

36 **Application No:** 0673/13 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** Ugborough
Proposal: Dining room extension
Location: Wildacres, Bittaford
Decision: Grant Unconditionally

37 **Application No:** 0674/13 **District/Borough:** West Devon Borough
Application Type: Certificate of Lawfulness for a proposed development **Parish:** Throwleigh
Proposal: Extensions to existing dwellinghouse
Location: Wyndhurst, Throwleigh
Decision: Certificate issued

38 **Application No:** 0675/13 **District/Borough:** Teignbridge District
Application Type: Certificate of Lawfulness for a proposed development **Parish:** Ashburton
Proposal: First floor as dwelling (C3) and ground floor retained as shop (A1)
Location: 19 North Street, Ashburton
Decision: Certificate issued

39 **Application No:** 0676/13 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** South Brent
Proposal: Single storey extension
Location: 7 Woodhay Terrace, Plymouth Road, South Brent
Decision: Grant Conditionally

40 **Application No:** 0678/13 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** South Tawton
Proposal: Installation of LPG fuel tank with timber fencing surround (retrospective)
Location: Park Cottage, South Tawton
Decision: Grant Unconditionally

41 **Application No:** 0679/13 **District/Borough:** South Hams District
Application Type: Prior Approval (Classes J and M) **Parish:** South Brent
Proposal: Change of use of office (B1) to use as a dwelling (under Class J of the GPDO)
Location: 15 Station Road, South Brent
Decision: Planning Permission Required

42 **Application No:** 0680/13 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Bovey Tracey
Proposal: Change of use from workshop to teaching facility
Location: Yarner Wood, Bovey Tracey
Decision: Grant Conditionally

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 March 2014

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the Director of Planning

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

(For further information please contact James Aven)

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

1 Enforcement Code: ENF/0009/13	District/Borough: West Devon Borough
Grid Ref : SX503795	Parish : Mary Tavy
Breach : Unauthorised outbuilding	
Location : 3 Bal Lane, Mary Tavy	
Action taken / Notice served	No further action taken
.	

2 Enforcement Code: ENF/0127/13	District/Borough: West Devon Borough
Grid Ref : SX700875	Parish : Chagford
Breach : Acupuncture business operating from former office above shop.	
Location : Flat above 'Best Cellars', 42 The Square, Chagford	
Action taken / Notice served	No further action taken
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STEPHEN BELLI