

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 10 June 2022

Present: A Cooper, W Dracup, G Gribble, P Harper, G Hill, J McInnes, S Morgan, D Moyse, J Nutley, N Oakley, C Pannell, M Renders, P Sanders, P Smerdon, D Thomas, P Vogel, P Woods

Officers: C Hart, Head of Development Management
J Aven, Deputy Head of Development Management
S Williams, Planning Officer

Apologies: L Samuel

The Chairman welcomed Mrs C Shewan, Independent Person

1488 Declarations of Interests and Contact

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

Mr Harper declared a personal interest in Item 2 - Construction and use of two unauthorised dwellinghouses, Building known as The Sheepshed and The Old Parlour, Robertsacre, Bridford - He declared he would leave the meeting for this item.

Mr Dracup joined the meeting

1489 Minutes of Meeting held on 1 April 2022

The minutes of the meeting held on 1 April 2022 were AGREED as a true record.

1490 Items Requiring Urgent Attention

None

1491 Applications to be Determined by the Committee

Members received the report of the Head of Development Management (NPA/DM/22/006).

Item 1 – 0085/22 – Construction of up to five dwellings, Land at Highlands, Horrabridge.

Speaker: Mr S Boundy, agent for the applicant
Mr P Townsend, Devon County Council Highways
Mr N Emmett, objector

The Case Officer advised Members that the application sought outline planning

permission for the principle of a development of up to 5 local-occupancy custom and self-build dwellings. Access was to be determined at this stage. All other matters, including the detailed layout, design and landscaping were reserved for submission at the second (reserved matters) stage. The application was providing plots for local needs custom and self-build properties as identified in the recently adopted Local Plan policy 3.6.

It was the owner's intention to submit reserved matters in respect of the site layout and communal infrastructure, enabling each individual plot to be sold as a 'fully serviced' self-build plot with outline planning permission. Further reserved matters would then be submitted on a plot-by-plot basis in respect of the detailed design of each dwelling.

The application included alterations to the junction of School Lane/Whitchurch Road; with those alterations, access for vehicles was adequate and safe for the anticipated additional traffic. Those improvements would be necessary before development commenced on the site. A pedestrian access point was previously proposed directly on to Whitchurch Road, however following the site inspection and advice from DCC Highways this was removed from the scheme.

The Dartmoor Custom and Self Build register identified a specific need in this location, with four households currently on the register claiming a local connection to either Horrabridge or Yelverton. Dwellings developed through this route would be restricted to a maximum floorspace of 93sqm with occupancy restricted to those who are defined as a Local Person (Local Plan definition p.62) in perpetuity, and local need identified in line with Strategic Policy 3.1 part 4 (a) as being the need of the parish where the development is taking place and the adjoining parishes. This would be controlled through the associated legal agreement.

There had been several representations made, including support from the Parish Council and no objection from Devon County Councils Highways. The public representations received were 22 letters of objection and 1 letter of support.

A detailed list of the revised planning conditions was circulated at the meeting. The Planning Officer made specific reference to an additional condition No.3 and revised wording to condition Nos 5 and 6.

Mr Townsend from Devon County Council Highways commented that during the site visit on the 19 May 2022, members were shown the junction and access to the site. It was explained that the curb would need to be extended into the road, narrowing the road to improve visibility on either side of the proposed access point.

Following member questions Mr Townsend explained the calculations used to quantify volume of traffic in and out of the site during peak times, and certified that nationally accepted methods had been used to do this.

Mr Emmett advised members on behalf of objectors that in addition to residents, traffic generated from online shopping, utility and family visitors would make an increase in vehicles, which had not been highlighted or recognised in the

consultation reports. The removal of the footpath would increase the number of pedestrians using School Lane to access their dwellings, which would have an impact on safety when confronted with oncoming vehicles. Vehicles would encroach on private properties in attempt to pass each other, which was not acceptable to existing householders, forcing them to reinstate their boundary structures.

Mr Emmett referred to paragraph 110 of the National Planning Policy Framework (2021) in assessing sites that may be allocated for development. It should be ensured that safe and suitable access to the site can be achieved for all users. The access to this development was via a private road through two large ancient granite gate posts 2.95 metres apart, one being integral to a private boundary wall and the other being a part of a Devon Hedge. Due to the limited width, it would not allow goods delivery vehicles, couriers, furniture removal vans etc., to gain access, turn or pass, resulting on an impact on traffic safety.

Mr Emmett referred to a letter from DNPA to Devon and Somerset Fire and Rescue Service dated the 26 April 2022, in which 3.7 metres is stated as the minimum distance between gateways for vehicle access, as set out in Building Regulations Fire Safety approved document B Volume 1 – Dwellings, Table 13.1.

Mr Emmett referred to paragraph 112 of the National Planning Policy Framework (2021) where applications for development should allow for the efficient delivery of goods, and access by service and emergency vehicles. Mr Emmett felt that the above comments were reason enough to reject the application on the grounds of road safety and the safeguarding of pedestrians and animals.

Following member questions Mr Emmett clarified that he was representing the residents of School Lane and some of the residents of Church Road. The main objection was regarding the access to the site, not the principle of building on the site.

Mr Boundy commented that this site was located within the settlement boundary for Horrabridge measuring approximately 0.6 hectares. It was bordered by existing residential properties on three of its four sides and was 300 metres from the centre of the village. Strategic Policy 3.3 of the Dartmoor Local Plan set out that new housing developments would be approved on sites within the settlement boundary and that in developments of up to 5 dwellings, the development must either:

- comprise local needs custom and self-build housing;
- comprise not less than 45% affordable housing provided on-site; or
- provide a commuted sum equivalent to 45% affordable housing

This was for five local needs self-build dwellings, therefore was policy compliant.

These dwellings were not traditional affordable housing, however, the requisite for these dwellings to be occupied by persons with a connection to the local area, and the size of the dwellings, would reduce market value to affordable levels.

School Lane was typical of roads found in the National Park, operated safely, and the low level of development proposed by this application would not change that. There was a condition for a construction method statement. Furthermore, there

were improvements at the junction of Whitchurch Road and School Lane which would not just be used by the proposed development but would also improve access and safety for all existing users of this junction.

Following member questions officers clarified that:

- It was unlikely that all the properties would be built at once, but the conditions would transfer to all plots within the red line.
- The Conditions would be retained in perpetuity.
- Although there were time restraints on when planning permissions could be applied for and when works could commence, no condition could be imposed on how long the properties would take to be completed.
- The properties would be 93 sqm and Condition 14 would mean they could not be extended beyond this.
- The land would not be split solely to the 5 plots for properties, there would be other assets to deliver such as a biodiversity net gain area, roads, services etc. This would be determined at the reserved matters stage.
- The contribution payments required to schools and amenities would need to be paid prior to development, this formed a part of the legal agreement.
- There was nothing the Authority could put in place to remove the possibility of plots being subdivided in the future. Any future applications would need to be considered at that time against the policies at that time.
- Construction traffic would be subject to a separate management plan, as set out in Condition 11.
- Any future development would be subject to the Conditions of the site and therefore would need to be local need self-build properties.
- The comments raised regarding access for the fire service would be a Building Regulations issue and were not a material planning consideration.

Mr Sanders proposed the recommendation, including the alterations to the conditions which was seconded by Mr McInnes.

Following member debate, it was clarified that there is a 2-metre difference in height at the bottom of the site to the road, therefore access directly onto Whitchurch Road was not feasible.

RESOLVED: That, subject to the conditions as set out below, permission be GRANTED.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. An application for approval of the reserved matters contained in conditions 5, 7, 8, 9, 10, 11 and 15 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. An application for approval of the reserved matters contained in condition 6 shall be made to the Local Planning Authority. That application (a) shall not be submitted before the applications for reserved matters set out in condition 2

are submitted and (b) must be submitted before the expiration three years from the date of this permission.

4. The development hereby approved shall be carried out in accordance with drawing numbered P01 Rev. P4, valid 23 May 2022.
5. No development shall commence until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority showing the proposed layout of the site, details of all proposed communal infrastructure and landscaping, and a phasing plan, including the arrangements for the disposal of foul and surface water, areas for vehicle parking, surfacing and lighting, internal roads, landscaping (including the identification of all trees to be retained and area(s) for the delivery of Biodiversity Net Gain), and all other communal works including walls, fences and other means of enclosure and screening and indicating the location and species of all trees existing on the site. At all times thereafter the development shall be implemented strictly in accordance with the approved details.
6. No development shall commence on any individual custom and self-build plot until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the proposed design and construction of the dwelling on that plot. This application shall include the siting, design, the materials of which the dwelling is to be constructed and landscaping of the individual plot. At all times thereafter, the development on that plot shall be implemented strictly in accordance with the approved details.
7. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority showing the detailed design of the proposed permanent surface water drainage management system. It shall include details of percolation tests used to inform the strategy, the measures necessary to address surface water issues during the construction phase, future permanent arrangements and their ongoing maintenance. The report shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. Thereafter, the development shall be implemented and maintained strictly in accordance with the approved details.
8. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority which shall include a detailed Ecological Impact Assessment to include an assessment of habitats present or recently cleared, the suitability for foraging bats and specific avoidance, mitigation, compensation and enhancement measures necessary to address identified impacts. The assessment shall

establish the base line for biodiversity net gain calculations and shall provide detailed information of the mitigation and enhancement requirements necessary to achieve a 10% biodiversity net gain above the agreed base line.

9. No development (including site clearance works) shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the Landscape and Ecological Management Plan setting out detailed plans for habitat creation, species specification, and management responsibilities and maintenance schedules for all communal landscaped areas, showing how the recommendations of the updated Ecological Impact Assessment have been incorporated and any mitigation measures deemed necessary. Thereafter, the development shall be carried out strictly in accordance with the approved plans and timetable for implementation.
10. No development (including site clearance works) shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the Construction and Environment Management Plan setting out details of environmental protection throughout the construction phase. Thereafter, the development shall be carried out strictly in accordance with the approved plans and timetable for implementation.
11. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority to include a detailed scheme related to the proposed highway access to the site and its internal arrangements. This shall include details of the visibility splays, turning areas, private and public parking spaces, garage/hardstanding's, access drive and access drainage arrangements. The agreed works shall be substantially complete before the occupation of any dwellings on the site.
12. No development shall take place until a detailed construction method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the details of parking for vehicles of site personnel, operatives and visitors, welfare facilities, loading and unloading of plant and materials, storage of plant and materials, programme of works (including measures for traffic management), times of working and arrangements for deliveries. Thereafter, the development shall be implemented strictly in accordance with the approved construction method statement.
13. No individual custom and self-build dwelling shall have a habitable floor area of greater than 93 square metres.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-

enacting that Order with or without modification, no extension to the custom and self-build housing units hereby permitted shall be constructed without the prior written authorisation of the Local Planning Authority.

15. No development shall take place until a reserved matters application has been submitted to, and approved in writing by, the Local Planning Authority detailing the methodology of a geophysical site survey of the site. The site survey shall seek to identify any below ground archaeological features, record their presence and include any mitigation necessary to inform the detailed development of the site. Thereafter, the development shall be implemented strictly in accordance with the approved geophysical site survey.
16. No part of the development hereby approved shall be brought into its intended use until the improvements to the School Lane / Whitchurch Road junction, as shown on drawing numbered 4510 - 001A of the Technical Statement dated February 2022, have been provided and retained for that purpose at all times.

Mr Harper left the meeting

Mrs Pannell joined the meeting

Item 2 – ENF/0165/20 – Construction and use of two unauthorised dwellinghouses - Buildings known as The Sheepshed & The Old Parlour, Robertsacre, Bridford, EX6 7HH.

Speaker: Ms A Sutherland, on behalf of the Landowner

Mr Sanders reminded Members that they had each received a copy of a letter from Ms Sutherland on the morning of the meeting.

The Case Officer advised Members that authorisation for enforcement action to secure the cessation of the residential use was sought and obtained at the meeting of the 8 January 2021. This further report was presented to update Members in recognition of the time since the original report was considered and seek a new resolution for action. The previously authorised enforcement action was held in abeyance due to the submission of a further certificate of lawfulness application, an impending appeal and changes to the owner's family circumstances.

Having received a report of the possible residential use of buildings at Robertsacre, our investigations, including a visit in July 2020, revealed that four units (Oakstone Cottage, Home Cottage, The Old Parlour and The Sheepshed) were being occupied as permanent dwellings.

Oakstone Cottage and Home Cottage have been the subject of previous enforcement action in 2004 when a Breach of Condition Notice was served requiring compliance with the holiday occupation condition. This notice remains extant. It is understood that notice was given to the tenants and these two buildings have been now returned to holiday occupation.

Since Members considered the earlier report in January 2021, a further Certificate of Lawful Use application (0308/21) has been considered and refused. This was now subject to an appeal which was scheduled to be considered at an inquiry in July 2022. While the outcome of the appeal would have a strong bearing on any enforcement action to be taken, given the timescales involved it was not considered prudent to wait until the outcome of the appeal to be known before serving the enforcement notice.

Fundamental to the Certificate of Lawful Use application was that the unit(s) had not been created by the conversion of existing buildings. While the unit(s) were believed to be on the same footprint as the previous building, it was considered that the extent of the works undertaken to facilitate residential occupation, including the rebuilding of the front wall and raising of the roofline to create a second floor, amounted to the creation of a new building and not a conversion of the existing.

The unauthorised development had created two open market dwellings in an unsustainable location, harmful to the special qualities of the National Park. The development was considered contrary to the advice contained in the National Planning Policy Framework and the National Park Local Plan policies and following the refusal of the Certificate of Lawfulness application, it was considered appropriate to secure the cessation of the use of the buildings as dwelling houses. It was reported that the owner had removed tenants from the 'Sheep Shed' and that building was reported to be vacant.

Ms Sutherland commented that she and her client were very concerned regarding the recommendations set out in the officer report. She commented that the report appeared to be the same as the report from 2021 and that the verbal report given was more accurate and up to date, but this was not mirrored in the written report.

Ms Sutherland stated that in her opinion the report was inaccurate; that there was a main dwelling house, but this had not been a part of the farm since 1999. Furthermore, the officer report did not show the attempts the family has made to rectify the breach, including evicting the tenant of the 'Sheep Shed'.

The family could not leave the premises as they needed to be present to farm the land, which they had done so for 34 years, and they had a young family and therefore there are welfare issues involved.

She requested that the meeting be adjourned, and the report be updated to include rectification of these inaccuracies.

Following Ms Sutherland representation, officers clarified:

- It was not unusual for an officer's verbal report to be more up to date than the written report and that members were capable of making a decision based on the evidence presented at the Committee meeting.

- There was an urgency to bring this to Committee ahead of the appeal as the 10-year time frame for enforcement action was shortly coming to an end. If this timeframe was overrun, then the property would become immune to enforcement action, which would result in two open market dwellings in an unsustainable location, harmful to the special qualities of the National Park with no conditions or agricultural ties.
- The main dwelling had been associated with the farm buildings in all previous planning applications. The Planning Contravention Notice (PCN) returned by the appellants in October 2021 indicated Mrs Sablon-Roberts as owner of the Old Parlour, Sheepshed, Oakstone and Home Cottage. In addition, her sworn statutory declaration of February 2020 refers to the farm holding and herself as the owner, residing in Robertsacre. Furthermore, a recent Land Registry search indicated Mrs Sablon-Roberts as owner of the main dwelling and the four units contained within the farmyard area along with farmland held under one title deed. However, it was noted that there was an application pending with the Land Registry but no details of this were available.
- The welfare of the occupants of the property was of high importance and would be taken into consideration before serving any enforcement notice. However, this would not prevent Members determining a resolution for enforcement. It was noted that if the landowner's ongoing appeal was successful this may supersede any enforcement action taken.
- The applicant was able to apply for planning permission to regularise one or both units, and the likely compliance period would allow such an application to be submitted and determined.

Following Ms Sutherland representation, Ms J Young from Devon County Council Legal Services clarified:

- The decision was not an eviction notice but a process to 'stop the clock' on the 10-year time frame immunity from enforcement action.
- Compliance and enforcement was a long process and if the resolutions to secure the cessation of the residential use of the building/s, was agreed, there would be a long period of over 12 months in order for the family to find alternative accommodation.

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

RESOLVED: That the appropriate legal action be authorised to:

- (i) Secure the cessation of the residential use of the building/s, and
- (ii) Secure the removal of the unauthorised building works to return the building to its previous form and design, including the removal of the first floor, additional openings, glazing, rooflights and flue pipes.