

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

28 July 2017

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Acting Head of Planning

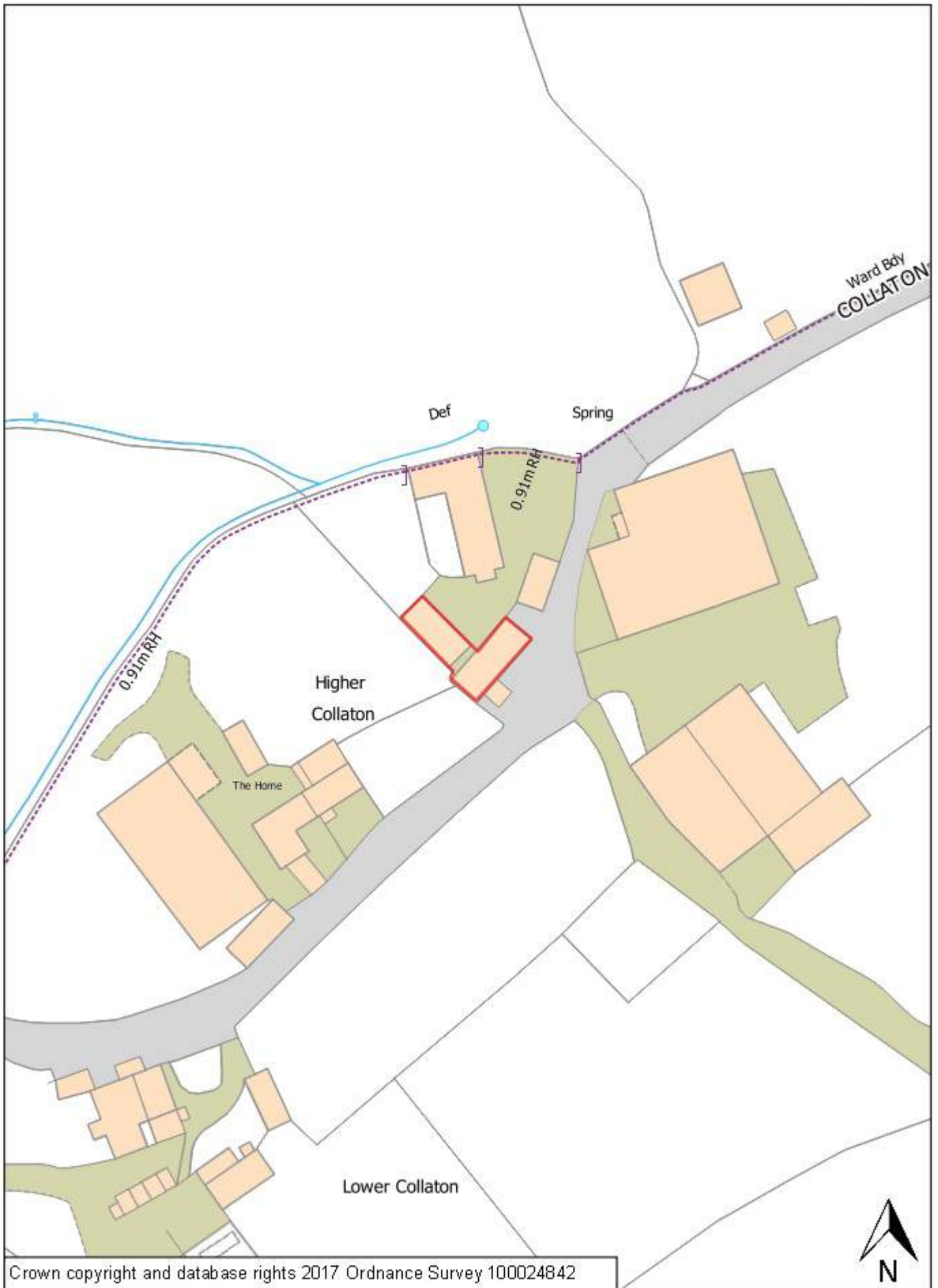
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Meadowside Tavistock - 0015/17



Scale 1:1,000



1. Application No: **0015/17** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Whitchurch**
Grid Ref: **SX515753** Officer: **Jo Burgess**

Proposal: **Change of Use and extension of farm office building to use as a dwelling in association with the removal of a mobile home**

Location: **Meadowside, Collaton Road, Tavistock**

Applicant: **Mr G Mudge**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposal includes a significant extension to the existing building, therefore does not constitute an acceptable conversion of a non-residential building outside a classified settlement. The proposal is therefore considered to be unsustainable development, harmful to the character and appearance of the building and this part of Dartmoor National Park and contrary to policies COR1, COR2, COR5, DMD1a, DMD1b, DMD3 and DMD9 of the Dartmoor National Park Authority Development Plan and to advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Meadowside is an agricultural bungalow located in open countryside east of Tavistock. It is located adjacent to a stone barn described as a farm office. Between the barn and the bungalow is a mobile home.

It is proposed to remove the mobile home and convert and extend the barn partly over the site of the mobile home to create the proposed dwelling.

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

Planning History

0348/16	Siting of a mobile home, use of building for residential purposes and retention of operational development	Certificate of Lawfulness for an existing use	Certificate issued	20 September 2016
0427/15	Replacement agricultural dwelling incorporating change of use of former barn	Full Planning Permission	Withdrawn	06 January 2016
3/54/324/94/03	Extension to existing agricultural barn and lean to building	Full Planning Permission	Refused	10 April 1995
3/54/108/92/04	Change of use of barns to sales of sheep shearing equipment, manufacture of sheep shearing trailers and sale of second hand machine tools	Change of Use	Grant Conditionally	08 February 1993
03/54/1057/90	Two storey extension to provide laundry, study and snooker room on			

	ground floor and two bedrooms and bathroom first floor		
	Full Planning Permission	Grant Conditionally	27 March 1990
3/54/436/75	Extension of period for temporary siting of a caravan for agricultural occupancy		
	Full Planning Permission	Grant Conditionally	01 September 1975
WC/5256/73	Agricultural bungalow		
	Outline Planning Permission	Grant Outline Conditionally	27 June 1973

Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Ecology & Wildlife Conservation:	Works to proceed in accordance with the recommendations of the Ecological Survey Report [David F Wills, dated 8 May 2015].

Parish/Town Council Comments

Plasterdown Grouped PC:	Support - it would tidy up the dwelling and cannot be seen. Originally a Section 106 Agreement was requested but following further discussion in May, the Parish Council has now stated that it fully supports the application without a Section 106 agreement
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Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR15 - Providing for limited new housing to meet local needs
- COR2 - Settlement Strategies
- COR5 - Protecting the historic built environment
- COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
- DMD14 - Biodiversity and geological conservation
- 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
- DMD27 - Replacement dwellings in the countryside
- DMD3 - Sustaining the quality of places in Dartmoor National Park
- DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

INTRODUCTION

This application follows significant pre application discussions and the earlier submission of a similar application (0427/15) which was withdrawn following a recommendation for refusal. A subsequent Certificate of Lawfulness application was granted in September 2016 for the siting of a residential mobile home (0348/16).

POLICY CONSIDERATIONS

Policy DMD1b states that within the Dartmoor National Park, the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. The National Planning Policy Framework (NPPF) attributes great weight to these considerations within National Parks, emphasising the conservation of cultural heritage as an important consideration.

Policy COR2 states that development will be acceptable in principle in the countryside where it would sustain buildings or structures that contribute to the distinctive landscape or special qualities of the Dartmoor National Park, where those assets would otherwise be at risk and where development can be accomplished without adversely affecting the qualities of those buildings or structures.

Policy COR15 states that outside Local Centres and Rural Settlements, housing development will be restricted to that serving the proven needs of agriculture or other essential rural businesses or through the appropriate conversion of rural buildings to meet identified local needs for affordable housing.

Policy DMD9 supports the principle of conversion of appropriate traditional buildings in the countryside into affordable housing for local persons in cases where a business or community use has been shown to be not viable or feasible. This is subject to the building demonstrating a form, structure or history that is traditional to Dartmoor, being capable of conversion without need for substantial alteration/extension or significant changes in the relationship with existing ground levels, conversion works being in-keeping with local building styles and materials and not adversely impacting rural character, retaining significant historic or architectural elements and sustaining the setting of the building. The building should also be sited where there is reasonable access to local services and facilities preferably by a variety of means of transport.

The Design Guide provides specific guidance on alterations to historic buildings and the conversion of traditional farm buildings. It requires conversion schemes to respect the building's original character and function, states that the layout will impose limits on what is achievable, requires schemes to work within the existing envelope of the building and avoid extensions, avoid new wall openings and resist temptation to add domestic detailing which damage character (barge boards, fascias, rainwater goods).

Policy DMD23 supports the principle of dwellings where they are required for an agriculture holding or rural based business or conversion of an existing building to an affordable dwelling if the conversion is compliant with Policy DMD9.

THE PROPOSAL

The barn is currently used in association with the applicants farm and sheep shearing machinery business. The barn currently houses the rayburn and hot water cylinder associated

with the mobile home.

It is proposed to convert the majority of the barn into a dwelling with a 20sqm farm office on the ground floor. It is proposed to remove the mobile home being lived in by the applicant to the rear of the barn and extend over part of the footprint of the mobile home. The size of the extension has been reduced from the 2015 proposal by two metres in depth and 1 metre in width .

PLANNING HISTORY

A caravan was approved in 1975 to provide temporary accommodation during building works associated with the erection of the agriculturally tied bungalow approved in 1973. In 1978 a short term planning permission was granted for the temporary siting of a further caravan. The caravan was not removed in 1980 as required by a planning condition. It continued to be occupied and was replaced with a new mobile home in the early 90s without reference to the Authority.

The caravan was lived in by the parents of the applicant and then when they passed away the applicant and his wife moved into the mobile home in order that his son and young family could move into Meadowside. The applicant, his son and wife are employed full time in agriculture (including within the shearing and shearing equipment business).

In 2016 a Certificate established that the mobile home has been sited on the land and used for residential purpose for a continuous period in excess of ten years. The Certificate specifically states that neither the barn or the mobile home are a Class C3 dwelling. (The mobile home is a caravan and not a building so legally cannot be used as a Class C3 dwelling).

This legal definition is the reason why the application is not described as a replacement dwelling and why policy DMD27 does NOT strictly apply.

The Certificate of Lawfulness allows the caravan to be occupied for residential purposes without an agricultural occupancy restriction.

USE OF THE BARN

The barn was in agricultural use when the agricultural dwelling was approved in 1973. It is presently used for storage and an office in association with the farm and sheep shearing business. The barn also houses a rayburn and water cylinder and pipework links them to the mobile home; however these alterations to the interior of the building do not engage planning control and in the third schedule of the Certificate were specifically excluded. The free standing metal walkway adjacent to the mobile home (linking it to the barn) was also specifically excluded because it was deemed to be a chattel and not development.

CONVERSION OF THE BUILDING

Policy DMD9 supports the principle of conversion of appropriate traditional buildings in the countryside into affordable housing for local persons or an agricultural or rural worker in cases where a business or community use has been shown to be not viable or feasible. Policy DMD9 relates to the conversion of traditional rural buildings where such buildings are no longer needed in their original uses, the only guarantee of protection and proper maintenance may be to enable appropriate new sustainable uses to be carried on. The NPPF refers to the re-use of 'redundant' or 'disused' buildings; the building is currently used in association with the

farm business and it is proposed to continue to use part of the building as a farm office.

POSITIVE ELEMENTS OF THE CONVERSION

The internal character of the barn has already been compromised by the existing use and replacement roof some years ago but it is considered that although the barn has limited historic interest, what character it has, can be enhanced and its appearance much improved by the new use and associated works. The proposal to replace the metal sheet roof with slate on a suitably pitched roof with a ridge raised by 600mm will enhance the character of the building. The removal of the timber framed garage on the front of the barn which is very unsightly and in the public domain, will improve the visual appearance and setting of the barn and will expose the original form of the building. Although three small windows are proposed on the front elevation, the form of these is appropriate to the character of the building.

Although the barn is not a designated or local heritage asset, historic maps show that it was built prior to 1919 so it is considered to be a traditional building. The conversion would expose and use the traditional and original parts of the building and reinstate the slate pitched roof in place of the profiled roof panels that currently exist.

NEGATIVE ASPECTS OF THE CONVERSION

The 2016 Certificate of Lawfulness established that the works to repair and rebuild the barn and the installation of two uPVC double glazed windows in the gables at upper level and one window on the rear were lawful. The proposal seeks to replace one of the lawful uPVC windows in the south west elevation and install new double glazed windows and doors in film coated uPVC throughout.

Policy DMD9 states that the proposed conversion work should be in keeping with local building styles and materials, not adversely affecting the rural character and appearance of the locality or significant public views. The building is visible in the public domain so the details of the conversion are critical. Although samples of the film coated finish have been submitted and notwithstanding the existing uPVC windows, it is not considered appropriate to install uPVC in a traditional building. The Design Guide (P78) discourages the use of uPVC for windows and doors as the materials and processes used are unsustainable. A condition requiring details of timber joinery to be submitted would therefore be considered necessary

A 6.5m deep extension is proposed to the rear of the building with a slate roof. DMD9 specifically states that when converting non residential buildings outside classified settlements, the building should be capable of conversion without the need for substantial extension, alteration or reconstruction of the existing structure. A substantial extension (36sqm) is proposed which equates to approximately half the floor area of the existing mobile home. Although the extension by virtue of the footprint will necessitate the removal of the residential caravan, this is not considered to be a strong enough reason to approve a substantial extension to the barn. The extension is clearly contrary to policy.

The porch shown on the front elevation is an additional extension which being on the roadside elevation, will draw attention to the residential use of the barn and is considered to be inappropriate.

POLICY DMD23

This policy states that residential development in the open countryside will only be granted

under very limited circumstances including where the proposal comprises the conversion of an existing building to an affordable dwelling and the conversion is compliant with policy DMD9.

As set out in the adopted affordable housing SPD, affordable housing has to be of a sale or rental value which is within the reach of a qualifying person.

The dwelling is 137sqm, well in excess of the 85sqm set out in the affordable housing SPD for a three bedroom affordable house. The proposal is therefore a large unjustified open market dwelling in the open countryside which by virtue of its size is unlikely to be affordable within the terms set out in the SPD.

Members are advised that in order to avoid the creation of a new dwelling in the open countryside and following the initial recommendation of the Parish Council, some discussion took place regarding linking the new dwelling to Meadowside by means of an ancillary tie. The applicant was not willing to accept such a restriction and officers have come to a view that in this case, such a tie would not be appropriate under the terms of policy DMD25.

POLICIES DMD24 & DMD27

The caravan is not a dwelling and as such these policies do not apply, however the following is provided for information.

The current mobile home is 80sqm in area and has two bedrooms. The normal 30% increase permissible as householder extensions by DMD24 would allow for an additional 24m² making a total floor area 104m².

The proposed dwelling includes 48sqm of accommodation in the new roof space and 36sqm in the extension and has three bedrooms. The total floor area of the proposed dwelling is 137sqm. This represents a 58% increase in the residential floor area.

The volume of the caravan is 239 cubic metres. The total volume of the proposed building is 475cum including 142cum within the extension, plus 97cum for the farm office. The 50% increase in volume is well in excess of the normal 15% set out in policy DMD27.

ACCESSIBILITY

Turning to other considerations, Policy DMD9 requires that a building to be converted should be sited where there is reasonable access to local services and facilities preferably by a variety of means of transport. This echoes the sustainability principles of the Development Plan. The building is approximately 1km from the B3357 at Moorshop and close to Tavistock.

PROTECTED SPECIES

In terms of protected species, a survey has been submitted and its requirements could be covered by a condition should permission be granted.

SUMMARY

The proposal would result in the removal of a large unsightly mobile home. The mobile home is visible from the lane leading up to the farm and the public right of way running through the farm so its removal would be a visual enhancement to the farmstead.

It is also noted that in terms of DMD1a, the proposal would be much more sustainable in terms of embodied energy and insulation than the existing caravan.

Notwithstanding the above, the extension represents a 'substantial extension and alteration to the building' and is therefore contrary to DMD9.

CONCLUSION

In coming to a recommendation the benefits of removing the mobile home and renovating the barn have to be weighed against the planning history and relevant planning policies.

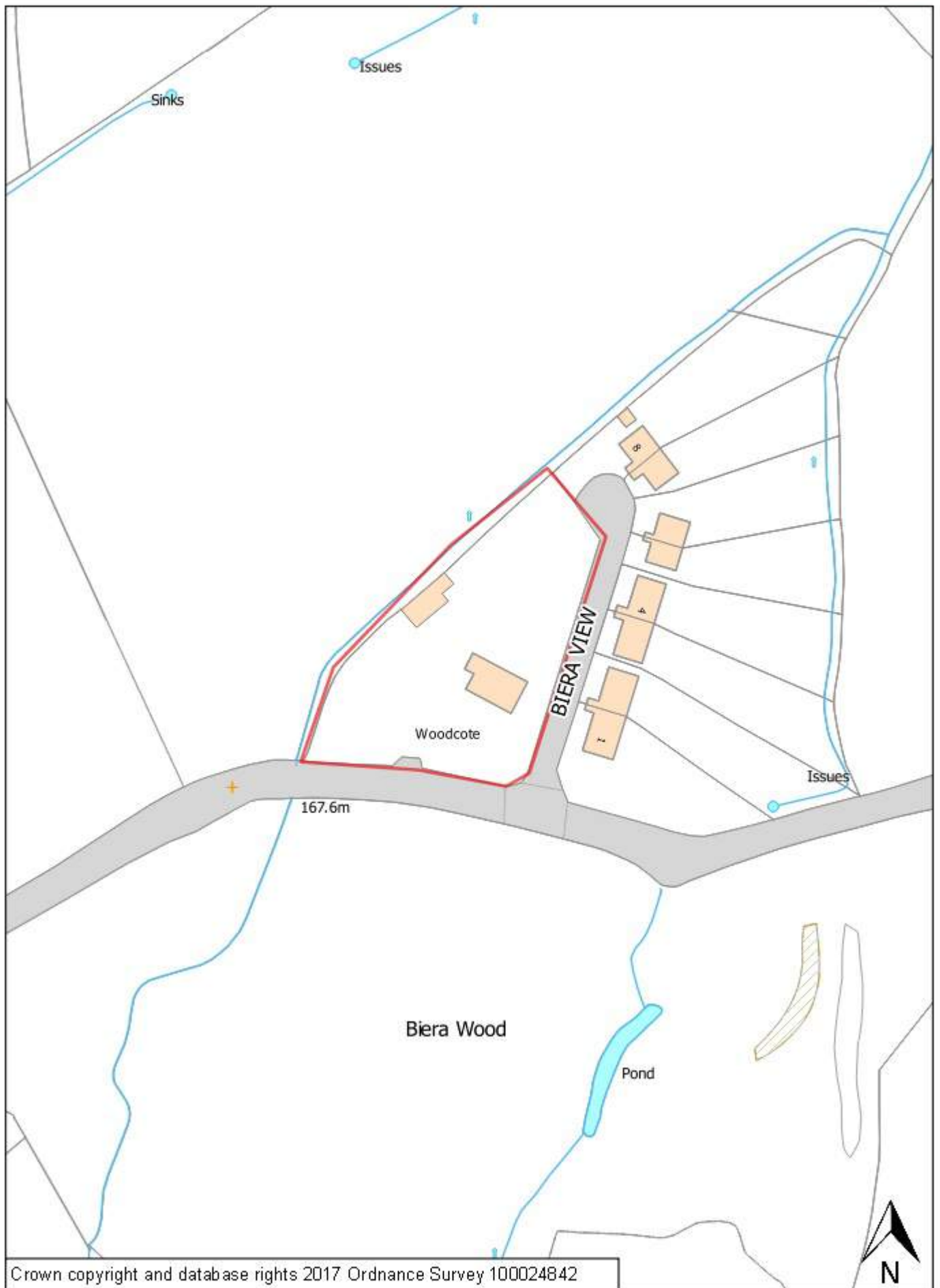
COR1 and DMD1a reflect the presumption in favour of sustainable development and policies COR5 and DMD9 clearly set out that to be environmentally sustainable, proposals to convert existing 'historic' buildings in the open countryside should not require substantial extension, alteration or reconstruction of the existing structure.

The existing mobile home provides very modest accommodation and officers consider that a small increase in residential floor area available to the applicant would not be inappropriate, but should be within the existing building. Given the extension to the building, it is not considered that the benefits outweigh the policy objections in this case. It is therefore recommended that planning permission is refused.

Woodcote, Chagford 0274/17



Scale 1:1,000



2. Application No: **0274/17** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Chagford**
Grid Ref: **SX704876** Officer: **Jo Burgess**

Proposal: **Demolition of dwelling, erection of five dwellings and alteration to access**

Location: **Woodcote, Chagford**

Applicant: **Lawson Homes**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development would result in additional unjustified open market dwellings in a Local Centre where there is a demonstrated need for affordable housing, without significant positive environmental improvement, contrary to policies COR2, COR15 and DMD21 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The proposed development by virtue of its layout, the size of the dwellings, scale, form and design would be detrimental to the character and appearance of the site and its surroundings contrary to policies COR1, COR4, DMD7 and DMD21 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
3. The proposed development by virtue of the proximity of dwellings within the development will significantly reduce the levels of daylight and have an overbearing and dominant impact on the amenity of residents contrary to policies COR1, COR4, DMD3 and DMD4 of the Dartmoor National Park Authority Development Plan and 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

Woodcote is a bungalow on the edge of Chagford with access onto Woodcott Lane. The site is within the settlement boundary set out on the inset map therefore policies DMD45 and DMD21 apply.

The boundary of the site with the road is formed by a stone wall and to the east is a non-native hedge separating the site from Biera View - a cul-de-sac that terminates adjacent to the northern point of the site. To the west and north west is the site allocated in CHG2 which has permission subject to the completion of a Section 106 agreement for 93 dwellings, B1 business units and a new fire station. Houses with rear gardens are shown on the approved plans adjacent to the boundary with a separation distance of 14.5m.

It is proposed that all the dwellings will be open market and are indicated to be approximately 158m² (external floor area), well in excess of the size required for 4 bed affordable dwellings (95m²- DCLG Technical Housing Standards 2015).

Planning History

0662/16	Demolition of dwelling, erection of five dwellings with improved access	Full Planning Permission	Refused	08 February 2017
0218/15	Erection of two dwellings and enlargement of existing access	Full Planning Permission	Withdrawn	04 June 2015
0328/11	Retrospective replacement of existing garage and store room	Full Planning Permission - Householder	Grant Conditionally	16 August 2011
0667/03	Erection of rentable social housing and flats; four one-bed flats and two two-bed houses	Outline Planning Permission	Refused	10 October 2003
0673/02	Erection of affordable housing and flats; four 1-bedroom flats and two 2-bedroom houses	Outline Planning Permission	Withdrawn	02 October 2002
0645/01	Three dwellings for self-build	Outline Planning Permission	Refused	05 December 2001

Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
West Devon Borough Council:	Confirms that the site allocated as CHG1 is unlikely to progress during the timescale of the Development Plan
County EEC Directorate:	The proposed alterations to the access and visibility are adequate to serve the proposed development from a highway safety point of view and a condition requiring the provision of the access, turning area, parking and access drainage is recommended.
DNP - Trees & Landscape:	The proposed development has not identified two trees growing on the site and the proposed layout shows that neither tree will be retained. The apple tree is an attractive specimen and consideration should be given to retaining this tree within the development
Devon County Council (Flood Risk):	Following an objection, the applicant has provided a suitable surface water drainage management plan. On this basis pre-commencement conditions are requested in relation to the design of the proposed surface water drainage management system and details of it's adoption and maintenance.
DNP - Archaeology:	No objections
DNP - Ecology & Wildlife Conservation:	Works to proceed in accordance with the recommendations of the submitted report
South West Water:	There is a public sewer in the vicinity and no development will be permitted within 3 metres of the sewer. Should the sewer encroach on the 3m easement the sewer will need to be diverted.

Parish/Town Council Comments

Chagford PC:	The parish council supports the application because it is
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within the 30mph zone, it will result in family housing for sale and Woodcote has always blocked the view from Biera View.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR24 - Protecting water resources from depletion and pollution
COR4 - Design and sustainable development principles
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD14 - Biodiversity and geological conservation
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD21 - Residential development in Local Centres
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD38 - Access onto the highway
DMD4 - Protecting local amenity
DMD45 - Settlement boundaries
DMD7 - Dartmoor's built environment

Representations

3 letters of objection 1 letter of support

The representative of CG Fry the developers of the adjacent site has written to support the application.

Two residents of Biera View and one other nearby resident have objected to the application on grounds of inadequate access, impact on parking and the adjacent lane, amenity and the layout of the development.

Observations

INTRODUCTION

The application proposes the demolition of an existing chalet bungalow which is located on a 0.2ha plot and the erection of five open market dwellings, together with alterations to the access onto Woodcott Lane.

This application has been advertised as a departure because open market housing is proposed, whereas the settlement strategy set out in policies COR2, COR15 and DMD21 requires two of the four additional units to be affordable.

PLANNING HISTORY

Pre application discussions were held at which time the policy requirement in DMD21 in respect of affordable housing was highlighted and at that time the applicant was considering affordable self build as a custom build which was supported by officers.

In June 2016 following the government issuing the Written Ministerial Statement (WMS), an Interim Statement was adopted by the Authority, adopting a lower threshold of five units or less. The Statement sets out that "proposals which do not offer affordable housing consistent with the adopted policies in the local plan will need to demonstrate how they constitute sustainable development. We believe that the provision of affordable housing on-site remains the most appropriate use of development land in the National Park".

It was in the context of this statement that the 2016 application was submitted.

At the end of 2016 in light of appeal decisions at Yelverton and elsewhere in the country, the Authority came to the view that although the WMS and the Interim Statement issued by the Authority following the High Court decision were material planning considerations, the policies in the Development Plan retained primacy.

In March 2017 clarification was provided in a letter from the Planning Inspectorate to the Authorities affected by inconsistent appeal decisions elsewhere. It stated :-

"The statutory position is that planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise."

It went on to comment that "local policies still have weight as a starting point and the WMS comes into play as a material consideration which post-dates the plan, and which has to be balanced against the plan and the evidence base supporting the LPA's application of the policy".

The Development Plan makes it clear that there is no expectation that the National Park will provide housing to fulfil the constituent district's strategic housing provision and the Authority's housing target is strictly related to needs that arise within the National Park. This approach is consistent with the National Parks and Broads Circular Para 78 which states "The Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services".

CURRENT POSITION

West Devon Borough Council (WDBC) has confirmed that up to date information from the Housing Need Registers confirm a need for 39 dwellings in Chagford. 28 will be provided on the adjacent site leaving a need for 11 unfulfilled. It is important to note the advice from WDBC Housing Officer that it may be some time before affordable homes become available on the CHG1 site at Lamb Park.

Opportunities to satisfy the outstanding need on sites within the Development Boundary that are otherwise acceptable, need therefore to be taken and the requirements of the policies in the Development Plan in this respect retain primacy over the other material planning considerations.

The applicant has submitted an Affordable Housing Statement that presents a number of appeal decisions and argues that the allocation in CHG1 and the contribution towards affordable housing provision from the Blue Cedar development, are relevant local circumstances. It is argued that these circumstances do not mean that an exception to

national policy is justified and that the scheme does not need to provide any affordable housing.

It is worth noting that the purpose of the WMS is not to place a disproportionate affordable housing burden on small sites. The applicant in this case contests the affordable housing requirements in principle, however, and has provided no evidence that the provision of affordable housing would be unviable.

It should be noted that the houses proposed exceed the sizes set out in the Affordable Housing SPD (at 158.8m² external floor area as opposed to the 95m²) and therefore are considered unsuitable to meet the Intermediate Housing Model requirements.

In proposing four additional open market houses on a site within the settlement boundary, and making no provision for affordable housing, the proposed development does not meet the requirements of policies COR2, COR15 and DMD21 in particular and on balance it is considered that given the housing situation in the National Park and the evidence provided by the housing authority, the Development Plan should be given significant and substantial weight. Given this conclusion the development is not considered to be sustainable development in accordance with the Development Plan, the NPPF or the Authority's adopted Interim Statement.

DESIGN AND LAYOUT

The site is within the development boundary of Chagford with the proposed 93 house development to the north west. The proposed houses will be detached and will face other houses on the opposite side of a new road. Beira View to the east is a former Local Authority cul-de-sac of semi detached properties facing the narrow estate road which has a turning area at its northern end.

The proposed development is accessed off Woodcote Lane with the layout partly dictated by highway visibility requirements.

It is proposed to site 5 dwellings off a two pronged cul-de-sac. The rear elevation of plot 5 and the gable elevation of plot 1 will face the road and much further forward than the existing chalet bungalow. It is noted that the gable end of the nearest dwelling to the road in Beira View faces the road. The majority of the wall and part of the hedge are to be retained as a means of enclosure.

The layout has sought to reduce the impact on Beira View but in so doing, the layout and form of the dwellings results in a cramped form of development which does not present an attractive face to the lane or within the development. The wall fronting the lane only provides limited screening of the site and the submitted roadside elevation drawing demonstrates that the presentation to the lane will be bland, bulky and out of keeping with surrounding development. Although hedges are indicated on the block plan, it is not clear how the site will be landscaped. An attractive mature apple tree on the site has not been shown to be retained and the trees officer has advised that this should have been considered in the layout.

Although slate roofs, render and timber cladding are proposed, in terms of design there is little reference to the Dartmoor vernacular and the plans present a bland housing estate with no local distinctiveness. Policy DMD3 requires development to respond to and reinforce locally distinctive patterns of development and landscape. It also requires there to be a clear distinction between public and private spaces and for development to reflect the principles set

out in the Dartmoor Design Guide. Policy DMD7 expands on this. It is felt that the proposed development does not demonstrate that it will conserve or enhance the character of the local built environment and that with less houses and a different approach a more appropriate development could be achieved on this site.

AMENITY

The layout within the site, although it preserves the privacy of the houses in Biera View, results in unsatisfactory relationships between the front elevations of units 4 and 5 and 3 and 4. The design guide sets out a privacy distance of 21m, whereas the distances between these plots are 15m and 9m respectively.

The relationship between plot 2 on the application site and plot 20 on the adjacent site has been addressed to the satisfaction of the adjacent developer. By virtue of the levels and position of windows, the privacy for plot 20 and plot 2 has now been protected in accordance with the Design Guide and policy DMD4 and officers are satisfied that the residential amenity of both properties will be protected.

SURFACE WATER

With respect to surface water, Devon County Council originally advised that there was insufficient information in relation to surface water drainage in order for the application to be determined. A surface water drainage management plan has now been submitted with additional information. Conditions have been requested to satisfy DMD3 and COR8 which require sustainable drainage systems to be incorporated into development .

ECOLOGY

A protected species assessment has been submitted and recommendations made to safeguard breeding birds. These recommendations should be a condition of approval.

CONCLUSION

Although the applicant has addressed the privacy issues in terms of the adjacent site, no changes have been made to the layout and form of the proposed dwellings. As proposed the development is not acceptable for the design, layout and amenity reasons given. The drainage issue has now been resolved.

Fundamentally there is a disagreement between the applicant and the Authority as to whether or not affordable housing should be required in this case. The Authority remains of the view that although the WMS remains a material planning consideration it does not outweigh the policies in the Development Plan in this instance and that two of the four new dwellings should be affordable.

Sowntontown Farm 0249/17



Scale 1:2,000



3. Application No: **0249/17** District/Borough: **West Devon Borough**
Application Type: **Outline Planning Permission** Parish: **Peter Tavy**
Grid Ref: **SX513762** Officer: **Helen Herriott**

Proposal: **Erection of farm managers dwelling**

Location: **Land adjoining Sowtontown
Farm, Peter Tavy**

Applicant: **Mr & Mrs W Roger Bellamy**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed agricultural worker's dwelling by reason of its size, would result in a dwelling which exceeds the functional requirements of the agricultural holding and compromises the affordability of the dwelling to the local community in the long term. The proposal therefore conflicts with policy DMD23 of the Dartmoor National Park Authority Development Plan and the Dartmoor National Park Authority Affordable Housing Supplementary Planning Document 2014.
2. The proposed development by reason of its location would have a detrimental impact on the character and appearance of this part of the Dartmoor National Park landscape. The development would be contrary to the Dartmoor National Park landscape. The development would be contrary to the Dartmoor National Park Authority Core Strategy Development Plan Document and in particular policies COR1, COR3 and COR4 and to policies DMD1b, DMD5, DMD23 of the Development Management and Delivery Plan Document and to the advice contained in the Dartmoor National Park Design Guide 2011 and the English National Parks and the Broads UK Government Vision 2012 and the National Planning Policy Framework 2012.

Introduction

This application is for a permanent, 180sqm agricultural worker's dwelling to serve the main farmstead at Headlands Farm, Peter Tavy. The proposed location is at Sowtontown Farm, approximately 240m from Headlands Farm. The application is in outline with appearance, landscaping and layout reserved.

Planning History

03/45/1071/91	Lean-to onto existing shed; concrete area; effluent tank; slurry compound and dung store. Full Planning Permission	Grant Unconditionally	17 May 1991
03/45/1118/86	Extension to existing agricultural building Full Planning Permission	Grant Conditionally	02 October 1986
03/45/0510/81	Proposed erection of an agricultural building. Full Planning Permission	Grant Conditionally	26 June 1981
03/45/0330/81	Proposed erection of an agricultural worker's bungalow with garage. Approval of Details	Approve Conditionally	05 June 1981

Consultations

Environment Agency:	Flood zone 1. Standing advice applies.
West Devon Borough Council:	Does not wish to comment.
County EEC Directorate:	No highways implications
DNP - Building Conservation Officer:	No objection on historic built heritage grounds.
DNP - Trees & Landscape:	No objection in principle, but on the understanding that the site is enclosed with a Devon bank and planted with a mixed native hedgerow reflecting traditional boundaries found in this landscape.
Land Agent Consultant:	I am supportive of the application in all respects apart from the issue of siting. It is my opinion that the selected site for the proposed dwelling is at best the second choice when it comes to a preferred site. The preferred site would be adjacent to the buildings and bungalow at Headlands Farm but, if there are genuine practical reasons why it cannot be located at this site then due to the position of the buildings at Headlands in relation to the single building at Sowton town, the proposal is the next best alternative. From correspondence I have seen with the agent, I believe there may be further discussions on the options for the siting of the proposed second dwelling and the onus must be put on the applicant to provide evidence of why the present site is the only available option compared to what I believe is a preferred location at Headlands. At the time of writing this evidence has not been forthcoming.

Parish/Town Council Comments

Peter Tavy PC:	Provision of an agricultural workers home will allow for further development of this farming business and provide local employment. Support.
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Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR15 - Providing for limited new housing to meet local needs
- COR2 - Settlement Strategies
- COR3 - Protection of Dartmoor's special environmental qualities
- DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
- DMD23 - Residential development outside Local Centres and Rural Settlements
- DMD3 - Sustaining the quality of places in Dartmoor National Park
- DMD4 - Protecting local amenity
- DMD40 - Parking provision - Residential
- DMD5 - National Park Landscape
- DMD6 - Dartmoor's moorland and woodland

Representations

1 letter

One general observation letter was received from a resident at Sowtontown Farm.

He raised concern relating to the water supply. He noted that design and materials need to be carefully considered at reserved matters stage to fit with the character of the immediate area. The aspect should be carefully considered so the dwelling should not dominate the approach road or overlook the existing properties. He believed his concerns could be addressed and he would then be supportive of the application at a more detailed stage.

Observations

PROPOSAL

This outline application is for a permanent agricultural worker's dwelling for Headlands Farm, Peter Tavy of approximately 180sqm.

The key issues are the impact on the character and appearance of this part of the National Park landscape and the excessive size of the proposed dwelling and its proposed location.

HOLDING

Headlands Farm was inherited by Mr W Roger Bellamy and comprises a 24 acre (9.7 hectare) beef and sheep holding on which the principle farm buildings are located. Adjoining Headlands Farm is land extending to around 176 acres being formerly part of Sowntontown and Paisley Mead Farms which were acquired by Mr & Mrs W Roger Bellamy over the last 30 years.

The overall farm business is focussed on an area of approximately 540 acres (200ha) of pasture land:

- 9.7 hectares at Headlands Farm
- 61 hectares at Sowntontown
- 11 hectares at Paisley Mead, adjoining Headlands Farm
- 30 hectares at Kilworthy
- 14 hectares at Kilworthy Cottages
- 30 hectares at Monkstone Farm (Brentor)
- 41 hectares at Saffron Hill
- 20 hectares rented at Paisley mead with 3 hectares at Tor Town

The livestock managed by the applicant comprises a herd of 250 suckler cows with the progeny being sold at 6-9 months and a flock of 550 breeding ewes with all progeny being sold as finished lambs.

The labour on the holding comprises Mr & Mrs W Roger Bellamy and their son who work full time at the farm and the applicant's daughter Jessica who is part time. Contractors are used for silaging and round baling.

There is an existing four bedroom bungalow at Headlands Farm which was built in the early 1980's subject to an Agricultural Occupancy Condition which is occupied by Mr & Mrs W Roger Bellamy. There is another bungalow nearby (Ellensfield) which is owned by the applicant's mother and is therefore not available for occupation by a farm worker at this time.

POLICY

Housing development in open countryside is limited to a very narrow set of circumstances.

Policy DMD23 (Residential development outside Local Centres and Rural Settlements) sets out the criteria for which planning permission will be granted for residential development in the open countryside. Where a dwelling is required for an agricultural holding, forestry enterprise or rural based business and there is no satisfactory existing building that could be converted to provide the accommodation, the applicant must provide evidence that there is a functional and financial need for a full time worker to be available on site. The dwelling “must be on a scale appropriate to the functional requirement of the holding or rural based business”. It goes on to state that “a site adjacent to existing buildings will generally be regarded as the most appropriate”, each case must be considered on its merit as National Parks are afforded the highest degree of landscape protection and careful consideration must be given to each proposal.

Policy DMD23 requires agricultural dwellings to be “sited such that it does not cause harm to the character and appearance of the site or the landscape character of the area”. Policies COR1, COR3, COR4, DMD1b and DMD5 establish the requirement for new development to conserve and enhance the character and special qualities of the Dartmoor National Park landscape. The Dartmoor National Park Design Guide provides further advice.

ASSESSMENT

HOLDING

The independent land agent’s conclusion is that the proposal satisfies the stringent functional and financial tests set out in policy DMD23 for agricultural/rural worker housing in the countryside and that the principle of a second workers dwelling should be supported. However, the functional need for a second dwelling is on site at the main farmstead at Headlands Farm and not “down the road” at Sowtontown Farm where there is a single agricultural building and yard.

It is the Authority’s view that the second dwelling should be situated as close as possible, adjacent to the buildings at Headlands Farm, specifically the existing bungalow. The applicant has stated that there is a functional need for a presence near to the building at Sowtontown Farm but this is considered marginal when compared to the requirements of the main farmstead at Headlands Farm.

The applicant’s agent was asked to justify this location at an early stage in the application process. As a response the applicant provided a land ownership plan. This was not considered robust justification for the proposed location and does not outweigh any harm to the landscape character of this part of the National Park.

No information has been provided identifying who is going to occupy the property.

It is acknowledged that a need has been identified for a second dwelling and it is considered that there is scope to explore an alternative site on the holding with a lesser landscape impact to help meet that need.

The agent has been given the opportunity to withdraw the application and enter into discussions with Officers to find a mutually acceptable location for the dwelling, however this has not been pursued to date.

LOCATION

Policy DMD23 requires agricultural dwellings to be sited such that it does not cause harm to the character and appearance of the site or the landscape character of the area; a site adjacent to existing buildings will generally be regarded as the most appropriate.

The proposed new dwelling will encroach into the adjacent field. It will extend beyond the enclosed parameters of the developed yard and existing building and will spread development into this undeveloped field parcel and be poorly related to the existing agricultural building.

The building will be very prominent from the centre of Peter Tavy as it is located on a ridge and not well grouped with the buildings at Sowtontown Farm. The proposed location within the field is also questionable as it will allow for general encroachment of curtilage of the dwellinghouse into the field, unless significant landscape or fencing is implemented.

Notwithstanding the comments from the Authority's Landscape Officer, the proposed dwelling would appear visually isolated from the existing farmstead group and would have a detrimental impact on the character and appearance of this part of the Dartmoor National Park landscape.

SIZE

Planning policy DMD23 establishes the criteria for considering proposals for new farm dwellings in the countryside and specifies that the building should be on a scale appropriate to the functional requirement of the holding or rural-based business.

Agricultural worker's dwellings, as exceptional dwellings in the countryside, are subject to agricultural occupancy conditions to ensure that they are available to the farming community in perpetuity.

There is a need to ensure that such dwellings are proportionate to their need and that they are of an affordable size/scale for such workers to ensure that they fulfil their purpose and can revert to an affordable dwelling for local persons in line with policy DMD26 if agricultural occupancy is no longer justified.

This is acknowledged in the recently adopted Dartmoor Affordable Housing Supplementary Planning Document (SPD) which provides floor space benchmarks for affordable dwellings.

This SPD states that the guidance on property sizes will also provide a helpful benchmark on proposals for agricultural worker's dwellings in the National Park. Whilst such properties will often need a modest amount of additional floor space for farm office or utility/boot room, the focus should remain on providing a dwelling which is affordable for an agricultural worker and potential future occupancy as an affordable dwelling. This guidance recommends a floor space of 85sqm for a 3-bedroom affordable dwelling. Typically an extra 15sqm is allowed in addition for farm office/boot room.

This application proposes a 3-bedroom dwelling totalling 180sqm the applicant states that 150sqm will be residential floorspace. Notwithstanding the comments from the Authority's Land Consultant, the proposed dwelling is considered excessive in size for an agricultural worker's dwelling as it is almost twice the size of the parameters set out in the Affordable Housing SPD.

This is the second dwelling on the farm, isolated from the main farmstead where there is likely to be an established farm office. As such, the additional space for an office is unlikely to be necessary in this situation, however minimal floorspace for a boot room/utility is considered

acceptable.

Having regard to the above, it is considered that the scale of the proposed dwelling will not comply with policy DMD23 and the Affordable Housing SPD.

No adverse impact is considered on highway, ecological or neighbour amenity grounds for this outline application.

Based on the above assessment, the proposal is contrary to policy COR1, COR3, COR4 and DMD23.

The application is recommended for refusal.

Hele Farm, North Bovey 0243/17



Scale 1:1,000



4. Application No: **0243/17** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **North Bovey**
Grid Ref: **SX721842** Officer: **Louise Barattini**

Proposal: **Construction of a general purpose agricultural building (18.3m X 12.2m) and formation of a new hardstanding**

Location: **Hele Farm, North Bovey**

Applicant: **Mr C Godfrey**

Recommendation **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of not less than five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
3. Prior to work commencing on the hardstanding hereby approved, samples of all proposed surfacing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing only approved surfacing materials shall be used in the development.
4. 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, the building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon it becoming redundant for such purposes, the building shall be removed and the land reinstated to its former condition within a period of six months, unless the Local Planning Authority shall grant planning permission for an alternative use of the building.
5. Prior to the commencement of the development hereby permitted, details of the proposed soakaway to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Implementation of the soakaway shall be strictly in accordance with the approved details.
6. Any animal waste arising from the clearing of the building hereby approved shall be stored in excess of 200m away from the nearest residential dwelling.
7. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no external lighting or overhead power cables associated with the development hereby approved.

Introduction

The application site comprises a portion of agricultural land located adjacent to Hele Farm and approximately 2km west of North Bovey. The applicant's land holding in this area comprises approximately 42 hectares and until recently was associated with Hele Farm adjacent. Hele

Farm is a historic farmstead with a grade II listed farmhouse and arrangement of traditional barns.

This is a second application for a farm building on this land holding, a previous application for a farm building was approved by the Committee in February 2017 (ref: 0407/16).

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

Planning History

0407/16	Erection of agricultural building (18.3m x 12.2m) with hardstanding Full Planning Permission	Grant Conditionally	07 February 2017
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Consultations

Environment Agency:	No objection - flood zone 1 standing advice only
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Building Conservation Officer:	The proposed large new farm building would be sited away from the historic farmhouse frontage but I have reservations that a proliferation of new buildings and surfacing here (a large agricultural building was recently approved) would begin to have a real impact on the setting of Hele Farm. It would have been highly preferable had both this and the earlier application been dealt with simultaneously, allowing a proper assessment of their combined impact. As it is, although this proposed new building would be further away from the listed building than has previously approved, the cumulative effect of both buildings is likely to have a detrimental impact on the setting of the farmhouse and its historic curtilage buildings. For the reasons above, I do not support a recommendation of approval.
DNP - Trees & Landscape:	Considering that there is a justifiable need for an agricultural building of this size on the holding, in landscape terms this is a good location for it. The proposed development will have a minimal impact on the character of the local landscape, minimal visual impact and will be well related to local topographical features.
DNP - Archaeology:	No archaeological concerns are anticipated for this development
Teignbridge District Council (EHO):	No comments received
Historic England:	On the basis of the information available to date, we do not wish to offer any comments.

Parish/Town Council Comments

North Bovey PC:	Object - A second building on this 'off' land (satellite land to main farm) is not justifiable.
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Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR18 - Providing for sustainable economic growth
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
COR6 - Protecting Dartmoor's Archaeology
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD13 - Archaeology
DMD14 - Biodiversity and geological conservation
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
DMD7 - Dartmoor's built environment

Representations

13 letters of objection

The objectors have raised the following points in their submissions:

- the cumulative impact on this historic farmstead and landscape is unacceptable – the previous application was contentious
- The first application should be reheard
- This incremental approach to will likely be followed by a submission for a farm worker dwelling and further buildings if they continue to grow the business.
- Why was the need for this building not anticipated when they submitted their original application
- The address of the site 'Hele Farm' is incorrect and misleading – the land is not within the ownership of Hele Farm
- This further development is unnecessary
- Will set a harmful precedent
- Adverse on impact the residents of Hele Farm due to increased smell, noise, usage.
- The position of this barn is preferable to the previous scheme and should the application be approved the previous permission should be rescinded.
- The first barn has still not been built.
- The applicant gave assurances previously that he would not over-winter stock in the buildings
- Stocking levels are not sustainable for the land holding
- The previous application included inaccuracies between information and plans
- No heights are shown on the plans and the level of the road should be made clear and Datum points are missing from the plans
- Developments elsewhere by the applicant have had a detrimental environmental impact
- The siting is not at the centre of agricultural activities and alternative sites should be considered

Observations

POLICY CONSIDERATIONS

The proposal is assessed against the Development Plan as a whole and the most relevant policies are listed earlier in the report and expanded on below.

The National Planning Policy Framework acknowledges that National Parks have the highest level of protection in respect of their scenic beauty and cultural heritage. Policies COR1, COR3, COR4, DMD1b and DMD5 deal with the conservation and enhancement of Dartmoor's landscape.

Policy DMD34 deals specifically with new agricultural developments and specifies that such proposals should demonstrate a clear need proportionate to the use of the land, relate well to landscape features and other building groups, be located and orientated to respect topography and minimise impact, demonstrate a scale and form related to its function, not cause unacceptable environmental harm (including archaeology and cultural heritage considerations), make efficient use of existing buildings and non-traditional structures made redundant by a proposal should be removed.

Policy DMD7 requires development proposals to have particular regard to the setting of heritage assets.

Policy DMD4 deals with residential amenity and considerations of noise, odour, overbearing impact etc.

Policy COR21 deals with highway safety.

Policy COR1 deals with the sustainable development principles.

PLANNING HISTORY

A previous application for an agricultural building and associated hardstanding was approved at Committee earlier this year, following a site inspection.

At the time of the case officer's site visit, construction had not initiated on this approved building. The objectors query why the first barn has still not been built. The applicant has explained that he would look to erect the buildings, if approved, as a single construction.

PROPOSAL

The application proposes to erect an agricultural building on the western boundary of this pastoral field in close proximity to, but on the opposite side of the highway to the north of Hele Farm.

The building would measure approximately 18m x 13m and be sited in the north west corner of the field, immediately adjacent to the previously approved agricultural building and sharing the same access.

A yard and tractor turning area is proposed around the building together with new hedging.

AGRICULTURAL NEED

The public have raised concerns about the need for a further building on this land and the stocking levels proposed.

At 42 hectares, the applicant's land holding in this area is fairly significant and does not currently include any buildings (other than the previously approved building). The applicant explains that the holding is used primarily for sheep and beef and the production of 750 hay bales which require covered storage. He further explains that the recently consented building will be used principally for the over-wintering of livestock, isolation facilities and storage of machinery, equipment and hay.

This application is proposed for general agricultural building, principally for the storage of hay but also for livestock accommodation and isolation facilities, sheep sheering, together with the storage of some machinery.

The applicant's current stock on this holding has increased from the previous application from 230 to 290 breeding ewes and it is anticipated that it will increase to 320 breeding ewes in the next three years. The applicant also intends to supplement grazing with 33 Belted Galloway steers (20 was quoted at the previous application).

The applicant has further stock on other landholdings which are not being used to justify this building.

Whilst the proposal seeks additional development to that previously sought, the scale of operation is such that the need for the development on an agricultural holding of this size would be difficult to challenge.

DESIGN

The proposed building is a typical modern open fronted agricultural building, measuring 18.3m long x 12.2m wide and 5.5m high. Proposed materials include horizontal and vertical timber cladding, and a fibre cement roof. The proposal would mirror the scale and design of the previously approved building and demonstrates a scale and form well related to its proposed agricultural function.

An associated yard/hardstanding is also proposed for livestock handling and tractor and trailer turning. The development site would be bounded by a mixed native hedgerow.

LANDSCAPE IMPACT

The local field system is likely to be of mid to late medieval origin. In the wider area some historic field boundaries have been removed to create larger fields. The land immediately surrounding the site is undulating agricultural land. There is a sparse settlement pattern and isolated buildings do not feature in this landscape.

The proposed building and hardstanding will have strong links to the adjacent farmstead, will be grouped adjacent to the previously approved scheme and hedge bank enclosures. In these respects, the development will relate well to existing building groups and local landscape features in line with policy DMD34. The proposal will not result in significant changes to site levels and would not be harmful to existing topography/landform. The proposal is considered to comply with the objectives of planning policy and the Design Guide.

The Authority's Landscape Officer comments that in landscape terms this is a good location for an agricultural building. He states that the proposed development will have minimal impact on the character of the local landscape and visual amenity and that the enclosure of the site with a new mixed native hedgerow will help to integrate the development into this landscape.

LISTED BUILDING

Hele Farm is a historic farmstead which includes a Grade II listed farm house and associated granite dutch barns which are curtilage listed. An extension to the historic farmstead extends immediately to the north and includes a cluster of modern agricultural buildings.

The grade II listed farmhouse is the most sensitive building in this cluster, its principal elevation presents to the road and is fronted by a garden. The proposed new agricultural building would be sited to the north away from this sensitive elevation and will be seen in association with the curtilage listed dutch barns and modern agricultural buildings to the north where potential to harm the farmhouse's historic significance, and the way that it is appreciated, is minimised. The building's agricultural character is consistent with that of the other agricultural buildings and indeed the predominant land use.

The Historic Buildings Officer raised no objection to the previous application, citing no impact on the setting of the listed building. He has, however, raised reservations about the cumulative impact of the two buildings, albeit the building proposed under this application would be sited further from the frontage of the listed farmhouse, behind the recently approved farm building.

The proposed development would not impinge or harm views which contribute to the significance of the listed building or undermine its setting in this agricultural landscape/setting or the way in which it is appreciated. Furthermore, the introduction of landscaping will help to assimilate the buildings into the landscape and will further minimise potential for harm.

Whilst the concerns of the historic buildings officer are acknowledged, it would be difficult to demonstrate the proposal to have a degree of harm that would substantiate a reason for refusal.

The proposal is assessed against the policies of the Development Plan as a whole and is balanced against the desire to conserve landscape character and visual amenity, together with the heritage assets and the economic well being of the Park; all of which are set out in this report.

SCHEDULED ANCIENT MONUMENT

An ancient cross, designated as a listed scheduled monument, is located at the road junction approximately 80m south of the application site. The cross is seen in association with the listed farmhouse which contributes to its setting. The proposed agricultural building's location is sufficiently distant to ensure the building will only be partially visible from the junction and will have no material impact on the setting or significance of the monument. Historic England and the Historic Buildings Officer have not raised an objection to the scheme.

NEIGHBOUR AMENITY

Concerns were raised under the previous application, and are repeated under this application, regarding the impact on the residential amenities of neighbouring occupiers at Hele Farm. In

assessing the previous scheme Officers considered whether an alternative location which meet the needs of the applicant and poses no amenity issues was available, but did not believe this could be achieved without creating an isolated building which would have a harmful and unacceptable impact on local landscape character.

Under the previous application, Environmental Health Officers recommended a series of conditions which sought to control noise and odour. Officers carefully appraised the reasonableness of the recommended conditions against the statutory tests set out in the NPPF and found the request to control the building's hours of operation to fail the test of reasonableness. The building would be located adjacent to vacant farm buildings with no controls over hours of operation; Ownership of these buildings is not a material planning consideration as they could be sold and used by another party. It was concluded that the proposed building will have no greater impact on amenity than those which already exist and is to be reasonably expected for a farm building located on a farm in a working landscape.

Whilst this current application for a second farm building would intensify the farming activities on this site, for the reasons set out above and having regard to its cumulative scale, is not considered to raise any neighbour amenity issues that would justify a reason for refusal. No comments have been received from the Environmental Health Officer. The proposal is not for an intensive livestock installation year round.

BIODIVERSITY

The proposal will not have a detrimental impact on biodiversity.

HIGHWAY SAFETY

The proposal is for an agricultural development on agricultural land, making use of an existing access, to which the Highway Authority raise no objection.

OTHER ISSUES RAISED THROUGH PUBLIC CONSULTATION

The concerns raised about the cumulative impact of the development are acknowledged and addressed in the report above. Speculation about future development on this site is not a matter for detailed consideration under this application; each development proposal is assessed on its merit with the submitted information and considered in the context of the site, its surroundings and policy considerations.

Whilst objectors comment that this building would be better sited than the previously approved building, it would not be reasonable/appropriate to rescind the earlier permission when a further building is justified on the holding.

Whilst a call is made by objectors for alternative sites to be considered, the Authority needs to come to a decision on the scheme as submitted.

Reference to the site description at Hele Farm is not considered misleading and is the nearest address 'reference' point to the site; the plans show the location of the development proposed and the extent of the land holding. The plans are drawn to an identified scale and the buildings can be scaled off the drawings. The cross section drawings reference the height of the existing highway to the front of the site.

CONCLUSION

The application raises similar planning considerations to the recently approved scheme which was debated at an earlier committee meeting.

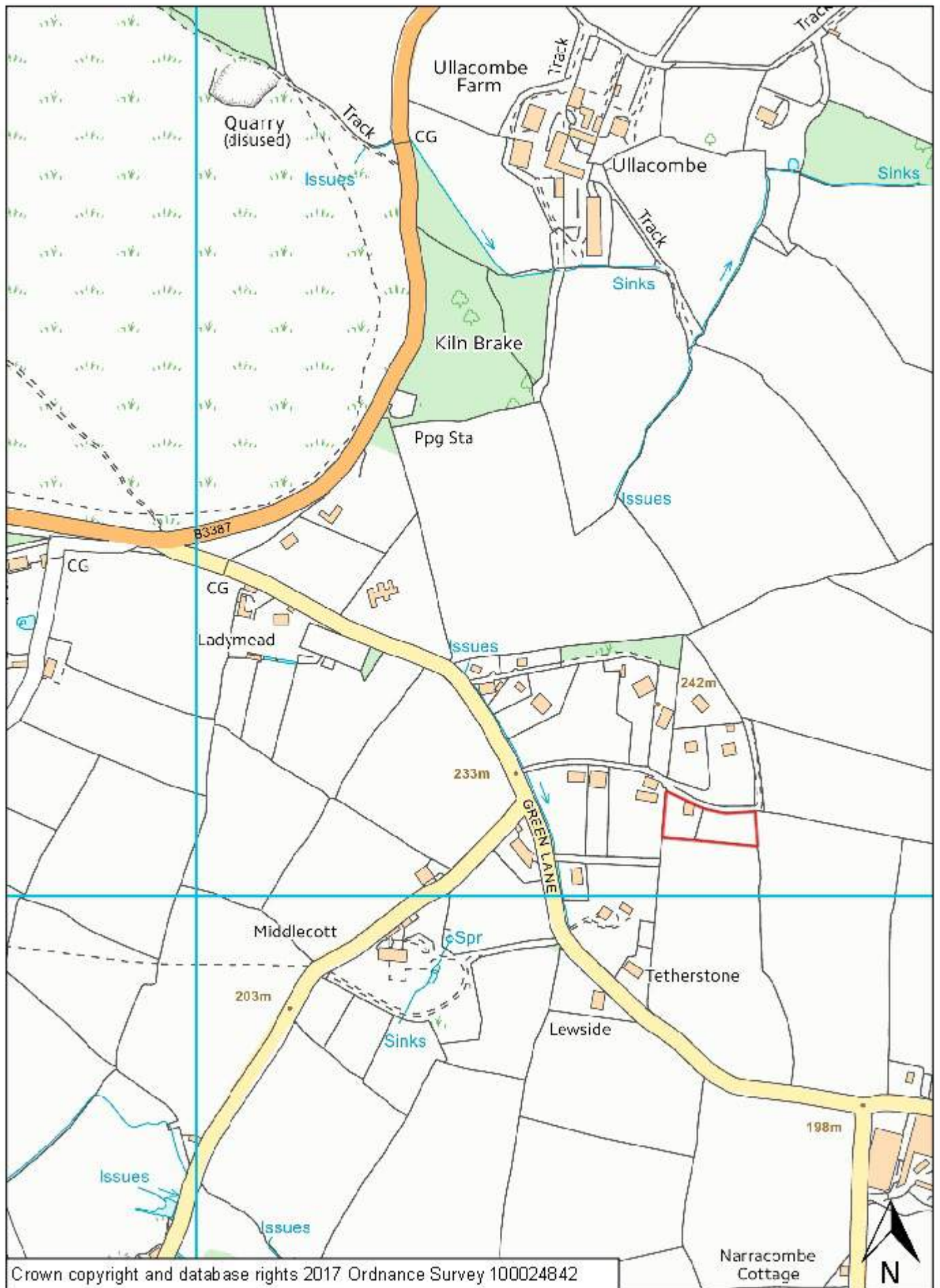
Whilst the points raised by the objectors are acknowledged, following careful appraisal the scheme is considered to comply with the Authority's adopted policies which give substantial weight to the protection of Dartmoor's landscape character and historic built environment. In landscape terms the building is located in the most appropriate location, clustered with the farmstead to which this land would have been originally associated. Whilst the proposal, in combination with the previously approved building, will have a presence in the context of the grade II listed farmhouse, it would not have a sufficiently harmful impact on its setting to warrant a reason for refusal.

It is therefore recommended that planning permission be granted, subject to appropriate conditions.

Windy Croft, Ilstington 0210/17



Scale 1:5,000



5. Application No: **0210/17** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Ilington**
Grid Ref: **SX785770** Officer: **Louise Barattini**

Proposal: **Replacement dwelling**

Location: **Windy Croft, Green Lane,
Ilington**

Applicant: **Mr P Bloch**

Recommendation **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 300 Rev A, 301 Rev D, 302 Rev D, 303 Rev E, 308 Rev A, 306 Rev B, 309 and 307 Rev C.
3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Protected Species Survey by Bluebell Ecology dated 12 September 2014.
4. Notwithstanding the drawings hereby approved, prior to the commencement of the development, samples of all proposed surfacing, external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved surfacing, external facing and roofing materials shall be used in the development.
5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation should be submitted to and approved, in writing, by the Local Planning Authority.

6. 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 material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.

7. Notwithstanding the drawings hereby approved, details of the proposed new windows and doors (including materials and finishes) shall be submitted to the Local Planning Authority for approval prior to their installation. At all times thereafter, the development shall be maintained in accordance with the approved details.
8. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the building shall be recessed at least 100mm in their openings.
9. Prior to the commencement of the development hereby permitted, details of the proposed green roof planting scheme shall be submitted to the Local Planning Authority for approval. The planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The planting shall be thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.
10. Unless otherwise agreed in writing by the Local Planning Authority, the solar PV panels hereby approved shall be the black module type with black frame and shall be removed when no longer required for micro generation.
11. There shall be no external lighting on the development hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.

Introduction

The site is situated along Green Lane within a small cluster of housing on the moorland fringe to the north of Ilsington. The site has been cleared and the former dwelling demolished to enact the previous planning permissions for a replacement dwelling on this land.

This is the third application for a replacement dwelling of a different design on the site.

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

Planning History

0046/16	Construction of replacement dwelling to that approved under ref 0581/14		
	Full Planning Permission	Grant Conditionally	19 May 2016
0581/14	Replacement house and garage		
	Full Planning Permission	Grant Conditionally	07 April 2015
0364/14	Certificate of Lawfulness for the proposed erection of a conservatory		
	Certificate of Lawfulness for a proposed development	Certificate issued	01 September 2014

Consultations

Environment Agency:	No objection - Flood Zone 1 (low risk) standing advice
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Ecology & Wildlife Conservation:	Works to proceed in accordance with the recommendations of the wildlife survey and no external lighting without written approval
DNP - Trees & Landscape:	No objection - The proposal will have no adverse impact on the trees growing around the boundary of the site.

Parish/Town Council Comments

Ilington PC: Object - out of character with the National Park and its environment

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
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
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD14 - Biodiversity and geological conservation
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD27 - Replacement dwellings in the countryside
DMD4 - Protecting local amenity
DMD40 - Parking provision - Residential
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

KEY PLANNING POLICY

When considering replacement dwellings in the countryside the key policy test is that contained with DMD27. In short, the policy allows replacement dwellings subject to the following criterion being satisfied.

- Enhancement of the local environment
- Removal of a structure in serious disrepair
- Major additional improvement in energy efficiency
- Existing building is not of architectural or historic merit
- The replacement is sympathetic in scale, location and of a suitable design
- The volume of the replacement will not exceed the volume of the existing plus an additional 15%

Policies COR1, COR4, DMD7, COR3 and DMD5 require new development to demonstrate the conservation and/or enhancement of the character and appearance of the Dartmoor National Park landscape and for high quality locally distinctive design.

The other relevant policies are listed in the report.

PLANNING HISTORY

The principle of a replacement dwelling has been established on the site under policy DMD27

in two previous permissions (ref: 0581/14 & 0046/16). These permissions exceeded the volumetric increase allowances established in policy DMD27 based on the permitted development fall-back position established through a certificate of proposed lawful development (ref: 0364/14). The volumetric increase permitted through these extant permissions is a material planning consideration in the determination of this new application.

THE PROPOSAL, PRINCIPLE & DESIGN POLICY TESTS

The previously approved dwellings amounted to a total volume of 1031 cubic metres and 1028.4 cubic metres respectively. This was considered to be the upper limit of what was permissible under the policy allowance for a 15% increase in volume on top of the original dwelling and taking into consideration the additional volume achievable through the approved CLUED application.

The volume of this new proposal for a replacement dwelling amounts to 1025 cubic metres in total. This is within the tolerances previously approved.

The proposed design is not dissimilar from the contemporary approach sought under permission 0581/14; the scheme has been remodelled by the current architects to meet passivehouse criteria (an ultra-low energy demand building that requires little energy for space heating or cooling). The design comprises a two storey flat roofed dwelling connected with a spine wall to a single storey outbuilding. The elevations would be clad in render, timber and zinc with a mix of sedum and single ply membrane roofs.

The DNPA Design Guide encourages the use of passive design principles to provide a sustainable build and states that contemporary design should fully integrate with issues of sustainability and compliment the landscape.

Whilst the Parish Council supported the previous contemporary scheme, they object to this proposal on the grounds that it would be out of character with the National Park and its environment. Whilst design can be broken down into key principles, it is invariably a subjective matter and contemporary design can split opinion locally. No letters have been received from neighbours/the public on this application.

The proposed dwelling would occupy a similar footprint and layout together with a similar scale, form, materials and height as this previous scheme and in this respect the impact of the proposed development is not dissimilar. It is also a material consideration that the previous permission 0581/14 could be built out.

The site is at the end of a ribbon of development comprising a mix of housing designs; it is situated away from the historic core of a settlement and vernacular buildings. The site, whilst elevated and offering distant views the landscape to the south, would be viewed against the backdrop of rising ground and vegetation.

The overall design, with crisp finishes and lines, will provide a robust contemporary dwelling utilising both traditional and contemporary materials to present a building which will sit comfortably on this site against the green backdrop. The design proposed, whilst contemporary in form, is sensitive to the horizontal emphasis of Dartmoor's buildings.

The proposal presents a comprehensive re-development of the site, a highly energy efficient building (to meet passive house standards) and would enhance the character and appearance of the site.

In judging any replacement dwelling a key guiding consideration is the overall environmental improvement to the appearance of the site and the local landscape. Which has been demonstrated through this application. The objection from the Parish Council is acknowledged, however, officers consider it would be difficult to sustain and uphold a refusal at appeal on this application.

BIODIVERSITY

Policies DMD14 and COR7 require new development to safeguard the biodiversity interests of the National Park.

A protected species survey was undertaken prior to the demolition of the original bungalow revealed no evidence of bats or nesting birds. Potential reptile and amphibian habitat was identified and mitigation measures are recommended.

NEIGHBOUR AMENITY

The proposed dwelling occupies a generous plot and there is a spacious character of properties along this part of the lane. Having regard to the scale, siting, layout and design of the proposed dwelling, together with the intervening distances between neighbouring properties, no adverse impact is considered for residential amenity. The windows proposed at first floor level would be offset from neighbouring dwellings by over 21m, which corresponds with recommended separation distances in the Design Guide to maintain privacy levels.

The proposal will therefore not conflict with the objectives of policy DMD4 which seeks to protect residential amenity.

HIGHWAY SAFETY

Policy COR21 deals with matters of highway safety.

No objections are raised in relation to highway safety for this replacement dwelling, existing access arrangements are proposed to be maintained with on-site parking provision.

CONCLUSION

The principle of a replacement dwelling has been accepted on this site under two previous applications; the original dwelling has been demolished and the previous permissions are extant and could be built out at any time.

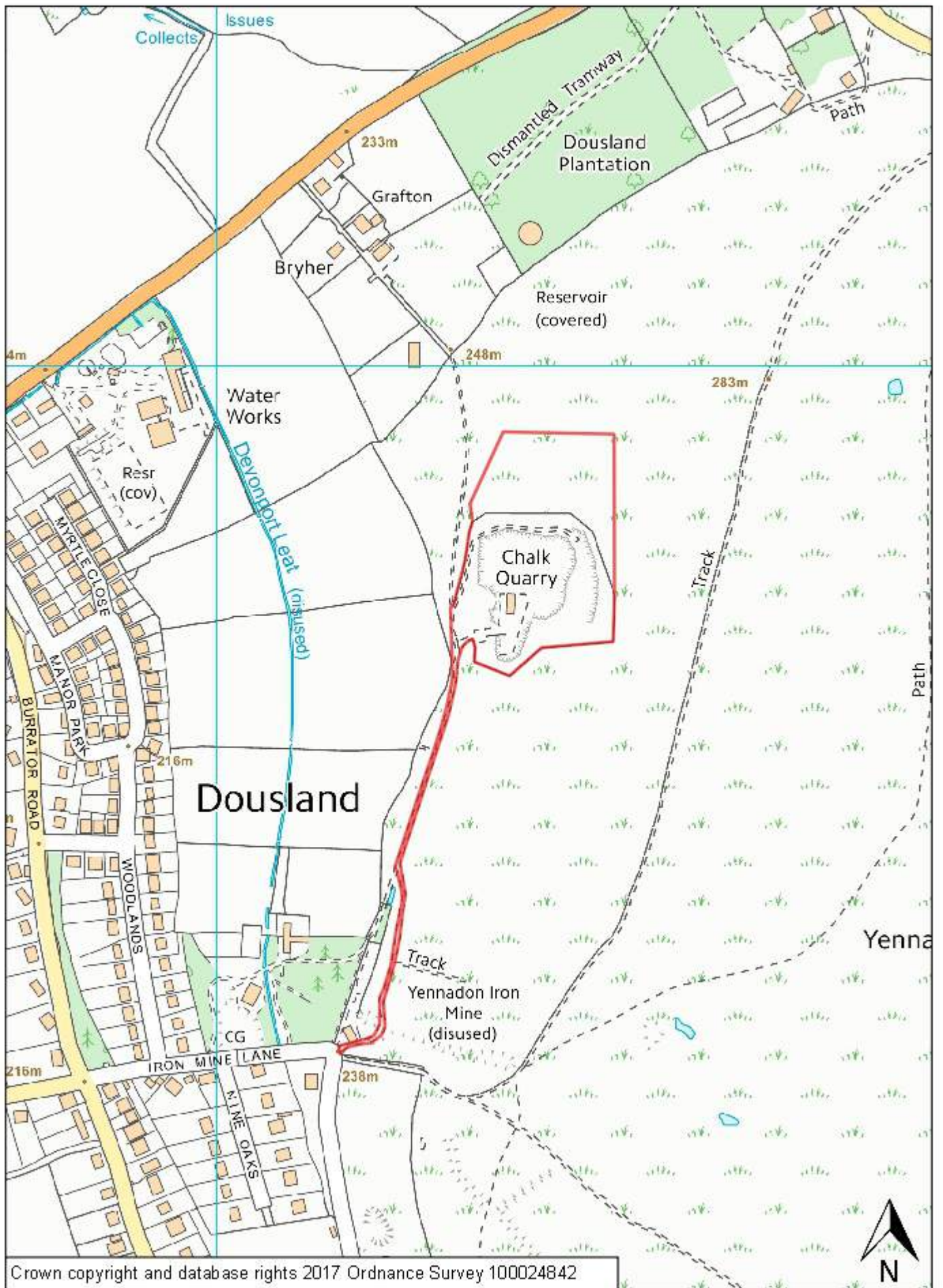
The proposed design is not dissimilar from the contemporary approach sought under permission 0581/14; which is a material planning consideration.

The proposed replacement dwelling would present a high quality contemporary design in an area of mixed housing styles, constructed to passivehouse standards (an ultra-low energy demand building that requires little energy for space heating or cooling). The proposal is considered to bring environmental benefits and would not harm the quality of the local landscape.

Yennadon Quarry - 0348/15



Scale 1:5,000



6.

Application No: **0348/15** District/Borough: **West Devon**
Application Type: **Full Planning Permission** Parish: **Burrator**
Grid Ref: **SX542686** Officer: **James Aven**

Proposal: **Extension of the working plan area of the existing active quarry**

Location: **Yennadon Quarry, Iron Mine Lane, Dousland**

Applicant: **Yennadon Stone Ltd**

Recommendation **That permission be *GRANTED* subject to conditions and the completion of a s.106 Planning Obligation Agreement**

Proposed planning conditions: please see Appendix 1

Proposed s106 heads of terms: please see Appendix 2

Introduction

Yennadon Quarry is located in the south west of the National Park, 300m to the east of Dousland on the moorland fringe of Yennadon Down. The site is on land owned by the Walkhampton Trust and administered by Lord Roborough's Maristow Estate and leased to the operator. The site produces dimensional building stone (stone with sawn and natural faces to make a block suitable for construction) and stone used in walling and landscaping.

The application is to extend the existing stone quarry laterally to the north, increasing its size by roughly a third from 2.2ha to 3.2ha. This is an increase of 1ha (roughly equivalent to 1.4 full sized football pitches). Within the proposed 1ha extension to the quarry, the proposed extraction area amounts to around 50% (0.53ha) with the balance being used for landscaping.

Members may recall dealing with an application to extend this quarry at a meeting of the Development Management Committee in July 2014 (ref.0667/13). That application was refused consent. This revised application was submitted in 2015.

The red line delineating the application site boundary on the current application has been drawn to include the existing quarry and access road. As such, the red line covers the same area of land as the previous application, however, the

stone working area is reduced by roughly a third from that proposed in 2014, and the current application also makes a new proposal to reduce the existing bund in scale.

Consultation responses (please see Appendix 3)

Representations

98 letters of objection; 52 letters of support; 1 other letter

Burrator Parish Council Comments

The Parish Council has considered the additional details sent on 1st November 2016 and continues to OBJECT to the proposed extension as it will enlarge an already intrusive operation in the proximity of a residential area and which may be incompatible for the National Park in the current day. The proposal does not change the DNPA Refusal Notice dated 14 July 2014 (ref. 0667/13), Reason no.2 "The proposed extension would perpetuate the quarry and the related impacts in the long term".

Observations

This report is set out in the following sections:

1. Planning History
2. The Proposal
3. The Major Development Test
4. Landscape
5. Noise
6. Tranquillity
7. Dust and surface water
8. Ecology
9. Need And Alternatives
10. Employment
11. Common Land
12. Archaeology
13. Highways & Traffic
14. Site Inspection
15. Conclusion

1. PLANNING HISTORY

0667/13	Full Planning Permission	Extension to working plan area of existing quarry	Refused 14 July 2014
0418/08	Full Planning Permission	Installation of four exploratory boreholes to investigate potential site for extension of existing quarry	Grant Conditionally 15 September 2008
0979/04	Full Planning Permission	Construction of replacement single storey stone-processing shed	Grant Conditionally 26 January 2005
03/43/1075/90	Full Planning Permission	Winning and working of minerals & continued use of existing buildings Full Planning Permission	Grant Conditionally 10 April 1991

The site is currently operated under a planning permission granted in 1991. As with all mineral consents, this is a time-limited (temporary) permission and is due to expire in 2026. The current planning permission contains the following conditional limits:

- Maximum tonnage removed from the site of 14,000 tonnes per annum
- Operating hours of 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday (essential maintenance may be carried out outside these times)
- No more than 35 loaded lorry trips per week (tractors and trailers are excluded from this total)
- Lorry movements can only take place between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday
- A minimum of 75% of the total tonnage of stone leaving the site each year shall be building and walling stone
- Restoration conditions.

In 2008 planning permission was granted for exploratory boreholes. These were drilled in 2010.

An application for Full Planning Permission (ref 0667/13) was submitted in 2013 and a site visit held in June 2014. The application proposed a larger

working area than that proposed in the current application. It also proposed the creation of new bunds on the application site. It was considered that the Environmental Statement submitted with the application failed to deal adequately with the potential environment impacts of the scheme as then proposed.

Application 0667/13 was refused for the following reasons:

- 1. Failure of the Environmental Statement to assess the likely impacts of the development at the proposed upper limits of 10,000 tonnes per annum.*
- 2. The proposed extension would perpetuate the quarry and the related impacts in the long term until 2025. The development is major and there is no overriding need for the development.*
- 3. Acceptable alternative sources of stone exist to meet the demand currently met by the quarry. The alternative option for the quarry itself would be its restoration on exhaustion of the permitted reserves, thus reducing the current landscape impact, and enhancing the landscape.*
- 4. The proposed development would have an unacceptable impact on the special qualities of the National Park, particularly in terms of amenity use, landscape and tranquillity.*

2. THE PROPOSAL

Although the application site is unchanged from application 0667/13, there have been significant changes to the proposal. The area specified for extraction has been reduced in size by approximately 35%, the screening bund configuration has changed substantially, as have the proposed landscape mitigation measures. The quarry operators are seeking the new permission to enable production to continue at a similar rate until the current planning permission expires in 2026.

The existing quarry is very close to its permitted boundaries. The depth of working in a quarry is restricted by the properties of the material extracted and how that material allows the height and angle of the quarry faces to be developed safely. The proximity of faces to the permitted boundaries limits the depth to which the quarry can continue to be worked. In order to extend Yennadon Quarry, it is necessary to extend the quarry laterally rather than continue with deeper working.

The site predominantly produces dimensional building stone (which is stone sawn on several faces to make a rectangular block suitable for construction) and stone used in walling and landscaping. The applicant proposes that the conditional parameters would remain the same, but with a reduction of annual

tonnage of that currently approved (14,000 tonnes) to a maximum of 10,000 tonnes per annum. A reduction of lorry trips from 35 to 30 (60 movements in total) in any week is also proposed and can be controlled by condition.

Stone is extracted using a 360 degree excavator, with a pecker attachment to break the rock. The rock is then hand sorted at the base of the rock face by two operatives who fill an excavator bucket. Once full, the bucket is connected to the excavator and deposited in a dumper truck. Once full the dumper truck transports the stone to the existing processing area on site. The stone is sorted by size and the larger stone is used as dimension stone, the smaller stone used for walling. Unusable rock would be left for progressive restoration in each phase. In addition to the quarrying activities, stone cutting operations are carried out on site in the existing sheds.

The application site 'red line' incorporates the existing quarry and access track. A new grant of planning permission will allow one set of planning conditions to apply to all parts of the site. A Section 106 Planning Obligation Agreement is proposed to revoke the existing planning permission and ensure that there can be no argument that both permissions can be implemented concurrently.

The proposal includes the progressive backfilling and restoration of those areas of the site that are worked out, as extraction moves forward. This is an appropriate way to dispose of waste material and will ensure that the restoration works are not left to the end of the scheme. The site will be restored to a lower level than its original profile, in a bowl running north/south. It is proposed to leave some quarry faces on the western side to attract nesting raptors to the site. The land will be allowed to naturally re-vegetate (with seeding if necessary) to return the land to grassland consistent with the surrounding common land.

Screening Bunds

The application recognises that the existing bund located along the quarry's western boundary is visually intrusive within the local landscape. It is proposed to reduce this bund in height by 3m to a height of 252m AOD and re-grade, soil and seed with an appropriate grass seed mix as part of the measures to mitigate the landscape and visual impacts of the existing quarry operations and the proposed extension. In a marked change from the previous application, no new screening bunds are now proposed along the western or northern boundary of the extension area.

Restoration

The application recognises that the sheer quarry faces along the eastern side of the existing quarry present the greatest visual impact to views from the west. Early restoration will concentrate on backfilling and landscaping the existing eastern and south-eastern faces. There is considered to be no need to backfill and landscape the entire quarry face however and as such, it is not proposed to import soil for restoration purposes (this is also a change from the previous scheme). It is proposed to fence the quarry in its entirety at the point of closure to allow the site to naturally re-vegetate over time and protect from grazing.

A report from Luscombe Maye sets out the proposed grazing arrangements within the quarry area. It is now proposed to restrict grazing within the quarry area in line with the grazing improvements as set out in the Luscombe Maye report. As a result the whole quarry site would be fenced with stock proof fencing for safety and security and to allow re-vegetation of the progressively restored site to become established over time. The final restored quarry will be allowed to naturally vegetate over time. It is proposed to secure future public access to the restored site through a S106 Planning Obligation.

As all mineral working is treated as a temporary use of the land, every minerals permission must be expressly time-limited. In this case it is proposed that the working and restoration would be concluded by 2026, consistent with the expiry date of the existing planning permission.

The application is EIA development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Although the EIA regulations have been updated in 2017, this proposal still falls to be considered under the 2011 Regulations as it was submitted prior to the 2017 changes. The proposal is accompanied by an Environmental Statement which assesses the effects of the proposed development on the environment, and proposes measures to mitigate the impacts of the development.

3. THE MAJOR DEVELOPMENT TEST

In considering this application, it is of fundamental importance to determine whether the scheme constitutes "**major development**" and should therefore be subjected to the major development test.

Paragraph 116 of the NPPF provides that '*major development*' should be refused permission in National Parks, unless there are exceptional circumstances and it can be demonstrated that the development is in the public interest, creating a strong presumption against any such development. However, it should be noted that Paragraph 144 of the NPPF requires local planning authorities to recognise the small-scale nature and impact of building and roofing stone quarries

Policy COR22 of the Development Plan Core Strategy provides that '*major mineral development*' will not be allowed unless strict tests are satisfied, but also recognises that small scale quarrying of traditional building stone may be granted in locations where its criteria are satisfied.

Policy DMD2 of the Development Plan DMD provides that planning permission for '*major development*' in the National Park will not be approved unless there is the demonstration of an '*overriding public interest*' outweighing the purposes of the National Park, which cannot be reasonably met in any other way.

The Correct Test for "Major Development"

There is no single statutory test or definition of "*major development*". Each scheme must be considered and evaluated on its own particular facts. Recent decisions in reported cases and other areas of the country indicate that not all quarrying activity will constitute major development. Some helpful examples are set out at Appendix 4.

The following criteria were recommended to the South Downs National Park Authority in a written legal opinion by James Maurici QC:

1. *First, the overarching principle is that the determination of whether a proposal amounts to "major development" for the purposes of paragraph 116 of the NPPF is a matter of planning judgment to be decided by the decision maker in light of all the circumstances of the application and the context of the application site.*
2. *Secondly, the phrase "major development" is to be given its ordinary meaning. Accordingly, it would be wrong in law to:*
 - a. *Apply the definition of major development contained in the Town & Country Planning (Development Management Procedure)(England) Order 2015*
 - b. *Apply any set or rigid criteria to defining "major development".*
 - c. *Restrict the definition to proposals that raise issues of national significance.*

3. Thirdly, in making a determination as to whether the development is “major development”, the decision maker may consider whether the development has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park by reason of its scale, character or nature. However, that does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient.

4. Fourthly, as a matter of planning judgement, the decision maker must consider the application in its local context. This is made clear in the PPG, but also appears implicit in the caselaw. (In principle, the same development may amount to “major development” in one National Park, but not in another; or in one part of a National Park, but not in another part of the same National Park.)

5. Fifthly, the application of criteria such as whether the development is EIA development, whether it falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended), whether it is “major development” for the purposes of the 2010 Order, or whether it requires the submission of an appraisal/ assessment of the likely traffic, health, retail implications of the proposal will all be relevant considerations, but will not determine the matter and may not even raise a presumption either way.

6. Finally, and fundamentally, in making a determination, it is important to keep in mind the ordinary, common sense, meaning of the word “major”. Accordingly, having considered all the circumstances, including the local context, the decision maker must take a common sense view on whether the proposed development can appropriately be described – in ordinary language - as “major development”.

As noted in point 4 above, Mr Maurici advised that what is ‘major development’ may vary from National Park to National Park (and from site to site within a National Park). It would therefore not be appropriate to apply Mr Maurici’s guidance, which related directly to the very extensive South Downs National Park, in a rigid or prescriptive sense to the different circumstances of the Dartmoor National Park. However, the important point to note, which is supported by the case law reviewed by Mr Maurici, is that whether something is ‘major development’ or not is a matter for planning judgment, looking at all of the circumstances of the particular case, without considering that any one factor will be determinative.

The application site is approximately 3.3ha, the extension area accounts for almost one third of this at 1ha, with the extraction area proposed covering 0.53ha. The remaining extension area will comprise a landscaped buffer, where previously a screening bund was proposed. In the context of minerals extraction this is a very small application site.

The site has the benefit of an extant planning permission to extract up to 14,000 tonnes of stone per annum. The application proposes reducing this to a maximum of 10,000 tonnes per annum. However, over the past seven years the quarry has produced on average approximately 5,500 tonnes per annum. Based on the current production method and employee numbers, it is considered that 10,000 tonnes per annum is unrealistic without increasing almost two-fold the employee numbers or working hours, or increasing the size of the site offices and processing shed (which would require further planning consent). In addition, there is understood to be an insufficient water supply at the quarry to enable processing of 10,000 tonnes of material per annum.

The Authority has secured expert advice from a minerals planning consultancy firm. It has advised:

- i. The quarry is not large compared to other quarries using the metric of quarry size locally and nationally. It is not large compared to other stone quarries – local and national. There is DNPA and NPPF policy support for ‘small stone quarries’. This site is a stone quarry and is small.
- ii. A quarry with substantial mineral reserves could still reasonably be classified as small scale if it is producing low annual tonnage.
- iii. An inevitable consequence of ongoing quarry operations is the expansion of the quarry footprint; this does not in and of itself result in the particular development proposed being ‘*major*’.
- iv. There are benefits from extending existing quarries rather than opening new ones and this is arguably more space efficient and causes less environmental impact than the alternative of creating a new stone quarry which will require a significant footprint due to land take requirements for access, landscaping, spoil disposal, cutting shed, plant storage, safe working margins etc.
- v. Just because there is a market / demand for the product across a wider area does not make it a ‘*major*’ development.
- vi. Staffing levels are compatible with definition of a ‘*small and medium-sized enterprise*’ (SME) and are due to the added value process that goes on in the quarry.
- vii. The fact that the extension is on common land does not affect the judgement whether the scheme is or is not *major development*.

- viii. Whether the proposals are EIA development is not necessarily a determinant of whether the proposal is *major*.

Comparison Sites

There is a good evidence base to support the view that the proposed scheme does not constitute *major development*. Examples of recent decisions where the scale of the proposal was considered can be found at Appendix 4.

Recent decisions indicate that stone quarries are generally categorised as 'small'. This may be in part because local and NPPF policies have associated the word "small" with "stone quarries". In those sites classified as "small", there is a significant range between the smallest and the largest quarry / extension in terms of consented area of quarry and also in terms of proposed rates of production. The most appropriate broad measure of the scale of a quarry is probably the volume of material it produces. Yennadon Quarry is within the range of recent applications in National Parks and AONB's that have been described in Planning Officers' reports as 'small'.

Members will be aware that of the seven quarries included in Table 7 in the DNPA Development Local Plan (see Appendix 5):

- three are defined as **Small Scale** (Yennadon Quarry, Prison Quarry near Princetown and Higher Longford near Tavistock);
- one quarry (Merrivale near Princetown) is listed as **Medium**;
- three (Meldon near Okehampton, Linhay Hill near Ashburton and Lee Moor China Clay) are listed as **Major**.

The proposed redline area for this application includes the existing quarry, the extension area, existing bund and the access road. The applicant points out that the redline area is roughly half the size of Merrivale Quarry (Medium) and only 5% of the size of Linhay Quarry, which is the smallest of the three Major quarries listed.

Decision 0667/13

Officers advised Members in 2014 that application 0667/13 was considered to constitute *major development*. However, there have been several material changes since that date:

- The area of the proposed quarry extension has been reduced
- It is no longer proposed to create two new bunds

- It is proposed to reduce the height of the existing bund and restore
- The legal advice from James Maurici QC has been considered
- External expert minerals planning consultancy advice has been received
- A study has been made of comparable applications (Appendix 4)

Landscape & Recreation

The advice of James Maurici QC suggests that impact upon landscape value and recreational use are capable of being a factor in the major development test. These matters are considered more fully below. For the purposes of the major development test, Officers are of the view that any impact upon landscape character and recreational use will not be sufficiently adverse as to require the scheme to be treated as *major development*.

Conclusions

Taking into account all of the above factors, in particular the small size of the application site, the small scale of annual extraction and the absence of any substantial adverse impact upon landscape or recreational use (see below), Officers consider that on balance the scheme as now presented does **not** constitute *major development*. It would therefore be wrong to subject it to the presumption against major development in the NPPF and the Development Plan.

It is acknowledged that this is a different conclusion to the view formed in 2014, partly as a reflection of the changes since then and partly as a result of further consideration being given to all the relevant factors. Although the Development Plan and the NPPF guidance have different origins, and the details of the policies are slightly different (albeit both use the phrase '*major development*'), it is concluded that in this instance they march together, and the conclusion that the proposal does not constitute *major development* is applicable both to the NPPF test and to the Development Plan test.

4. LANDSCAPE

NPPF Paragraph 115 requires all decision-makers to give **great weight** to conserving landscape and scenic beauty in National Parks.

Development Plan policy COR22 requires "other mineral development" (not being major development) to be **carefully assessed**, with great weight being given in decisions to the conservation of the landscape and countryside, the conservation of wildlife and cultural heritage and the need to avoid adverse

impacts on recreational opportunities.

Development Plan policy DMD5 requires development proposals to **conserve and/or enhance** the character and special qualities of the Dartmoor landscape.

A revised and detailed landscape report has been submitted with the application, including an assessment of visual impact and impact on landscape character, which has been assessed by the Authority's Landscape Officer. The landscape and visual impact of the proposal is a very important consideration given the location of the quarry in the National Park, a landscape with the highest level of landscape designation and protection.

Fundamental in the assessment of the landscape and visual impacts is the comparison of the short and long-term impacts of the quarry under its existing permission against the potential short and long-term impacts under the proposed extension scheme.

The site lies on the edge of open moorland. The land to the west is enclosed pasture with a strong equestrian use. The land to the south and east is grazed moorland. The land to the north is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Large conifer woodlands are a dominant feature of this landscape. The linear settlement of Dousland lies to the west on lower ground. This settlement is mostly individual dwellings with small to medium sized gardens.

The report submitted by the applicant identifies the land as highly sensitive, but states that the development will lead to a moderate change and that the revised proposal will result in a significant benefit to the landform within the site. It is accepted that there will be an impact on 1ha of grassland, although it is suggested that this will only be significant at a local level. The main thrust of the argument in the landscape report is that there is no requirement to restore the existing quarry once it stops working and that by giving permission to extend the quarry a landscape scheme can be part of the permission and these benefits will outweigh any landscape impacts caused by the quarry extension.

Officers accept that the current (extant) permission will not secure high quality restoration of the site. A new permission with restoration and aftercare secured by conditions and a s106 Agreement should deliver a far better long-term landscape outcome. Extending the quarry will inevitably have an impact on the

character of the local landscape. However, the quarry extension will not introduce a new form of harm into the landscape. Members will be aware that while there are no other active quarries currently on the Dartmoor Commons, former quarries are found scattered across Dartmoor, including within this landscape type and quarries are a strong feature of Dartmoor's historical landscape.

It is not proposed to restore the quarry back to its previous landform and the feature that it is proposed to create will contrast with the adjoining moorland landscape. For this reason, the quarried land cannot be said to conserve the surrounding open moorland, even once fully restored. However, the Authority's Landscape Officer advises that the current scheme offers an enhancement opportunity through the proposed phasing and restoration strategy.

Conclusions

While the quarry extension scheme proposes a larger working area and the loss of some grazing land, Officers are of the opinion that the following benefits will be secured, namely:

- Comprehensive restoration of the site
- Reduction in height of the current screening bund
- A phased programme of restoration, starting with the grant of the consent (i.e. not left until the end of the permission)

These are weighty considerations and Officers are of the view that they balance the relatively low level of landscape and visual harm likely to result from the extension. Officers consider that the application is therefore in conformity with NPPF Para 115, the landscape provisions of COR22 and policy DMD5.

5. NOISE

Paragraph 021 of the NPPF aims to address noise issues at minerals sites. The guidance states that conditions should be used to establish noise limits at relevant properties which are sensitive to the noise from a minerals development. It is recommended that the noise levels should not exceed the background levels by more than 10dB(A) during normal working hours (0700 to 1900), unless this would place unreasonable burdens on the operator. In any event, a maximum of 55dB(A)LAeq, 1h (free field) is recommended.

NPPF Paragraph 022 makes provision for increased noise levels for temporary activities such as soil stripping, and the construction of mounds or landforms, as these works are both necessary to allow mineral extraction to place, and may provide for mitigation for the operational works. It states that increased limits of up to 70dB(A) LAeq1h (free field) for periods of up to 8 weeks should be considered if required.

The operator has offered a more restrictive upper noise limit of 50dB(A)LAeq1h be applied (with exceptions for limited periods of works close to the surface, and around the perimeter) to ensure that the amenity of any neighbouring property is protected.

Minerals Plan policy M4(ix) expressly refers to the effects of the proposal on the amenity of local residents as being a material factor.

The proposed extension will bring the quarry 90m closer to the nearest residential property (Higher Yennadon). The Environmental Statement includes details of noise monitoring at a number of locations, including at the boundary of this property. The noise survey shows that the noise levels at the recording points during week day working hours were 36 – 57 dB LAeq. By contrast, the levels recorded at the same points at a weekend when the quarry was not operating were 40 - 57 dB LAeq. This strongly suggests that the operational noise from the quarry does not have any measurable effect on background noise levels.

Set against this, the Authority has received a large volume of correspondence and letters of objection raise issues of existing noise, and concerns about possible increased levels. The letters of objection identify that at nearby properties, or when using nearby land for open-air recreation, a lower level of noise than the current situation is desirable and an increased level of noise, or an increased period of disturbance is not acceptable. The objections state that there is a strong expectation of tranquillity in this location on an open moorland/moorland fringe setting within the National Park.

In addition to the changes to the noise modelling as a result of removing the requirement for a bund, the Authority requested clarification on the adequacy of the original noise survey, following a query raised in letters of

representation. The Authority requested clarification on whether the assessment took into account the potential noise impacts at the maximum permitted production rate of 10,000 tonnes per annum (t/a).

The Applicants noise consultant, Acoustic Associates South West Ltd., confirmed that the worst case scenario was calculated based on the maximum quarrying activity levels; i.e. all five items of plant running flat out at the same time. The quarry currently extracts between 4,500 t/a and 6,300 t/a. The maximum permitted extraction rate of 10,000 t/a can be achieved with the same working practice and plant, but with more staff. The effect of this will be to increase the working time of the mechanised equipment, which cannot be greater than the 100% assumed in the prediction calculations. The predicted impacts therefore provide an estimate of the maximum noise level likely to be generated by the quarrying activity and this is equally true for the consented extraction rate.

Conclusions

Officers have sought expert advice from the West Devon Borough Council environmental health service. The Environmental Health Officer has confirmed that the noise survey methodology is satisfactory and that the results demonstrate that the site does not constitute a statutory nuisance. He also states that to his knowledge no complaints have been received regarding noise and dust since the last planning application in 2013.

Given the background noise levels recorded in this location, it is considered that the proposed condition limiting noise emissions attributable to the application site to a maximum of 50dB(A)L_{Aeq} is acceptable. The information from the noise impact assessment within the ES strongly suggests that 50dB(A)L_{Aeq} is reasonable and achievable. This limit is also well below the 55dB(A)L_{Aeq} maximum recommended by the NPPF.

The proposal is therefore considered to be in conformity with Minerals Plan policy M4(ix) and within the noise levels recommended by the NPPF.

6. TRANQUILLITY

Tranquillity is one of the special qualities of Dartmoor National Park and is identified in Development Plan policy DMD5 as a material consideration. The text accompanying policy DMD5 states:

“2.7.7 Some of the special qualities that define Dartmoor are based on its sense of tranquillity and remoteness, qualities which are sustained by land uses which are not noisy or intrusive Development should seek to ensure that these special qualities that help create Dartmoor’s unique sense of place and not damaged or diluted”

The Campaign to Protect Rural England (CPRE) published a report in March 2005 (revised 2007) which attempts to define and assess tranquillity. It suggests that tranquillity will be influenced and affected by a variety of factors, for example: the presence of other people (60% negative weighting); perceived naturalness of the landscape (30% positive weighting); openness of landscape (24% positive weighting); areas of low noise (20% positive weighting); etc.

Conditions are proposed to control matters such as number of lorry movements, working hours, noise levels, external lighting. These conditions address concerns about possible negative impacts on tranquillity.

There is already a minerals planning permission which authorises mineral extraction in this location until 2026. This is a weighty material consideration in determining whether the application will have any additional adverse impact upon tranquillity.

The works to re-profile the existing bund and to strip the soil from the extension area are likely to be conspicuous and relatively noisy. They will clearly have an adverse impact upon tranquillity for the duration of the operations. However, these works are likely to be completed within a few months and will not be ongoing throughout the permission. The re-profiling of the existing bund to a more natural landform, together with re-seeding, should bring a long-term gain to the naturalness of the landscape. The revised progressive restoration scheme which forms part of the proposal will reduce visual impacts and make a positive contribution to tranquillity, including

improving the naturalness of the landscape and enhancing the openness of landscape.

On final closure of the quarry and final restoration, the scheme will result in clearly noticeable long-term ecological and landscape improvements. It is considered that the proposed scheme will result in a moderately significant residual benefit to the tranquillity of the area around the site compared to the existing permission. This is owing to the progressive restoration proposed, and the fact that restoration would commence before the quarry finishes extraction in 2025.

Conclusions

On balance, the proposal is likely to have an adverse impact upon tranquillity in the short-term. However, it is considered that that this short-term adverse impact will be relatively minor and that it is balanced by the long-term improvements in tranquillity associated with the progressive restoration scheme and the re-profiling of the existing bund. On this basis, the proposal is in conformity with policy DMD5 as regards tranquillity.

7. DUST AND SURFACE WATER RUN OFF

Letters of representation have raised concerns regarding dust from site operations. West Devon Borough Council has raised an issue of surface water run-off from the moor/quarry running along the access road and causing problems for neighbours including flooding in the garden and against the property.

The issues both engage Minerals Plan policy M4(iii) dust and (ix) neighbour amenity along with paragraph 144 of the NPPF which states: "*When determining planning applications, local planning authorities should..... ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.*"

The access track that extends from Iron Mine Lane to the quarry and continues along the west of the quarry to the north was originally the line of the old Plymouth and Dartmoor Tramway. The track is constructed of compacted stone. The ES acknowledges that during prolonged dry weather, the access track has the potential to generate wind-whipped and traffic / livestock generated dust.

During intense wet weather, significant surface water run-off can be generated from the moor. The modelling indicated that the access track does not significantly alter or impede flow pathways from Yennadon Down. The surface water run-off does however cause erosion of the track resulting in pot-holes and rutting.

The Environment Agency is satisfied with the methodology proposed for surface water run-off and is raising no objection to the proposals.

In April 2015, Yennadon Quarry implemented a Dust Management Plan, which included maintenance of the access track. The existing Dust Management Plan and future monitoring and maintenance requirements for the access track is incorporated into the new Quarry Management Plan and covered by proposed conditions.

Conclusions

It has not been demonstrated that the surface water run-off which occurs on occasions is due to the quarry and the Environment Agency has not raised any concerns about the treatment of surface water. Concerns about dust can be addressed by appropriate conditions and it is therefore considered that the proposal is in conformity with development plan policy M4(iii) and (ix) in these respects.

8. ECOLOGY

Paragraph 115 of the NPPF states: *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads."*

Development Plan policy DMD14 requires development proposals to conserve, enhance and/or restore biodiversity and geodiversity within Dartmoor.

The Authority's ecologist observes that the application site is designated under s.3 Wildlife & Countryside Act 1981 as moorland of special conservation interest. It is also a priority habitat (unimproved dry acid grassland) for

biodiversity. The proposal involves short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles within the application site. As such, the proposal appears not to conform to policy DMD14. On this basis, there is a formal ecological objection to the proposal.

Several letters of representation have raised concerns regarding the impact of the proposal on local wildlife.

The Biodiversity Mitigation and Enhancement Plan (BMEP) submitted with the application sets out a summary of the habitat and species surveys undertaken, the findings, and an impact assessment of the development on the ecological features present. It also covers recommendations aimed at avoiding, reducing and mitigating the impacts of the proposal on the habitats and species present, and also provides information on restoration measures, principally for habitats, and finally, an outline monitoring programme.

The Ecological Habitats and Biodiversity Chapter of the ES and the BMEP identify that the development would result in the loss of 1.0 ha of unimproved acid grassland, bracken and scrub mosaic and therefore loss of potential nesting habitat for linnet, skylark, yellowhammer, stonechat and meadow pipit and loss of habitat for common butterfly species and one UK BAP butterfly species.

There is however scope to enhance the habitat as part of the restoration for the longer term, as set out in the 'Mitigation Strategy and Phasing Plan' (Section 4) of the BMEP. Conditions are proposed to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it is carried out.

Conclusions

The conservation importance of the s.3 moorland habitat is high and the loss of some habitat will be an inevitable consequence of the proposal. However, the mitigation measures proposed, taken together with the new whole quarry progressive restoration scheme, will result in long-term benefits which will balance the short-term adverse impacts on ecology. It is therefore considered that although the proposal is not in conformity with policy DMD14, the degree of harm is relatively small and the non-conformity should not be treated as a

weighty material planning consideration in the overall determination of the application.

9. NEED AND ALTERNATIVES

Policy M4 of the Minerals Local Plan requires any application for new minerals workings or extension of existing minerals workings to be rigorously examined, having regard in particular to a number of factors, including: *(vi) the local, regional or national need for the particular mineral and alternative ways of meeting that need.*

It follows that the two key questions are (1) what demand (need) is there for Yennadon stone; (2) could this demand be met from alternative sources / providers.

It is clear that the majority of Yennadon stone is used outside the National Park. The application itself notes that the National Park is largely characterised by granite building stone. The application suggests that there is a significant market for the stone within Cornwall and Devon, outside of Dartmoor and provides the following information:

Yennadon stone sales (% of sales by area)

Dartmoor and fringes (including Tavistock, Ivybridge, Bovey Tracey and Okehampton) = 10%

South Devon = 45%

North Devon = 5%

East Devon = 5%

East/North Cornwall = 21%

Mid Cornwall = 9%

West Cornwall = 5%

Other = 0.6%.

The application argues that the Hornfels Slate (which the quarry produces) is unique and cannot be sourced elsewhere.

There are a variety of different 'slate' stone types that have historically been quarried throughout Devon and Cornwall. The term 'slate' for building stone is loosely applied to mudstones and siltstones that have undergone various grades of metamorphism. The nature and appearance of these stones varies greatly; and can be weak or strong, durable or non-durable, dark or light grey, have green, to yellow, to red hues, and be characterised by brown iron oxide and/ or quartz veining.

The application acknowledges that there are two other sources of a rustic stone, with some similarities in appearance, within a 30 mile radius of Yennadon, namely Mill Hill Quarry and Lantoom Quarry. However, most other existing 'slate' quarries in the region produce a dark grey "blue" slate (which can be used as both traditional roofing slate and dimension stone, etc.). The application argues that none of these are a match for the high quality Hornfels Slate produced at Yennadon.

Lantoom Ltd has made representations that the building stone that it produces at Lantoom Quarry, Mill Hill Quarry, and that produced by other quarries in the area (which it does not control), is very similar in appearance to the stone produced by Yennadon Quarry. Evidence has been submitted by Lantoom Ltd to show that their quarry has planning permission until 2042 with considerable mineral reserves. These quarries are located within the main market for stone from Yennadon Quarry and are said to be better placed to meet the demand, in terms of: the sustainability of transport; production of a local stone for a local market, maintenance of the locally distinctiveness of the area of main demand, and production of stone without impact to the National Park. If stone of this nature is required within Dartmoor, Lantoom Ltd. states that its quarries would be well able to meet the demand.

Historic England emphasises the importance of maintaining a supply of local stone in order to conserve the historic environment and maintain local distinctiveness. "Sourcing Stone for Historic Building Repair" (first published by Historic England in 2006) clearly identifies the importance of providing locally sourced stone. It states: "*Successful stone replacement requires detailed knowledge of the characteristics of the stone involved and the selection of compatible materials (that is stone that closely replicates the original in terms of its chemical, physical and mineralogical properties).*"

The report also sets out the importance of providing the same or similar stone types for building and restoration projects as "*Natural decay processes are exacerbated by poor design and construction, such as incorrect orientation of bedding planes resulting in blocks that are edge or face-bedded, or permeable stone being used for rain-shedding features such as copings and parapets. The resulting ingress of moisture can lead to deterioration elsewhere in the building.*"

A report prepared by Clifton Emery Design in support of the application explains the importance of the Yennadon quarry in supplying stone that supports the quality of building design and the historic building conservation of

the local area. The report states that Yennadon Stone is flat bedded, with perpendicular jointing and has been super-heated by the adjacent granite (contact metamorphism), giving rise to a 'hornfels slate' that is especially strong and durable, with a distinct appearance and colouring. The report states that there are no other alternative sources of like-for-like stone outside of the National Park.

The British Geological Society (BGS) advises that in its view there are likely to be some uses and applications for Yennadon stone that Lantoom and Mill Hill quarries could not serve. There are also likely to be some markets where Yennadon stone is the stone of choice because of its particular characteristics. However, in the absence of Yennadon stone, other sources of stone could provide an acceptable substitute.

The BGS observes that minerals can only be worked where they are found. The BGS states that there are no other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if any alternative local source of hornfels slate was required, it would need to be extracted from a site in the National Park.

BGS comments that opening up a new quarry, or re-opening a former quarry, would in present conditions be much more problematic than extending an existing working quarry.

Laboratory test results suggest that Yennadon Stone is stronger, more durable and less prone to damage (flaking and delamination) as a result of weathering than stone quarried from Lantoom. There are also key differences in colour and tone. Whilst natural faces from Yennadon predominantly ranges from mellow yellow to brown hues with some hints of bluish grey; natural facing stone from Lantoom tends to have more dark yellow to orange brown hues. It is also quite different as a cornering material; Lantoom Stone needs to be cut to work at right angles to produce a quoin, unlike Yennadon Stone which produces natural quoins. These differences are due to the two quarries falling within different underlying geological areas; Yennadon in the Tavy Formation and Lantoom in the Saltash Formation.

This supports the advice of the British Geological Society that Yennadon Stone will have certain uses where there is no appropriate alternative currently available.

It would normally be expected that where stone is used to maintain local distinctiveness, buildings of the stone are normally found in close proximity to

the source of the stone. The Applicant has provided evidence that numerous local buildings and settlements use Yennadon Stone and has demonstrated the important role that Yennadon Stone plays in maintaining the character and appearance of the local area. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design. This is recognised by the in the Dartmoor Design Guide (adopted SPD) and in policies in the adopted Development Plan. The available evidence shows that there is a strong market, both within the National Park and the wider local area, for Yennadon stone.

As regards alternative provision, the evidence submitted falls short of demonstrating that if Yennadon were to close or significantly slow production, output could be increased sufficiently at another quarry to meet demand. It is considered that there is a demonstrable need for and a ready market for the products of Yennadon and Lantoom and Mill Hill quarries. With just three slate stone quarries supplying a large catchment area, in which demand is likely to rise due to increased development, the loss of one of these quarries could impact on the ability to maintain an adequate supply of stone, with adverse consequences on the delivery of both conservation and new-build projects inside and outside the National Park.

While there may be as yet untapped sources of the Hornsfels Slate at other locations within the National Park (referred to in Section 4.4 in the ES) the Authority's adopted Core Strategy DPD (2008) states that opening a new quarry within the Park, would only be permitted *"in locations where this would not be damaging to the landscape, archaeological, ecological or geological interests, or to the amenity of local residents and where the local road network is adequate to cope with the traffic generated by or associated with the proposed development"*.

It is unclear whether any new venture could be established within the National Park without significant damaging environmental and landscape impacts, and this is not regarded as a realistic alternative to the extension of a current minerals working site.

Conclusion

The available evidence demonstrates a strong market for Yennadon stone, both within the National Park and the wider local area. Local building characteristics indicate that this type of rustic stone will be required for future conservation and building works, if local character is to be conserved. While there is stone which is broadly similar available from other quarries in the

area, that stone cannot be regarded as a direct alternative or suitable replacement in all applications. Nor is it certain that demand could be met if Yennadon was unable to maintain output.

It is considered that there is strong evidence of relevant need. No realistic alternative sources of equivalent stone appear to exist. The proposal is therefore considered to be in conformity with policy M4(vi).

10. EMPLOYMENT

As well as the statutory purposes for National Parks in England and Wales, the National Park Authority also has a duty to seek to foster the economic and social wellbeing of local communities within the National Parks. It is therefore appropriate to consider the likely impacts of the proposal on employment and the local economy.

The NPPF at paragraph 144 states that when determining mineral planning applications, great weight should be given to the benefits of the mineral extraction "*including to the economy*". This picks up the broader theme in paragraph 6 of the NPPF which refers to the presumption in favour of sustainable development and states "*there are three dimensions to sustainable development economic, social and environmental*".

Development Plan policy COR18 sets out the circumstances in which proposals for development bringing employment outside settlements in the National Park will be supported. The policy also sets out the basis of support for the small scale expansion of existing businesses and employment sites. The policy makes specific reference to support for "*... other rural enterprises with strong links to the cultural heritage of Dartmoor*".

The application states that Yennadon employs 27 people (up from 21 previously), 11 of whom are aged between 18 and 24 with a further nine aged between 25 and 30. It states that 12 employees reside outside the National Park boundary in West Devon, Dartmoor, South Hams and South East Cornwall.

The application claims that economic benefits from Yennadon arise over a wide area. These benefits include local purchasing of materials and supplies for the quarry and the spend of its employees in the areas where they live. The annual payroll has grown from £186,000 in 2009 to £473,000 in 2015. The majority of the people who work at the quarry live within a 15-mile radius of the quarry.

Company expenditure has grown from £365,000 in 2008 to £660,000 in 2015; 78% of which was spent with local businesses such as Moorland Fuels and Yelverton Garage (both in excess of £50,000 per annum). It is said that Yennadon Quarry trades with over 40 businesses within 25 miles of the quarry (not including Dousland Post Office and Yelverton Co-Op where the employees' stop-off most mornings for food and drink).

Information submitted by the Applicant records that Yennadon Quarry, as a local employer and business, also contributes to the local community both directly and indirectly, for example through the sponsorship of a local pre-school and the Walkhampton football team over several years.

Conclusions

The economy of the National Park is indivisible from the wider economy of the surrounding area. Whilst it is recognised that the economic benefits and number of employees are small in comparison to the economy of both the National Park and surrounding economy as a whole, they still provide a valuable contribution to the local economy. This economy is made up of many small to medium enterprises and it is considered that sustaining existing employment is as important as developing new employment opportunities.

The evidence submitted with the application shows a clear positive economic benefit in the local area in terms of employment and business expenditure. On this basis, the proposal is considered to be in conformity with Policy COR18 and paragraphs 6 and 144 of the NPPF.

11. COMMON LAND

The extension part of the application site is registered common land. Not only are there grazing rights over this land, but the public have a right of access on foot or on horse for open-air recreation.

Section 38 of the Commons Act 2006 sets out a general prohibition on any "restricted works" on common land without the prior consent of the Secretary of State. Restricting public access to the commons by fencing or other means (whether on a temporary or permanent basis) falls within the definition of "restricted works". This means that the prior consent of the Secretary of State will be required for any extension of the quarry onto the commons, including the erection of bunds or fencing, if it will have the effect of preventing or impeding public access to or over any common land.

It is accepted that if the application is approved, public enjoyment for open-air recreation over 1ha of access land (1% of the common) will be lost until the completion of restoration in approx. 10 years. However, the applicants have indicated a willingness to enter into a s106 Obligation to permit public access over the whole application site once restored and this represents a net gain in the long term.

Officers consider that the likely impact on commons activities and public access for recreation will be very minor and that Common Land status should not carry any great weight in the balancing exercise as to whether permission may be granted.

12. ARCHAEOLOGY

The Authority's archaeologist has been consulted in relation to the application and has confirmed that there is NO OBJECTION provided that a condition is included which ensures:

- A scheme for the protection of the track of the Plymouth and Dartmoor Tramway.
- A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down.
- A watching brief for soil stripping in the whole area.

These matters are addressed in condition no.33.

13. HIGHWAYS AND TRAFFIC

Though many letters of objection raise concerns about traffic, there is NO OBJECTION from the highways authority.

The applicant has proposed a reduction in the maximum lorry trips associated with the quarry. Therefore current levels of transport would, at the most, be maintained at present levels. The proposed restriction to a maximum of 30 vehicles leaving the site per week with loads of stone is considered appropriate. The highways authority does not raise any concerns about the suitability of the road network.

14. SITE INSPECTION

Having been withdrawn from the Committee's December 2015 agenda, this application (ref 0348/15) has not been presented to the Development Management Committee prior to this report. A pre-Committee site inspection was carried out on 16 June 2017 when Members of the panel, accompanied by officers, the applicants, their agent and a representative of the Parish Council, viewed the site of the proposed quarry extension and noted the location and extent of the proposed working phases that had been marked out on the ground. At the site inspection, no debate was held by the panel and no opinions were given.

15. CONCLUSION

For reasons explained in the report, the proposed quarry extension is not considered to constitute '*major development*' and as such, the application does not have to satisfy the usual tests applied to such developments.

Further research suggests that the alternative sources of stone that are available do not have the same properties as Yennadon stone and as such, cannot be regarded as true alternatives.

The Authority's policies do provide for small scale quarrying of traditional building stone in the right circumstances and the economic, social and heritage conservation benefits of allowing the quarry to be extended are considered to outweigh any identified harm.

Granting permission for the proposed extension will provide for continued working in the quarry at current production levels until 2026. The quarry uses traditional low technology extraction and processing methods (blasting is not permitted).

The proposed extension provides positive socio-economic benefits in maintaining production at current levels. Yennadon Quarry has been part of Dartmoor's cultural heritage for over one hundred years. The stone quarried from this quarry has made, and continues to make, a significant contribution to the character and appearance of the built environment.

Yennadon Quarry represents part of the living cultural heritage and legacy of Dartmoor and contributes to the achievement of conservation objectives in the area. It is the only remaining operational quarry supplying local slate dimension stone within the boundary of the National Park.

The quarry extension has been designed such that the impacts of the development will be no worse than existing and measures will be put in place to ensure this continues. Furthermore, the lateral extension will allow for some progressive restoration, reducing visual impact from sensitive views in the west.

The Local Plan for Dartmoor contains the objectives and policies for development in the National Park and includes the Core Strategy (adopted April 2008) and the Development Management and Delivery Plan Document (adopted July 2013) together with the saved policies of the Minerals & Waste Local Plan. Whilst a number of policies are specifically referred to in the preceding report, all of the Minerals & Waste Local Plan and Local Plan policies have been considered in the formation of this recommendation.

The development is considered to be compliant with the relevant policies set out in the report, is sustainable development, and is in conformity with government advice set out in the NPPF. It is therefore recommended that permission be **GRANTED**, subject to the conditions set out at Appendix 1 and a S106 Planning Obligation Agreement in the broad terms described at Appendix 2 in respect of interpretation, conservation, restoration and public access.

Yennadon Appendix 1 – Proposed Conditions

1. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered [.....], including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority.
2. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: [.....]
3. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.
4. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Supplementary Information Annex B - Phased Working/Restoration Strategy (dated 16th September 2016) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.
5. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of top soil and over burden shall only take place in the areas identified in the Proposed Phased Working/Restoration Strategy dated 16th September 2016.
6. The total amount of material removed from the application site shall not exceed 10,000 tonnes in any calendar year.
7. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter
8. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (ie a maximum of 60 lorry movements each week). For the purposes of this condition a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.

9. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.
10. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix 15 ES) and the Ecology and BMEP Report (Appendix 14 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.
11. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.
12. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours.
13. No blasting is to be carried out on the application site.
14. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.
15. In the event of a permanent cessation of working prior to 31 December 2026, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawings numbered [.....], within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery, unless a different timescale is agreed in writing by the MPA
16. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation, unless a different timescale is agreed in writing by the MPA.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.
18. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.
19. Notwithstanding condition 18 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix 12 of the ES, Appendix A of the Addendum to the ES and the Quarry Management Plan dated September 2016.
20. Notwithstanding condition 18 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.
21. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.
22. Within 3 months from the date of this approval the operator shall provide to the Mineral Planning Authority (MPA) for approval a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment shall assess whether a monitoring scheme is needed to continually assess the impact by way of dust arising from the mineral operations, and shall include details of monitoring locations, monitoring methodology and frequency of reporting to the MPA and nominate an independent consultant to undertake the dust monitoring, if required. Thereafter, if the MPA gives a written determination that a dust monitoring scheme is required, the development shall be carried out strictly in accordance with the details of the scheme approved by the MPA.
23. Not later than 3 months from the date of this approval, the operator shall submit to the Mineral Planning Authority (MPA) for approval a scheme for dealing with dust complaints received by the operator, the MPA or West Devon Borough Council's Environmental Health department. Thereafter, any

complaints about dust shall be dealt with in accordance with the scheme as approved by the MPA.

24. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.
25. There shall be no importation of material onto the application site for storage or disposal.
26. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.
27. The boundary of the application site shall be defined by a permanent stock proof fence, the extent, specification and details of which shall be submitted for approval to the Mineral Planning Authority prior to its erection. The fence shall be erected in accordance with the approved details and maintained thereafter in good stock-proof condition until 31 December 2026.
28. No development in the extension area hereby approved shall take place until improvement to the common grazing has taken place in accordance with the recommendations in Section 8 of the Luscombe Maye Common Land Mitigation Report, ref. 7290/CWB, included in the Environment Statement at Appendix A3a.
29. The access track shown on approved Drawing number [.....] shall at all times be maintained in accordance with Quarry Management Plan to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry, to manage any surface water run-off and to avoid any dust or mud being carried on to the highway.
30. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated August 2013.
31. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
 - Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds),
 - Pond creation and management statement (including provision for fairy shrimp), and
 - Post quarry restoration habitat and species management plan.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

32. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:

- A scheme for the protection of the track of the former Plymouth and Dartmoor Tramway,
- A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down, and
- A watching brief for soil stripping in the whole area.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

33. Notwithstanding the restoration strategy set out in the Proposed Phased Working /Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:

- i. The area to be restored;
- ii. The final restoration contours;
- iii. The relevant sections of the approved restoration strategy habitat it relates to;
- iv. Any drainage and water control requirements; and
- v. Any deviations from the approved restoration strategy.

The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.

34. The existing bund located to the west of the existing site shall be reduced in size in accordance with the approved drawings [.....] , regraded and seeded with a local provenance mix in accordance with details to be submitted to the Mineral Planning Authority for approval within 3 months of the date of this decision. The reduction, regrading and seeding works shall thereafter be carried out and completed strictly in accordance with the approved drawings and details within 12 months of the date of that approval of details.

35. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of mineral extraction on the application site.

Yennadon - Appendix 2

Draft Heads of Terms for S106 Agreement

1. The revocation of the existing planning permission (ref.03/43/1075/90).
2. The operator shall provide public information panels in the vicinity of the quarry. The content to be agreed with DNPA and to reflect the archaeological, ecological and geological interest of the area.
3. The operator shall maintain a notice board at the main entrance to the site displaying up-to-date contact details for the Site Manager.
4. The operator shall make available in the site office at all times a copy of the planning permission, all approved plans, schemes and documents
5. The land owner shall agree to undertake and maintain the grazing improvements as set out in the Luscombe Maye report.
6. The operator shall provide a bond for restoration of the quarry appropriate to the phase of working set out in the Phased Working/Restoration Strategy. (The extent of the bond to be determined in line with the cost schedule set out in the email dated 27th September 2016).
7. Public access to the quarry area post restoration.

Yennadon - Appendix 3

Consultation responses

West Devon Borough Council:

No comments received.

County EEC Directorate (July 2015):

No objection as there is no intensification in activity above the previously consented levels of vehicle movements.

County EEC Directorate (Nov 2016):

No objection in response to additional information submitted.

Environment Agency (Sept 2015):

While the EA has no objections to the proposal, it wishes to make the following comments: We note the conclusions of the hydrogeological assessment (ES Chapter 11) and the apparent absence of groundwater dependent terrestrial ecosystems near the site. In relation to the proposed restoration scheme we note from section 2.2.4 of the ES that the applicant has discussed the principal of the proposals (inert soil infill) with other EA colleagues. This scheme is likely to require a Waste Recovery Plan and also a Restoration Permit.

Environment Agency (Nov 2016):

The EA's position remains as set out in its previous letter dated 2 September 2015. It has no objections to the proposal, which is to increase the working area (laterally) rather than continuing to go deeper.

Dartmoor Commoners

No comments received.

British Horse Society:

No comments received.

The Ramblers' Association:

No comments received.

Devon Stone Federation (July 2015):

The Federation has no objection to these proposals.

Yennadon Commoners Association (Sept 2015):

The Commoners Association position remains the same as per its letter at the time of the previous planning application to extend the quarry. It has particular concerns regarding the casual regard the operators have to the security fencing and the current quarrying which is under mining the

safety of the aforementioned fence. This situation is not only potentially detrimental to the safety of our livestock but could have catastrophic implications for the unwary person on the common.

Yennadon Commoners Association (Nov 2016):

Does not wish to change its original comments.

Environmental Health (Aug 2015):

No objections to the application. No complaints have been received regarding noise and dust since the last application. Some unsubstantiated dust complaints had been received previously. In the event of permitting the development a dust management scheme should be established and should include the access road. A small number of noise complaints have been received (most recently spring 2011). No noise abatement notices have been served. Recommended that if permitted, conditions be attached to ensure: 4m high bund is constructed; a noise limit of 50dB LAeq 1 hour at the boundary of noise sensitive properties; working hours controlled as they currently are.

Environmental Health (Nov 2016):

Due to the age of the application guidance has moved on with regards to dust and air quality therefore conditions may have to be imposed on this basis; in regards to noise the earlier comments still apply, but there may need to be a higher limit for a shorter period of time to create the environmental bund. Therefore the following conditions are recommended:

Bund creation

Where the mine operator seeks to undertake works for the construction or removal of baffle mounds, soil storage mounds and spoil heaps, construction of new landforms and aspects of site road construction and maintenance the noise limits shall be increased for a period of time and a noise level as agreed by the mineral planning authority, with an absolute limit of 70 dB LAeq, 1 hour (free field) for a period of 8 weeks in any 12 month period.

Dust monitoring and management

Within 3 months from the date of this approval the applicant shall provide to the Mineral Planning Authority a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment once approved shall then be used to formulate where deemed necessary a monitoring scheme to be used to continually assess the impact by way of dust arising from the mineral operations. This scheme to include details of monitoring locations, monitoring methodology and frequency of reporting to the Mineral Planning Authority. The mineral operator shall nominate independent consultants to undertake the dust monitoring for approval by mineral planning authority. Once approved the scheme shall be implemented for the lifetime of the mine.

Within 3 months from the date of this approval the applicant shall provide to the Mineral Planning Authority a scheme for dealing with complaints received by the operator, the mineral planning

authority or the District Council's Environmental Health department. This scheme is to specify an independent consultant who will be used for the collection and assessment of dust samples at a complainant's property, the analysis to be undertaken, an investigation into the cause for the dust and feedback to the MPA on what steps have been taken to minimise the production of excessive disamenity dust by the mineral operations. Once approved this scheme shall be implemented for the lifetime of the mineral operations. Unless otherwise agreed by the MPA.

National Planning Casework Unit:

No comments to make.

DNP – Archaeology (Aug 2015):

An archaeological watching brief on topsoil stripping in extension area and exclusion of vehicular traffic from tramway to west and north of quarry is recommended. As stated in the Environmental Statement (Section 7.0) included with the application, there are two heritage assets in the vicinity of the quarry extension which will potentially be affected by its proposed development. The first is the Plymouth and Dartmoor tramway, constructed in 1823, which runs along the western side of the quarry and the indicated extension area. This feature is vulnerable to damage or obstruction by the construction of the bund, which is planned to run along the western and northern edges of the extension area and its associated vehicle traffic. Secondly, Yennadon Down contains a series of relict field systems of prehistoric, medieval and post medieval date which may encroach into the proposed extension area and will be destroyed by its development.

In accordance with policy DMD13 and in order to mitigate the threats outlined above the following measures are recommended:

1. A watching brief be undertaken by qualified archaeological personnel on topsoil stripping in the proposed extension area ahead of development and appropriate investigation and recording be undertaken of any archaeological features identified.
2. As stated in the Environmental Statement, damage to the Plymouth and Dartmoor tramway should be mitigated by the exclusion of vehicular traffic associated with the construction of the proposed bund to the north and west of the extension area. Care should also be taken that the bund does not encroach onto the tramway.

DNP - Recreation, Access & Estates (Aug 2015):

Response is in relation to the likely impact of the expansion of Yennadon Quarry on public access and recreation of the area. The expansion of the quarry will lead to a reduction of common land and grazing. The likely increase in noise, dust and vehicular traffic will have a direct impact on the public's enjoyment of the area for quiet recreation.

The area of land identified for the extension of the quarry is designated as common land and as such the public right of access is on foot and on horseback. The right of access on common land is area based and there is no requirement to keep to defined public rights of way. The area around the development site has a network of informal paths and tracks, and in addition there is a public right of way – Public Footpath no. 13, Meavy, approximately 100m away. It is considered that the proposed extension would not adversely impact on the public's use of the public footpath.

The extension of the quarry would result in a loss of common land (over which the public currently have a right of access), however it is considered that the reduction to the area of access land available to the public is minimal. The land within the quarried areas should be restored when quarrying activity finishes and public access should be made available once more. The future recreational use and enjoyment of the area, whilst quarrying takes place, will to some degree, be determined by the amount and intensity of quarrying activity, and any resulting dust, noise and traffic movements. Whilst the adverse impact on public access is considered to be minimal, it is difficult to quantify the extent to which enjoyment of the area by the public may be affected, as this will depend on the intensity of the quarrying operation.

On balance, it is recommended that the application is refused on the grounds of incompatibility with National Park purposes and the adverse direct impact the quarrying is likely to have on the quiet enjoyment of the area.

DNP - Ecology & Wildlife:

This appears to be the third iteration of the proposal Conservation (July 2015): to extend the working area of Yennadon Quarry. As such, the consultant hired by the applicant has undertaken an updated survey visit to verify the validity of previous survey visits and follow-on recommendations. The consultant concludes that the habitats and species present are still very much as they were for when the Biodiversity Mitigation and Enhancement Plan (BMEP) was written in August 2013. The BMEP has been updated to reflect changes in the proposals, and assurance that ecological matters have been incorporated into the overall scheme design, and adequate monitoring provisions.

In as far as the project goes, the proposed avoidance, mitigation and enhancement measures cover all the local species and habitat requirements and thus cover the proposal as much as is feasible to expect. There is however a fundamental policy objection to development on S3 moorland and on priority habitat (unimproved dry acid grassland) as stated in DMD14, and there will be short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles.

There is however scope to enhance the habitat, and species within, as part of the restoration for the longer term, as set out in the BMEP.

If the Authority decides to grant permission for this application, detailed conditions will need to be drawn up to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it being carried out. I would like the consultant to include reporting at appropriate intervals to the Authority Ecologist how the works laid out in the BMEP are progressing (includes all aspects, including monitoring). I would suggest at first annually for the first five years from any permissions being granted, followed by every 5 years for the duration of the quarrying and restoration works.

DNP - Ecology & Wildlife Conservation (Nov 2016):

No additional comments to add.

DNP - Trees & Landscape (Nov 2015):

The application should be refused because it will have a detrimental visual impact and a detrimental impact on the character of the area, which is contrary to policy COR1(h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is also contrary to policy DMD5 because it does not conserve/or enhance the character and special qualities of Dartmoor's landscape by respecting the valued attributes of this landscape type, specifically the dramatic moorland landscape, with wide open spaces, panoramic views and a strong sense of tranquillity or the moorland grazed by Dartmoor ponies and native hill breeds of sheep and cattle.

DNP - Trees & Landscape (Jan 2017):

Landscape concerns

One of the main issues relating to landscape is the impact of the extension on the character of the landscape. The main concerns previously were the scale of the extension, its impact on the grazed common and the introduction of bunds, which are alien features, into this landscape.

It was accepted that the quarry extension did not introduce a new form of harm into the landscape, but there would be an increase in the harm caused.

The revised application has reduced the size of the working area, the proposed bunds along the northern and western edges of the quarry have been removed from the scheme and the submitted landscape scheme starts the restoration phase of the quarry in the early stages of the extension.

Landscape Character

One of the most intrusive features in the landscape is the 'working bund' along the western side of the working quarry. Material is constantly being moved, preventing the land becoming vegetated and there is continual disturbance by quarry vehicles moving material. In the amended scheme the un-vegetated northern part of the existing bund (Area B) will be re-graded as part of the pre-excavation works. The reduction and eventual removal of this bund will significantly improve the character of the local landscape.

The removal of the proposed western and northern bunds from the scheme means that there will be no significant change to the character of the local landscape. The quarry once extended will be larger, but the landscape will still have the same character, i.e. an open moorland landscape with a small quarry located within it. The Authority has defined the quarry as 'small' to 'intermediate' and with the extension the quarry would still fall within this 'small/intermediate' category definition.

Visual Impact

The main concern previously about the visual impact of the quarry was the visual impact of the bunds. The removal of the proposed bunds removes these intrusive visual elements. The removal of the bund in Area B will improve the visual impact of the quarry and once this work has been completed there will be no requirement for quarry vehicles to access this area reducing visual intrusion.

The quarry extension will be excavated in a series of benches. During the initial stages of developing the western most phase, quarry vehicles will be visible. However, this over stripping will be for a short period of time and once the top layer of material has been removed the vehicles will be out of sight.

The extension will be fenced and the land between the working quarry and the fence will be allowed to re-vegetate. Gorse is found in and around the quarry site and should soon start to colonize. The gorse, as it grows, will screen the quarry from the track that runs close to the western boundary of the quarry and from distant views also to the west.

Tranquillity

An Environment Noise Impact assessment has been carried out on the existing quarry operations and it is calculated that the normal quarrying activity produces up to 57db. The revised scheme predicts that noise levels will be 50db. The operation of the extended quarry will be at a

similar level to the existing quarry and clearly there will be an enhancement between the existing quarrying operations and the proposed quarrying operations.

Mitigation

The waste material extracted from the new benches will be used to infill the southern part of the existing void, as the void is filled the upper parts of the infill will be landscaped and allowed to re-vegetate. When the quarry has been worked out the infilled areas will be graded to create a slope to the quarry floor. A partial bench will be retained and steep faces will be retained along the northern and western faces of the quarry. A small pond will be created at the base of the quarry. In principle the proposed landscape mitigation is acceptable. However, there is reference to seeding the floor of the quarry with a native species rich seed mix. The Authority should ask for and agree details of the final planting scheme.

The intention is to allow the redundant quarry to naturally regenerate. Natural regeneration will only be successful if stock is excluded from the site. We should identify who will maintain the fence after the quarry is worked out and what action will be taken if natural regeneration does not happen within a reasonable time scale.

Policy

Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that:

Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;
- ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

The policy is very clear that development should **conserve and/or enhance** the character of Dartmoor's landscape.

Conclusion

The original conclusion was that the development would be contrary to policy because the quarry extension did not conserve and enhance the

character of Dartmoor's landscape. The main concerns were the introduction of the bunds along the western and northern boundaries of the quarry, the scale of the quarry and the impact of the development on the tranquillity of the area. The proposed scheme no longer introduces bunds into the landscape and removes one of the more intrusive bunds (work area) prior to the quarry being extended. The quarry working will also reduce noise levels within the quarry enhancing tranquillity. The phased works will allow parts of the landscaping to be carried out during the working life of the quarry.

The only element of the proposed development that impacts on the character of the immediate landscape is the loss of grazed common land. Whilst some common land will be lost the nature of the quarry within the landscape will not fundamentally change, the quarry will be slightly larger, but it will still be a 'small/intermediate' quarry located within this moorland landscape.

On balance the harm caused by the loss of grazed common to the landscape will be modest and this harm will be counteracted by the enhancement of the landscape by the removal of the bund within Area B.

Recommendation

No objection, subject to the Authority agreeing details of the final landscaping scheme.

Parish/Town Council Comments

Burrator PC (Nov 2016):

The Parish Council has considered the additional details sent on 1st November 2016 and continues to OBJECT to the proposed extension as it will enlarge an already intrusive operation in the proximity of a residential area and which may be incompatible for the National Park in the current day. The proposal does not change the DNPA Refusal Notice dated 14 July 2014 (ref. 0667/13), Reason no.2 "The proposed extension would perpetuate the quarry and the related impacts in the long term".

Representations Received:

98 letters of objection

52 letters of support

1 other letter

A substantial volume of representation has been received in relation to this proposal.

52 Letters of support have been received which raise the following material issues in relation to the proposal:

- The site is currently compliant with conditions
- The impacts of the proposed development are acceptable and/or can be controlled by condition
- The proposal will not have an unacceptable landscape impact
- The site is a sustainable source of stone
- The stone contributes to the character of the locality
- There will be no increase in vehicle numbers
- The site will be restored
- The site provides local employment
- The site contributes to the local economy

92 letters of objection have been received, including one from a mineral producer in Cornwall which is in competition with the applicant. All the issues material to the determination of the application that have been raised are summarised below:

- Policy does not support the proposal.
- Concerns that the proposal should be assessed as major development.
- The lack of need for the stone in the National Park, and the issue that any need can be met elsewhere.
- Concern that in granting permission, it will prolong the current effects of quarrying rather than seeing a gradual reduction in impacts up to 2026.
- Recognition that Yennadon stone will still be available in the event of the application being refused as production will continue until 2026.
- Concern that granting consent it would almost double the current production rate (5,310 tonnes) and associated working area.
- Concerns that the perceived restoration and aftercare benefits are inflated, and could be achieved through a ROMP review.
- Impacts on common land and amenity land.
- The noise impacts of the proposal, and the view that the environmental statement is insufficient in terms of noise.
- Concerns about the socio-economic evidence and questioning how 90% of the payroll can be spent in the local area.

- The dust impacts of the proposal.
- The traffic impacts of the proposal (including that tractors and trailers are not included in the stated figures, and unsuitable local roads).
- The landscape impacts of the proposal.
- The visual impacts of the proposal and the view that there are inconsistencies omissions and incorrect assumptions in the landscape and visual impact assessment.
- An extension to the south would have less impact.
- Impacts of vibration.
- Impact on the National Park.
- Concerns that it would set a precedent for other industrial development.
- Proximity to residential property.
- Impacts on amenity uses in the vicinity.
- Concerns about effects on drainage.
- Lack of confidence that the site would be restored.
- Effects on wildlife including reduction in wildlife habitat.
- Perpetuation of the development and its effects.
- Concern about stability of the operations.
- Scale of the proposal.

A representation has been received from the **Council for the Protection of Rural England** (CPRE) which weighs up the pros and cons of the development and concludes that it neither supports nor objects to the application.

The **Dartmoor Preservation Association** objects to the application which, despite the changes made since the rejection of the previous application, it still considers being contrary to the two purposes of National Park designation and to policy COR22. It does not consider the duty 'to seek to foster the economic and social well-being of local communities' to be of sufficient weight to override these matters. Alternative sources of stone exist and the Association does not believe that the applicant has made a compelling economic argument for the development.

Although the applicant has put forward new landscaping proposals, the Association has serious reservations as to their effectiveness or enforceability. The destruction of an area of common land and the resultant loss for grazing and public enjoyment is not, it states, consistent with National Park purposes, and is not in the public or national interest.

The **Dartmoor Society** fully supports this application for what it describes as a modest expansion. The application, it states, reaches to

the heart of understanding and awareness of the cultural history and landscape of Dartmoor, and of sustainability and the wise use of resources. Yennadon is the last active stone quarry working on moorland Dartmoor, out of scores that once existed. As such, the Society considers it a cultural icon and living heritage link to the previous generations of quarrymen, who have shaped what is one of the finest cultural landscapes in the world. Amazingly, this small-scale enterprise supports a workforce of twenty-seven. It provides stone for a wide area of west Devon and beyond, and is maintaining the historical value of Dartmoor which has always shared its resources beyond the limits of Dartmoor itself. Its scale is entirely appropriate to modern Dartmoor and adds character to the Dartmoor landscape.

The proposed expansion poses no significant threat to archaeology, ecology or the wider landscape and, once the quarry has ceased working (2025), it will become an intriguing site, sitting quietly within a moorland setting. After abandonment, we advise that foundations of any structures within the quarry should be left undisturbed, for the education and interest of future generations. This quarry is exactly the type of small-scale locally distinctive enterprise, making wise use of Dartmoor's resources, that deserves widespread encouragement.

Yennadon - Appendix 4

Case Studies – Small and ‘Major’ stone (and other) quarry permissions / refusals post 2012 – comparison with Yennadon

This document provides details of recent planning applications and appeals for stone quarries and other minerals located in AONBs and National Parks. This is in two parts: Part 1 covers dimension stone cases and Part to 2 covers other cases which include aggregates and ball clay.

Part 1 – Dimensional Stone

Name	Nanhoron	Bretton Moor	Syreford	Leeming	Home Field, Acton	Yennadon
Designation	Llyn AONB	National Park	Cotswold AONB	Forest of Bowland AONB	Dorset AONB	National Park
Planning Authority	Gwynedd CC	Peak District National Park	Gloucestershire CC	Lancashire CC	Dorset CC	DNPA
Decision	Approved	Approved	Approved	Approved	Approved	Pending
Date	16 June 2015	12 June 2015	19 September 2013	8 August 2012	6 December 2012	2015
Reference No.	C13/0786/32/MW	NP/DDD/0914/0990,	12/0049/CWMAJM	03/110688	6/2012/0629, 6/2012/0058	0348/15
Material	Dimension stone, aggregates, rock armour	Block stone, flagging, walling and roofing slates for the local market.	Masonry and building stone plus limited walling stone	Sandstone for dimension stone	Building stone	Dimension stone
Type of scheme	Reopening of existing quarry plus new C&D recycling	Extension to existing quarry	Extension to existing quarry	Extension to existing quarry	New (replacement)	Extension to existing quarry

Area ha	4.7ha	Extension 0.82ha	Existing circa 7ha Extension 4.8ha	Existing 4ha Extension 0.7ha		Existing 2.3ha Extension 1ha
Reserves (tonnes)		63,450	225,000	260,000	40,000	200,000
Annual throughput (tonnes)	18,000	4,000	10,000	Up to 5,000	1,000	Up to 10,000 (current 5,500)
Duration (years)		15	22.5	27	40	10
Assessment of scale:	“... small scale extraction from existing quarry in an area where there were no readily available sources of stone and the importation of material would create additional traffic movements.”	Small scale quarry in Bretton Moor	“Gloucestershire MLP recognises that such sites are small with intermittent or low production output so that a long life is crucial for supply.”	Small scale sandstone operation producing dimension stone for heritage and local projects	Not clearly categorised by size but consistent with Small in other examples	Small scale
Officer comments in committee report	Mineral Planning Policy Wales (MPPW) advised that mineral extraction in AONBs should only take place in exceptional circumstances and that was echoed in the unitary development plan. However, the proposal was for small scale extraction from an existing quarry in an area where there were no readily available sources of	Stone from the site had been used to repair historic buildings in the national park, officers advised, including Haddon Hall and the authority recognised that local stone and particularly the roofing slates would contribute to maintaining the distinctive character of the local area. The quarry was the only one in Derbyshire producing grey stone roofing slate. The authority's design guide encouraged the use of	The proposal to permit the extraction of unworked limestone on the site would contribute to the maintenance of a steady supply of material for building in accordance with the NPPF. The greatest limestone resource in Gloucestershire is found in the Cotswold AONB. It is recognised that stone used for building plays an important role in the restoration of historic buildings where the stone has to fulfil specific physical characteristics. The Gloucestershire Minerals Local Plan recognises that such sites are small with intermittent or low production output so that a long life is crucial to supply. Mineral extraction is considered to be a temporary activity, which for development in the AONB needs to	In determining the application the council had regard to the advice in the NPPF, which required local planning authorities to consider how best to meet the need for building stone, taking into account the small-scale nature of this type of operation and the need for a flexible approach reflecting the intermittent or low rate of extraction at many sites. The quarry was in the Forest of Bowland AONB, where mineral development would normally be permitted only in exceptional circumstances, officers advised. However,	The stone was used for roofing stone and building stone to maintain the character and distinctiveness of eight local parishes as well as for a number of ecclesiastical and prestigious buildings over a much larger area. Although the applicant was a relatively small supplier, the council considered that the operation made a useful contribution to	

	<p>stone and the importation of material would create additional traffic movements.</p>	<p>traditional materials for new build also. Given the uniqueness of the product, the authority concluded that there were exceptional circumstances to allow the quarry in the national park. The development would support sustainable economic growth while protecting and enhancing the natural and historic environment. Proposal: Extension of small building stone quarry</p>	<p>satisfy the provisions of Policy E2 of the Mineral Local Plan. 7.31 The need for the building stone is found in the built fabric of the AONB. Cotswold limestone has been quarried for buildings since Roman times and gives the area its distinctive character. The use of compatible stone products is critical for the repair and restoration of historic buildings and for new development within the AONB, avoiding the use of inappropriate materials which would erode the landscape character of the AONB. The limestone from Syreford is of high grade and highly sought after for local development and for the restoration of some nationally important buildings where matching colour and technical characteristics of stone is important where the original source material is no longer available. The quarry's current annual production of around 10,000 tonnes equates to nearly one quarter of the limestone building and roofing stone for the whole of Gloucestershire. This confirms the importance of Syreford stone and its loss would have a substantial impact on the ability to maintain the AONB and Britain's important buildings.</p>	<p>there was a need for the product in the interests of restoring and enhancing the locally distinctive built environment. The development was small scale and would support the rural economy, officers thought.</p>	<p>the local economy and noted that the stone was of national importance. In addition, the long term competitiveness of the industry would benefit by maintaining a variety of sources and suppliers of Purbeck Stone. The site was located four kilometres south-east of Corfe Castle and 3km west of Swanage within the Dorset AONB. There was a long history of stone extraction in the area and of the more recently permitted areas, only one had been operated with any success.</p>	
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Part 2 – Other quarries including aggregates and ball clay

Name	Harden Quarry	Old Kiln Farm, Chieveley	Povington Pit, Dorset	Livox Quarry
Designation	Northumberland National Park	North Wessex Downs AONB	Dorset AONB	Wye Valley AONB
Planning Authority	NNPA	PINS	Dorset CC	Monmouthshire CC
Decision	Approved	Appeal dismissed	Approved	Refused
Date	11 December 2014	6 November 2011	4 th May 2012	21 st May 2013
Reference No.	14 NP0057	11/00233; PINS 2173977	6/2011/0523	DC/2011/00879
Material	Unique red igneous rock, which was exported throughout the UK and abroad. The naturally red granite was particularly suitable for use in road surfaces and was sold under the trademark of "Harden Red"	Building sand	Ball clay	Limestone for aggregates
Type of scheme	Extension to existing quarry	Extension	Extension	
Area ha		20ha	6ha (increasing total area to 12ha)	
Reserves (tonnes)	1 million	760,000	350,000	
Annual throughput (tonnes)	200,000	35,000	45,000	200,000
Duration (years)	6	23	8	
Category	Major development The authority considered the application as a "major development" and against the special qualities of the national park, which were recognised as being a landscape rich in biodiversity and geodiversity, a	Major development	Major development	Not clearly categorised by size but consistent with Major in other examples

	rich cultural heritage, a true sense of tranquillity and a distinctive landscape character.			
Extract or paraphrase from Mineral Planning database but some information also obtained from DCP Online (Development control practice) and from Officer report where stated	<p>At the end of 2013 there were 76.6Mt of crushed rock reserves, giving a landbank of 51 years, well in excess of the recommended 10 year minimum landbank recommended in the NPPF .The guidance also recommended that as far as possible the landbank should be provided from sites outside national parks.</p> <p>However, the authority recognised the special qualities of the resource at Harden quarry in terms of its colour and physical properties. The stone was an important feature in the local environment and it could not easily be substituted for. Nor did it occur in other quarries in the area.</p>	<p>The development plan set out a presumption against the extraction of sharp sand and gravel from the AONB and the inspector also noted the advice in NPPF, published since the refusal of permission, that while great weight should be given to the benefits of mineral extraction, decisions should provide for the maintenance of non-energy mineral landbanks from outside designated areas and that great weight should also be given to conserving landscape in AONBs. Paragraph 116 of the NPPF stated that permission should be refused for major development in designated areas unless exceptional circumstances exist and the development would be in the public interest. The inspector concluded that the mitigation proposed would not be sufficient to prevent the scheme from failing to conserve and enhance the AONB and that the scheme failed to demonstrate any exceptional circumstances. In addition, although the public interest would be served by the provision of minerals, the protection of the landscape was also in the public interest.</p>	<p>Officers advised the council that ball clay was acknowledged as being of national importance in the recently published National Planning Policy Framework (NPPF). However, the NPPF also stated that great weight should be given to conserving landscape and scenic beauty in AONBs and major development should be refused in those areas unless they were in the public interest. The industry directly employed 39 staff locally and in 2010 the company spent £2.4M with local suppliers and contractors. The Creekmoor Clay that would be extracted only occurred within the AONB and it was a key component for blending with other clays from Dorset for the production of tile, refractory and electro-porcelain clay blends.</p>	<p>Limestone had been extracted at the site since 1900 and permission was granted in 1992 for extraction of high grade dolomitic limestone which was used as flux at Llanwern steelworks. This was considered to be in the national interest as the quarry was the only one within economic delivery distance that could meet the specification for steelmaking. However, the steelworks closed some years ago and the quarry had subsequently supplied the general aggregate market. T</p> <p>The quarry was within the Wye Valley AONB and was part of a historic landscape. It lay close to the River Wye, which was subject to various national and European nature conservation designations and several European protected species were known to be present on the site.</p> <p>The council noted that the landbank was adequate and that the high grade reserve at Livox should be protected for a more appropriate use. In addition, there were other quarries within a reasonable distance that could supply the block making works and it was not a land use consideration that those quarries were not in the control of the applicant.</p>

Yennadon - Appendix 5

Minerals Local Plan First Review 1995 -2011 Adopted version (October 2004)

Table 7: Mineral Operations Currently Active in the Dartmoor National Park

Site	Mineral	Main Planning Permissions	Scale of Operation	Notes
Meldon Nr Okehampton	Hornfels	1994	Major	Long-established quarry. Permission given in February 1994 for the consolidation of current permissions for mineral working and ancillary plant and buildings. Comprehensive conditions and S106 Agreement attached.
Linhay Hill Ashburton	Limestone Shale	1988	Major	Long-established quarry. Recent permission with comprehensive conditions and S106 Agreement including phased working drawings.
Lee Moor	China Clay	1972	Major	Area straddles National Park boundary. Main permission given after Public Inquiry, on basis of overriding national need. Section 52 Agreement gives the NPA control over detail.
Merrivale Nr Princetown	Granite	1950	Medium	Long established quarry producing and machining building and ornamental stone. Old permission with inadequate conditions.
Prison Quarry Princetown	Granite	-	Small	Current operation confined to processing imported stone.
Yennadon Nr Dousland	Metamorphic	1990	Small	Long established quarry. Building, walling and ornamental stone. Comprehensive conditions.
Higher Longford Nr Tavistock	Metamorphic	-	Small	Long established operation. Building, walling and ornamental stone. Inadequate conditions.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

28 July 2017

APPEALS

Report of the Acting Head of Planning

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

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

1 Application No: W/17/3175399 District/Borough: West Devon Borough
Appeal Type: Refusal of Full Planning Permission Parish: Burrator
Proposal: Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages
Location: **Wortleigh, Meavy Lane, Yelverton**
Appellant: **Mr M Bishop**

2 Application No: W/17/3174261 District/Borough: West Devon Borough
Appeal Type: Refusal of Full Planning Permission Parish: Dartmoor Forest
Proposal: New open market dwelling
Location: **land to the south west of The Villa, Plymouth Hill, Princetown**
Appellant: **Mr R Finch**

CHRISTOPHER HART