

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 16 March 2018

Present: S Barker, W Cann, A Cooper, G Gribble, P Harper, S Hill, P Hitchins,
M Jeffery, D Moyse, N Oakley, C Pannell, M Retallick, P Sanders, M Simpson,
D Webber, P Woods

Apologies: K Ball, J Christophers, J McInnes

1274 Minutes of the meeting held on 2 February 2018

The minutes of the meeting held on 2 February 2018 were agreed and signed as a correct record.

1275 Declarations of Interest and Contact

Members agreed to declare those interests set out in the matrix of membership of other bodies.

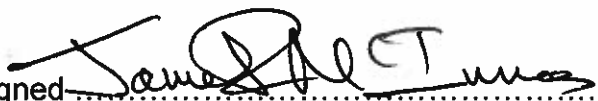
Mr Simpson declared a personal interest, due to being the applicant, in Items 0007/18 – Replacement dwelling, demolition of existing and construction of new garage, and 0008/18 – Change of use and extension of former farmhouse to provide estate officer – Holne Park Farm, Ashburton. He advised that he would leave the meeting room for these items.

Miss Moyse declared a personal interest, having visited the site, in Item 0592/17 – Erection of agricultural worker's dwelling – Eggworthy Farm, Sampford Spiney.

Mr Harper declared a personal interest, as a customer of Airband, in Item 0018/18 – Installation of mobile telecommunications and ancillary equipment involving the erection of 8m high telegraph pole with four consumer antennae and two backhaul radio antennae and associated radio housing and trenching – land to the east of Nattadon Common, Chagford.

Mr Barker declared a personal interest, due to his organisation providing contracts to Airband, in Item 0018/18 – Installation of mobile telecommunications and ancillary equipment involving the erection of 8m high telegraph pole with four consumer antennae and two backhaul radio antennae and associated radio housing and trenching – land to the east of Nattadon Common, Chagford. He advised that he would leave the meeting room for this item.

Mr Sanders declared a personal interest, due to communication with an objector to the application, in Item 0017/18 – Erection of first floor side extension, single storey front porch extension and installation of external wall insulation – 2 Forestry Houses, Bellever, Postbridge.

Signed  Date 6-4-18

1276 Items Requiring Urgent Attention

On behalf of Members the Chairman congratulated Chris Hart on his appointment to Head of Development Management; James Aven as Deputy Head of Development Management and Dan Janota as Head of Forward Planning and Economy.

On behalf of Mr Clarey, Legal Adviser, the Chairman reminded Members that they are not permitted to vote on an item unless they have been present for the whole discussion.

1277 Applications for determination by the Committee

Members received the report of the Acting Head of Planning (NPA/DM/18/010).

Item 1 – 0018/18 – Installation of mobile telecommunications and ancillary equipment involving the erection of 8m high telegraph pole with four consumer antennae and two backhaul radio antennae and associated radio housing and trenching – land to the east of Nattadon Common, Chagford

Mr Barker left the meeting room.

Speaker: Mr M Hewitt, Representative for the Applicant

The Case Officer advised Members that the proposed site located in an agricultural field, south of Chagford and immediately adjacent to Nattadon Common. The site is located on a ridge; the higher portions of the mast would be seen against the skyline. The installation would also be visually prominent from the common. It is considered that the equipment, set in the corner on an undeveloped field, would damage the character of the landscape.

In addition, the proposed development poses archaeological concerns in that it would be only 40m east of the eastern rampart of the Nattadon Hillfort. The monument occupies the summit of the Common and is believed to be of the Iron Age. It is included on the list of Nationally Important Sites held on the Authority's Historic Environment Record. The Officer advised that the siting of the modern infrastructure in such close proximity to the hillfort would have a harmful impact on the historic character of the area. In addition, the trenching required to supply power to the mast would run through an area where there could be buried heritage assets associated with the fort.

Members were advised that officers had carefully weighed up the desire of the community with the primary purposes of protecting the National Park. It was determined that the application did not meet the tests set out under policy numbers DMD5, COR3, COR6 and DMD20; the public benefits would not outweigh the potential harm to the landscape character and setting of the Nattadon Hillfort.

Mr Hewlett advised Members that the proposed site was, in fact, the fifth option that the company had considered; the original location being the roof of Castle Drogo but this was not possible due to the works being undertaken. In addition, the National Trust had withdrawn their permission to site the mast and equipment within the Castle Drogo grounds. A 15m lattice mast was dismissed following discussions

Signed James Aven Date 6-4-18

with planning officers, and a site on South West Water land was rejected as an 18m mast would have been required. The application before Members was the last option open to the company to provide services to the local community. The revised height of the mast, 8m from the originally proposed 12m, is a minimum height possible to enable broadband cover to 66 premises. The mast proposed is a slim line telegraph pole which is a least obtrusive option that the company can deliver. The company has been working with Connecting Devon and Somerset which is part funded by the Government. He assured Members that Airband exhausted every possibility before making this application.

In response to Member queries, Mr Hewlett advised that the proposed mast does not form part of a 'ring'; rather it is an end of line device. The premises to be serviced by this proposal currently receive around 2Mb which is not acceptable for modern living. A lattice mast would not be suitable in the proposed position as it would have to be 15 high. The company would be happy to work with a condition for an archaeological watching brief should permission be granted. The Acting Head of Planning advised that many discussions had taken place with regard to the possible siting of the mast; many possibilities had been considered. He added, following a Member's query, that the equipment to be placed on the mast could be lowered in order that it would be masked by the hedge. The Archaeologist confirmed that no investigative work had been undertaken in the field itself, hence the proposed condition for a watching brief.

Mr Hill commented that reduced height and slim line nature of the proposed mast had, in his view, mitigated the application. He proposed that permission be GRANTED for the benefit of the local community, to ensure the development of the rural area and for future prosperity.

Mr Cooper stated that he was not absolutely convinced that all possible sites had been exhausted and proposed that permission be REFUSED, which was seconded by Mr Gribble.

Mr Harper felt that the Authority has a responsibility to help foster economic wellbeing for the inhabitants of the National Park and this application would greatly assist a community which is already at a significant disadvantage. He seconded Mr Hill's proposal to grant planning permission.

The motion to refuse planning permission was NOT CARRIED.

The Acting Head of Planning recommended the following conditions should permission be granted:

- The development to be begun before the expiration of three years from the date of the permission;
- The mast to be painted to match its surroundings;
- An archaeological brief to be undertaken whilst works take place;
- Removal of the mast and associated equipment upon redundancy;
- To ensure partial screening, the power cabinet on the proposed mast to be situated in a lower position on the mast.

RESOLVED: That, subject to the conditions as stated above, and for the reasons as stated above, permission be GRANTED.

Signed James D. N. James Date 6 - 4 - 18

Mr Barker returned to the meeting room.

Item 2 – 0017/18 – Erection of first floor side extension, single storey front porch extension and installation of external wall insulation – 2 Forestry Houses, Bellever, Postbridge

Speakers: Mrs Churchley, Objector
Mr T Foster, Applicant's Agent

The Case Officer advised Members that the property is a semi-detached house located on the edge of Bellever Forest. It is set into the hillside and is part of a group of houses built in the 1940s to accommodate Forestry Commission plantation workers. The application is for a first floor extension above the existing outshot at the eastern end of the property and the enlargement of the front porch in order to form a bay window into the dining room, with external wall insulation. Amended drawings showing the proposed insulation of the porch only were received 22 February 2018.

Neighbours have raised concerns regarding the side of the extended porch overlooking their garden and windows. However, officers consider that given the nature of the use of a porch refusal could not be sustained for this reason. Five additional letters of objection, including one from the Dartmoor Society, have been received citing loss of symmetry, erosion of character and harm to local landscape character as issues.

The roof pitch of the proposed extension will match the existing property; the windows will be consistent with the size, design and position of those within the main dwelling. Exterior materials will be in keeping with the existing house.

The proposed increase in floor space is within the 30% increase allowed under policy DMD24. Officers consider that the proposals for a subservient extension to the original dwelling are acceptable as the works will not be materially harmful to the other properties within the group.

Mrs Churchley advised Members that she was also speaking on behalf of a number of neighbours, as well as the Dartmoor Preservation Association. She stated that the row of properties are well designed, well built and are a much loved feature of the National Park and indeed a banner for the Authority. The row cascades gently down the hillside and should one property be altered in any way, there would be a complete loss of symmetry and would set a precedent for further applications. The properties can be viewed through 360 degrees; they are symbolic of a different era. She added that the proposed works would result in a loss of privacy and the extension would overbearing. The properties are affordable at the present time; alterations could change this.

In response to Member queries, Mrs Churchley confirmed that so far, extensions to the properties have been single storey, or in the form of a conservatory, both of which would be below hedge height and therefore not visible. The Dartmoor Society has recommended to owners that they seek to have their properties listed; this is something that is to be explored in the future.

Signed James P. Thomas Date 6-4-18

Mr Foster advised Members that as his client's architect, he is responsible for the design of the proposed extension and porch and has been involved in every part of the project to date. An earlier application was dismissed at appeal in 2017 but the Planning Inspector had, he felt, made it clear what would be acceptable. The Inspector had taken fully into consideration the setting of the row of properties within the wider landscape. He added that there had been extensive discussions with officers, covering architectural design, privacy of neighbours etc. He stated that, in his opinion, the application before Members meets the requirements of the officers and the Planning Inspector.

Mr Hitchins proposed that the application be DEFERRED for a site inspection to be undertaken, which was seconded by Miss Moyse.

RESOLVED: That the application be DEFERRED for a site inspection to be undertaken.

Item 3 – 0016/18 – Standalone double garage – Cedar House, Bridford

Speaker: Mr P Gray, Applicant's Agent

The Case Officer advised Members that Cedar House is a large, modern detached dwelling set in substantial grounds and located off the Teign Valley Road. An earlier application for a much taller building was withdrawn; this application is a revised scheme which has been discussed with officers. The proposal is now for a timber structure, with a metal roof, to consist of a single garage and car port, to be situated slightly further away from the main dwelling which will ensure that the site feels less cramped. The Parish Council has expressed concern regarding incremental creep on the site; however, the proposal is small and does not conflict with policy, nor would it harm this part of the National Park.

Mr Gray advised Members that the application had been made following close liaison with officers and was compliant with the Design Guide and policies. The site consists of four acres of land. He added that, in his opinion, the proposal was not unreasonable and would remove unattractive clutter from the land which is currently open to theft.

Ms Woods arrived at the meeting.

In response to Member queries, the Case Officer advised that the Parish Council's reference to 'another' double garage on the site relates to a different building which was used as a holiday let and subsequently granted a Certificate of Lawfulness. This means that there are now two dwellings on the site.

Mr Harper felt that Members should take into account the concerns of Bridford Parish Council as, in his opinion, they were justified. He proposed that permission be REFUSED as the site would be overdeveloped.

The Acting Head of Planning reminded Members that they had to consider the application before them; there are indeed two dwellings on the site but the historical development of the site could not be considered when determining this application. The proposal to refuse planning permission was not seconded.

Signed James R McTear Date 6-4-18

Mr Barker proposed the recommendation, which was seconded by Mr Jeffery.

The motion to grant planning permission was NOT CARRIED.

Mr Harper proposed, for a second time, that permission be REFUSED, on the grounds of cumulative and detrimental impact on the landscape, which was seconded by Mrs Oakley.

RESOLVED: That permission be REFUSED for the reason as stated above.

The Chairman advised Members that Items 4 and 5 would be dealt with in reverse order.

Item 5 – 0007/18 – Replacement dwelling, demolition of existing and construction of new garage – Holne Park Farm, Ashburton

Mr Simpson left the meeting room.

Speaker: Mr B Marmot, Applicant's Agent

The Case Officer reminded Members of an earlier planning application made in 2017 for a replacement dwelling; the application was deferred and a site inspection was undertaken. That application was subsequently withdrawn. The application before Members is for the demolition of part of the farmhouse and the erection of a new dwelling.

The application for the demolition of part of the farmhouse has been made following liaison with the Authority's Building Conservation Officer; it is clear that the farmhouse is in a poor structural condition. The proposed new dwelling is similar in design to the previous application. It meets with policy over design and size. The proposed location of the chimney has changed to ensure that the dwelling will be more in-keeping with design requirements. A new driveway is also proposed for access to the garage. The building would be subservient to the large agricultural buildings which are already on site. There would be a backdrop of trees to the east and side elevation. With regard to the wooden cabin currently on site, it is proposed that this would be used as a site office during construction and would be removed after its completion. The proposed garage would have a large loft to ensure bat mitigation. A Section 106 legal agreement is proposed to ensure one dwelling only on the site.

Mr Marmot advised Members that liaison with officers had taken place with regard to both planning applications. He added that the application met the requirements of design and policy; local ecology had also been taken into account and catered for within the proposals.

In response to a Member query, Mr Marmot advised that the revised proposals for the siting of the new dwelling at right angles to the original proposal was purely to ensure maximum natural light into the building.

Mr Barker proposed the recommendation, which was seconded by Mr Jeffery.

Signed James R. Marmot Date 6/4/18

RESOLVED: That, subject to a Section 106 legal agreement as detailed within the report, and the conditions as set out in the report, permission be GRANTED.

Item 4 – 0008/18 – Change of use and extension of former farmhouse to provide estate offices – Holne Park Farm, Ashburton

Speaker: Mr B Marmot, Applicant's Agent

The Case Officer reminded Members of an earlier planning application made in 2017 for a replacement dwelling; the application was deferred and a site inspection was undertaken. That application was subsequently withdrawn.

Further inspection of the building in question revealed that although the northern end of the farmhouse was in poor condition, the southern end of the dwelling could be retained. This application proposed to change the use of and extend the retained part of the farmhouse to provide estate offices.

The dwelling is considered to be a non-designated heritage asset and appears on the Dartmoor National Park Authority Historic Environment Record. The proposed retention of part of the building is therefore welcomed. Officers feel that the design, size and impact of the proposed extension will result in a lightweight structure, subservient to the original building, which is considered acceptable as it will not harm, but will help to conserve and enhance the historic building.

A Section 106 legal agreement is felt necessary to ensure that the use of the farmhouse for residential purposes is permanently ceased to ensure that only one dwelling will remain on the land.

Mr Marmot advised Members that he was available to answer any queries that Members may have. He confirmed that with regard to possible archaeology on the site a condition for watching brief was proposed.

Mr Hitchins proposed the recommendation, which was seconded by Mr Cann.

RESOLVED: That, subject to a Section 106 legal agreement as detailed within the report, and the conditions as set out in the report, permission be GRANTED.

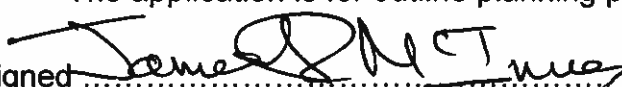
Mr Simpson returned to the meeting.

Item 6 – 0592/17 – Erection of agricultural workers dwelling – Eggworthy Farm, Sampford Spiney

Speaker: Mr B Landick, Applicant

The Case Officer advised Members that, following legal advice, reason 2 for refusal had been deleted.

Eggworthy Farm consists of a 19th century farmhouse, a series of stone buildings and some more recent agricultural buildings, and is located in the Walkham Valley. The application is for outline planning permission to erect a new agricultural

Signed  Date 6 - 4 - 18

worker's dwelling, consisting of two-storeys with three bedrooms and including a farm office. The total floor area would be 90sqm and the building would be cut into the slope of the land.

The application was accompanied by an agricultural appraisal, in which it is clear that the consultant is satisfied that there is a labour requirement in excess of two full time workers; however, the consultant was not convinced of a need for a second worker to be readily available at most times of the day or night. Additionally, there is no evidence that the existing arrangements have resulted in a loss of calves or lambs at specific times of the year.

The Agricultural Consultant has compared the numbers of stock to those considered by an Inspector in a recent appeal decision in the Peak District National Park. Having compared the numbers, the timing and the nature of the stock (non-pedigree and not usually difficult to calve) together with the current limited capacity of the agricultural buildings and the fact that the farm has operated on a similar basis with just one dwelling for many years, he is firmly of the view that the functional test is not met in this case.

Mr Landick advised Members that he has lived at Eggworthy Farm for 46 years, farming 700 acres; his stock currently consists of 2200 sheep and 2400 cattle. He has found the management of the farm and its stock increasingly difficult and feels that it is essential to have his partner on site in order to cover planned and unplanned workloads. The existing traditional agricultural buildings, including one which it is suggested could be converted to living accommodation, are currently in full use and open onto the farmyard. In order to convert one of these buildings he would need to replace it with a modern agricultural building.

Mrs Oakley proposed that the application be DEFERRED in order for a site inspection to be undertaken, which was seconded by Miss Moyse.

The Acting Head of Planning advised Members that this application was for Outline Planning Permission. Members needed to concentrate on the matter of principle – the need for a worker to be on site in a full time capacity. The agricultural consultant's view was that this is not required. Whilst the call for a site inspection is understood, Members were advised that their responsibility was not, at this stage, to look for the best solution regarding the erection of a dwelling on the site, rather to consider the evidence before them as at today's date.

Following discussion regarding the personal circumstances of the applicant and the report of the agricultural consultant, Mr Barker proposed that the application be DEFERRED in order to give Members the opportunity to consider the full report of the agricultural consultant, which was seconded by Mrs Oakley.

The proposal to defer in order for a site inspection to be undertaken was NOT CARRIED.

RESOLVED: That the application be DEFERRED to allow Members to consider the assessment made by the agricultural consultant.

Signed Jamal R. Jones Date 6-4-18

The Acting Head of Planning agreed to distribute the full assessment to all Members prior to the application returning to Development Management Committee on 6 April 2018.

Item 7 – 0004/18 – Construction of open market dwelling – land to the south east of The Manor, Plymouth Road, Horrabridge

Speaker: Mr E Persse, Applicant's Agent

The Case Officer advised Members that the application is for outline planning permission for an open market dwelling within the garden of The Manor. The application site forms part of the residential curtilage but is outside the defined settlement boundary and, therefore, regarded as being in open countryside and an inappropriate location for a new dwelling, in line with policies COR2, COR15 and DMD23. In addition, there are numerous trees growing in and around the site, several of which run along the old railway line which forms the north eastern boundary of the site; these are protected by a Tree Preservation Order (TPO). A tree survey, submitted with the application, has identified that a number of trees would have to be removed to allow the house to be built; this would be contrary to policies COR1, COR3 and DMD7.

Mr Persse advised Members that the application was for outline planning permission, with details regarding layout, design, scale and landscape all reserved. In his opinion, the proposed dwelling would meet Paragraph 55 of the National Planning Policy Framework - sustainable development in rural areas. With regard to the impact on trees, an alternative layout is proposed which would have a limited impact. He added that the Parish Council was in support of the application.

Miss Moyle proposed the recommendation, which was seconded by Mr Hitchins.

RESOLVED: That permission be REFUSED for the reasons as stated in the report.


The Head of Forward Planning and Economy advised Members that he would cover Items 8 and 9 together; Members would, however, be requested to take separate decisions.

Item 8 – 0045/99 – Determination of new operating conditions (Environment Act 1995 – 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP)) – Lee Moor Quarry, Shaugh Prior

and

Item 9 – 0046/99 - Determination of new operating conditions (Environment Act 1995 – 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP)) – Shaugh Lake China Clay Works, Shaugh Moor, Shaugh Prior

The Head of Forward Planning and Economy advised Members that, due to the complexity of the applications and the time lapse, it was felt important to ratify the previous decisions made by Members in 2013.

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The ROMP applications (Review of Minerals Permissions) relate to ongoing operations and help to ensure that the work undertaken and working conditions remain fit for purpose, e.g., in relation to access, transport movements, noise pollution etc.

With regard to the applications before Members, these relate to multiple permissions and straddle the National Park boundary. Works to the south are in the control of Devon County Council.

The extent of the permissions are as follows:

- Area Y - permission to tip;
- Area Z - permission for the extraction of minerals; and
- Area X - permission to tip and extract minerals

The original permissions date from the 1980s; two different operators run the sites. No spoil has been tipped in areas X and Y for the last 20-30 years.

When the ROMP applications came to the Authority in 1999, an environmental statement was required. The statement effectively gave mitigation to continue with extraction for the surrender/removal of areas X, Y and Z. Negotiations for the removal of these areas have been ongoing ever since.

In 2013, Members agreed to give up the 'land bridge' between the two quarries to allow extraction in exchange for the surrender of areas X, Y and Z. This would require the diversion of Bridleway 44 and the removal of the historic monument, Emmett's Post. Scheduled monument consent was granted by Historic England after extensive negotiations. A Diversion Order for Bridleway 44 has been completed, the bridleway now follows the northern edge of Shaugh Lake Quarry.


A 12 month process, completed at the end of 2017, has resulted in a refreshed Environmental Statement. This, along with an agreed set of working conditions, the removal of Emmett's Post and the diverted bridleway effectively means that everything is now in place to move forward. The Section 106 agreement and Modification Order will allow the Authority to delete the planning permission currently in place for areas X, Y and Z.

The Head of Forward Planning and Economy stated that this is a true success story, following years of negotiations – 160 hectares of the National Park can now be protected from minerals development. He reminded Members that they have effectively taken these decisions before. The changes made since then only serve to give Members increased confidence of the outcome.

With regard to Item 8 – 0045/99 – Determination of new operating conditions (Environment Act 1995 – 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP)) – Lee Moor Quarry, Shaugh Prior, Mr Sanders proposed the recommendation, which was seconded by Mr Barker.

RESOLVED: That:

- (i) subject to the conditions as stated in the report and a Section 106 legal agreement not to oppose a Modification Order to permanently

Signed  Date 6-4-18

- remove areas X, Y and Z within Dartmoor National Park from the planning permission area, Members APPROVED the new working conditions; and
- (ii) AGREED that the applicant be advised that the Authority considers that the amended conditions are not such so as to prejudice to an unreasonable degree the economic viability of operating the site of the asset value of the site.

With regard to Item 9 – 0046/99 - Determination of new operating conditions (Environment Act 1995 – ‘Stalled’ Schedule 13 Reviews of Old Mineral Permissions (ROMP)) – Shaugh Lake China Clay Works, Shaugh Moor, Shaugh Prior, Mr Sanders proposed the recommendation, which was seconded by Mr Harper.

RESOLVED: Members AGREED that:

- (i) the new working conditions be approved subject to a legal agreement under s.106 of the Town and Country Planning Act not to oppose a Modification Order to permanently remove areas X, Y and Z within Dartmoor National Park from the planning permission area;
- (ii) the applicant be advised that the Authority considers that the amended conditions are not such so as to prejudice to an unreasonable degree the economic viability of operating the site or the asset value of the site;
- (iii) the Authority writes jointly with Devon County Council to the Secretary of State setting out the importance of the protection of Areas X, Y and Z and the relationship of this protection to the long-intended and permitted merging of the Lee Moor and Shaugh Lake pits.

Mr Gribble left the meeting room.

1278 Monitoring and Enforcement

Members received the report of the Acting Head of Planning (NPA/DM/18/011).

Item 1 – ENF/0171/17 – Unauthorised residential use of mobile home/caravan in a barn – The Kennels, Sampford Spiney, Yelverton

The Case Officer advised Members that in July 2017 a visit to The Kennels confirmed a report of a residential caravan being sited within a barn at the complex, used by a member of the hunt. The site has been used to kennel foxhounds from the Spooners and West Devon Hunt for many years.

The agent for the hunt had requested a delay in any decision in order to allow time for an application for a Certificate of Lawfulness.

In response to Member queries, the Case Officer advised that no responses had been received to his enquiries. Any authorisation of legal action would require a compliance period of no less than six months.

Mr Harper proposed the recommendation, which was seconded by Mr Hitchins.

Signed James ROCT Date 6-4-18

RESOLVED: Members AGREED that the appropriate action be taken to secure the removal of the caravan and the cessation of the unauthorised residential use of the land.

1279 Enforcement Action taken under Delegated Powers

Members received the report of the Acting Head of Planning (NPA/DM/18/012).


RESOLVED: Members NOTED the content of the report.

1280 Appointment of Site Inspection Panel and arrangements for site visits

Site inspection date to be confirmed, regarding:

Application No. 0017/18 – Erection of first floor side extension, single storey front porch extension and installation of external well insulation – 2 Forestry Houses, Bellever, Postbridge

The following Members were appointed to the site inspection panel:
Mr Jeffery, Miss Moyses, Mr Hitchins, Mr Webber

Signed  Date 6-4-18