

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2023

**Applications to be Determined by the Committee**

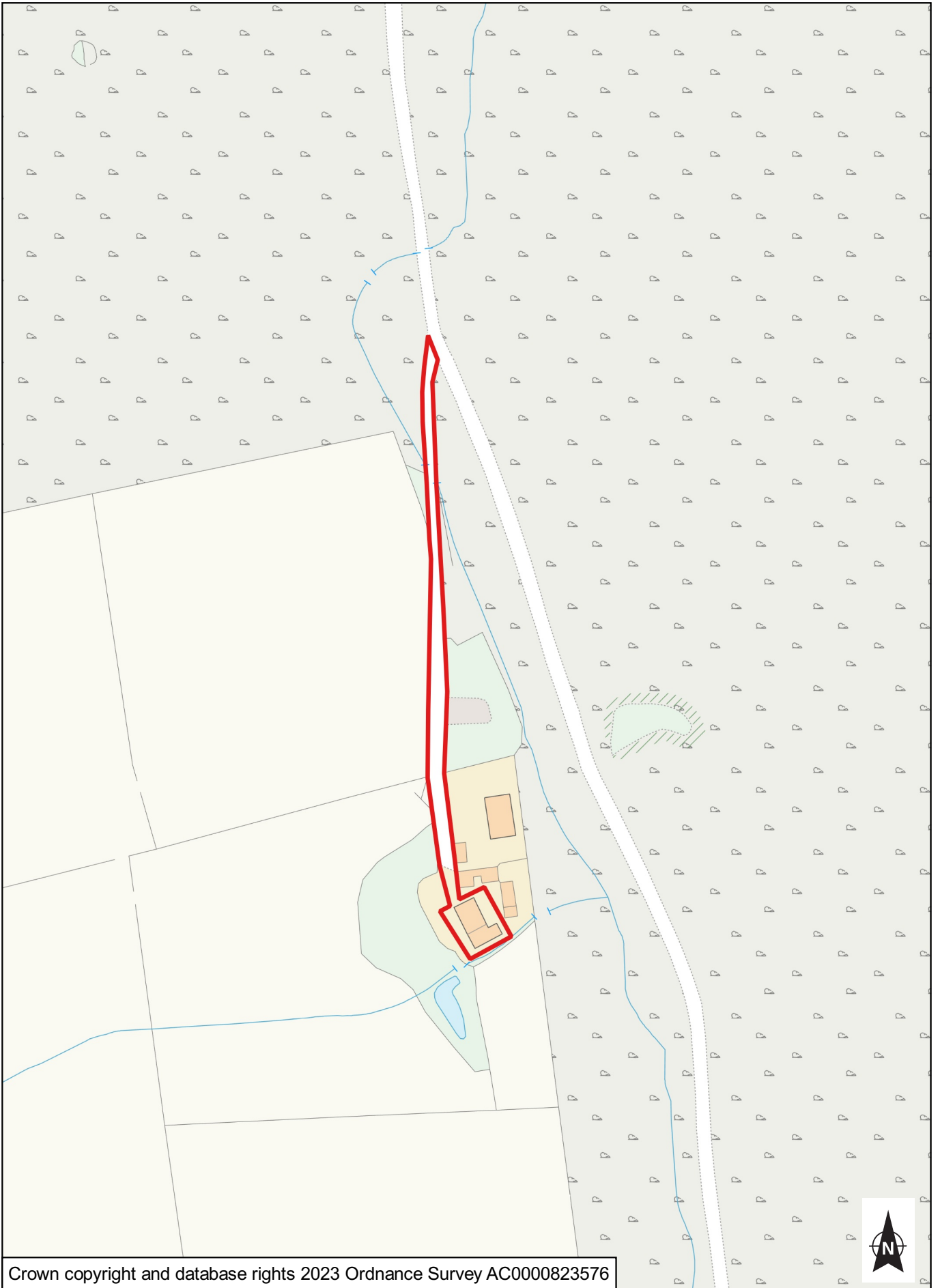
Report of the Head of Development Management

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0413/23

Scale 1:1,555



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## Item 1

Application No: **0413/23** District/Borough: **West Devon**  
Application Type: **Full Planning Permission** Parish: **Dartmoor Forest**  
Grid Ref: Officer: **Nicky Hand**  
Proposal: **Side extension to house a new staircase and rear single storey lean-to extension**  
Location: **Yellowmead Farm, Princetown, Devon, PL20 6SS**  
Applicant: **Mr Patrick Scott**  
Recommendation: **That permission be REFUSED**

### Reasons

1. The proposed extensions, by reason of their additional habitable floor space, their form, size and design, would have a detrimental impact on the character and appearance of the host property. In the absence of any overriding need, justification or public benefit to outweigh the harm, the proposed development would be contrary to policy P3.7 of the Dartmoor Local Plan, the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2023 and the Dartmoor Design Guide.

### **1 Introduction**

- 1.1 Yellowmead Farm is a former working farm located between the B3257 and Foggintor Quarry, approximately 1.5km west of Princetown.
- 1.2 The historic farmstead is considered a non-designated heritage asset featuring on the Historic Environment Record.
- 1.3 The site is accessed along a track from the B road, and is visible from surrounding open access land.
- 1.4 This proposal is to erect two extensions; one rear single storey extension and a two-storey side extension to provide for an external staircase to serve an existing mezzanine floor.
- 1.5 The application is presented to the Committee at the request of Mr Philip Sanders, in view of the impact on the surrounding area.

### **2 Planning History**

- 2.1 0358/20 – Prior Approval - Erection of agricultural building (12x8m) – Prior Approval Granted 9 November 2020  
0033/20 – Full Planning Permission - Siting and connection to services of single

storey shepherd's hut for personal use and short term holiday accommodation –  
Withdrawn 12 March 2020

0225/19 – Full Planning Permission - Erection of single storey rear utility room  
extension including ground source heat pump – Grant conditionally 18 July 2019

0360/13 – Full Planning Permission - Construction of a multi-purpose building to  
provide camping barn holiday accommodation, workshop/ implement store,  
garaging and removal of existing agricultural buildings – Grant Conditionally  
(Committee decision) 6 November 2013

0623/12 – Full Planning Permission - Construction of a multi-purpose building to  
provide holiday accommodation, workshop, garaging and implement store and  
removal of existing agricultural buildings – Refused 11 February 2013

0577/11 – Full Planning Permission - Variation of conditions 5 and 6 (0204/11) to  
allow grey powder coated aluminium window and door frames in the first floor and  
side extension – Grant Conditionally 13 December 2011

0204/11 – Full Planning Permission - Construction of first floor rear extension and  
two-storey side extension and fitting of external insulation and rendering, with new  
slate roof and associated works – Grant conditionally 26 May 2011

3/55/004/97/18 – Prior Notification - Agricultural Building for General Storage  
(9.144m x 6.1m) – No objection 31 January 1997

### **3 Consultations**

- 3.1 West Devon District Council – Did not wish to comment
- 3.2 County EEC Directorate – No highways implications
- 3.3 Environment Agency – Standing advice – Flood Zone 1
- 3.4 DNPA Ecology – Ok subject to conditions

### **4 Parish Council Comments**

- 4.1 *“The Council agreed in principle to support the application as referenced above, subject having sight of the more detailed plans regarding the extensions. Unfortunately, these were not available on the DNPA planning portal prior to the meeting.*

*Subsequent to the meeting the detailed plans have been circulated to Councillors, who have confirmed their support of the application, and recommendation for approval.”*

### **5 Representations**

- 5.1 Seven letters of support. The comments are summarised as follows:

- Extension would make no external difference to the appearance of the house and

the staircase is needed as a point of health & safety.

- No detrimental effect on surrounding area.
- Will enhance the building when finished in matching materials.
- External staircase will give full and safe access to the mezzanine.
- Impossible to see the proposed extensions from walking between Swell Tor and Kings Tor and also from the track to Foggintor Quarry. Only brief glimpse of side extension but would look in keeping with rest of house.
- Current owners have restored the farm beautifully.
- Sympathetic to the history of the building.
- Current 'floating staircase' is dangerous and not fit for purpose.
- With Council's focus on accessibility this should be approved.
- Owner has physical impairment which prevents her using the current staircase to access the mezzanine.
- Mezzanine area is currently virtually unusable for the existing homeowners.
- Small footprint for the proposed stairs would be unjustifiable to refuse.

## **6 Relevant Development Plan Policies**

6.1 Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities.

Strategic Policy 1.2 Sustainable development in Dartmoor National Park.

Strategic Policy 1.3 Spatial Strategy.

Strategic Policy 1.5 Delivering good design.

Strategic Policy 1.6 Sustainable construction

Policy 1.7 Protecting local amenity in Dartmoor National Park.

Strategic Policy 2.1 Protecting the character of Dartmoor's landscape.

Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity.

Strategic Policy 2.3 Biodiversity Net Gain

Strategic Policy 2.7 Conserving and enhancing heritage assets.

Policy 3.7 Residential alterations, extensions and outbuildings

## **7 Proposal**

7.1 This application proposes to erect two extensions to the dwellinghouse; one rear single storey extension to the living area and a two-storey side extension to provide for an external staircase to serve an existing mezzanine floor.

## **8 Policy**

8.1 Local Plan Policy 3.7 relates to residential alterations, extensions and outbuildings.

8.2 It states that residential extensions must not increase the habitable floorspace of the original dwelling (pre 1995) by more than 30%.

8.3 In exceptional circumstances an increase in habitable floorspace which exceeds 30% will be permitted where:

*"a) the original dwelling's size is below technical householder standards, in which case a 30% increase from the applicable technical housing standards will be permitted; or*

b) *a minor increase is necessary to ensure the design conserves and/ or enhances the dwelling's special character*".

## **9 Assessment**

9.1 The property has its origins as a modest farmhouse of simple proportions with a variety associated outbuildings.

It has had the benefit of two recent extensions;

- First floor rear extension and side extension – 2011
- Single storey rear utility room – 2019

9.2 The habitable floor space of the original (pre 1995) farmhouse amounted to 86 sqm. The approved extensions have added a further 33sqm; an increase in habitable floorspace of 38%. (It should be noted that the utility room extension is excluded from this calculation in line with policy 3.8).

9.3 The extensions proposed within this application would add a further 16sqm of habitable floor space. The cumulative impact, alongside the previous extensions amounts to an increase in habitable floorspace of 57% (noting that the previous two-storey extension did not provide head height over 1.8m over the entire mezzanine level). The dwelling meets the requirements of the technical floor space standards.

9.4 On this basis there is clear conflict with Local Plan policy 3.7 part a).

## **10. Design & Access**

10.1 Where there is conflict with habitable floor space requirements, Local Plan policy 3.7 part b) allows for the consideration of '*a minor increase... necessary to ensure the design conserves and/ or enhances the dwelling's special character*'.

### The side extension

10.2 The proposed side extension on the southern aspect is to accommodate a new staircase to serve an existing mezzanine floor within the extension applied to the property in 2011. This new staircase seeks to replace an existing, steep, 'hit & miss' staircase.

10.3 The footprint of the proposed side extension measures 2.75sqm. The proposed height is 5.6m, with a ridge height matching that of the existing dwellinghouse. The projection from the dwellinghouse measures 1.6m. It would be set back from the front elevation of the dwellinghouse and has limited visual impact. Materials are designed to match the existing dwellinghouse; painted render walls, slate roof; grey, aluminium framed window. It is a functional addition that does not fit comfortably with design of the existing extension.

### The rear extension

10.4 The proposed single storey rear extension is designed to allow for increased living room space. The form is a simple lean-to design with dimensions of 3.5m x 4.8m with an eaves height of 2.2m and an overall height of 3.2m. One triple casement window is proposed at ground floor level to the rear, east elevation with two rooflights proposed above. The proposed extension is designed to sit beneath an

existing first floor gable end extension. Materials are designed to match the dwellinghouse in the main; painted rendered walls, grey aluminium window with a zinc roof. A flue is proposed to the extension roof with an exit height of 1.8m.

- 10.5 The key test is whether, as presented, the proposed extensions are a 'minor increase' which 'conserve or enhance' the special character of the dwelling sufficient to allow for deviation from the criteria applied under Locla Plan policy 3.7 (a). The cumulative total of 57% additional habitable floor space and the design and form of the proposed extensions do not conserve or enhance the non-designated heritage asset. The proposed additional extensions would further dilute the simple quality of the former farmhouse.

## 11. Other material planning considerations

### Visual Impact

- 11.1 This is a relatively isolated moorland location. Long range public views are possible from Four Winds car park and the B3257 road. Public views are possible from surrounding access land from the old railway line between Swell Tor and Kings Tor to the south-west, which is approximately 1km away. From here the views are quite distant, and the extensions would be read against the context of the existing buildings. It is in more intimate, close up views where the cumulative impact of existing and proposed extensions would be most obvious.

### Flood Risk

- 11.2 A stream is located approximately 3.5m from the proposed siting of the extension which is not considered to cause any harm, or lead to issues of flooding due to the topography of the land.

### Permitted Development Rights – the fall back position

- 11.3 The dwellinghouse benefits from permitted development rights which may allow for further extension to the rear, eastern aspect of the property. The applicant has presented an argument that a sizeable, single storey extension of 35.25 sqm could be built across the rear of the dwellinghouse under permitted development and that this 'fallback position' should influence a decision on the application as presented.
- 11.4 The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC (1998) EnvLR189*. This established 3 tests; *"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is "yes" a comparison must be made between the proposed development and the fallback use."*
- 11.5 A fallback position can be a material planning consideration. However, there must be a realistic and not just a theoretical prospect of the fallback position being an alternative.
- 11.6 The permitted development fallback position proposed in this application could result in a larger single storey extension across the rear of the dwelling – the aspect which is less visible in wider public views. It would not provide the intended solution to accessing the first floor mezzanine area therefore it is questionable

whether this provides a 'real prospect' to solve the applicant's stated requirements.

#### Accessibility

- 11.7 Part of the justification for the proposed southern extension is to allow for improved access to the first floor mezzanine area. It seeks to replace a 'hit & miss' stair with a turning stair – neither of which are considered most appropriate for those with mobility issues. It is noted that the plans as presented in 2011 and 2019 showed a simple internal I-shaped stair pattern for access to this area. There is therefore no compelling accessibility issue that would override the policy concerns.

## **12 Conclusion**

- 12.1 The proposed extensions, in combination with previous extensions, would significantly exceed the 30% increase in habitable floorspace, contrary to the requirements of Local Plan policy 3.7. The proposed extensions would further erode the character and appearance of the host property, There are no overriding material planning considerations which would lead to an alternative view

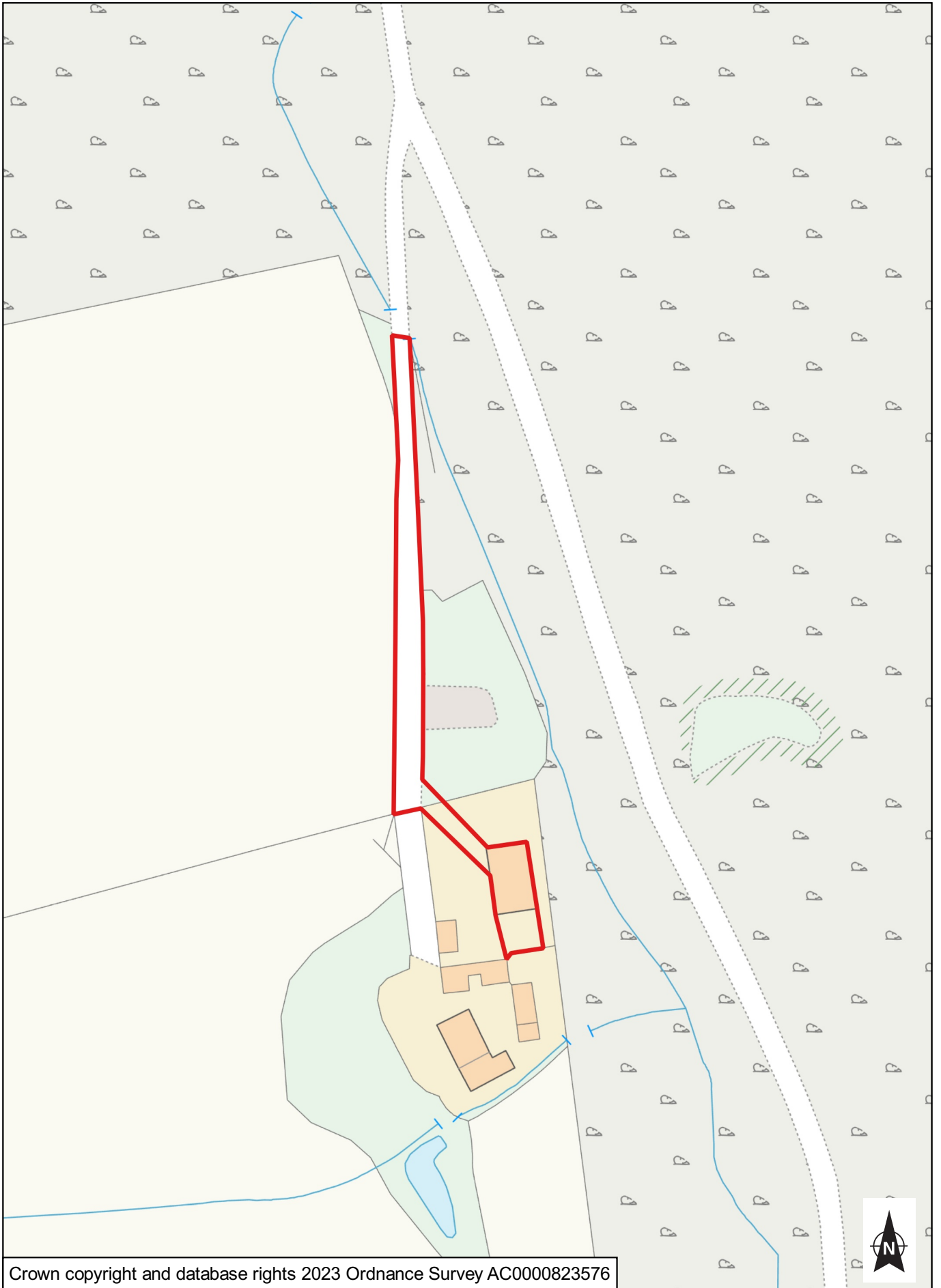
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**CHRISTOPHER HART**



0472/23

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## Item 2

Application No: **0472/23** District/Borough: **West Devon**  
Application Type: **Full Planning Permission** Parish: **Dartmoor Forest**  
Grid Ref: Officer: **Nicky Hand**  
Proposal: **Installation of roof and ground-mounted solar PV panels**  
Location: **Yellowmead Farm, Princetown, Devon, PL20 6SS**  
Applicant: **Mr Patrick Scott**  
Recommendation: **That permission be GRANTED**

### **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out strictly in accordance with drawings numbered 23-1302 D01 REV 5 and 23-1302 D02 REV 5, received 19 October 2023.
3. Notwithstanding the details hereby approved, the photovoltaic panels hereby approved shall be black in finish, with a black outer frame and surround. Thereafter, only photovoltaic panels of the approved design shall be used and maintained on the building. Upon becoming redundant, the photovoltaic panels shall be removed within a period of six months.

### **1 Introduction**

- 1.1 Yellowmead Farm is a former working farm located between the B3257 and Foggintor Quarry, approximately 1.5km west of Princetown.
- 1.2 The historic farmstead is considered a non-designated heritage asset featuring on the Historic Environment Record.
- 1.3 Permitted development rights have been removed from Yellowmead Farm.
- 1.4 The site is accessed along a track from the B road, and is visible from surrounding open access land.
- 1.5 The proposal is for the installation of a ground mounted solar array and roof mounted solar panels to the roof of an existing barn, within the domestic curtilage of the property.
- 1.6 The application is presented to the Committee at the request of Mr Philip Sanders, in view of the impact on the overall setting.

### **2 Planning History**

- 2.1 0358/20 – Prior Approval - Erection of agricultural building (12x8m) – Prior Approval Granted 9 November 2020
- 0033/20 – Full Planning Permission - Siting and connection to services of single storey shepherd's hut for personal use and short term holiday accommodation – Withdrawn 12 March 2020
- 0225/19 – Full Planning Permission - Erection of single storey rear utility room extension including ground source heat pump – Grant conditionally 18 July 2019
- 0360/13 – Full Planning Permission - Construction of a multi-purpose building to provide camping barn holiday accommodation, workshop/ implement store, garaging and removal of existing agricultural buildings – Grant Conditionally (Committee decision) 6 November 2013
- 0623/12 – Full Planning Permission - Construction of a multi-purpose building to provide holiday accommodation, workshop, garaging and implement store and removal of existing agricultural buildings – Refused 11 February 2013
- 0577/11 – Full Planning Permission - Variation of conditions 5 and 6 (0204/11) to allow grey powder coated aluminium window and door frames in the first floor and side extension – Grant Conditionally 13 December 2011
- 0204/11 – Full Planning Permission - Construction of first floor rear extension and two-storey side extension and fitting of external insulation and rendering, with new slate roof and associated works – Grant conditionally 26 May 2011
- 3/55/004/97/18 – Prior Notification - Agricultural Building for General Storage (9.144m x 6.1m) – No objection 31 January 1997

### **3 Consultations**

- 3.1 West Devon District Council – Did not wish to comment
- 3.2 County EEC Directorate – No highways implications
- 3.3 Environment Agency – Standing advice – Flood Zone 1
- 3.4 Dartmoor Forest Parish Council – Did not wish to comment

### **4 Relevant Development Plan Policies**

- 4.1 Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities.  
 Strategic Policy 1.2 Sustainable development in Dartmoor National Park.  
 Strategic Policy 1.3 Spatial Strategy.  
 Strategic Policy 1.5 Delivering good design.  
 Strategic Policy 1.6 Sustainable construction  
 Policy 1.7 Protecting local amenity in Dartmoor National Park.  
 Strategic Policy 2.1 Protecting the character of Dartmoor's landscape.  
 Strategic Policy 2.7 Conserving and enhancing heritage assets.  
 Policy 6.6 Renewable Energy Development

## 5 Observations

### PROPOSAL

- 5.1 This application proposes the installation of a ground mounted solar array consisting of 24 panels, which is proposed to be sited to the south of the existing camping barn, and the installation of 16 roof mounted solar panels to the roof of the camping barn which is located to the north of the dwellinghouse.
- 5.2 Addressing climate change is a priority of delivering sustainable development and is a strategic priority in the NPPF.
- 5.3 The Climate Change Act 2008 establishes a legal framework that underpins the UK's commitment to tackling climate change.
- 5.4 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environment impact is acceptable.
- 5.5 The Government's Vision for National Parks says we should be "*leading the way in adapting to, and mitigating climate change*". (English National Parks and the Broads UK Government Vision and Circular (Defra, 2010).
- 5.6 Dartmoor is not considered an appropriate location for large scale energy development aimed at power generation, however, it is acknowledged that it does have the potential to contribute to the reduction in energy demand, and the supply of renewable energy at a household or community level.

### KEY POLICY CONSIDERATIONS

#### National Planning Policy Framework (NPPF) 2021

- 5.7 Paragraph 158 of the NPPF states that:

*"When determining planning applications for renewable and low carbon development, local planning authorities should:*

*(a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;*

*(b) approve the application if its impacts are (or can be made) acceptable..."*

- 5.8 The National Planning Policy Framework (NPPF) states that great weight should be given to conserving the landscape and scenic beauty, cultural heritage and wildlife of ational Parks which have the highest status of protection.

#### Dartmoor Local Plan

The importance of delivering these Park purposes is reiterated in the objectives of Dartmoor Local Plan strategic policy 1.1, which states that Development will be permitted that furthers, and does not prejudice, the statutory National Park purposes of:

- a) Conserving and enhancing the natural beauty, wildlife and cultural heritage of the area; and
- b) Promoting opportunities for the understanding and enjoyment of the Special qualities of the National Park by the public.

5.9 The strategy for the Local Plan is founded upon delivering the development required to meet the needs of the National Park and its communities, sustaining them as vibrant and viable places to live and work, whilst also ensuring Dartmoor's Special Qualities are conserved and enhanced.

5.10 Policy 6.6 sets the criteria for assessing proposals for renewable energy in the National Park. It states that:

*“Renewable energy development will be encouraged where it does not harm the National Park's Special Qualities including;*

*a) landscape character, taking into consideration the cumulative impact with other development;*

*b) biodiversity, geodiversity, and heritage significance;*

*c) tranquility, dark night skies and residential amenity, taking into consideration noise, lighting, movement, odour and vibration;*

**and**

*d) air, soil and water quality.*

5.11 Paragraph 6.3.5 of policy 6.6, explains that a number of domestic renewable proposals fall within the remit of permitted development (e.g solar panels, air source/ ground source heat pumps). This is as a result of them being unlikely to have an impact on the National Park's Special Qualities.

## **6. Assessment**

6.1 The farmstead comprises of the farmhouse, stable outbuildings to the rear and side of the farmhouse, a barn to the north of the farmhouse (within the domestic curtilage) which houses garaging and stores at ground floor level with a first floor level holiday let above, and an agricultural barn (B) located to the south of the dwellinghouse.

6.2 The proposal is designed to serve the domestic dwellinghouse and adjoining holiday let barn in the main, although a small percentage of the electricity generated would be used for lighting and power in the agricultural barn located to the south of the dwellinghouse.

6.3 The farm holding amounts to 15 acres of pasture which is used for sheep grazing. The numbers of sheep vary throughout the year from 0 – 150. The land is covered by two Countryside Stewardship Schemes restricting the use of the land to grazing with low inputs. The farm also has grazing rights on Walkhampton Common.

6.4 The applicants are currently in the middle of implementing a grant funded hedge planting and fencing scheme, with 4,800 trees to plant before the end of December.

- 6.5 The existing agricultural barn (B) is used for storage and maintenance of farm equipment, including a tractor and implements for grassland management, fence and ditch management. There is no feed in the store currently due to restrictions under the Countryside Stewardship Scheme.
- 6.6 The proposed panels represent the minimum requirement to meet the electricity needs. The number of panels required is higher than a typical domestic system for a similar sized property, because electricity would be the sole fuel, used for heating and hot water, where gas or oil is often used in more suburban settings.
- 6.7 The applicants also want to ensure there is sufficient electricity generated for their transition to electric cars.
- 6.8 The panels will be linked to the National Grid. It is proposed to export electricity to the grid, save for load balancing, which is typical of all domestic on-grid solar systems.

#### Standalone array

- 6.9 The standalone solar array of 24 panels is proposed to be sited within what is considered the least obtrusive site, positioned between the existing stable building and the southern end of the holiday let barn, against the backdrop of the existing stone wall.
- 6.10 The dimensions of the standalone array measure approximately 6m x 6.8m and would be mounted on a timber frame which would be angled in a southerly direction at a maximum height of 2.1m.
- 6.11 The proposed panels are Q Cells which are a black panel with black outer frame, and use anti-reflective technology.
- 6.12 The standalone array would be largely screened by the existing stone wall, which runs along the east of the boundary in an elevated position. The wall is considered to provide some level of screening from the public footpath which runs in an elevated position to the east of the boundary thus reducing any public amenity harm.
- 6.13 The standalone array would be viewed against the backdrop of existing buildings; holiday let barn, stables and dwellinghouse and would be appropriately clustered.
- 6.14 Any landscape harm is minimised due to the fact there are existing buildings surrounding the small proposed site for the array.
- 6.15 The site was considered the best location at the time of the officer site visit due to it being relatively flat, positioned between existing buildings, bounded by an existing stone wall on the public footpath side, and could face true south to maximise efficiency.
- 6.16 The positioning of the solar array in this location is also considered to have the least harm on the non-designated heritage asset.

#### Solar panels to roof of barn

- 6.17 The 16 panels proposed to the roof of the holiday let barn are considered acceptable in terms of utilising the roof slope of an existing building.

- 6.18 The barn is located within the domestic curtilage of the dwellinghouse.
- 6.19 The barn has a west facing roof slope. The applicant was questioned about whether this was the correct positioning to optimise solar gain and he explained that the west facing roof on the barn is the largest expanse of roof within the domestic curtilage and can accommodate 16 panels which will meet over one third of the total requirement. It is open to the sun through most of the day and whilst not as productive as a south-facing roof, will still be perfectly viable. East facing roofs are less suitable as they are shaded from the morning sun by the rising ground to the east towards North Hessary Tor. North facing roofs will be shaded for a large part of the day in winter and are generally unsuitable.
- 6.20 The other roofs within the curtilage are either small in usable area, north facing or shaded by adjoining buildings, trees or hedges. For reasons of practicality and minimising landscape impact, the applicant wanted to avoid having lots of individual panels, or small numbers of them, spread across every roof.
- 6.21 The south-facing aspect of the ground-mounting is the optimum for power generation, and by keeping all the panels on the roof and on the ground in the same tight area was considered to have the least impact.
- 6.22 The existing agricultural barn (B) also has a west facing roof slope, however, the thick tree cover from the screening belt prevents solar gain, and if the trees were to be removed, this could lead to a negative landscape impact.
- 6.23 The farmstead is a domestic setting, albeit in an area of open countryside. It would not be uncommon to see solar panels on the roof of a domestic building in the present day. In fact, all modern new build houses must demonstrate an ability to be self-sufficient in energy production. It will soon be uncommon to see a roof without solar panels.
- 6.24 As stated before, the panels selected are Q Cells, which are black with black outer frames and use anti-reflection technology. A condition will be included to ensure that all panels are removed once no longer required.

## **7 Conclusion**

- 7.1 The delivery of this scheme would secure a low carbon alternative to the energy infrastructure for the farmstead aligned with the Climate Change emergency.
- 7.2 Local environmental impact is unavoidable in such a visually obvious location, however, visual impact is mitigated through the siting of the standalone panels within the context of existing buildings, and the proposed solar array being on the roof of an existing barn building and the use of non-reflective, black solar panels.
- 7.3 The development is of a scale and form that respects its location and uses high-quality materials that will be a positive addition to this part of the farmstead in terms of increasing sustainability in this remote location.
- 7.4 The development is not considered to harm local amenity, and ensures the non-designated heritage asset is conserved in the appropriate manner.

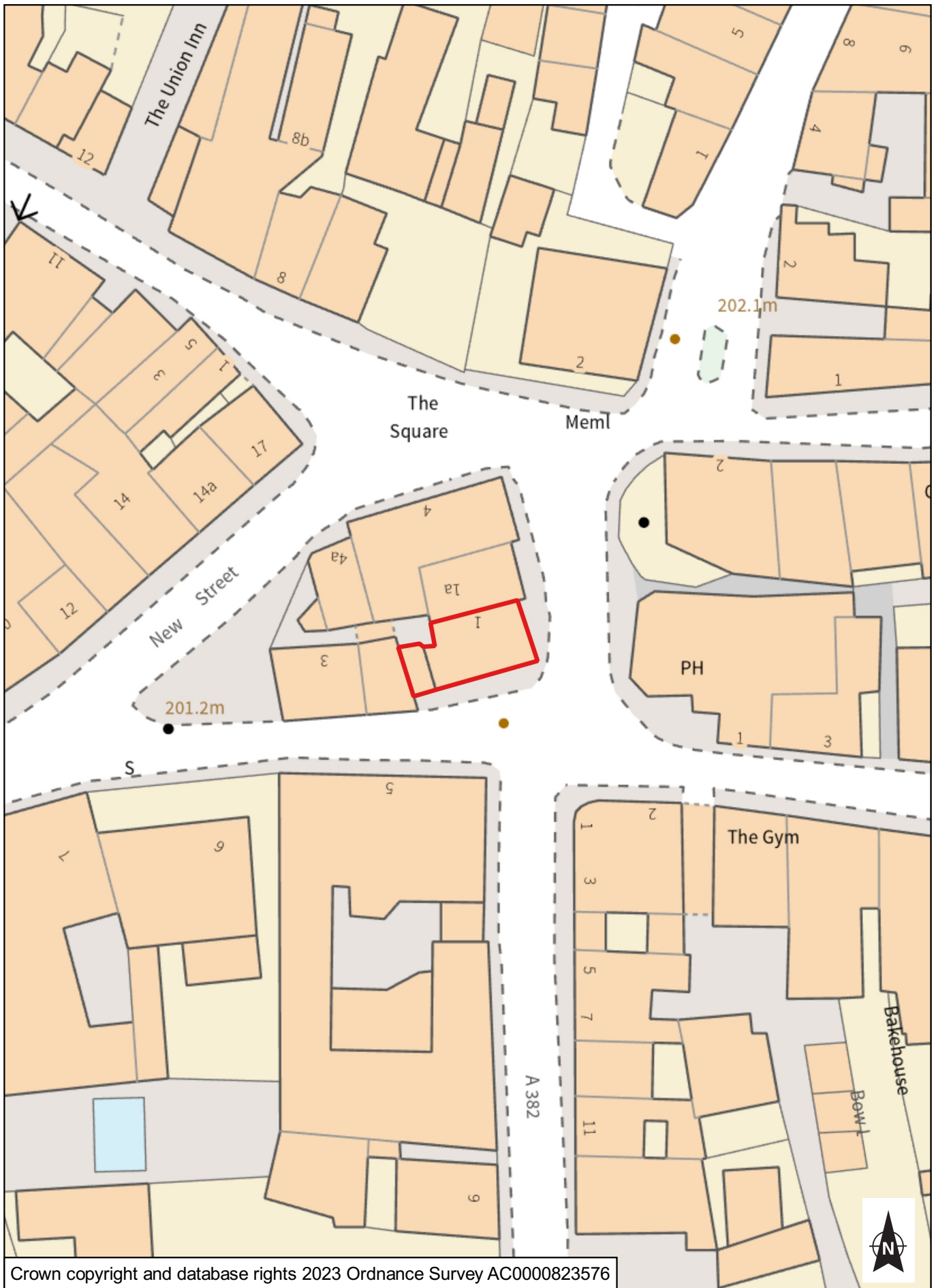




# 0433/23 - 1 The Square, Moretonhampstead



Scale 1:500



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Item 3

Application no: **0433/23** District: **Teignbridge District Council**

Application type: **Listed Building Consent** Parish: **Moretonhampstead**

Grid Ref: **SX 7534 6062** Officer: **Clare Vint**

Proposal: **Replacement Render (retrospective)**

Location: **1 The Square, Moretonhampstead, Newton Abbot, TQ13 8NF**

Applicant: **Mr D Leach**

Recommendation: **That listed building consent be GRANTED**

**Condition(s)**

1. The development hereby permitted shall be carried out strictly in accordance with the approved drawing(s):

Location Plan – ref PP-12393973v1 received (29-08-2023)

South Elevation - Existing & Proposed – ref 1 received (24-09-2023)

North Elevation - Existing & Proposed – ref 3 received (24-09-2023)

East Elevation - Existing & Proposed – ref 2 received (24-09-2023).

2. The external render of the building shall be maintained as lime render.

**1 Introduction**

- 1.1 No. 1 The Square, Moretonhampstead is a two-storey terraced property located within the Conservation Area. The property is Grade II listed.

- 1.2 The retrospective proposal is for the replacement external render.

- 1.3 This application is being presented to committee as the Applicant is a member of staff.

**2 Planning History**

- 2.1 No relevant planning history

**3 Consultations**

- 3.1 Environment Agency Flood Zone 1 – Standing advice applies.

- 3.2 DCC Highways No Highways Implications

3.3 Teignbridge District Council No comments received to date.

#### **4 Parish/Town council comments**

4.1 Moretonhampstead Parish Council - Supports the application and considers the proposal preserves and enhances the character of the building.

#### **5 Relevant Planning Policy**

5.1 National Park Circular 2010  
National Planning Policy Framework 2023  
Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities  
Strategic Policy 1.2 Sustainable development in Dartmoor National Park  
Strategic Policy 1.5 Delivering good design  
Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity  
Strategic Policy 2.3 Biodiversity Net Gain  
Strategic Policy 2.7 Conserving and enhancing heritage assets  
Policy 3.7 Residential alterations, extensions and outbuildings

#### **6 Representations**

6.1 None received to date.

#### **7 Observations**

##### THE SITE

- 7.1 The application site is located within the centre of Moretonhampstead, the dwelling is a two-storey, terraced property.
- 7.2 The property is grade II listed, with group value, jointly with No. 1A, for its special architectural or historic interest. The listed building is a designated heritage asset.
- 7.3 The building is shown on the 1840 Tithe Map.No. 1 The Square lies within the Moretonhampstead Conservation Area. The Conservation Area Character Appraisal was adopted in June 2017 and updated in September 2023 (no change). The Conservation Area is a designated heritage asset.
- 7.4 The List Description for No. 1 (19<sup>th</sup> century, south range) and 1A (early 17<sup>th</sup> century, north range), reference 1097188:

*“House with shop premises. Circa early C17, remodelled and extended in mid C19. All stuccoed. The early C17 range to north is said to be timber framed, mid C19 range to south probably stone rubble. Asbestos slate roofs. The original north range with gabled end to road with bargeboards. The mid C19 part hipped with overhanging eaves. Granite lateral stack on north (right) side of C17 range, with brick shaft. The early C17 building was probably a 2-room or deeper*

*plan with gable end to street and lateral stack to right (north). It seems to have been extended or rebuilt at front and now has a Victorian shop in the front room in use as a butcher's shop. Mid C19 exterior to left (south) of 2 room and carriageway plan with central entrance to front which faces south. The carriageway leads to back yard. Early C17 part facing east is 2 storeys and basement; one bay gabled front. Ground floor and C19 double-fronted shop with later plate glass windows and moulded cornice, flush panel double doors to right of centre with rectangular fanlight above. One C19 8-pane sash above. Set back to left at lower ground level is side of mid C19 extension which faces street to south. Lower 2 storey, 1:2 window range. C19 sashes with horizontal glazing bars only. Doorway to right of centre with heavy moulded cornice over lintel, C20 glazed door with rectangular fanlight. Carriageway to left with concealed straight lintel and boarded door. Interior: remodelled in C19 and with C20 alterations but original stack has small fireplace on second floor formerly heating rear room but now facing stairs. It has an ovolo moulded wooden lintel, with bar, hollow and notch stop. As well as its early C17 fabric the building has a largely unaltered mid C19 exterior which makes a valuable contribution to this prominent central situation in Moretonhampstead."*

7.5 The building was listed on 4 February 1987, with the render intact, given the 19<sup>th</sup> century date of the building is likely that the render is either the original, or historic dating to before the middle of the 20<sup>th</sup> century. The building was also listed with some 20<sup>th</sup> century windows. Both the render and the windows form part of the fabric of the building at the time of listing.

7.6 For the purpose of this application, No. 1 lies within the setting of No. 1A, No. 2 (Moreton hotel and railings), No. 3, No. 4 No. 5 (White Hart) and No. 6 (Homelands), The Square, Moretonhampstead war memorial, the Bowring Library, and 2 (Geneva Cottage) Lime Street all listed grade II (names as set out in the list description). With the exception of No. 1A, these building will be referred to as "group of designated heritage assets".

7.7 The application seeks retrospective listed building consent to replace the cementitious smooth lined out render with a lime based rough finished unlined render.

## **POLICY**

7.8 Strategic Policy 2.7 (SP2.7) Conserving and enhancing heritage assets states that

*"1. All development must conserve and/or enhance heritage assets and their settings. Great wight must be given to the conservation of designated heritage assets. All proposals should avoid harming an asset's significance, and where harm is justified, it should be minimised."*

*"3. The...alteration of heritage assets including development in their settings, will be permitted only where:*

- a) *For designated heritage assets, any harm to significance is less than substantial, justified and clearly outweighed by the development's public benefits...*"
- 7.9 The list description states that 1 and 1A are *"largely unaltered mid C19 exterior which makes a valuable contribution to this prominent central situation in Moretonhampstead"*. This includes the shopfront at 1A.
- 7.10 Early cement type mortars as an elevation treatment replicated ashlar stone in the Georgian period and became a popular treatment of Victorian buildings giving a "smart" appearance to buildings which were constructed of cheaper materials. These cementitious mortars provide a barrier to water ingress to the exterior of a building, keeping it dry. However, overtime these renders crack, sometimes on a micro-crystalline basis, sometimes as a result of movement, other times as a result of lack of maintenance such as gutters and window cills, allowing water to get into a building but not to escape, leading to further damage to a building's fabric.
- 7.11 The applicant advises that the render has led to damp in the building, and proposes a breathable lime render as a replacement. The lime render is a suitable replacement in many cases, here the render will cause a change in appearance and cause "less than substantial harm" to the significance (or importance) of the architectural and historic interest of the building and that of the setting of No. 1A with which it is listed. The harm caused to the significance of the setting of No. 1A is low.
- 7.12 There is no harm to the significance of the Conservation Area or to the group of designated heritage assets. Much of the detail of the render not being visible to the naked eye at distance.
- 7.13 Where harm is caused to a designated heritage asset, this needs to be firstly clear and convincingly justified and secondly, this needs to be balanced by the public benefit of a proposal when weighing up the decision on such a proposal. In this case, the condition of the cement render and impact on the overall condition of the building would justify its removal. Full justification of the change in materials and design has not been clearly set out, the works having already commenced; however, on the basis that replacing one waterproof render with another will not lead to the building drying out, and the roadside location of the property (lack of other options) mean that the introduction of a lime base mortar is an alternative material which is acceptable.
- 7.14 The change from smooth lined out render with very square edges to a non-lined out render with curved edges is, on balance acceptable. Moretonhampstead Parish Council supports the application and has not raised the appearance of the render as executed to be a problem. There are no objections to the proposal to date.

- 7.15 Turning to the public benefit. Were the render not replaced on the building then the condition of the building would likely further deteriorate with additional ingress of moisture. Although the building will take time to dry to an acceptable level of internal moisture, it should over time ensure that the building can breathe maintaining the building in good condition. This will maintain the nationally important building into the future, without significant alteration, a public benefit.
- 7.16 On balance the proposal complies with the requirements of SP2.7.
- 7.17 A condition to maintain the lime render will be placed on the consent.

#### ADDITIONAL COMMENTS

- 7.18 The retrospective proposal does not impact on biodiversity. No biodiversity net gain enhancement is required.

### **8 Conclusion**

- 8.1 The harm caused to the significance of the designated heritage asset (No. 1) and the significance of the setting of the neighbouring designated heritage asset (No. 1A) is outweighed on balance by the public benefit of the works.

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**CHRISTOPHER HART**

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2023

**Monitoring and Enforcement**

Report of the Head of Development Management

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1.	ENF/0089/21 - Unauthorised use of part of an agricultural building as a dwellinghouse – Land at Black Street Field, South Tawton	

# Dartmoor National Park Authority

Enforcement Case 0089/21



Scale 1:3,000

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23/11/2021



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Item No. 1

Enforcement Code : **ENF/0089/21** District/Borough : **West Devon District**

Grid Ref : **SX 65697 4428** Parish : **South Tawton**

Officer : **Chris Booty**

Description : **Unauthorised use of part of an agricultural building as a dwellinghouse**

Location : **Land at Black Street Field, South Tawton, aka Black Street Farm**

Recommendation : **That the appropriate legal action be authorised to secure the cessation of the use of the building as a dwellinghouse.**

### **1. Planning History (Enforcements)**

ENF/0256/16 Unauthorised field shelters/stables

ENF/0079/08 Construction of large earth banks, hardcore track, and hard standing.

### **2. Relevant Policies**

Dartmoor Local Plan 2018-2036:

SP1.1 National Park purposes and Special Qualities

SP1.2 Sustainable Development in Dartmoor National Park

SP1.3 Spatial Strategy

SP1.5 Design

SP2.1 Protecting the character of Dartmoor's landscape

SP2.6 Tranquility and dark night skies

SP3.1 Housing Need in Dartmoor National Park

SP3.5 Housing in Villages and Hamlets

The National Planning Policy Framework 2023.

English National Parks and the Broads UK Government Vision and Circular 2010

### **3. Observations**

THE SITE

- 3.1 The land in question is situated to the east of the village of South Tawton, along an unclassified road just before one reaches the River Taw and is partially located within Flood Risk Zone 2. The agricultural building was approved by planning permission ref.0752/07 on 20<sup>th</sup> November 2007, the applicant is still the current owner.
- 3.2 The building is divided in two. The southeastern half is used for the storage of bee keeping equipment. There is no door or access from this part of the building to the other part.

- 3.3 The northwestern half of the building is accessed through a half glazed domestic front door that opens straight into a room with a sofa, other domestic furnishings, and a wood burner. Stairs lead from this room to the first floor. There is also a door that leads to a utility room containing domestic appliances, and a cupboard which houses the fuse box and wireless router for the internet. The utility room leads to a kitchen which then leads onto a room with a shower, toilet and handbasin. There are no windows on the ground floor and there is no other doorway than the front door. On the first floor, the stairs lead to a room with another sofa and other domestic items; this then leads onto a bedroom. These rooms have roof light type windows, none of which open, and are the ones which were installed when the building was first built.
- 3.4 Outside the building to the right is an area with a temporary tent type garage, garden furniture and an underground sewage plant, situated some distance away from the building.

#### RELEVANT PLANNING HISTORY

- 3.5 Planning permission ref.0752/07 was granted on 20<sup>th</sup> November 2007 for an open-fronted tractor shed, cut into a sloping field with hedge on three sides.
- 3.6 Certificate of Lawfulness application ref.0577/21 for “Change of use of part of a building to a dwelling” – not issued.
- 3.7 Retrospective application for full planning permission ref.0217/23 - Change of use of part of an existing building to form a dwelling – refused.
- 3.8 Appeal against refusal of 0217/23 – ref. APP/J9497/W/23/3326583 – The Authority has been notified of the appeal but at the time of writing this report no start date has been received. The Planning Inspectorate has the ability to link appeals for the same site so there is no procedural detriment to the landowner if formal enforcement action is approved and initiated prior to the determination of the appeal.

#### THE BREACH OF PLANNING CONTROL

- 3.9 On 21 July 2021, the Authority received a report alleging unauthorised residential occupancy of an agricultural building.
- 3.10 On 22 July 2021 the reporting officer carried out an unannounced site visit. He was unable to see into building.
- 3.11 On 28 July 2021 the reporting officer spoke to the landowner by telephone. The owner claimed to have been living in the building for 5 years.
- 3.12 On 17 August 2021 the reporting officer met the landowner on site and was shown inside the building. The owner claimed that the building was split in two and the works finished around Christmas 2016 and that he moved in in January 2017.
- 3.13 Further investigations were carried out which led the reporting officer to conclude that this was a case of deliberate concealment of a breach of planning control.

Legal advice was taken and an application was subsequently made for a Planning Enforcement Order.

- 3.14 Planning Enforcement Orders can only be made where the developer has deliberately concealed the unauthorised development. In these circumstances, evidence that the developer has taken positive steps to conceal the unauthorised development, rather than merely refraining from informing the local planning authority about it, will be required.
- 3.15 It is expected that planning enforcement orders will be focused on the worst cases of concealment.
- 3.16 The effect of a planning enforcement order is that the local planning authority will be able to take enforcement action against the apparent breach of planning control or any of the matters constituting the apparent breach during the “enforcement year”. This means that once the “enforcement year” has begun, the local planning authority can at any time during that year, take enforcement action in respect of the apparent breach of planning control or any of the matters constituting that breach.
- 3.17 The “enforcement year” does not begin until the end of 22 days starting with the day on which the court’s decision to make the order is given, or when any appeal against the order has been finally dismissed, or the appeal withdrawn.
- 3.18 On 15 June 2022, Deputy District Judge Hine sitting at Exeter Magistrates’ Court made a planning enforcement order (PEO) pursuant to S171BC (1) Town & Country Planning Act 1990 in respect of land at Black Street Farm, South Tawton, Okehampton.
- 3.19 On 16 February 2023, The Honourable Mr Justice Swift dismissed appeal by way of case stated by the landowner. The PEO will expire on 10 March 2024.
- 3.20 On 10 July 2023, planning application ref. 0217/23 for a retrospective change of use of part of an existing agricultural building to form a dwelling was refused.
- 3.21 The reasons for refusal of 0217/23 are as follows:
  1. The proposed dwelling would be created through conversion and adaptation of a building which is not of a form, structure and history that is traditional within the context of Dartmoor’s built heritage and on a site which is neither considered to be within or adjoining the settlement of South Tawton, or any other identified settlement. The proposed development would therefore conflict with sustainable development and strategic housing policies set out in SP1.1, SP1.2, SP1.3, SP3.1 and SP3.5 of the Dartmoor Local Plan, the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2021.
  2. The proposed development would introduce a permanent residential use of land in the open countryside with no overriding justification. Such a use would lead to a dilution of the character and appearance of this part of the National Park and would have a negative impact on the tranquillity of the area, contrary to policies SP1.1, SP1.2, SP1.3, SP1.5 and SP2.6 of the Dartmoor Local 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 2021.

- 3.22 It is therefore now considered expedient to seek authorisation for appropriate enforcement action.

#### ENFORCEMENT CONSIDERATIONS

- 3.23 On 29 August 2023 the owner's agent emailed the reporting officer and requested that consideration be given to a personal permission based on the unusual personal circumstances of one of the occupants. As retrospective planning application 0217/23 has already been determined and refused on 10 July 2023, the most appropriate way to consider the grant of a personal permission would be by the Planning Inspectorate through the appeal process.

#### THE HUMAN RIGHTS ACT 1998

- 3.24 The Human Rights Act 1998 makes it unlawful for the Authority to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. In arriving at its recommendation to take enforcement action, careful consideration has been given to the rights set out in the European Convention of Human Rights, including Article 6 (right to a fair trial), Article 8 (right to respect for private family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first protocol (the right to peaceful enjoyment of possessions). It is considered that where there is an interference with the rights of the recipient of an enforcement notice, such interference is considered necessary for the protection of the environment and the rights and freedoms of others. It is also considered that such action is proportional to the legitimate aim and in the public interest.
- 3.25 It is understood that the land is in residential use. As such, the courts will view any decision to take enforcement action as engaging the occupiers' rights under Article 8 and Protocol 1 Article 1. The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".
- 3.26 The courts have held that provided a balanced and proportionate approach is taken, having regard to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.
- 3.27 Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.
- 3.28 Members are therefore advised that enforcement action would be:
- (i) in accordance with law – s.178(1) T&CPA 1990
  - (ii) in pursuance of a legitimate aim – the upholding of planning law and in

- particular the Development Plan policies restricting development in the open countryside of the National Park
- (iii) proportionate to the harm and therefore not incompatible with the Human Rights Act.

#### EQUALITY ACT 2010

- 3.29 In making its decision the Authority must also have regard to its Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010.
- 3.30 In assessing what action to take when a development has been carried out within planning permission, the PSED requires “due regard” to be given to the need (in discharging its functions):
- (i) to eliminate unlawful discrimination, harassment and victimisation;
  - (ii) to advance equality of opportunity between people who share a protected characteristic and those people who don't share it; and
  - (iii) to foster good relations between people who share a protected characteristic and those who do not.
- 3.31 The second and third requirements refer to protected characteristics. These are: age, disability, gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 3.32 The PSED must be considered as a relevant factor when considering its decision, but it **does not impose a duty to achieve the outcomes in s.149**. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:
- the importance of the decision and the severity of the impact on the Authority's ability to meet its PSED, and
  - the likelihood of discriminatory effect or that it could eliminate existing discrimination.
- 3.33 The Authority should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact.
- 3.34 Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Authority is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.
- 3.35 The Authority's public sector equality duty is one of a number of material considerations that has been weighed by the officers in making the decision to take enforcement action.

## **SENSITIVE INFORMATION**

- 3.36 In this case, one of the occupiers has disclosed sensitive information which needs to be assessed. A separate report will be presented and considered under Part 2 of the Development Management Committee meeting.

### **OPENESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

- 3.37 In making this report, I have taken into account the provisions of the Openness of Local Government Bodies Regulations 2014 in respect of officer decisions, in particular Regulations 7 and 8 concerning the recording of this delegated decision-making function.

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CHRISTOPHER HART