



NPA/DM/25/005

Dartmoor National Park Authority  
Development Management Committee

7 March 2025

**Applications to be Determined by the Committee**

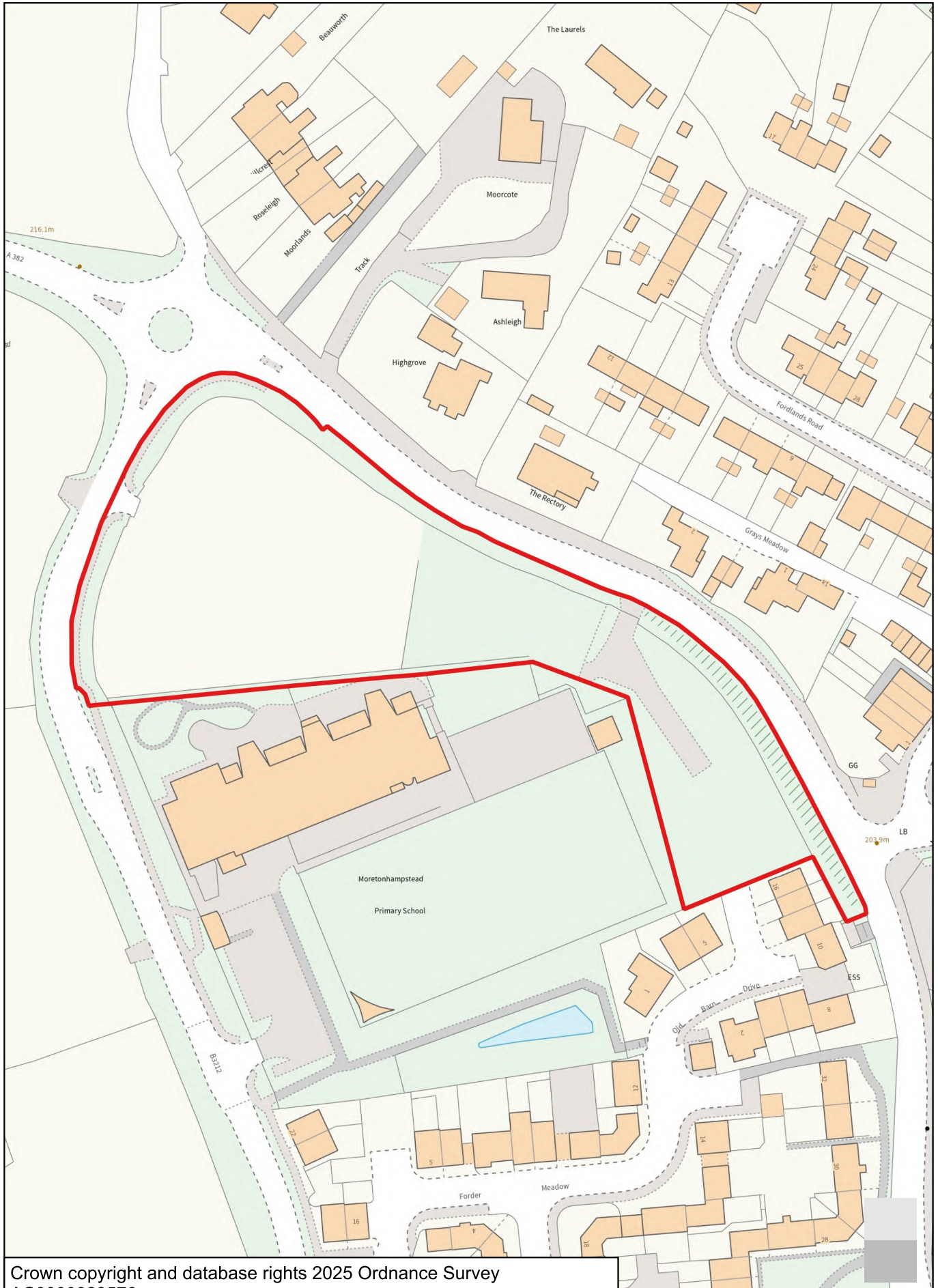
Report of the Director of Spatial Planning

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2	0210/24 - Installation of 20m lattice telecommunications tower supporting 9 no. antennas, 2 no 600mm dishes, together with 1no. foul weather enclosure, 1 no. generator and 1no. meter cabinet plus a 1.2m satellite dish and compound fencing for the EAS and Shared Rural Network projects - Challamoore Field, Buckland In The Moor, Newton Abbot, TQ13 7TG
3	Retrospective alterations and extension to dwelling with upgrading and re-roofing together with provision of disability footway (amended plans) - Foxview, Christow, Exeter, EX6 7QB

# Forder Farm

Scale 1:1,250



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Item 1

Application No: **0490/23** District/Borough: **Teignbridge**

Application Type: **Full Planning Permission** Parish: **Moretonhampstead**

Grid ref: Officer: **Dean Kinsella**

Proposal: **Erection of 24 dwellings (including 11 affordable homes), formation of two access points from Betton Way and Ford Street, provision of a pedestrian crossing at Ford Street and associated infrastructure**

Location: **Land At Forder Farm Betton Way, Moretonhampstead, Devon**

Applicant: **Erika Smith (Hembury Homes Ltd)**

Recommendation: **That:**

- (i) The proposed scheme does not constitute Major Development; and**
- (ii) Planning permission be GRANTED, subject to the following conditions and the applicant entering into a S106 to secure necessary financial contributions and Affordable Housing:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990 (as amended).

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

Location Plan PL01  
Proposed Site Plan PL03  
Materials Plan PL04  
Enclosures Plan PL05  
Surfaces Plan PL06  
Parking Plan PL07  
Refuse Collection Plan PL08  
Streetscenes 1/2 PL09  
Streetscenes 2/2 PL10  
House Types Plot 1-3 Parking Barn Overview PL301  
Plot 5-8 Parking Barns Overview PL302  
Plots 9,12 and 13 Parking Barns Overview PL303  
Substation Overview PL304  
House Type 1 Overview PL310  
House Type 1 Plot 21&22 Overview PL311  
House Type 2 Overview PL320  
House Type 2 Plot 20 Overview  
House Type 2A Overview PL321  
House Type 4 Overview PL340

House Type 4 Plot 9 Overview PL341  
House Type 5 Overview PL350  
House Type 5 Plot 2 Overview PL352  
House Type 5A Overview PL351  
House Type 5A Plot 8&24 Overview PL353  
House Type 6 Overview Plans PL360  
House Type 6 Overview Elevations PL361  
House Type 7 Overview PL370  
House Type 7 Plot 12 Overview PL371  
House Type 8 Overview Plans PL380  
House Type 8 Overview Elevations PL381

Reason: To ensure strict accordance with the approved plans.

3. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

4. No part of the development hereby approved shall be commenced until:
  - A) The access road serving that part of the site has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) The footway and pedestrian crossing point on the public highway frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

5. The occupation of any dwelling of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The cul-de-sac shared surface or footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the cul-de-sac have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

- 6. When once constructed and provided in accordance with conditions 1 and 2 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

- 7. No development shall commence until a Method of Construction Statement (MCS), to include details of:
  - (i) parking for vehicles of site personnel, operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials
  - (iv) programme of works (including measures for traffic management)
  - (v) provision of boundary hoarding behind any visibility zones
  - (vi) timing of works on site has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby approved shall be undertaken in accordance with the approved MCS.

Reason: To protect the amenity of neighbouring residents in accordance with policies 1.1 and 1.7 of the Dartmoor Local Plan.

- 8. No development shall commence until a detailed Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits and precautionary methods of working including consideration of trees, (including an ecologist surveying any trees to be felled prior to their removal), protected species and contingency plans. Mitigation measures to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the

productions of wastes with particular attention being paid to the constraints and risks of the site.

The Plan shall include details of the timings of the work to be agreed with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing by the Local Planning Authority.

Reason: To protect statutory protected species, trees, watercourses and biodiversity on the site in accordance with policies 1.1, 1.2, 2.2 and 2.5 of the Dartmoor Local Plan.

9. Development shall be carried out in accordance with the actions set out in the Ecological Impact Assessment dated October 2023.

Reason: To comply with policy 2.3 of the Dartmoor Local Plan.

10. No development shall commence until a waste audit statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy, including: (i) sustainable procurement in construction phase; and (ii) methods for limiting the generation of waste and maximising recycling in construction phase.

Thereafter, the development hereby approved shall be undertaken in accordance with the approved waste audit statement.

Reason: To minimise the generation of waste in accordance with policy 6.5 of the Dartmoor Local Plan.

11. No development shall commence until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The required strategy must provide detail with regards to lighting associated with the pre-construction, during construction and operational phase activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. This Strategy will include details including the following:

- artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development, internal and external lighting associated with the dwellings.

Thereafter, the development hereby approved shall be undertaken in accordance with the approved Lighting Strategy.

Reason: To protect the character of this part of the National Park and the amenity of local residents in accordance with policies 1.1 and 2.1 of the Dartmoor Local Plan.

12. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August, inclusive), unless a suitably qualified ecologist confirms in writing to the Local Planning Authority that the clearance works will not disturb nesting birds.

Reason: To protect nesting birds in accordance with policy 2.2 of the Dartmoor Local Plan.

13. A detailed schedule of the materials and finishes to be used on the approved development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the dwellings. This shall include samples of the roof slate, hanging slate, details of render finishes and cladding materials, window/exterior door units, verge/soffit and rainwater details, positions of meter boxes, boundary fence and wall design, waste and recycling stores, driveway surface materials, electric vehicle charge units, roadway surface materials, pathway surface materials, kerbs and any proposed exterior lighting units. Thereafter, the development shall be undertaken in accordance with the approved schedule of materials and finishes.

Reason: To protect and enhance the character and appearance of this part of the National Park in accordance with policies 1.1, 1.2, 1.5 and 1.7 of the Dartmoor Local Plan.

14. The development of the residential dwelling houses hereby permitted must achieve either: (i) a minimum 10% reduction in carbon emissions over Building Regulations Part L 2013, using a fabric-first approach; or (ii) Association for Environment Conscious Building (AECB) or Passivhaus certification. With regard to part (i), the Local Planning Authority shall be provided with evidence of air tightness tests on all new buildings; and Passivhaus or equivalent accredited on-site training for airtightness and avoiding thermal bypass and thermal bridging; or with regard to part (ii), relevant certification.

Reason: To ensure the proposed dwellings are energy efficient in accordance with policies 1.5 and 1.6 of the Dartmoor Local Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no extension shall be constructed or erected in or around the curtilage of the 11no. affordable dwellings 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.

Reason: To protect the affordability of the local housing units in accordance with policy 3.7 of the Dartmoor Local Plan.

16. Prior to completion the development of plots 1 & 2 to slab level, details of a mural or similar to be included on the front elevation facing Betton Way shall be submitted to and approved in writing. The mural shall include any graphics, materials, colours and finishes and once approved these details shall be implemented and thereafter retained.

Reason: Reason: To protect and enhance the character and appearance of this part of the National Park in accordance with policies 1.1, 1.2, 1.5 and 1.7 of the Dartmoor Local Plan.

17. A Biodiversity Net Gain Plan shall be submitted and approved before the start of development. This shall include an updated biodiversity metric, details of how a minimum 10% net gain will be achieved, including how any necessary delivery off-site will be secured and a Habitat Management and Monitoring Plan to secure the net gain for 30 years.

Reason: To protect and enhance the biodiversity and ecological habitats of this part of the National Park in accordance with policy 2.3 of the Dartmoor Local Plan.

## **1 Introduction**

- 1.1 The site lies on the northern edge of Moretonhampstead (within the settlement boundary of the village), approximately 0.3km from the village centre.
- 1.2 Moretonhampstead is a historic market town of around 1,700 people, located on the Northeastern edge of Dartmoor National Park. The site has been allocated for residential development under proposal 7.11 in the adopted Dartmoor National Park Local Plan 2018-2036 and is within Moretonhampstead's settlement boundary.
- 1.3 The application site extends to 0.879 hectares and whilst the site is located within the settlement boundary of Moretonhampstead it is away from the settlements Conservation Area and Area of Historic setting. The site is made up two fields connected together by a strip of land passing by the edge of Moretonhampstead Primary School to it southwest. The larger field at the Northwest of the site is in a prominent gateway location for traffic entering Moretonhampstead from the A382 to the Northwest as it lies at the corner of Bretton Way and Ford Street. This part of the site is bounded by hedgerows and established trees. The smaller field lies to the southeast of the site has established trees and hedging facing onto Ford Street to the east but thin hedging to the southern edge of the site which is bounded by residential dwellings on Old Barn Drive which has a ground level approximately 4m lower than the existing site levels.
- 1.4 The topography falls towards the southern boundary with a slight plateau at the entrance from Ford Street. The boundary to the primary school opposite the entrance from Ford Street is made up of tall open steel fences, boulders and some small trees. The wider surrounding context largely consists of residential dwellings to the east, Moretonhampstead Primary school and Old Barn drive to the south with further dwellings beyond and agricultural fields to the west. Ford Street borders the site to the east extending south and Betton Way is located on the western boundary. The A382 begins to the north at the roundabout joining Betton Way and Ford Street. There is an existing bell-mouth access to the site off Betton Way and a further field gate access to the site from Ford Street.

## **2 Planning History**

- 2.1 An outline application for up to 30 dwellings (50% affordable) was submitted in August 2018 (0228/18). The Development Management Committee of 9th September 2019 resolved to grant permission subject to a s106 agreement and conditions. This permission was not implemented and has since lapsed.
- 2.2 Pre-application advice was sought from DNPA in January 2023, initially to discuss the approach to demonstrating a need for affordable housing to satisfy this



requirement within the allocation policy for the site (Proposal 7.11). DNPA advised that a full Housing Needs Survey (HNS) would be required. Subsequently, and in conjunction with the Parish Council, DNPA commissioned the HNS that was completed in July 2023. DNPA agreed that the HNS showed a greater demand for affordable housing than could be delivered by the development and on this basis confirmed that the policy test to prove housing need was satisfied.

### **3 Consultations**

#### **Devon County Council – Education - Initial Response**

- 3.1 The above application of 24 dwellings has been considered and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested, as set out below. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033, which has been approved by Members. It has been identified that the proposed 20 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Moretonhampstead Primary School and South Dartmoor College.
- 3.2 It has been forecast that the nearest primary and secondary school have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek an education infrastructure contribution. However, a contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from South Dartmoor College. The cost required is as follows: - £6.56 per day x 3 pupils x 190 academic days x 5 years = £18,696
- 3.3 The above requests have been calculated in accordance with Devon County Council's Education approach for securing developer contributions (2021). All contributions will be subject to indexation using BCIS and education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application. The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from the development to Tavistock College. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.
- 3.4 It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

## Devon County Council – Education

- 3.5 The application for 24 dwellings has been considered and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested, as set out below. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033, which has been approved by Members.
- 3.6 It has been identified that the proposed 20 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Moretonhampstead Primary School and South Dartmoor College.
- 3.7 It has been forecast that the nearest primary and secondary school have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek an education infrastructure contribution.
- 3.8 However, a contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from South Dartmoor College. The cost required is as follows: -
- 3.9 £6.56 per day x 3 pupils x 190 academic days x 5 years = £18,696
- 3.10 The above requests have been calculated in accordance with Devon County Council's [Education approach for securing developer contributions](#) (2021). All contributions will be subject to indexation using BCIS and education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.
- 3.11 The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from the development to Tavistock College. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.
- 3.12 It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.
- 3.13 In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

## **Mortonhampstead Parish Council – Initial Response**

3.14 Moretonhampstead Parish Council recognises the application is a site allocation within the Dartmoor Local Plan and the site already has outline planning permission.

3.15 Moretonhampstead Parish Council wishes to make the following comments:

1. The council is concerned that plot 24 may significantly reduce the level of privacy at first floor level enjoyed by occupiers of 5 Old Barn Drive and have an overbearing and dominant impact on the whole property, contrary to Dartmoor Local Plan policy 1.7. DNPA should consider seeking amendments to the design to address these issues.
2. The council supports the proposed footpath link to Old Barn Drive which it considers essential. Whilst it may not be adoptable, it should be secured in perpetuity through a S106 agreement. It should be lit for safety.
3. The council has been raising speed and safety issues on Ford Street with Devon County Council (DCC) for some time. It is aware that DCC Highways has raised no objections to the application. However, it remains very concerned that traffic speeds on Ford Street, averaging 31.8 MPH, may cause safety issues at the proposed new road junction and two pedestrian crossing points. DNPA should ask DCC to undertake further speed checks and consider the need for traffic speed management measures such as a vehicle activated sign to be secured through a S106 agreement contribution.
4. The council welcomes the developer's acknowledgement that a financial contribution may be necessary to improve existing children's play space at The Sentry. DNPA is asked what information it requires to negotiate a S106 contribution.
5. The council supports the comments of the Teignbridge District Council Housing team on affordable housing. The layout should be amended to replace a two-bed affordable home with a three bed to reflect the recent housing needs survey. The S106 agreement should provide for social rather than affordable rent and shared ownership rather than discount open market if funding opportunities and viability allow at the time of negotiation of the S106 agreement or construction of the affordable homes.
6. The council considers that there should be improved screening / landscaping between plots 1 and 2 and Ford Street.
7. The council expects planning conditions to address the need for a robust construction management plan including controls on hours and days of working, power tools/radios, dust suppression and construction parking.

### **Response to amended plans received 03/04/2024**

8. The council accepts that the response to the overlooking issue is an improvement.

9. The council noted that the submission does not consider the issue about overbearing and dominance. This will be a matter for the National Park Authority to consider in due course.
10. The council would like Dartmoor National Park Authority to ask Devon County Council to consider the need for traffic safety measures in the vicinity of the site.
11. The council resolved to write to Teignbridge District Council and Dartmoor National Park offering evidence in support of s106 for open spaces.
12. The council notes the plans to thicken the hedge.
13. The council notes the response on affordable homes and leaves the matter to Dartmoor National Park. The council also notes that Baker Estates have not commented on if they can change affordable rented to social rented.

### **Teignbridge District Council – housing enabling**

1. The proposal for 11 affordable homes meets the 45% requirement.
2. The 8 affordable rented homes should be provided at Social Rent.
3. The size mix of the rented homes is not fully supported. We are pleased to see the inclusion of the 2 one bed homes as 'maisonettes' with their own access and private amenity space. But the proposal does not sufficiently reflect evidenced, qualifying, local need as the balance between two and three bed homes places too much emphasis on two bed 4 person homes. This may result from the layout clustering the affordable homes predominantly in the smaller and steeper part of the site.
4. The proposal for 3 intermediate homes is accepted.
5. The size mix of the intermediate homes is accepted.
6. The proposal for Discounted Open Market as a tenure is disappointing given the greater affordability offered by Shared Ownership to a wider range of eligible local households.
7. The s106 agreement should include a section addressing the Allocation requirements and an Allocation Plan alongside the s106 agreement will be required.

### **Teignbridge District Council – Waste and recycling**

- 3.16 I have had a look at the plans for this site. I have no specific comments to make with regards to waste collection, as I can see that bin collection points have been allocated on the plans near to the adopted highway, this is assuming that the tarmac highway sections of road are being offered for adoption. The only other comment that I would make is that the developer would need to make sure that the allocated bin collection points are of an adequate size to cater for the number of

containers that will be placed at each one on collection day. Once a fortnight each property will place out a 180 litre wheeled bin plus 2 x 55 litre recycling boxes, which can be stacked and a 23 litre food waste caddy. (On the alternate week it will only be the recycling containers out for collection unless any of the residents subscribe to the garden waste service, when 240 litre wheeled bins will be out for collection.)

## **Environment Agency**

- 3.17 No comment received the site lies in Flood Zone 1 therefore standing advice applies.

## **DCC Lead Local Flood Authority (Initial response)**

- 3.18 At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Strategic Policy 2.5 The Water Environment & Flood Risk of Dartmoor National Park's Local Plan 2018 to 2036 (Adopted December 2021) which requires developments to dispose of surface water in accordance with sustainable methods that minimise the risk of flooding of property and land or the pollution of watercourses. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

## **DCC Lead Local Flood Authority**

- 3.19 Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

*No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:*

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.*
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.*
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.*
- (d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.*

*Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.*

- 3.20 The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

- 3.21 Following the previous consultation response (FRM/DNNP/0490/2023; dated 29th November 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant has clarified how exceedance flows shall be managed. If possible, the number of dwellings should be reduced to provide space for above-ground SuDS features.

### **DCC Highways**

- 3.22 As outlined in the supporting documentation for this application, there was a previous planning permission for 30 residential units on the site, dating from 2019, for which there was a resolution to grant planning permission from the planning authority. The supporting documentation also outlines why that was never implemented. As identified in the documentation provided in support of the planning application, the site is identified as suitable for housing as Proposal MTN1 in the Dartmoor National Park Development Management and Delivery Development Plan Document adopted in July 2013. The principle of residential development is acceptable in principle, therefore. It is proposed that the site is served by two vehicular accesses to Betton Way and Ford Street, together with a pedestrian and cycle link from the site to Forder Meadow. The applicant is advised that there appears to be a small triangle of land between the application site and Forder Meadows which does not form part of the publicly maintained highway. The proposed vehicular accesses have been designed in complete accordance with contemporary design criteria with respect to geometry and visibility having regard to recorded and observed vehicle speeds. The content and conclusions of the Transport Statement prepared by the applicant's highways consultants, ClarkeBond, are generally accepted and agreed by the highway authority. There are some details on the layout submitted which will require amendment in the event that the developer wishes the road to be adopted as a publicly maintained highway which are as follows. These issues do not necessarily require resolution before the grant of planning permission. 1. The alignment of the tactile pavers at the Betton Way junction is incorrect. 2. The stepped footpath to Ford Street has no corresponding landing, dropped kerb, or dropped kerb opposite. 3. The hard surfacing by plot 18 requires amending. 4. Cellular drainage attenuation crates require a 3m to 5m offset from an adoptable highway. The proposed development is therefore acceptable as submitted and suitable conditions are recommended to be imposed on any permission granted.

- 3.23 **The Head of Planning, Transportation and Environment, on Behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission**

1. No part of the development hereby approved shall be commenced until: A) The access road serving that part of the site has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway B) The ironwork has been set to base course level and the visibility splays required by this permission laid out C) The footway and pedestrian crossing point on the public highway frontage required by this permission has been constructed up to base course level D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

2. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
  - A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The cul-de-sac shared surface or footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

3. When once constructed and provided in accordance with conditions 1 and 2 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

#### **Informative notes for the applicant:-**

- 3.24 . Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
- 3.25 The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

## DCC Ecology

- 3.26 Consider that the Extended UK Habitat Classification Survey submitted with the application was sufficient to determine the application. However, planning conditions should seek to secure the implementation of the Management Plan relating to hedgerows. Further conditions should be included to ensure that trees are examined for bat roosts before felling and consideration should be given as to who and how the on and off-site enhancements will be managed for 30 years. However, it is acknowledged that at the time of submitting the application BNG is not mandatory, so the LPA should consider whether Policy 2.3 is satisfied by the gain in hedgerow units and the enhancement for protected species.

## DNPA Archaeology

- 3.27 I have read the geophysics report and am happy that no further archaeological mitigation is warranted over most of the proposed development site. However, as noted in my original response there is a building on the site recorded on the Tithe Map (see attached) which, from its pink colouring is a dwelling. The edge of the building is probably picked up by the geophysics as an anomaly interpreted as disturbed ground. Obviously, the building dates to at least the mid 19<sup>th</sup> century as it is depicted on the Tithe Map, but there is potential for its origins to lie earlier and we currently do not understand its character. Therefore, its evidential value is considered sufficient to warrant consideration as an undesignated heritage asset. Given that, I would recommend an archaeological watching brief (standard condition X03) on the area of the building (see Map 1 attached).

## 4 Relevant Local Plan Policies

- 4.1 The site is allocated within **Proposal 7.11** for around 30 homes, 45% affordable housing. Development should come forward only in response to an identified affordable housing need.
- 4.2 **Strategic Policy 1.3.** States that Local Centres are towns and larger villages defined by settlement boundaries where development intended to serve the needs of the settlement and its rural hinterland will be acceptable in principle.
- 4.3 In these settlements the priorities are:
- a) to give opportunities to meet identified local housing needs providing around 60% of the 65 dwellings per year provided for in this plan;
  - b) to maintain employment sites and give opportunities for new or improved employment sites where appropriate opportunities exist ; and
  - c) to maintain or enhance a range of services which serve the settlement and its wider rural hinterland.
- 4.4 Other policies that are relevant to this application are as follows:

**Strategic Policy 1.1 – Delivering National Park purposes and protecting Dartmoor’s special qualities:** Permits development that conserves and enhances the natural beauty, wildlife and heritage of the area and promotes opportunities for understanding and enjoyment of the National Park.



**Strategic Policy 1.2 – Sustainable development in Dartmoor National Park:**

Seeks proposals to pursue sustainable development and sets out sustainable development principles.

**Strategic Policy 1.4 – Major Development:** Identifies major development as that which has potential to have a significant adverse impact. Major development only allowed where it can be demonstrated that proposals are in the public benefit outweighing National Park purposes.

**Strategic Policy 1.5 – Delivering good design:** States that all development will create a strong sense of place with a clear and distinctive character by reinforcing local character, respecting Dartmoor’s vernacular, and maintaining and enhancing townscapes, street patterns and frontages and their relationship with the landscape. Planning applications exhibiting anything less than good design will be refused. It also sets out the following design features which will be scrutinised to assess the design quality of new development:

- a) urban grain and the arrangement of streets, plots and buildings relative to the texture and density of existing settlements;
- b) the development’s scale and massing, relative to views, skylines, townscapes, buildings and spaces;
- c) the development’s character and appearance, and the relationship between buildings, surfaces, open space, boundary features and the landscape;
- d) the density and mix of land uses;
- e) the texture, colour, pattern and durability of materials, construction techniques and detailing elements; and
- f) the development’s accessibility and security.

**Strategic Policy 1.6 – Sustainable Construction:** New residential development to achieve either 10% reduction in carbon emission over Building regulations Part L 2013 or Association for Environment Conscious Building or Passivist certification. Sets out details required for the above.

**Strategic Policy 1.7 – Protecting Local amenity in Dartmoor National Park:**

Requires development to not significantly reduce daylight and privacy of nearby properties, have an overbearing impact or introduce unacceptable levels of noise and have an adverse highway safety.

**Strategic Policy 2.1 – Protecting the character of Dartmoor’s landscape:** All development to conserve and enhance the landscape through prescribed requirements.

**Strategic Policy 2.2 – Conserving and enhancing Dartmoor’s biodiversity and geodiversity:** Seeks development to conserve and enhance all Dartmoor’s biodiversity and geodiversity.

**Strategic Policy 2.3 – Biodiversity Net Gain:** Requires development of more than 2 homes to deliver 10% Biodiversity Net Gain.

**Strategic Policy 2.5 – The Water Environment and Flood Risk:** All development to conserve Dartmoor’s water environment and take opportunities to enhance it.

**Strategic Policy 2.6 – Protecting tranquillity and dark night skies:** Seeks development proposals to avoid external lighting and avoid adverse impacts on tranquillity and dark night skies.

**Strategic Policy 3.2 – Size and accessibility of new housing:** Requires new housing development to deliver a mix of dwelling sizes and types and not significantly exceed technical housing standards. Requires dwellings to meet M4(2) accessibility standards.

**Strategic Policy 3.3** identifies support for new housing in local centres on allocated sites and requires a 45% affordable housing provision on sites of more than 6 dwellings.

**Policy 3.6 – Custom and Self-build housing:** Encourages delivery of custom and self-build housing.

**Strategic Policy 4.2 – Supporting public open space and sports facilities:** Seeks development to promote availability and access to public open space and sports facilities.

**Strategic Policy 4.3 – Enabling Sustainable transport:** New development to encourage and enable sustainable travel through provision of new walking, cycling and sustainable transport routes. Seeks provision of a transport survey.

**Policy 4.4 – Parking standard for new development:** Requires development to provide onsite car parking in line with prescribed standards.

**Policy 4.5 – Electric Vehicle Charging Points:** Seeks development to provide EV charging in accordance with minimum standards prescribed.

## **The Dartmoor Design Guide (2011)**

## **The Dartmoor Local Plan Housing SPD**

### **5 Representations**

5.1 Public consultation – 7 no. letters of objection were received raising the following concerns.

- Poor Quality of design on prominent plots 1&2 which need lower ground levels and to be set back further from the road.
- Impact on character of Mortonhampstead through poor quality design at entrance to village.
- Loss of landscape character.
- Loss of hedgerows.
- Questioning if the site area was correct.
- Location of Affordable housing.
- Accuracy of the landscaping plans impact on drainage, Biodiversity and dark skies.

- Housing for local people only with no holiday homes.
- Dormer windows are not appropriate in Mortonhampstead.
- Impact on Guest house businesses through poor outlook.
- The need to control construction times to protect amenity.
- Road safety concerns along Ford Street and the need for a traffic light controlled pedestrian crossing.
- Dominance of new dwellings on existing dwellings at Old Barn Drive
- Impact from disturbance of contaminated land.
- Insufficient parking provision on site.
- Land ownership concerns for the footpath link to Old Barn Road and its impact on the privacy of dwellings in Old Barn Drive.
- Impact on bats and biodiversity.
- Need to ensure link to cycle path is provided.

## PROPOSAL

- 5.2 This application proposes development of 24 dwellings, 11 of which will be affordable. This equates to 45%, in accordance with Strategic Policy 3.3 and proposal 7.11.
- 5.3 The open market properties provide a mix of seven 3-bed and six 4-bed dwellings, all of which will be designed to comply with the Nationally Described Space Standards (NDSS). The proposals include a mix of semi-detached and detached dwellings.
- 5.4 All properties have private garden space and off-road parking. Each dwelling is finished in a mix of render and hanging slate or render and stone in response to the character and appearance of residential properties in the area. Subtle colour variations are proposed in the render and some properties will feature black iron railings, which is a feature within Moretonhampstead. Each property will have a timber framed canopy which are open sided or have granite external stores.
- 5.5 All properties are provided with private vehicle parking, electric car charging and secure cycle storage. Solar PV panels are proposed on the roofs all dwellings, to the front or rear depending on orientation. The layout of the scheme has been developed to respect and reference the existing grain and character of Moretonhampstead. As a result, the layout uses rear courtyards to conceal cars from public view to create a pedestrian focussed frontage referencing central areas of Moretonhampstead. Pre-existing building typologies with the town such as coach houses and terraced cottage style streets with concealed rear courtyards are proposed to be built tight to the back of pavement, reinforcing the line of street. The development will front onto Betton Way with a line of development and a pedestrian only front access sat behind the existing hedge line.
- 5.6 The Ford Street frontage will retain the existing hedgerow and mature tree boundary with the houses either having their rear or side elevation fronting Ford Street behind the hedgerow.

## **Principle of Development**

- 5.7 The site benefits from being an allocation within the adopted Local Plan within policy Proposal 7.11 and the adopted policy maps which establishes the acceptability of the principle of development in this location.
- 5.8 Strategic Policy 3.1 identifies that development on allocated sites of 6 or more within Local Centres will only be approved where there is a current identified affordable housing need to be demonstrated by an up-to-date housing needs assessment. This is reiterated within Proposal 7.11 whereby ‘Development should only come forward in response to an identified affordable housing need’.
- 5.9 The above policies establish the acceptability of development in this location, subject to demonstration of need.
- 5.10 This application is accompanied by a HNA dated April 2023 which shows sufficient housing need to satisfy the Local Plan Proposal 7.11 requirement with affordable housing need for a total 29 dwellings. This exceeds the 11 affordable homes proposed by the development.
- 5.11 In conclusion, the Housing Needs Assessment that accompanies this application identifies a greater requirement for affordable dwellings in this location than will be delivered by this development. It is therefore considered that the requirements of Proposal 7.11 have been met and that the principle of development is acceptable.

## **Major Development**

- 5.12 There is no statutory definition of “Major Development” in the NPPF paragraph 190 context. What is clear is that the definition is not the statutory definition for a major planning application (e.g. 10 homes or more) in the Development Management Procedure Order (DMPO) 2015. Each scheme must be considered and evaluated on its own particular facts in its own particular context and the decision is a judgement to be made by the decision maker. The starting point is footnote 67 in the NPPF 2024, which refers to the taking into account of the proposal’s nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 5.13 Paragraph 190 in the new NPPF states that in designated areas such as National Parks, the scale and extent of development should be limited and planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 5.14 Assessing the application’s impacts on Dartmoor’s Special Qualities is an appropriate way of determining whether the development has significant adverse impact on Dartmoor National Park. Dartmoor’s Special Qualities are defined in the Development Plan and Management Plan and include Dartmoor’s landscape, biodiversity, geology, tranquillity, recreation opportunities, water quality, archaeology, culture, heritage and other defined features of public value.
- 5.15 It is acknowledged that the site is currently open agricultural land devoid of development and offers a visual transition from the built-up settlement to more open

countryside. However, the site also has an unavoidable relation with the built up area of the settlement. The site is bounded by locally significant infrastructure by way of roads and footpaths.

- 5.16 Beyond the Protected Landscape designation, the site is not within any ecological, geological or hydrological designation. Overall, the development is considered small in scale when compared to the surrounding landscape and the extension to the settlement only offers local potential landscape impact. Having regard to the character, nature and scale of the proposed development, its juxtaposition to the settlement of Moretonhampstead it is not considered to be major development in the context of paragraph 190 of the NPPF 2024 such that it would lead to harmful impacts on the National Park.

### **Affordable Housing**

- 5.17 Proposal 7.11 requires provision of 45% affordable housing on the site. 11 affordable dwellings are proposed which provides a policy compliant number of dwellings. The proposed affordable rented properties would be constructed by Hembury Homes and then operated by a registered social landlord, who would manage the properties. The proposed one, two and three bed properties respond directly to the need identified in the social rented tenure from the HNS. The proposed intermediate ownership properties cover a number of different tenure types. Typically, these would be discounted open market properties, which are sold on the open market at a 20% reduction in value. The 20% reduction is maintained in perpetuity. Occupants of these properties would still be required to be on the housing needs register. The delivery of the affordable homes would be administered through a Section 106 agreement (S106).
- 5.18 As a result of the above, the proposals and provision of affordable housing responds to a specifically identified up to date local need and accords with the requirements of Policy 3.3 and Proposal 7.11 and is considered acceptable.

### **Design & Character of local amenity**

- 5.19 Strategic Policy 1.5 states that all development will create a strong sense of place with a clear and distinctive character by reinforcing local character, respecting Dartmoor's vernacular, and maintaining and enhancing townscapes, street patterns and frontages and their relationship with the landscape. Planning applications exhibiting anything less than good design will be refused. It also sets out the following design features which will be scrutinised to assess the design quality of new development:
- a) urban grain and the arrangement of streets, plots and buildings relative to the texture and density of existing settlements;
  - b) the development's scale and massing, relative to views, skylines, townscapes, buildings and spaces;
  - c) the development's character and appearance, and the relationship between buildings, surfaces, open space, boundary features and the landscape;
  - d) the density and mix of land uses;

- e) the texture, colour, pattern and durability of materials, construction techniques and detailing elements; and
- f) the development's accessibility and security.

5.20 Policy 1.7 serves to protect residential amenity in Dartmoor National Park. Amongst other criteria, development proposals should not significantly reduce the levels of daylight and privacy enjoyed by the occupiers of nearby properties or have an overbearing and dominant impact.

5.21 It is considered that the proposal reflects local building forms, density and character and as a result will on balance respect the appearance of the local area. There have been amended plans submitted by the applicant to try and address concerns on overbearing and overlooking from plot 24 in terms of its impact on the amenity of the nearest dwellings in Old Barn Drive. Effectively there is a 4m height difference between the finished floor levels of plot 24 and the ground level of the nearest dwelling on Old Barn Drive whilst this is significant there is an outcrop of granite that prevents the developer dropping the ground levels any further than that proposed on this southern boundary adjacent to Old Barn Drive. The developers are very aware of the concerns relating to overlooking and dominance and have tried to address this through a stepped embankment with garden fencing on top. The developers have also rearranged/handed the internal layout of the plot so that the nearest (left hand) first floor window now serves a bathroom with frosted glass. The right-hand first floor window serves a bedroom but is at more of an oblique angle than the left hand one. Given the fact that the development will deliver much needed affordable housing and the viability of the scheme is essential in order to achieve this it is considered on balance that the proposed ground levels cannot be altered, and the proposed amendments have satisfactorily addressed the concerns raised in relation to dominance and overlooking from plot 24.

5.22 It is also noted that concerns have been raised in relation to the quality of the dwellings on the prominent Northern elevation of the site. The proposal includes two properties (plots 1&2), which will be highly visible as you approach the settlement. This view will offer a new settlement edge and concern has been raised that the design of dwelling fails to respond to the importance of the view. The developers have tried to address this through amended detailing and materials on these dwellings which do go some way to providing better design. Furthermore, the applicants have confirmed their acceptance of a planning condition to seek for further design changes to these plots to include a mural or alternative feature that will provide identity to the development and the wider settlement. The, layout and impact on amenity is considered acceptable and accords with policies SP1.5. and SP1.7 of the Local Plan.

### **Ecology and Landscaping**

5.23 Strategic Policy 2.1 Protecting the character of Dartmoor's landscape seeks all development to conserve and enhance the landscape through prescribed requirements.

5.24 Strategic Policy 2.2 Seeks development to conserve and enhance all Dartmoor's biodiversity and geodiversity.

- 5.25 Strategic Policy 2.3 sets out a requirement that development should contribute towards biodiversity enhancement. Such enhancement should support the network of wildlife sites and maximise the potential for other environmental gains.
- 5.26 Development involving 2 homes, 100m<sup>2</sup> of non-residential floorspace or a site area of 0.2 Hectares, or more, will be required to deliver 10% biodiversity net gain.
- 5.27 The application has been submitted with an Extended UK Habitat Classification Survey October 2021 and update survey May 2022 as well as an Ecological Impact Assessment dated October 2023.
- 5.28 At the time the application was submitted the governments Biodiversity Net Gains policy was not mandatory and therefore the national standard condition does not apply to this application.
- 5.29 A detailed planting scheme has been prepared in order to enhance existing vegetation, provide screening in places and mitigate the loss of any vegetation where that loss is necessary. The planting plan has also been used as part of the strategy to achieve a 10% on site biodiversity net gain (BNG). DCC ecologist has reviewed the application and highlighted several areas where further information is required through conditions, including a sensitive lighting scheme, development outside of the bird nesting season. They have also highlighted that at the time the application was submitted BNG was not mandatory, so it is necessary for DNPA to consider whether Policy 2.3 is satisfied by the gain in hedgerow units and the enhancement for protected species.
- 5.30 Currently the proposal would see the loss of habitat and replaced with hedgerows and planting. This will see mitigation against the loss of habitat, but it would fail to provide 10% net gain, resulting in a habitat unit deficit of 1.03. The developer is aware of this and is willing to seek off site mitigation to ensure the proposal complies with policy 2.3. Therefore, officers are content that the 10% required by the policy can be achieved. A condition has been included with the officer recommendation.
- 5.31 Further conditions are proposed to mitigate against harm during the construction phase of the development as well as ensuring the lighting implemented across the site considers the impact on local wildlife.
- 5.32 Therefore, on the basis that 10% Biodiversity Net Gain can be achieved the proposal is considered to comply with policy 2.3 of the Dartmoor Local Plan.

### **Access, Parking and Highways**

- 5.33 Strategic Policy 4.4 of the Local Plan requires that residential development offer one parking space per 1 bedroom dwelling, two spaces per 2/3-bedroom dwelling and three spaces per 4 bedroom or bigger dwelling.
- 5.34 Strategic Policy 4.5 requires provision of 1 active electric vehicle charging point per dwelling in all new residential development with private parking. The proposals provide 1 charging point per dwelling in accordance with the requirements of Policy 4.5.

- 5.35 The site proposes two vehicular access points into the site. The main access is proposed from an existing access point on the western boundary of Betton Way. A second access to a limited number of houses is proposed along Ford Street through another existing access point. The same two access points were approved by the previous outline planning application for the site and were considered to be appropriate and safe by the Highway Authority at that time. DCC Highways have again raised no objections on highway safety grounds to this application and the proposed accesses subject to the imposition of suitably worded conditions.
- 5.36 An uncontrolled pedestrian crossing is proposed at the Ford Street access point to link to an existing footway on the opposite side of the road, providing a pedestrian link to town centre.
- 5.37 The proposed site access arrangements are shown in the accompanying technical drawings. Both of the proposed accesses are to be 4.8m wide and have visibility splays of 43m in each direction at distance measured 2.4m back from the carriageway edge, in accordance with the required distances for the traffic speed of the roads.
- 5.38 All of the proposed dwellings meet or exceed these requirements with a total of 50 allocated parking spaces and 3 visitor spaces.
- 5.39 All of the dwellings also benefit from private secure cycle storage sufficient to meet the requirements set out under Policy 4.3 which requires development to support an enable sustainable travel.
- 5.40 In addition, safe walking routes are provided within the site, with a footpath link to Old Barn drive which then leads to connections to services within Moretonhampstead.
- 5.41 The proposed development is considered to fully accord with Policy 4.3 of the Local Plan. For the reasons set out above, it is considered that the proposed development provides safe access with the required parking standards and provision for sustainable transport from the site and therefore in accordance with Policies 4.3, 4.4 and 4.5 of the Local Plan.

### **Drainage**

- 5.42 The site and surrounding area are not considered to benefit from any formal defences. The site and adjacent area are not located within a Flood Warning or Flood Alert Area. The proposed dwellings and all associated access and egress are/can be safely located within Flood Zone 1, the lowest risk category.
- 5.43 Surface water flows will be discharged via a dedicated surface water drainage system to a below ground attenuation tank within the south of the site for storage and disposal. Flows will be controlled via a Hydrobrake with a controlled discharge to the 150mm diameter South West Water (SWW) surface water service located to the south of the site.
- 5.44 All surface water drainage features will be designed to safely manage the 1 in 100 year event with a 50% allowance for climate change.



- 5.45 Foul water from each plot will be connected to and conveyed via a gravity piped system to the south of the site, as agreed by SWW. following the receipt of amended drainage proposals and therefore the proposals are considered to be acceptable and in line with policy of the Local Plan

## **S106 Contributions**

### **Education**

- 5.46 Devon County Council Education Authority have reviewed the proposal and advised that the proposed 24 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Moretonhampstead Primary School and South Dartmoor College.
- 5.47 They have forecast that the nearest primary and secondary school have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek an education infrastructure contribution.
- 5.48 However, a contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from South Dartmoor College. The cost required is as follows: -
- 5.49 £6.56 per day x 3 pupils x 190 academic days x 5 years = £18,696
- 5.50 The applicant has accepted the need for such costs to support transport links to secondary school transport and therefore, it is considered that the development has an acceptable impact on the education facilities in the area subject to the completion of a legal agreement under S106 of the Town and Country Planning act to secure the sum of £18,696.

### **Public Open Space (POS)**

- 5.51 Dartmoor Local Plan Policy 4.2, states that “Development will be required to contribute to open space and/or sports facilities provision where it creates or exacerbates a shortfall in provision, or as identified in a site allocation in this Local Plan or an adopted Neighbourhood Plan.”
- 5.52 Dartmoor Local Plan Open Space, Sport and Recreation Study 2019 sets out an assessment of open space, sport and recreation (OSSR) provision in Dartmoor and informed the local plan. The assessment identified 3 play areas within Moretonhampstead;
- (i) Locally Equipped Area for Play (LEAP) within King George V Playing Fields (approximately 0.04Ha and comprising 7 separate pieces of play equipment),
  - (ii) Play Space Skate Park within King George V Playing Fields (approximately 0.085Ha - including the skate park and surrounding greens which include natural play elements), and
  - (iii) LEAP within The Sentry (approximately 0.048Ha) with 7 separate pieces of play equipment.

- 5.53 The existing equipped play space provision in Moretonhampstead is equivalent to 0.129Ha/1000 which is a 0.09Ha surplus. As part of the development the proposal seeks to provide 0.028ha of open space on site. The existing two LEAPs also provide a greater amount of individual play equipment than the LEAP guidance requires.
- 5.54 The Parish Council have requested that DNPA negotiate on their behalf to secure a POS contribution of £57,408. This figure was arrived at following discussions with the Play Area Project Officer of Teignbridge District Council.
- 5.55 The developers have respectfully declined to pay this contribution highlighting that the aforementioned Policy does not require a contribution and that the Bakers Estates application at Station Road, Moretonhampstead – Ref. 0588/19 - didn't provide any POS contribution on the basis that there is an oversupply in the town.
- 5.56 In line with the above, it is not considered appropriate to require a financial contribution.
- 5.57 On this basis of an oversupply of POS in the town the proposal without making a contribution to POS is still in compliance with Policy 4.2 of the Local Plan.
- 5.58 In addition to the above the S106 agreement will seek to secure the necessary Affordable housing that is proposed to be delivered on site.

## **6 Conclusion**

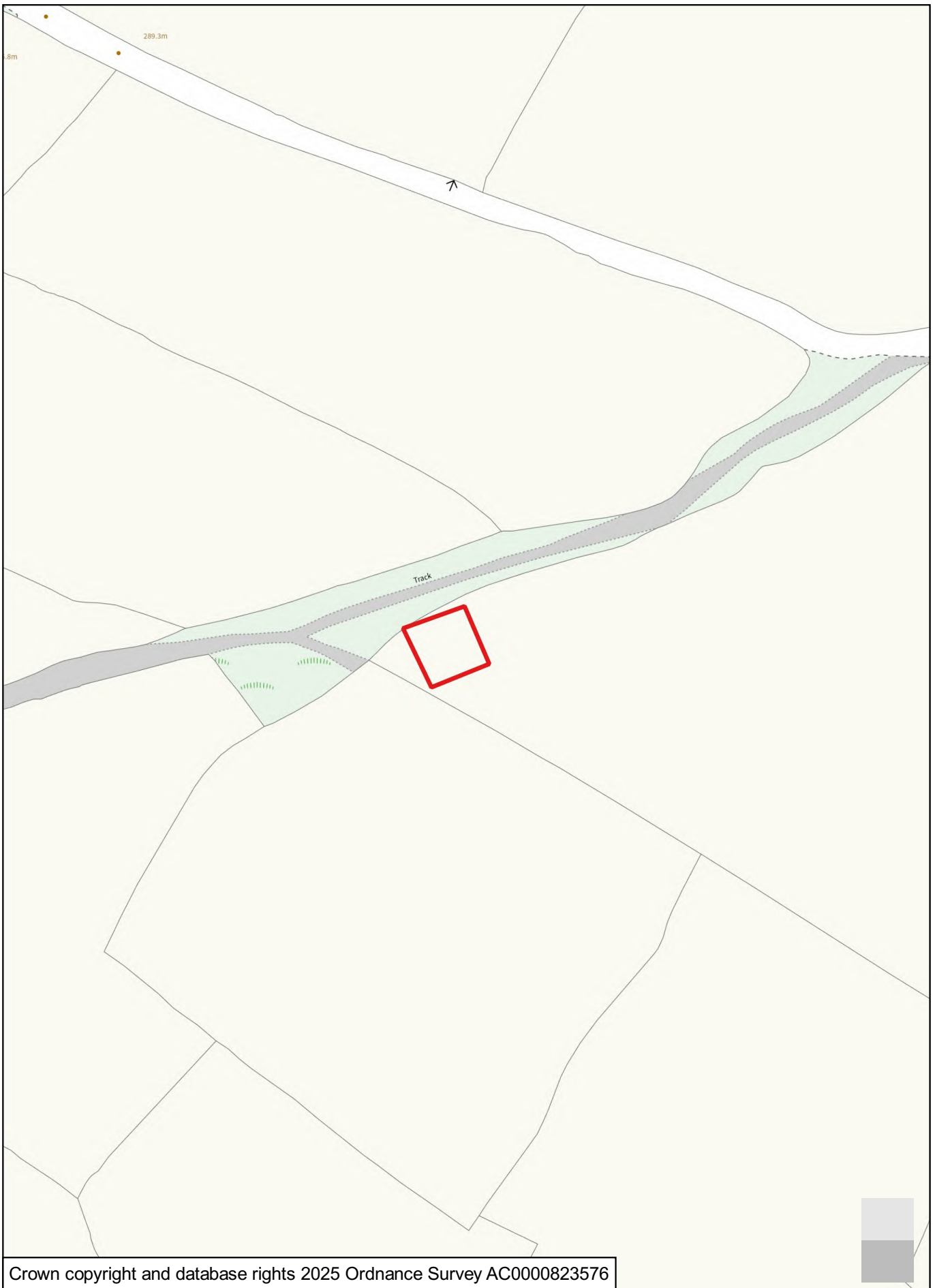
- 6.1 In conclusion, this proposal is considered to be acceptable and contextually appropriate development plan for 24 dwellings, with 45% of these being affordable homes, which directly addresses the identified local housing need. The design respects the existing character and grain of Moretonhampstead, while ensuring the integration of necessary infrastructure, including parking and electric vehicle charging. The development also adheres to key policies related to landscape, ecology, and local amenity, with mitigation measures in place for any potential impacts. Furthermore, the proposal meets the required standards for drainage, access, and biodiversity enhancements.
- 6.2 While the development acknowledges concerns around local amenity, these have been mitigated through design revisions. In terms of the overall public interest, this development aligns with both the principles of the Local Plan and national planning policies, particularly in relation to affordable housing and the responsible use of land within Dartmoor National Park.
- 6.3 Therefore, it is concluded that the application is in compliance with the relevant policies, and the proposed development is acceptable, subject to the necessary planning conditions and Section 106 agreements.

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DEAN KINSELLA

0210/24

Scale 1:1,250



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Item 2

Application No: **0210/24** District/Borough: **Teignbridge**

Application Type: **Full Planning Permission** Parish: **Buckland-in-the-Moor**

Grid ref: Officer: **Oliver Dorrell**

Proposal: **Installation of 20m lattice telecommunications tower supporting 9 no. antennas, 2 no 600mm dishes, together with 1no. foul weather enclosure, 1 no. generator and 1no. meter cabinet plus a 1.2m satellite dish and compound fencing for the EAS and Shared Rural Network projects**

Location: **Challamoore Field, Buckland In The Moor, Newton Abbot, TQ13 7TG**

Applicant: **BT/EE**

Recommendation: **That permission be APPROVED, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved, shall be carried out strictly in accordance with the following approved drawings: Amended Site Location Plan – numbered 002A-Issue-E6 received 18-11-2024, Amended Proposed Site Plan – numbered 150-Proposed-Site-Plan-E6 received 10-12-2024, Amended Proposed Elevation South – numbered 252-Issue-E6 received 18-11-2024, Amended Proposed Elevation East – numbered 251-Issue-E6 received 18-11-2024, Proposed Elevation North – numbered 250-Issue-E6 received 18-11-2024, Amended Proposed Elevation West – numbered 253-Issue-E6 received 18-11-2024 and Amended Arboricultural Layout plan – numbered arb-plan-nov-24 received 05-12-2024.
3. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. Thereafter, the development shall be carried out in full accordance with the approved CEMP at all times.
4. The mast and equipment attached to the mast hereby approved shall, unless otherwise agreed in writing by the Local Planning Authority, be painted Olive Drab RAL6022 in colour not later than 30 days after the substantial completion of the development.
5. Prior to substantial completion 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 include a

suitable replacement for the oak tree (T1) and 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 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.

6. No vegetation clearance or demolition works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless a suitably qualified ecologist has confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
7. The development and ecological enhancements hereby approved shall be implemented in accordance with the recommendations and requirements stated in the Ecological Assessment (Feb 2024, The Ecology Practice). This planning condition shall only be discharged when a suitably qualified ecologist confirms in writing to the Local Planning Authority that the recommendations and requirements have been implemented.
8. The telecommunications mast and equipment shall be permanently removed upon redundancy and the land reinstated to its former condition within a period of six months unless otherwise agreed in writing by the Local Planning Authority.
9. No external lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all lighting on the site shall accord with the approved scheme and other than those expressly approved by this grant of planning permission, no external lighting shall be installed at the application site.
10. Notwithstanding the details shown on the approved Amended Arboricultural Layout plan, precise details of the construction of proposed gravel access path from the gateway to the compound shall be submitted to and approved in writing by the Local Planning Authority prior to the works being carried out. Thereafter, only the approved method of construction shall be used.
11. Prior to the commencement of development on site, details of a method of below ground investigation to confirm the assumed root protection area for the group of trees growing on the bank (G1) to the south-west of the site, as shown on the approved Amended Arboricultural Layout plan, shall be submitted to and approved in writing by the Local Planning Authority. The below ground investigation shall be carried out in accordance with the approved details.
12. Notwithstanding the approved drawings, details of the position of any soakaways shall be submitted to and approved in writing by the Local Planning Authority. The soakaways and surface water drainage shall be carried out in accordance with the approved details.

## **1 Introduction**

- 1.1 This application proposes a 20m slimline lattice telecommunications tower supporting 9 no. antennas and 2 no 600mm dishes – colour Olive Drab RAL6022. The tower would be 2m by 2m at the base, tapering to 1.5m by 1.5m at the top.

- 1.2 The tower would be located within a 12m x 12m compound formed of 1.8m high post and rail with deer netting fence.
- 1.3 Also located within the compound would be located 1 no. foul weather enclosure, 1 no. generator and 1 no. meter cabinet together with ancillary development thereto including 1.2m satellite dish.
- 1.4 The application is submitted on behalf of EE / BT as part of the EAS (Extended Area Service) and SRN (Shared Rural Network) projects. It will provide a radio base station which will be utilised by all four of the main telecommunications operators to provide high quality 4G service provision to this rural area of Dartmoor.
- 1.5 This application follows pre-application extensive engagement with planning officers in Autumn 2023.

## **2 Site and Surroundings**

- 2.1 The application site is located in a field between Higher Pudsham and Challamoor. The village of Buckland in the Moor is approximately 1.2km to the south; Widecombe in the Moor is approximately 2.4km to the north.
- 2.2 The field comprises improved agricultural pasture. There is a hedgebank to the north-east of the site with a farm gateway in the corner and a small copse of several mature deciduous trees to the north and west sides of the proposed compound.
- 2.3 The site is adjacent to a farm track which, although is not a designated public right of way, has permitted public access.
- 2.4 The nearest building group at Higher Pudsham is approximately 200m to the west.
- 2.5 The site and surrounding land falls within Landscape Character Type 2D: Moorland Edge Slopes.

## **3 Consultations**

- 3.1 Teignbridge District Council – No comments received at the time of report
- 3.2 County EEC Directorate - No highways objection
- 3.3 Environment Agency - Standing advice – Flood Zone 1
- 3.4 Historic England

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- 3.5 DNP Ecology & Wildlife
  - 3.5.1 The habitats onsite are of limited quality ecologically, and the development is located a sufficient distance enough away from sites of national and international designation (SAC/SSSI) to have a material impact.

- 3.5.2 There is a small amount of hedgerow loss which may have some limited impacts upon bats, badgers, nesting birds and dormice; however, these can be mitigated through the conditioning a Construction Environmental Management Plan for approval prior to construction.
- 3.6 DNP Trees
- 3.6.1 The loss of one C category tree, T1 oak is acceptable subject to suitable replanting; this could be required by condition.
- 3.6.2 The existing gateway next to T2 will give access onto a proposed gravel area, presumably for vehicle access. No details of the new surfacing have been provided and this will likely cause damage to the trees root systems by compaction and severance depending on construction, a non-dig surface within the RPAs should be considered to protect the tree roots
- 3.6.3 While the trees are growing in a hedge bank the adjustment of the RPAs for G1 is questionable without evidence the roots are not growing in the soil of the field to the north, e.g., trial pits or trenches to check for root depth, density and distribution within the RPAs. This may result in significant root disturbance during site works.
- 3.6.4 Structure located within the RPA of T2 labelled 'Proposed 2No. Rainsmart Ellipse Doubletank module' needs to be explained.
- 3.7 DNP Archaeology
- 3.7.1 No heritage assets will be directly impacted by the proposed development. As indicated in the original comments from Historic England the proposed development would have a minor negative impact on the setting of Scheduled prehistoric settlements and fields to the east and north-east of the site (NHLE Nos: 1004589 and 1003283).
- 3.7.2 However, the proposed development is also situated in a landscape rich in non-designated heritage assets and its impact on these is presented in an excellent addendum to the heritage assessment accompanying the original application in accordance with paragraph 216 of the NPPF. These assets vary considerably in their significance but of particular interest are the various hut circles and enclosures dating to the Bronze Age. These form part of extensive prehistoric landscapes the rarity, extensive preservation and group value of which grants them considerable significance, arguably at a national or even international level despite their largely non-designated status. This is emphasized by the designation of some individual component elements such as the two monuments mentioned above. In its assessment of the impact of the proposed development on these heritage assets, the amended heritage statement displays a fundamental lack of understanding of their significance in the assertion that "Their location would have been in a prehistoric landscape that is no longer readily assessable" (Appendix 1, pg16). In fact, it is precisely because these assets together comprise readily legible and assessable Bronze Age landscapes that grants them their significance. The result of this is a downplaying of the impact of the proposed development. Although, this is not substantial and the ability to comprehend the individual features and landscape is not diminished, the proposed development represents the imposition

of a new, modern, vertical element which detracts from the ability to appreciate them, especially at a landscape scale. It is also worth mentioning in this regard that the fieldscape, settlement pattern and routeways in the area around the site of the proposed development consists of a coherent and extensive medieval landscape which would be similarly impacted.

3.7.3 In summary, although the impact of the proposed development on each visible heritage asset is individually minor, cumulatively it represents an intrusion which neither conserves nor enhances the historic environment and thus does not accord with National Park purposes.

3.7.4 Based on the above comments, refusal is recommended for the proposed development.

### 3.8 DNP Building Conservation Officer

3.8.1 A Heritage Addendum has been received (confusingly entitled Killarney Manor Cottages.). It contains information with respect to heritage matters I and others have raised. With respect to my matters, raised 12 June 2024 the report now discusses additionally non-designated heritage assets, buildings, structures and archaeological features.

3.8.2 I remain concerned, but my objection is removed.

3.8.3 The matter will now come down to the weighing and balancing processes of the decision-making system under Strategic Policy 2.7 of the Dartmoor Local Plan and Section 16 of the NPPF in relation to the harm on the significance caused by the proposal, the great weight which is attached to the conservation of all heritage assets, and the public benefits of the scheme.

3.9 Widecombe Parish Council (Neighbouring Parish) – Support - Whilst acknowledging that a mast is not aesthetically pleasing, a mobile signal is much needed in the parish of Widecombe. Representations from parishioners have previously been made to the Parish Council regarding the need for a mobile phone signal and this mast would provide this much-needed facility.

## 4 **Parish Council Comments**

### 4.1 Buckland in the Moor Parish Meeting – 19 June 2024

4.1.1 The application was discussed at a Parish Meeting on Wednesday 12 June 2024 attended by 15 parishioners, including myself and the Secretary to the meeting. We were fortunate to have representatives of EE, KTL and Perry Williams at the meeting, so we were able to ask detailed questions about the proposed tower.

4.1.2 One attendee voted in favour of the mast and 12 voted against it - the Secretary and I both abstained. Please note that the Parish Meeting was not against improved coverage for the Emergency Services or the Shared Rural Network (SRN) per se. However, we are very much against the choice of site for the tower and think that it would have been much better to have consulted the Buckland in the Moor community before choosing a site.



#### 4.1.3 Our objections are as follows.

##### *Need for a new tower*

- 4.1.4 There is an existing Airwave mast east of Widecombe in the Moor (national grid reference E271256 N076856, option D1 considered by KTL). Our understanding is that a tower could use this site to provide coverage instead of the proposed tower in Buckland in the Moor, and that this tower would only need to be 20 m tall, not 30 m as set out in the planning application. Furthermore, our understanding is that once a new tower is in place, the existing mast at Glebe Farm will be redundant.
- 4.1.5 We think that a replacement mast at Glebe Farm would be permitted development under Schedule 2 part 16 of The Town and County Planning (General Permitted Development) (England) Order 2015. So there should be no significant planning reasons to prevent EE erecting a replacement mast on site.
- 4.1.6 One of the objectives of the SRN is to avoid a proliferation of masts. Policies 1.2 1 d) and 4.7 of the Local Plan 2018 - 2036 also try to achieve this. A new mast where an existing site could be used instead seems to us to be counter to both the SRN objectives and the Local Plan.

##### *Lack of benefit to Buckland in the Moor residents from the proposed tower*

- 4.1.7 We have been told that the proposed tower will not provide significantly improved coverage in Buckland in the Moor. We understand that existing coverage in the parish is provided by EAS0545 in Holne, and that upgrades are planned to this. We understand that most of any improvement in our mobile phone signal will come from these upgrades and not the new tower.

##### *Lack of consultation on site*

- 4.1.8 There has been no consultation with Buckland in the Moor in the selection of the actual site for 0120/24. Instead, the site has been presented as a fait accompli as far as we are concerned.
- 4.1.9 The code of practice for wireless development in England para 76 says that “Pre-application discussions are important in helping to identify the most appropriate solution for any proposed individual development. Consultation is important for ensuring the appropriate design and **siting** for wireless infrastructure and should take place as part of the pre-application process, where appropriate” (my emphasis)
- 4.1.10 Para 84 of the same code says “For some applications, it may be appropriate for the operator to consult with local residents. For example, a greater level of community consultation may be considered *for a new site or where there is a high-level of community interest in development*, though the type of engagement should be considered on a case-by-case basis” (again my emphasis).
- 4.1.11 It seems obvious that a new tower in Dartmoor National Park will be of considerable interest to any affected community. We choose to live in the National Park because of its character and landscape, which are inevitably affected by any new infrastructure.

4.1.12 Buckland in the Moor residents who own land adjacent to any proposed site needed to be consulted during the site selection process. Not only are their views important, they could also have provided input into what sites are likely to be acceptable to the local community.

#### *Impact on landscape*

4.1.13 We think that there has been insufficient attention to the impact of the proposed tower on the landscape. We appreciate that work has gone into deciding from where the tower would be visible and that some screening is possible.

4.1.14 However, the Photomontage Report shows that the mast will be visible from a number of viewpoints, both close by and at a distance. The mast will be an obtrusive vertical structure obviously at odds to the landscape and its character. We think that its impact on the landscape does not meet the requirements of Local Plan policies 1.1 1 a), 2.1, or 4.7.

4.1.15 There will be an impact on the landscape wherever the mast is sited. But at least if an existing site is used, no new damage is done to Dartmoor.

4.1.16 We note that Widecombe in the Moor Parish Council also considers that the mast is not aesthetically pleasing.

#### *Summary*

4.1.17 This application seems to us to be unnecessary and at odds with the Dartmoor Local Plan 2018 - 2036, given there is an alternative site already in use which could be enhanced under permitted development.

4.1.18 Furthermore, the proposed site seems to be of little benefit but significant harm to Buckland in the Moor and we don't really understand why, if Widecombe needs this coverage, the existing site in Widecombe cannot be used.

4.1.19 Finally, we think that it would have been better to talk to Buckland in the Moor residents, and particularly local landowners, about choice of site before applying for planning permission

4.1.20 Please let me know if you have any questions about this letter.

4.1.21 We do also have one last request. Please could the name of the site be changed from Challamoore Field as residents particularly object to the name being the same as nearby properties. We would also point out that the post codes for the site and that for Challamoore are different with the possibility of confusion as a result.

#### 4.2 Buckland in the Moor Parish Meeting – 26 October 2024

4.2.1 Thank you for your letter of 16 October regarding amendments to application 0210/24 for planning permission for a Telecomms Mast at Challamoore Field, TQ13 7TG.

- 4.2.2 We have not had a Parish Meeting to discuss the amendments, but we did have one in June this year to discuss the planning application. You will recall that I wrote to you on 19 June 2024 as a result of the meeting.
- 4.2.3 In that letter I explained that the Parish Meeting considers that the case for a mast at Challamoor Field has not been made, and that the case against using the existing Airwave site at Glebe Farm is insufficient to rule it out. Just to be clear, as you know under the Local Government Act 1972 (Part II sch 12 s13(4)), as Chair of the Parish Meeting, I am able to act its behalf in any way which does not conflict with a direction of the Parish Meeting. This current letter is based on the views expressed in June. However, I have also circulated it as a draft to the village and I am confident that it does represent the views of the majority of the Parish.
- 4.2.4 I think it is worth a quick summary of our understanding. We have been told that:
- The purpose of a new Telecoms mast is to replace the existing Airwave mast with one which provides cheaper and higher quality voice and data for the Emergency Services Network (ESN);
  - Ideally the Shared Rural Network (SRN) project will also use the mast for mobile phone and data coverage by individuals and businesses, but that this is not the priority;
  - There will be a gap in ESN coverage for Widecombe in the Moor without a new mast;
  - A mast at Challamoor will point towards Widecombe to remove the gap in coverage;
  - There will be little or no improvement in ESN or SRN coverage for Buckland in the Moor from a mast at Challamoor Field; most improvements in our coverage will come from a new mast at Holne.
- 4.2.5 With regards to the amendments, as far as I can see they consist of four documents:
- An email from the Home Office (HO) to Rachel Gormley at Perry Williams which says it provides coverage plots for the Glebe farm site but does not in fact include them;
  - An email from Rachel to DNPA regarding questions raised by DNPA about alternative sites and other issues;
  - A design showing what a 'covered solution' for a mast up to 17.5m looks like ;
  - Drawings from 2019 of a lattice tower for ESN and Airwave at Glebe Farm (my italics).
- 4.2.6 The email from the HO adds very little clarity. It seems designed to misdirect and confuse rather than addressing the issues. Perhaps if the data plots were available it would be easier to understand where the HO is coming from. But for example, the email claims that:
- A mast at Glebe Farm will not provide adequate system availability. There is no evidence submitted to support this claim; there is a deal of information provided on how every mast always has plenty of redundancy in transmission and power and hence (presumably) excellent availability
  - A mast at Glebe Farm is deemed to be a poor location for the ESN. There is no data supplied to support this statement

- A mast at Challamoor would provide “18 km of major road coverage”. By HO definition, there are no major roads in Widecombe in the Moor nor are there any in the maps we have seen showing the gaps in ESN coverage. Moreover, the nearest major roads are in the opposite direction to that of the antennae on a mast at Challamoor Field;
- A mast at Glebe Farm provides little extra coverage regardless of whether it is 17.5 m tall or 30m tall - it does not make it clear if this is ESN or SRN coverage, but regardless,
- We have been told that SRN coverage is not the priority, so if ESN coverage in Widecombe can be achieved by a 17.5m mast, this should be the preferred option Airwave will be replaced by the ESN yet the Glebe Farm mast is taller because it has an Airwave antenna on top of it. Even if some overlap between Airwave and ESN is needed while the new system beds in, surely the extra antenna can be removed so the mast is lower when it is no longer needed.

4.2.7 The email to DNPA also makes it clear that only a 17.5m mast is needed for ESN at Glebe Farm. This suggests that alternative designs would be possible to a lattice tower because the mast is shorter. The email says that EE either do not use alternative designs or they are not an option available to EE. This is an application for full planning permission in a National Park. Surely DNPA have some say in the design of the mast? Finally, as I understand it one of the issues for Glebe Farm is trees at the site. As far as I know these are conifers which are not native to Dartmoor. If this is correct, then perhaps consideration could be given to removing or cutting back conifers which are blocking the signal and replacing them with native trees. Admittedly this will take time to screen the site, but again, DNPA could ask for larger specimens to be planted.

4.2.8 In summary, I do not think that the additional information adds anything to the case for Challamoor Field as opposed to Glebe Farm. There seems to be a clear desire by the HO to avoid Glebe Farm and determination to use a site in a different parish which will not see benefit from it. Also, the wishes of the landowners of the sites seem to have priority over those who do not own the land but do live next to the Challamoor Field site.

## **5 National Planning Policy and Guidance**

5.1 Paragraph 189 of the National Planning Policy Framework (NPPF) is explicit that Great Weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation of 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.

5.2 Paragraph 120 sets out the strategic approach to supporting high quality communications infrastructure to support sustainable economic growth. It is made expressly clear that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for

connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate’.

- 5.3 Paragraph 121 states that ‘Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development’.
- 5.4 Paragraph 123 goes onto state that ‘Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure’.
- 5.5 The Code of Practice for Wireless Network Development in England (Dept for Digital, Culture, Media & Sport) provides guidance to Code Operators (referred to as ‘operators’ throughout the Code of Practice), including the Mobile Network Operators and wireless infrastructure providers, their agents and contractors, local planning authorities, and all other relevant stakeholders in England on how to carry out their roles and responsibilities when installing wireless network infrastructure. The aim of the Code of Practice is to support the government’s objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. The guidance provided by the Code of Practice brings together the principles agreed between operators and local planning authorities, in relation to the siting and design of mobile infrastructure, and the approach to consultation and engagement.

## **6 Relevant Local 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 2.4 Conserving and enhancing Dartmoor’s moorland, heathland and woodland  
Strategic policy 2.5 The Water Environment and Flood Risk  
Strategic Policy 2.6 Protecting tranquillity and dark night skies  
Policy 4.7 Telecommunications Development

## **7 Representations**

- 7.1 Support – 4

### 7.1.2 Summary of support comments:

- The emergency services are reliant on their ability to communicate effectively with their control rooms and other partner agencies and to be able to do this, coverage is crucial.
- We know that our National Parks are rural, sometimes inaccessible, and often a significant time away from major receiving hospitals. This makes it incredibly important that responding agencies can get to the people we are responding to as quickly and as safely as possible.
- Lack of mobile signal affects how medical equipment can be used and monitored remotely.
- Dartmoor is subjected to various permanent, manmade additions to its landscape. These include strings of telegraph and electricity poles complete with large grey substation transformers. Communication masts are in exactly the same category.
- We, like others, do not find the masts visually appealing but consider that the benefits outweigh this and hope that the proposed siting of this mast will impact on the landscape as little as possible. We are delighted to see that the application will comply with the Shared Rural Network scheme, ensuring that all 4 UK mobile network operators, along with emergency services, are able to utilise the mast. This will help to ensure that the number of masts is kept to a minimum whilst delivering connectivity across our rural areas.

## 7.2 Object – 8

### 7.2.1 Summary of objection comments:

- The proposed mast would be highly intrusive in public viewpoints both close by (much of Pudsham Down, and the road leading from Cockingford) and from the other side of the valley. It would be an alien feature, with little potential for effective screening. It would contribute unnecessarily to the proliferation of masts which government policy has sought to minimise – especially so in this protected environment, and when it could replace the existing mast at Widecombe.
- The installation at Challamoor field is going to remain a blot on the landscape long after it becomes redundant and outdated.
- The site will bring no benefit to the residents of Buckland in the Moor whose parish it will sit.
- The disruption from construction and the eventual visual impact on that part of the moor would be very unwelcome and permanently damage this part of the moor.
- At the heart of this issue is the lack of a coherent plan from DNPA to manage the proliferation of masts on Dartmoor. There is a new application appearing every month or two, without a framework for saying where masts are needed or what the correct placement of masts should be to achieve maximum comms coverage with minimum masts.
- The mast will also be clearly visible from some of the most visited areas on Dartmoor during the peak visitor season. This is the wrong message to be sending to external visitors to Dartmoor NP. This proposal for a mast at Challacombe Field will lead to irreversible damage to the visual appearance of Dartmoor in that area, huge inconvenience during the construction phase and cause disruption to the local wildlife, birds and those members of the public who

work so hard as volunteers to maintain Pudsham Meadows and other areas nearby.

- The location of the proposed mast is detrimental to the landscape of the area. There is already a mast in Widecombe in the Moor which can be altered to meet the requirements of Widecombe residents. There is no benefit to residents of Buckland in the Moor but rather an intrusive large structure which is not necessary in the proposed site.
- The mast will not fit in at all with the landscape and will be an eyesore to many of the historic houses and cottages and to much of the land in the area.
- Whilst I can see from KTL's supplementary information that other sites were considered, it does not appear that all options were considered within the specified search area and I am not satisfied that the site strikes the optimum balance between the aims of the network programme and the minimisation of visual impact. It is noteworthy that other sites were discounted because the masts would be skylined and have a detrimental impact on the sensitive landscape, but the chosen site clearly also falls into this category for large areas of land and many properties.
- Various surveys and studies have suggested that a mobile mast of this type within 500 metres of a home has a detrimental effect on health especially for young, growing children.
- I do not agree that a 66ft trellis galvanised mast compares to telegraph poles etc especially on a skyline and landscape that is currently unspoilt.
- Following our Parish Council Meeting (Buckland in the Moor) we know that there is already a mast, situated at Bowden Hill in the parish of Widecombe in the Moor that, with only a small amount of improvement work, would provide identical amenities to the proposed mast at this new site.

## **8 Observations**

### PROPOSAL

- 8.1 The Home Office is leading a cross-government programme to deliver the new telecommunications network for the emergency services. The current emergency services network (known as e 3 Emergency Services or 3ES) is operated by Airwave, a Motorola Solutions Company. This network has excellent coverage and provides a secure voice communication method for the users; however, the data capability is limited and the network is very expensive to operate. Additionally, Airwave will be decommissioned in the future.
- 8.2 The successor to Airwave will be the Emergency Services Network (ESN) currently will be operated over EE's 4G Network
- 8.3 EE is expanding their network for ESN Operation, as not all areas that require coverage are provided by the existing EE complement of sites. Furthermore, the coverage must be equal to or better than the current Airwave Service. It is worth noting that due to the existing Airwave Network operating on an entirely different frequency band to the EE/ESN Network, there will be negligible network infrastructure/technology commonality.
- 8.4 There are 40 Areas (Polygons) across Great Britain that are not included within the EE Primary Area. These areas will be known as the Extended Area Service (EAS)

Network and are the responsibility of the Home Office to ensure coverage, similar to the coverage being provided in the EE Primary Area.

- 8.5 There are circa 292 EAS sites/locations across Great Britain and each location has been determined as critical by the 3ES, which is based upon call/incident data gathered over time. The EAS masts will primarily provide coverage to Major and Minor Roads (defined by operational needs), for voice and previously unavailable high-speed mobile data services to the 3ES in the 292 locations. The EAS masts will be government owned.
- 8.6 The proposal is also part of the Government backed scheme called Shared Rural Network (SRN) which is a collaboration between the MNO's Vodafone and VMO2 (formerly O2/Telefonica) and the Government to improve 4G coverage for people living, working and travelling in poorly served rural areas. An installation in this location will ensure that 4G coverage is provided by the four MNOs – EE, H3G, Vodafone and VMO2.

#### PRINCIPLE OF DEVELOPMENT

- 8.7 English National Parks were created with two purposes (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and (ii) To promote opportunities for the understanding and enjoyment of the Special Qualities of the National Park by the public.
- 8.8 There is also a social and economic duty on National Park Authorities to seek to foster the economic and social wellbeing of the local communities within the National Park.
- 8.9 Strategic Policy 1.2 supports sustainable development which, amongst other things, supports National Park purposes, makes efficient use of land and infrastructure, in particular by prioritising the use of previously developed land and buildings, and conserves and enhances the character, quality and tranquillity of the National Park and sustains and enhances the setting, character and local distinctiveness of settlements.
- 8.10 The provision of utility, service, transport or recreational infrastructure is one of those development types is permitted in principle in the open countryside of the National Park under Spatial Strategy Strategic Policy 1.3.
- 8.11 Policy 4.7 states that new telecommunications infrastructure will only be permitted where;
- a) evidence demonstrates the service cannot be delivered less harmfully by installing equipment on existing masts, buildings or other structures;
  - b) the equipment is located and designed to minimise its impact; and
  - c) the equipment does not cause substantial harm to the character and appearance of the built environment and/or the National Park's Special Qualities, particularly landscape character, heritage significance and tranquillity.



- 8.12 It is of note that while there is a requirement to ensure that mast and equipment sharing is prioritised over new installations, neither national guidance within the National Planning Policy Framework nor Dartmoor Local Plan policies require a specific assessment of need for new telecommunications development.

#### ALTERNATIVE SITES/MAST SHARING

- 8.13 The applicants supporting statement advises that utilising existing masts is always progressed where it is technically and legally possible, and new sites are only developed where there are no viable or accessible alternatives.
- 8.14 There is an existing telecommunications base station at Glebe Farm (NGR E: 271256 N: 076856) approximately 550m to the west of Widecombe which currently accommodates a 10m shrouded Airwave monopole.
- 8.15 According to the supporting documentation, in 2019 a proposal was submitted to Airwave to utilise the site a site and design survey was undertaken. At this time this location was only designed to incorporate the Extended Area Services (EAS). If it were to accommodate SRN antennas, due to local topography and the presence of tall trees in the vicinity of the site, the applicant advises that the height a replacement mast in this location would likely exceed 25m. Furthermore, the Home Office has confirmed they have been refused by the landowner to redevelop this site.
- 8.16 There is also an existing telecommunications base station at Blackslade Farm (NGR E: 272530 N: 075320) approximately 1.5km to the south-east of Widecombe which currently accommodates a 17m slimline lattice TV mast. The owners have confirmed the lease is restricted and it cannot be further developed. Also, it would require significant redevelopment, with suggestion that 30m+ lattice mast would be required to accommodate all apparatus required to serve the EAS & SRN.
- 8.17 Regarding possible alternative sites, the applicant has provided details of nine further sites (all greenfield) which were considered as part of the selection process and discounted, along with the reasoning for not proceeding.

#### VISUAL AND LANDSCAPE IMPACT

- 8.18 Strategic Policy 2.1 states that all development should conserve and enhance the character of the Dartmoor landscape by respecting the Valued Attributes of the Landscape Character Types identified in the Dartmoor National Park Landscape Character Assessment and ensuring its location, layout, scale and design conserves and/ or enhances what is special or distinctive about landscape character.
- 8.19 The application site is located in the corner of a pastoral field within the rolling northwest-facing hillside of Pudsham Down. To the northeast lies Blackslade Down, to the east is Rippon Tor, and to the southeast is Buckland Common. To the east the land falls steeply to the East Webburn River valley and Cockingford Bridge.
- 8.20 The application site is within Landscape Character Type 2D: Moorland Edge Slopes. Valued attributes of this landscape type include the following:

- A rich and intricate landscape full of contrasts.
- Strong pattern of medieval fields with prominent Devon hedgebanks and dry stone walls.
- Pastoral character of fields contrasting with areas of heathy moorland.
- Strong local vernacular of granite, colourwash and slate.
- Spectacular views to the moorland core of Dartmoor as well as the surrounding countryside outside the National Park, including granite church towers as landmarks.
- Traditional orchards
- Features associated with the area's mining heritage and historic land uses.

- 8.21 An Increased numbers of telecommunications masts on the periphery of the moor as a result of increased demand for mobile infrastructure and superfast broadband is identified in the Landscape Character Assessment as one the threats/forces for change for this landscape type.
- 8.22 The proposed mast and compound would be located adjacent to a hedgerow within a small copse of mixed trees. The application site is away from the public road but adjacent to an existing farm track along which there is public access. The proposed mast, fence compound and associated equipment would be visible for users of the track. The proposed mast would also be plainly visible from the public road, most notably for those users travelling west from Buckland Common direction.
- 8.23 The landscape surrounding the site comprises undulating medium sized agricultural fields enclosed by Devon hedge banks. To the north and west there is a mosaic of conifer, mixed and broadleaved woodland, less so to the south and open moorland to the east/northeast.
- 8.24 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). In its summary of landscape effects it concludes that the receiving landscape is of high sensitivity but has the capacity to accommodate the proposed development due to the deeply folded landform and screening from public roads afforded by the dense hedgerows flanking the winding sunken lanes, together with small blocks of woodland. The steep sided valleys would help to obscure the proposed telecommunication mast from medium-long range views. While the mast will inevitably break the skyline form views that are slightly below, the rising land to the east and north will help to backcloth it, subsuming it within the wider landscape. It is considered that any landscape effects would be long term but reversible.
- 8.25 The LVIA includes an appraisal of the visual effects of the proposed development from 11 viewpoints which were selected to represent typical views from key receptors at varying distances and orientations from the site. The visual effects range from being graded 'major-moderate' for closer range views (less than 251m) and 'moderate-minor' for longer range views. It concludes that there are likely to be significant effects only at close range to the proposed mast and there would be no significant impact on nearby sensitive receptors, such as neighbouring properties, cultural heritage assets, local roads and public rights of way
- 8.26 The submitted LVIA has been independently appraised and confirmed as being carried out in an appropriate manner and acceptable in terms of its quality and comprehensiveness.

- 8.27 The applicant has been challenged on the design of the proposed mast, with a suggestion that a shrouded pole might be preferable in this location, however officers have been advised that an alternative design solution is not possible in this location due to difficulties over maintenance and access. The antennas are all unshrouded for technical reasons. The higher the radio frequency the more signal attenuation there is. The higher frequency of the latest 4G antennas are unable to operate effectively through the Glass Reinforced Plastic that the shroud is made up of and as such if these antennas were to be shielded then they would not be able to provide the necessary coverage to the target coverage area.
- 8.28 A modern lattice communications tower is clearly not a traditional feature in the landscape. The proposed installation would be in an undeveloped field and remote from buildings. Although the mast would be near to mature trees, given its height and position on a hillside it would be visible from long distances away including from a variety of public rights of way and open access land. It would also be visible from close quarters, including from the access track and public road to the east where it would appear as an overtly modern structure.
- 8.29 There are however building groups in the vicinity of site as well as a network of dense hedgebanks with sporadic mature trees growing out of them which add vertical features to the landscape. There is also consideration for the rising ground to the west which some distant views will reduce the prominence of the structure.
- 8.30 Having regard for all matters, it is considered that the proposed development would not conserve and/or enhance the character of the local landscape and would have a negative visual impact on the area, contrary to the Strategic Policies 1.2 and 2.1 of the Local Plan.

#### AMENITY

- 8.31 Policy 1.7 states that development should not have an overbearing and dominant impact or introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health or quality of life.
- 8.32 The proposed mast will require a generator which will have a noise output associated with it however as the site is approximately 200m from the nearest residential property it is not considered that there would be a material impact on local residents.

#### ECOLOGY

- 8.33 An ecological appraisal has been submitted with the application which reports that the application site is not within or adjacent to any area of priority habitat and no evidence of presence of badgers or hazel dormice were identified. This notwithstanding, the habitat off site in particular the intact species-rich hedgerows immediately north of the demise area, are considered to make a significant contribution towards local biodiversity, providing habitat and foraging opportunities for species.
- 8.34 In light of the above the appraisal recommends a precautionary approach, including requiring a badger survey to be carried out within 3 months prior to commencement of proposals (and should evidence be found a method statement should be provided

to the LPA for approval prior to works commencing) and avoiding ground disturbing activities during dormice hibernation species.

- 8.35 A Construction Environment Management Plan (CEMP) is also recommended to ensure habitat in the vicinity of the site is protected during construction. This would be a condition of any approval.

## TREES

- 8.36 The boundaries of the corner of the field where the application site is located are formed by traditional hedgebanks with vegetation (including trees) growing from the top.
- 8.37 The proposed development requires the removal of one oak tree (T1). The tree is classified in the submitted Arboricultural Impact Assessment as a Category C and described as 'unremarkable with limited merit and low landscape value'. The loss of this tree is considered acceptable, subject to suitable replanting nearby.
- 8.38 The proposed access to the site compound would comprise a short section of gravel track. No details of this track have been submitted and without mitigation it is likely that it would have a negative impact on the root system of the oak tree (T2) growing out of the bank adjacent to the access through compaction and severance during construction. A condition is recommended to further consider the most appropriate method for ensuring this tree is adequately protected during construction.
- 8.39 It is also recommended that further exploratory works (for example, trial pits or trenches to check for root depth, density and distribution) are undertaken to confirm the assumed root protection area for the group of trees growing on the bank (G1) to the south-west of the site to ensure that satisfactory protection is afforded to these trees given their importance in association with the proposed development. This could take the form of a pre-commencement condition requiring details of exploratory works to be submitted, followed by submission of a method statement for this part of the site.

## PLANNING BALANCE

- 8.40 The proposal to provide a new ground-based telecommunications site at Challacombe is part of government drive to provide reliable 4G coverage to the Emergency Service Network (ESN). The site at Widecombe one of 40 areas identified within the Extended Area Service (EAS) network which forms some of the most rural and remote parts of the country. The installation in this location would provide coverage to approximately 18km of major roads (in this case the B3387) and approximately 100km of minor roads in the area, as well as to the village of Widecombe in the Moor and increased coverage to Buckland in the Moor, Cockingford, Higher Dunstone, Jordan, Ponsworthy, and Poundsgate.
- 8.41 The proposed development is also part of the Shared Rural Network (SRN), a government backed scheme between the mobile network operators to get geographical coverage from at least one operator over 95% of the country by the end of 2025. It has been designed so that all four operators can use the same structure and radio base station to also provide 4G coverage to this area of

Dartmoor. Currently there is very limited mobile coverage in this area by any mobile operator. The provision of coverage will not only allow for 999/112 Calls to be made by the public in areas that have historically had insufficient commercial mobile phone coverage (known as 'Not-Spots') but also provide high quality 4G service provision to residents, businesses, and visitors alike to this area of Dartmoor.

- 8.42 Paragraph 118 of the National Planning Policy Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 119 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
- 8.43 The location of the alternative sites explored by the appellant and an explanation on why these have been discounted has been provided. It is considered that the appellant has provided adequate justification for discounting other sites.
- 8.44 There is no doubt the lattice tower would have a clear visual impact, contrasting with the prevailing character of the National Park landscape. Despite the slimline lattice design of the tower, the overall height and antennas/dishes at the top of the tower would draw the eye. The visual impact would be negative as it would be a modern utilitarian feature with vertical prominence, incongruous in the National Park landscape.
- 8.45 The impact would be compounded by fenced enclosure and associated equipment within which would be clearly visible at close quarters by users of the adjacent field track and which would further erode the sense of tranquillity and peace which is currently enjoyed for those passing by the site.
- 8.46 There is also an archaeological objection regarding the cumulative impact of the proposed development which it is considered fails to conserve and/or enhance the local historic environment.
- 8.47 Notwithstanding these matters, the consideration of officers in respect of this proposed development is that, on balance, the harm identified would be outweighed by the considerable public benefits of delivering reliable mobile coverage to both the emergency services network and residents, businesses and visitors through the SRN. Consequently, this material consideration outweighs the conflict with the development plan in the particular circumstances of this case.

## **9 Member Site Inspection – 21 February 2025**

- 9.1 Members of the site inspection panel convened adjacent to the site where the Planning Officer outlined the application proposal. Members were shown the location of the proposed mast.
- 9.2 The site inspection was attended by representatives from Buckland-in-the-Moor Parish Meeting and Widecombe-in-the-Moor Parish Council.
- 9.3 The Chair queried the impact on the proposed construction traffic on the existing trees on the south-western boundary. The representative from EE advised that it

was likely that the proposed equipment would be lifted over the hedgebank from the access track.

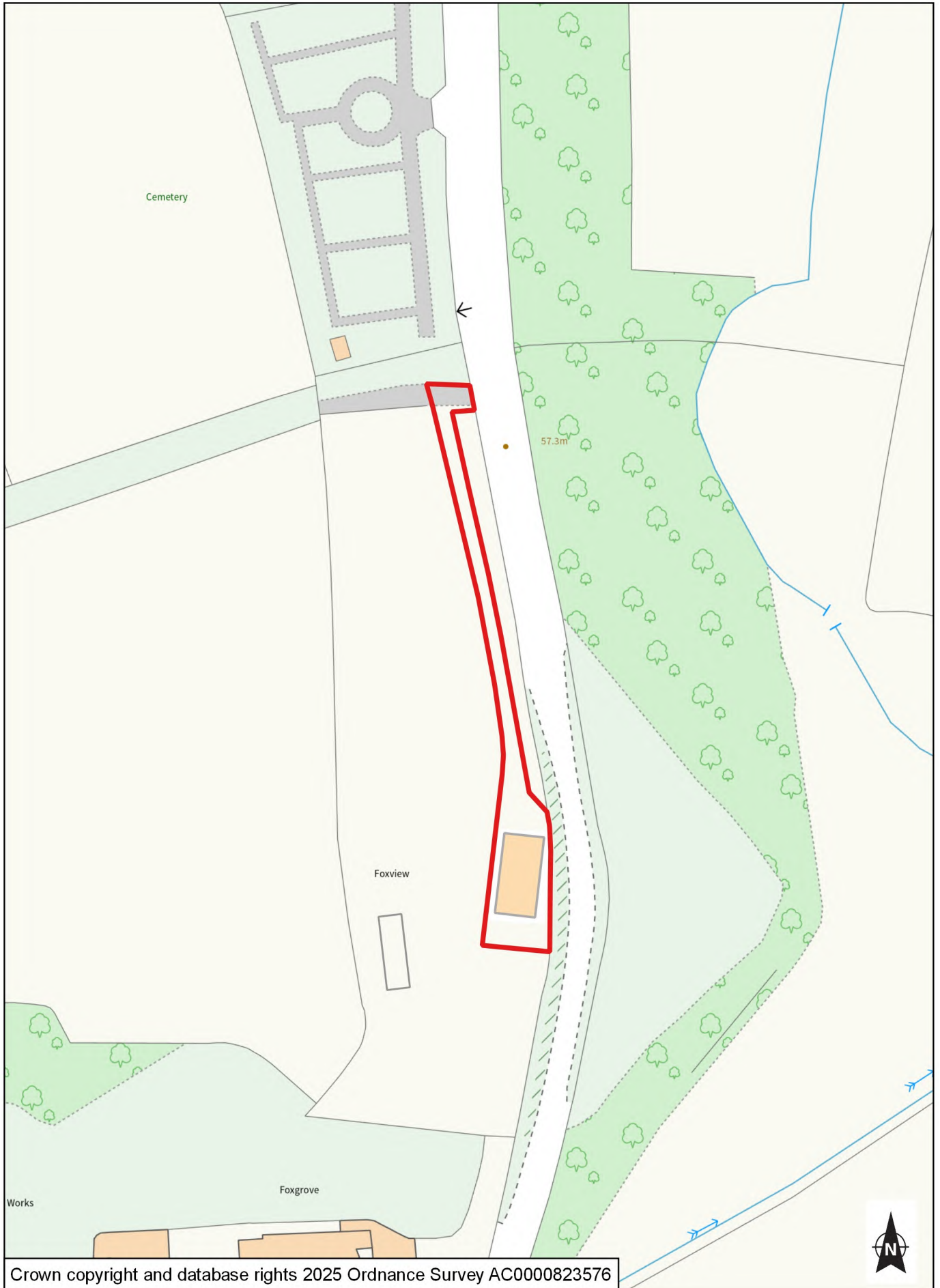
- 9.4 The planning officer confirmed that the submission of a construction management plan is one of the recommended conditions which would deal with this matter.
- 9.5 The planning officer confirmed that the mast would be for use by the emergency services and shared rural network.
- 9.6 The Buckland-in-the-Moor Parish Meeting representative reiterated their objection to the application.
- 9.7 The Widcombe-in-the-Moor Parish Council representative reiterated their support for the application.

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DEAN KINSELLA



Scale 1:950



### Item 3

Application No: **0484/24** District/Borough: **Teignbridge**

Application Type: **Full Planning Permission** Parish: **Christow**

Grid Ref: Officer: **Nicky Hand**

Proposal: **Retrospective alterations and extension to dwelling with upgrading and re-roofing together with provision of disability footway (amended plans)**

Location: **Foxview, Christow, Exeter, EX6 7QB**

Applicant: **Mr & Mrs R Westcott**

Recommendation: **That permission be REFUSED**

#### Reasons:

1. The proposed extension is contrary to policy 3.7 of the Dartmoor Local Plan. The area created by the proposed extension would exceed 30% of the original floorspace. Furthermore, policy 3.7 does not permit extensions to dwellinghouses that have become immune to enforcement action and benefit from a Certificate of Lawfulness.
2. The proposed extension by reason of its inappropriate scale, massing and design has a negative impact on the character and appearance of the host dwelling and does not reinforce the distinctive qualities of the place in this part of the National Park. The proposal is, therefore, contrary to the advice contained in the English National Parks and the Broads UK Government Vision 2010, Dartmoor Local Plan policies SP1.1, SP1.2, SP1.5, SP1.6, and P3.7 and the Dartmoor Design Guide.

#### **1 Introduction**

- 1.1 Foxview is a single storey dwellinghouse accessed from and set above the B3193, approximately 0.5.km to the northeast of Christow.
- 1.2 The application site extends to approximately 1 acre and includes the access from the highway via a permeable track of approximately 85m in length which leads to the dwellinghouse.
- 1.3 A timber post and rail fence divide the land adjacent to the dwelling, which was used to house sheep at the time of the officer site visit.
- 1.4 The application seeks retrospective permission for a single storey extension to the dwelling including a disabled footway in the form of a small patio area to the south of the dwelling, in an existing area of garden.
- 1.5 The application is presented to the Committee at the request of the Director Spatial Planning due to public interest and wider policy considerations.



## 2 Planning History

**0362/10** - Use of building as a single dwellinghouse (Use Class C3). Certificate issued, December 2010.

**0063/11** - Use of building and land as a single dwelling house (C3). Certificate issued in part for the house only, April 2011.

**0246/11** – Change of use of agricultural land to domestic garden and the construction of a carport adjoining the building. Certificate issued in part for the carport only, September 2011. Appeal Dismissed.

**ENF/0241/10** – Enforcement Notice issued concerning domestic use of agricultural land - Appeal dismissed.

**ENF/0151/11** - Enforcement Notice issued concerning the construction of a track - Appeal dismissed, with variations.

**0347/12** - Construction of hardcore track and change of use of land to mixed agricultural/domestic use. Grant Conditionally, February 2013.

**0409/12** - Erection of four polytunnels, formation of hardcore turning area and hardcore aprons on the east side of the polytunnels, and the construction of the hardcore track. Refused, October 2012.

**0564/12** - Erection of polytunnels and associated works for the growing of plants. Refused, December 2012.

**0501/13** - Erection of agricultural building (90sqm) on existing foundations and walls for calf rearing and fodder storage plus retention of hardcore track and hardstanding in front of building entrance. Refused November 2013.

**0285/17** - Erection of mixed use building for agricultural use, textile workshop, stabling and cattery and erection of kennels building. Refused July 2017. Appeal Dismissed.

**0474/18** - Erection of an agricultural building with cattery, kennels and car parking. Refused, October 2018.

**ENF/0168/22** - Non compliance with condition relating to enclosure of domestic curtilage – Resolved June 2023.

**0546/23** - Retrospective extension to dwelling with upgrading and re-roofing together with provision of disability footway. Refused, March 2024. (Appeal in progress).

## 3 Consultations

3.1 Christow Parish Council –reflecting the community support for the new planning application the Parish Council Support the proposal.

3.2 County EEC Directorate – No highways implications.

3.3 Environment Agency – Standing advice applies – Flood Risk Zone 1.

## **4 Representations**

4.1 Seventeen letters of support were received. The comments are summarised as follows:

- Owners are local people who wish to stay within the local community.
- Offered a homeless person to live in original building and the tenant damaged the property.
- Property was uninhabitable prior to the works the current owners undertook.
- Teignbridge Building Control and Empty Homes Officer visited on numerous occasions during the renovation works.
- Dartmoor National Park Authority was aware the applicants were undertaking works to the property.
- Modest extension to create a habitable dwelling.
- Dwelling was tiny to begin with.
- Scale and style in keeping with local area.
- Not visible to public.
- No impact on National Park.
- Eco friendly small-holding.
- Low impact house.
- Owners contribute to wildlife; have planted lots of trees.
- Current housing crisis; shouldn't be making people homeless.
- Good neighbours.
- Modest design.
- Created a disability friendly, low-cost dwelling.
- Improved access and showed respect for the land.
- Sympathetic to surroundings.
- Previous building was an eyesore and not fit for human habitation.

## **6 Relevant Development Plan Policies**

- National Planning Policy Framework 2024
- The English National Parks and Broads UK Government Vision and Circular 2010
- 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

- Policy 3.7 Residential alterations, extensions and outbuildings

## **7 Proposal**

- 7.1 This application seeks retrospective permission for an extension to a single storey dwellinghouse. This is a revised scheme to that refused under delegated powers in March 2024. The applicants have appealed this refusal, and a decision is awaited from the Planning Inspectorate.
- 7.2 This current application amends the previous refused scheme by reducing the internal habitable floorspace from that previously submitted, changing one of the existing bedrooms to a 'store', and creating a replacement, second bedroom at the opposite end of the building that was previously shown as a dining area. The overall scale of the building remains unaltered.
- 7.3 The application also proposes a disabled footway/patio area measuring 3.7m x 2.8m to the south of the dwelling within an existing garden area directly outside existing French doors.

## **8 Planning History**

- 8.1 There is a long planning history on the site, much of which refers to a larger site which was formally associated with the adjoining property 'Foxgrove'. It is understood that a former owner sold off this part of his land, that included an outbuilding referred to as a 'garden room', some years ago.
- 8.2 Various Certificates of Lawfulness applications have been determined relating to the original building on this land and the residential use of the property.
- 8.3 Application ref 0362/10 sought a Certificate of Lawfulness for an Existing Use or Development (CLEUD) for the 'use of building as a single dwellinghouse' and, having satisfied the Authority that this use had continued for more than 4 years, a certificate was issued in December 2010.
- 8.4 Application ref 0063/11 sought a CLEUD for the use of the building as a dwellinghouse and the use of adjoining land as residential curtilage/garden. This resulted in the Authority issuing a split decision, approving the use of the single dwellinghouse, but refusing the part of the application which related to the garden as the evidence did not prove a change of use of the land for 10 years. The plan accompanying the decision notice has a red line drawn tightly around the building.
- 8.5 Application ref 0246/11 sought a CLEUD for the erection of a carport on land adjoining the dwellinghouse, and for the use of land as a domestic garden. This also resulted in the Authority issuing a split decision; issuing a certificate for the erection of a carport but not for change of use of land to a garden.
- 8.6 Previous owners made a full planning application for the 'construction of a hardcore track and change of use of land to mixed agricultural/domestic use', which was granted conditional permission in February 2013 (ref 0347/12). One of the conditions removed permitted development rights for any material alterations to the

external appearance of the building, and for any extensions, buildings, enclosures, structures, erections, hard surfaces, and swimming or other pools in or around the curtilage of the dwellinghouse.

- 8.7 The applicant's purchased Foxview in 2014 and rented the property to a tenant from December 2017 until August 2019. Unfortunately, the applicants advise that their tenant left the property in a state of disrepair and uninhabitable.
- 8.8 In July 2014, the applicant sought advice from the Authority concerning plans for the property that included an extension to the building existing at the time. In his formal response to the applicant of 11 August 2014, the Authority's Principal Planning Officer advised, in part, that *"you are already aware that the residential use of this building was regularised through the Certificate of Lawfulness procedure rather than a planning application .... Policy DMD24 of the Authority's Development Plan states that extensions will not be permitted where the building used as a dwelling has the benefit of a Certificate of Lawful Use, as is the case with Foxview. Furthermore, 'permitted development rights' have been withdrawn meaning that the use and any proposed developments within the limited curtilage area the building does benefit from is tightly controlled. In view of the above, I must advise that any proposed extension to this building is unlikely to be supported by this Authority."*
- 8.9 Contrary to what the applicants' agent states in her Planning Statement, the applicants were made fully aware, shortly after buying the property, that the building did not benefit from any Permitted Development Rights and that extending the building would be contrary to policy and therefore unlikely to receive officer support.
- 8.10 The applicants commenced renovation work on the property in August 2021, whilst living in a caravan on site. However, due to being liable for two council tax payments, the applicant's moved into Foxview to complete the renovation works in December 2021.
- 8.11 The current owners first made an application to regularise the unauthorised extension in 2023 under application ref 0546/23. This was refused under delegated powers in March 2024 for the following reasons;
- 1. The proposed extension is contrary to policy 3.7 of the Dartmoor Local Plan, which does not permit extensions to dwellinghouses that have become immune to enforcement action and benefit from a Certificate of Lawfulness.*
  - 2. The proposed extension by reason of its inappropriate scale, massing and design has a negative impact on the character and appearance of the host dwelling and does not reinforce the distinctive qualities of the place in this part of the National Park. The proposal is, therefore, contrary to the advice contained in the English National Parks and the Broads UK Government Vision 2010, Dartmoor Local Plan policies SP1.1, SP1.2, SP1.5, SP1.6, and P3.7 and the Dartmoor Design Guide.*

## **9 Design & Access**

- 9.1 The property has been extended, renovated and upgraded to provide comfortable accommodation whilst also future proofing it to suit the applicants' needs. The applicant's state that they both have ongoing health issues that necessitates

accessible living space and a second bedroom to allow undisturbed sleep and potentially for a carer in the future.

- 9.2 The original building contained two double casement windows and an entrance door. The window at the southern end of the building was screened by double garage doors which could be opened to reveal the window. The dwelling as it exists today, contains five windows, two external pedestrian doors, a French door leading out onto the patio, and a double garage door.
- 9.3 The proposed plan shows a similar arrangement to that currently existing, but the window in the northern elevation is to be replaced by an additional pedestrian door to access the store.
- 9.4 There is not considered to be any neighbour amenity harm as a result of the fenestration details, with the nearest property being Foxgrove located approximately 60m to the southwest.
- 9.5 A stainless steel flue pipe extends at the south-west corner of the roof. If planning permission was sought for this element of the development, it would have been conditioned to be painted black to minimise the visual impact and the owners have confirmed in their planning statement they would be willing to undertake this should permission be granted.
- 9.6 The applicant's state that they have increased thermal efficiency to the building through insulation of the walls and roof.
- 9.7 The development is considered vastly out of scale against the original building, there is no identifiable level of subservience to the original building, and it does not follow the principles of policy 3.7 or the Dartmoor Design Guide.
- 9.8 The design of the dwellinghouse is considered acceptable in principle in terms of being of low impact with a shallow pitched metal sheet roof. The siting at the lowest point of the land helps assimilate the building into the land and mature trees and hedging which run adjacent to the public highway below also ensure a good level of screening.
- 9.9 Nevertheless, the extension constitutes an increase in habitable floorspace which is well above the 30% predicated in policy 3.7 for residential extensions.

## **10 Policy**

- 10.1 Dartmoor Local Plan Policy 3.7 relates to residential alterations, extensions and outbuildings. This states at part 1. that "*Residential alterations, extensions and outbuildings will be permitted provided that, either individually or cumulatively with previous works, they:*
- a) *reflect the design principles set out in the Design Guide;*
  - b) *are subservient to the original dwelling and conserve or enhance its character, appearance, curtilage and immediate surroundings; and*
  - c) *do not increase the habitable floorspace of the original dwelling by more than 30%".*

- 10.2 The design and impact of the proposed development are discussed at section 9 above.
- 10.3 The original dwellinghouse which was granted under the CLEUD decision ref 0063/11 was referred to as a 'garden studio' with a habitable floorspace measuring approximately 24sqm. The original dwellinghouse took the form of a shallow pitched roof, single storey building. Internally, it comprised of a studio type dwelling with one room for the kitchen, living and bed area, with a small separate shower room.
- 10.4 The extended dwellinghouse now has a habitable floorspace amounting to approximately 84sqm. This equates to an increase in habitable floor space of 250%. Internally, the dwellinghouse comprises of two bedrooms, a bathroom, kitchen and lounge/dining area with integral garage.
- 10.5 The current application differs to the previously refused application (ref 0546/23) in that it now proposes to adapt one of the existing bedrooms to a store, creating a second bedroom internally in an area currently used for dining, which, will reduce the increase in habitable floorspace. This would result in a habitable floorspace of approximately 73sqm, with an additional storeroom amounting to approximately 12sqm (non-habitable). This equates to an increase in habitable floor space of 204% if you do not include the 'store'. Still well over the 30% increase allowed.
- 10.6 However, Policy 3.7 states that "*in exceptional circumstances an increase in habitable floorspace which exceeds the 30% allowable will be permitted where:*
- a) the original dwelling's size is below technical housing standards, in which case a 30% increase from the applicable technical housing standards will be permitted.*"
- 10.7 The Governments nationally described space standards for new dwellings states that for a 1 bedroom, 2 person dwelling, the habitable floorspace should amount to a minimum internal floor area of 50sqm (with 1.5sqm built-in storage). For a 2 bedroom, 3 person dwelling, which this application proposes, the habitable floorspace should amount to an area of 61sqm (with 2.0sqm built-in storage).
- 10.8 If it is considered that the first scenario is applicable in this case, i.e. a 1 bedroom, 2 person dwelling, the proposed development results in a habitable floorspace which marginally exceeds the nationally described space standards but also exceeds the increase in habitable floorspace allowed under Policy 3.7. If the latter scenario is accepted, as claimed the applicants, i.e. a 2 bedroom, 3 person dwelling, the increase in habitable floorspace would be compliant with part 1.c) of Policy 3.7.
- 10.9 Policy 3.7 states at part 4 that extensions will not be permitted where the building used as a dwelling has the benefit of a Certificate of Lawful Use, as is the case with Foxview;
- "4. Extensions and/or outbuildings will not be permitted if the dwelling is:*
- a) unauthorised or has become immune from enforcement action through, for example, the passage of time or with the benefit of a Certificate of Lawful Use or Development;..."* (page 77, Dartmoor Local Plan).
- 10.10 The unauthorised residential use of this former garage building was regularised

through the Certificate of Lawful Use procedure (ref 0063/11) rather than a full planning application. Therefore, and notwithstanding the other parts of Policy 3.7, approving the extension of this building would be contrary to policy.

## **11 Personal circumstances**

- 11.1 The Authority has been advised through this and the previous application (ref 0546/23) that both of the applicants have ongoing health issues.
- 11.2 The Planning Statement submitted makes reference to the need to consider disability as a material consideration, however, no formal evidence of disability has been provided.
- 11.3 Paragraph 48 of the NPPF states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”
- 11.4 Whilst the Authority has considered the applicant’s situation, the personal circumstances in this case are not considered sufficient on this occasion to outweigh the conflict with policy 3.7.

## **12 Parish Council comments and Third-Party Representations**

- 12.1 Christow Parish Council supports the application on reflection of the community support received.
- 12.2 Seventeen letters of support have been received. Views are summarised above, but centre around the low impact of the development, providing a much needed affordable dwelling for local people who are positively involved in the community. Comments are made in relation to the setting being well screened, using quality materials, and the main theme relates to the fact the owners had no option but to rebuild the original building due to it having been made uninhabitable by the previous tenant.
- 12.3 further letters of support comment that the original building as being small to begin with, and the increased size forming a viable affordable dwelling that is adequate for the smallholding it serves. They also note the lack of modest, affordable accommodation within the ownership and rental sectors.
- 12.4 While the property may be considered low value in Dartmoor terms, the application has not been proposed, nor considered, under the Affordable Housing Policies with the Local Plan. Officers recommend that any decision is based on the proposal being an open market dwelling.

## **13 Conclusion**

- 13.1 The Authority appreciates the applicants’ attempts to reduce the increase in habitable floorspace through the conversion of one of the bedrooms to a ‘store’.
- 13.2 Paragraph 57 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

- 13.3 If Members were minded to approve this application, conditions would need to be included to ensure that the garage remains in use as a private garage and that the store remains in domestic storage use. However, officers do not believe such conditions would meet the tests when considering imposing such a condition. Such a condition would, in the view of officers be difficult to monitor and require an intolerable degree of supervision.
- 13.4 It should be noted that carrying out works to any building which affect only the interior of the building, or do not materially affect the external appearance of the building, do not constitute 'development' requiring planning permission. As such, the internal doors that currently link the garage and bedroom/ proposed store with the residential accommodation could be re-opened at any time.
- 13.5 Whether the 204% increase in habitable floorspace complies with Policy 3.7 2.a) as a 30% increase above 'technical housing standards', or is a 'minor increase' which 'conserves or enhances' the special character of the dwelling sufficient to allow for the deviation applied under Policy 3.7 2.b), the proposed extension does not accord with Policy 3.7 part 4.a).
- 13.6 Given the lack of evidence of ongoing health issues or disability, consideration should be given to the 'technical space standards' for a 1b, 2p dwelling (minimum of 50sqm) as there is no evidence that suggests a carer is needed at this time.
- 13.7 As mentioned earlier, residential use of this building was regularised with a Certificate of Lawfulness, and Policy 3.7 explicitly states in part 4.a) that *"Extensions and/or outbuildings will not be permitted if the dwelling is: a) unauthorised, or has become immune from enforcement action through, for example, the passage of time or with the benefit of a Certificate of Lawful Use of Development..."*.
- 13.8 Paragraph 48 of the NPPF states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."
- 13.9 Officers acknowledge the points made by the applicant's in their Planning Statement with regard to their health, and the apparent confusion over permitted development rights when constructing the unauthorised extension.
- 13.10 The application is nevertheless recommended for refused on the basis that it is not compliant with policy 3.7 of the Dartmoor Local Plan or to the recommendations of the Dartmoor Design Guide, and the personal circumstances in this case are not considered to outweigh the conflict with policy 3.7.

#### **14 Member Site Inspection – 21 February 2025**

- 14.1 Members of the site inspection convened outside of the property where the officer outlined the application proposal. Members were shown plans of the building 'as built' and 'as proposed'.
- 14.2 The inspection was attended by a representative from Christow Parish Council and a Councillor of Teignbridge District Council.
- 14.3 Members viewed the site from various locations around the building and Members



attention was drawn to the fenestration details as well as the area of the building which formed the extension to the property. Members were invited to view the internal arrangements of the dwelling.

- 14.4 Members sought clarification as to what enforcement action may be taken if the application was refused. Planning Officers clarified that this matter was not for Members consideration, but officers briefly set out some of the potential implications. Members also sought confirmation of the land owned by the applicant.
- 14.5 Christow Parish Council and the Councillor from Teignbridge District Council confirmed their support for the application.

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DEAN KINSELLA