

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 7 March 2014

Present: K Ball, S Barker, G Gribble, P Hitchins, J Hockridge, M Jeffery, H Jenny, J Kidner, D Lloyd, C Marsh (Deputy Chairman), J McInnes (Chairman), Dr I Mortimer, D Moyse, J Nutley, N Oakley, M Retallick, P Sanders, J Shears, P Vogel, D Webber

Apologies: P Harper

1455 Minutes of the meeting held on 7 February 2014

Save for the correction detailed below, the Minutes of the meeting held on Friday 7 February 2014 were signed as a correct record:

Minute 1449, Item 2 – 0010/14 – provision of new steps and ramp access to the front entrance – National Park Visitor Centre, Tavistock. Mr Kidner proposed the removal of '*Dr Mortimer seconded Mr Kidner's proposal to defer*', which was seconded by Dr Mortimer and duly carried.

1456 Declarations of Interest & Contact

The Chairman noted most Members had received communication from interested parties in connection with every item on the agenda

Mr Retallick declared a personal interest, due to knowing the applicants, in 0016/14 – creation of passing bay for cattle grid and associated works – Stiniel Cross, Chagford, and 0015/14 – erection of isolation/welfare building – land at Cherry Tree, Moretonhampstead.

The Chairman informed Members that 0015/14 – erection of isolation/welfare building – land at Cherry Tree, Moretonhampstead, had been withdrawn.

Mr Sanders declared a personal interest, due to knowing the applicant, in 0065/14 – installation of ground-mounted solar panels - Peat Cot Cottage, Peat Cot, Princetown.

Miss Moyse declared a personal interest, having visited the site, in 0042/14 – conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney.

Dr Mortimer declared a personal interest, by way of contact, in 0545/13 – retention of external door in annexe, 0544/13n – retention of en suite bathroom, 0570/13 – replacement door and shutter within the shippon end of house, 0571/13 – retention of hand rail and balustrade to shippon end of house, 0572/13 – retention of glazing to former loading door and timber shutter on rear of house, 0573/13 – retention of limecrete floor and limewashing of the walls – all relating to Middle Venton Far, Drewsteignton; 0024/14 – single storey extension to rear of property – Torr, Drewsteignton; 0026/14 – erection of two-storey extension and alterations to existing dwelling – Pound Cottage,

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Bridford; 0065/14 – installation of ground-mounted solar panels – Peat Cot Cottage, Princetown, and 0015/14 – erection of isolation/welfare building – land at Cherry Tree, Moretonhampstead.

Mr Shears declared a personal and prejudicial interest in 0016/14 – creation of passing bay for cattle grid and associated works – Stiniel Cross, Chagford. The Head of Legal and Democratic Services advised that Mr Shears had been granted a dispensation to permit him to be present in the meeting room during discussion and determination of the item, but not to participate or vote. Mr Shears added, however, that he would leave the room for the item.

Mr Vogel declared a personal interest, having met with the applicants and officers in his role as local ward member, in ENF0167/13 – change of use to shop to a mixed use incorporating a café – 40 Fore Street, Buckfastleigh.

1457 Items Requiring Urgent Attention

None.

Mr Shears left the meeting room

1458 Applications for Determination by Committee

Members received the report of the Director of Planning (NPA/DM/14/014).

Item 1 - 0016/14 – Create passing bay for cattle grid and associated works – Stiniel Cross, Chagford

Speakers: Cllr T Bleakman – Chagford Parish Council
Mr B Norris – Objector
Mrs A Willcocks – for and on behalf of the Applicant

The Case Officer advised Members that, in the event of permission being granted, it was proposed that the wording of Condition 5 read as follows:

'An ecological watching brief shall be undertaken by a suitably qualified ecologist to check for the presence of dormice whilst the works to the hedgebank hereby approved are carried out. If dormice are found, then works must cease immediately and the advice of the on-site ecologist followed.'

The application proposed a passing bay between Stiniel Cross and Batworthy Mill Cross; the works were proposed in conjunction with a cattle grid planned by the Highway Authority, an application for which had been made under the Highways Act with Devon County Council. The proposal would provide for the greater control of livestock, and would prevent them straying onto the busy B3212. The passing bay would require 33m of hedgebank to be removed; however, the application proposed that it would be reinstated with new planting on the top of the bank. It was considered that the works would have minimal impact on the integrity of the enclosed historic field system. There were no ecological objections to the application; works would be undertaken outside the bird breeding season.

Signed 

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Cllr Bleakman advised that the Parish Council would not normally ask to speak at Committee when it was in agreement with the Officer recommendation; however, on this occasion, due to the interest shown in the application; it felt that it was necessary to state its position. The Council felt that the passing bay would improve the safety and visual impact of the area; the proposed replacement hedgebank could also be a significant improvement on the current vegetation.

Mr Norris stated that, as a resident of Chagford for 30 years, he was keen to see the issue dealt with. He stated that as a retired police traffic officer, it was his opinion that the proposed site was dangerous; his interpretation of the Highways Act and Highway Code was that owners of equines should not allow their animals to stray onto the highway; herded animals should be shepherded. Gates which would have restricted the movement of animals had long since fallen into disrepair and had not been replaced.

A Member reminded the meeting that the application that was before Committee was for the creation of a passing bay, not the installation of the cattle grid.

Mrs Willcocks advised Members that she represented the Chagford Commoners HLS Association. She reported that at a meeting in October 2012 between the Association, Commoners and Devon County Council, it was agreed to take the application forward. At that time, the Chagford Commoners HLS Association was given a set of conditions, eg., ecological survey, public consultation etc., all of which had been completed. Prior to the application for planning permission, pre-application advice was sought from the Authority's Trees and Landscape Officer and the Historic Buildings Officer. Support had always been forthcoming from Natural England. It was the Association's opinion that the removal and replacement of the hedgebank would not be detrimental to the landscape.

In response to Member queries, Mrs Willcocks advised that the location had been chosen to preserve the openness of the Commons.

Mr Barker proposed the recommendation which was seconded by Mr Gribble.

RESOLVED:


That, subject to the conditions as set out in the report, together with the revised wording of Condition 5 as noted above, permission be GRANTED.

Mr Shears returned to the meeting.

Item 2 – 0545/13 – Retention of external door in annexe – Middle Venton Farm, Drewsteignton

Speaker: Mr J Milverton, Applicant's Agent

The Head of Legal and Democratic Services gave advice on the correct test that Members should apply when determining harm/loss in respect of the applications for Middle Venton Farm. To assist Members with this issue, he read out paragraphs 132, 133 and 134 of the National Planning Policy Framework.

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The Case Officer reported that Middle Venton was a Grade II* listed Devon longhouse which was listed in 1988. An archaeological assessment had highlighted two aspects of Middle Venton which marked its particular importance – at the time of listing it was 'quite remarkably unaltered', having retained the plan and volumes of the rooms in almost a complete state, plus the survival in an unaltered form of approximately half the shippon.

The annexe had been granted to provide additional accommodation for the family in the long term and accommodation for the applicants during works to the house in the short term. It was conditioned that, after completion of the restoration, the annexe would be used as ancillary accommodation by the family; the door should have been replaced. Officers considered that although the retention of the door had a detrimental impact on the external appearance of the building, it did not, on balance, represent substantial harm and was therefore acceptable.

Mr Milverton advised Members that his client had spent £600k on the restoration of the house and barn which represented 40 years of earnings, ie., a lifetime's work. All the works have been undertaken within the last 10 years; he stated that he had never seen a better restoration of this type of property.

Mi Hitchins proposed the recommendation, which was seconded by Mrs Marsh.

RESOLVED:

That permission be GRANTED.

Item – 0544/13 – Retention of en suite bathroom – Middle Venton Farm, Drewsteignton

Speaker: Mr J Milverton, Applicant's Agent

The Case Officer reported that the retrospective application sought to regularise unauthorised works to create an en suite bathroom in the first floor bedroom above the cross passage. It was felt that there was no justifiable need for the en suite bathroom due to the close proximity of the new bathroom within the extension. This, in addition to the additional external pipework, was unacceptable, a view shared by English Heritage.

Mr Milverton stated that, in his opinion, the creation of the en suite bathroom had only caused minor harm. He added that planning consent was not required to add a bathroom; the partition was removable by future owners of the property and the installation of the en suite was an improvement to the house.

In response to the Chairman's request for clarification, the Historic Buildings Officer advised that the installation of fixtures and fittings is indeed controlled by Listed Building Consent where it related to Grade I and Grade II* listed buildings. The impact upon the character and appearance of the building should be taken into account.

In response to Member queries the Case Officer advised that the en suite bathroom had not been part of the original plans. The applicant has been invited to replace the upvc pipework with cast iron pipes and was advised that consent would be required.

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No application had been forthcoming. Members understood that the original Listed Building Consent showed no external pipework.

Mr Sanders stated that alterations to a Grade II* listed building would need to be exceptional to be acceptable and that he had seen nothing so far that was exceptional. He proposed the recommendation, which was seconded by Dr Mortimer.

RESOLVED:

That permission be refused due to the reasons set out within the report.

Item 4 – 0570/13 – Replacement door and shutter within the shippon end of house – Middle Venton Farm, Drewsteignton

Speaker: Mr J Milverton, Applicant's Agent

It was acknowledged that much of the work carried out at Middle Venton had been to a high specification. Members were advised that some discrepancies from the approved plans had been accepted by officers where they had not caused substantial harm. The Case Officer advised that it was the view of the agent that there had been no substantial agricultural use of the shippon in living memory.

The original shippon door and door frame had been removed. The replacement glazed door was not in character with the unconverted shippon and, therefore, did not maintain the cultural significance of the building.

Mr Milverton stated that Listed Building Consent was only required if proposed works would significantly change the interior of the listed building. In his opinion, the works in question were minor and therefore no consent was required. He felt that the view of Authority Officers was that the shippon should remain a museum piece. It was his view that the building was part of the house and should be used by the applicant as she wished.

The Head of Legal and Democratic Services clarified that section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to any works for the alteration of a Listed Building which 'materially' affects its character, not "significantly".

Dr Mortimer proposed the recommendation, which was seconded by Mr Sanders.

RESOLVED:

That permission be refused due to the reasons set out within the report.

Item 5 – 0571/13 – Retention of hand rail and balustrade at the shippon end of house – Middle Venton Farm, Drewsteignton

Speaker: Mrs L Sowrey, Applicant

The Case Officer reported that Listed Building Consent had been given for the hayloft floor to be fully reinstated with a ladder for access from the shippon. There was no consent for the handrail or balustrade which did not maintain the cultural significance

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of the building and was harmful to its character. The applicant's agent referred to the hayloft as a sleeping platform and that the handrail and balustrade were necessary for safety reasons.

Mrs Sowrey advised Members that the handrail had been installed as the steps were too steep to use safely. The balustrade had been installed as the hayloft floor was not finished and there were additional concerns regarding safety. She added that the joists and floor of the shippon had been removed, to be replaced when she had the funds available.

In response to Member queries, the Historic Buildings Officer confirmed that the original Consent was for the reinstatement of the hayloft floor as original and for a ladder to be used for access.

The recommendation was duly proposed and seconded.

RESOLVED:

That permission be refused due to the reasons set out within the report.

Mr Vogel left the meeting room.

Item 6 – 0572/13 – Retention of glazing to former loading door and timber shutter on rear of house – Middle Venton Farm, Drewsteignton

Speaker: Mr J Milverton, Applicant's Agent

The Case Officer reported that it seemed likely that the shutter would remain open at all times in order to provide light. It was impractical in its design as it opened outwards and a ladder would be required in order to shut and lock it. There had been no consent for the hayloft glazing as it was considered that it would affect the character of the unconverted shippon prior to the works taking place.

Mr Milverton stated that the glazing had been installed for safety reasons and the former loading door was situated at the top of the steps. If it was determined that the window should be removed, he felt that the hayloft and steps could be open to the elements, potentially making them slippery under foot.

In response to a Member query regarding the significance of classing the shippon as part of the house versus the maintenance of its historical character, the Head of Legal and Democratic Services confirmed that the applicant had been invited to apply for a Certificate of Lawfulness regarding the use of the shippon end of the building. Her adviser had disagreed, advising that it was not needed.

Mrs Marsh proposed the recommendation, which was seconded by Mr Lloyd.

RESOLVED:

That permission be refused due to the reasons set out within the report.

Mr Vogel returned to the meeting room.

Signed J. Sowrey
Date 4-4-14

Item 7 – 0573/13 – Retention of limecrete floor and limewashing of the walls – Middle Venton Farm, Drewsteignton

Speaker: Mr J Milverton, Applicant's Agent

The Case Officer reported that the applicant had confirmed that the floor in the shippon was a concrete floor with added lime. With regard to the limewash on the walls, Members were advised that this should have only been done at ground floor level; the walls should not have been limewashed at first floor level. The applicant's agent had stated that the hard floor surface had been needed in order to avoid damp; no written approval had been given, English Heritage shared the view that permission should not be granted, that concrete flooring and limewashing were not in keeping with the traditional character of the shippon.

Mr Milverton stated that there was no proof that the shippon had been used for agricultural use over the last 30 years. The property should be classed as part of the living accommodation.

Mr Sanders stated that he had no criticism of the workmanship; however, a considerable amount of the work which has been completed was completely at odds with the reasons why the building was originally listed. With this in mind, he proposed the recommendation, which was seconded by Mr Lloyd who agreed that the character of the building has materially changed.

RESOLVED:

That permission be refused due to the reasons set out within the report.

Item 8 – 0024/14 – Single storey extension to rear of property – Torr, Drewsteignton

The Case Officer advised Members that the property was a converted stone bank barn with the living accommodation situated upstairs and bedrooms and bathroom downstairs. The proposal was to extend the upper level to form an upstairs sitting room and toilet. The property had been a separate dwelling within its own curtilage since the approved conversion was undertaken. For this reason, officers had determined that it should not be considered to be a curtilage listed building in relation to Newton Barton. It should, however, be considered a local heritage asset. The design of the proposed extension was very domestic in character and would dominate the rear elevation of the barn; it was therefore considered that it would have an unacceptable impact on the character and appearance of the building.

Miss Jenny commented that whilst she was not adverse to an extension in principle, the design on the application before Members was unacceptable; she proposed the recommendation, which was seconded by Mr Jeffery.

RESOLVED:

That permission be refused due to the reasons set out within the report.

Signed Jane RMI
Date 4-4-14

Item 9 – 0026/14 – Erection of two-storey extension and alterations to existing dwelling – Pound Cottage, Bridford

Speaker: Ms J Boulby, in support of the application

The Case Officer reported that the historic cottage, located at the entrance of the village, was deemed to be a local heritage asset. The proposed extension would largely fill a gap between the site of the house and the adjacent bungalow. Discussions had taken place with the architect to address officer concerns over the form and detailing of the extension. It had been hoped that these discussions would result in an acceptable application. However, officers concluded that the length and design of the rear extension in particular would be out of character with the scale and form of the rest of the cottage.

Ms Boulby stated that it was her belief that a refusal of planning permission would be a flawed decision and would be inconsistent with the guidance provided within the Authority's Design Guide. She added that the cottage was not listed, nor within a Conservation Area, therefore it should, in her opinion, be acceptable for a two storey extension to be added to the property.

In response to a Member query the Case Officer advised that meetings had been held with the agent to try to find a solution, with specific regard to the roof pitch and length of the extension. The application, however, could not be supported.

Mr Jeffrey proposed that the matter be deferred in order that a Site Inspection may be undertaken, which was seconded by Mr Nutley.

The proposal to defer was NOT CARRIED.

Mr Webber proposed that permission be granted, which was seconded by Mr Nutley.

The proposal to grant planning permission was NOT CARRIED.

Mrs Marsh proposed the recommendation, which was seconded by Miss Moyse.


RESOLVED:

That permission be refused due to the reasons set out within the report.

Item 10 – 0065/14 – Installation of ground-mounted solar panels – Peat Cot Cottage, Peat Cot, Princetown

The Case Officer updated Members; South West Water had raised no objections; the Authority's Trees and Landscape Officer had confirmed his objection as the proposed development would not conserve or enhance what was special or locally distinctive about the landscape character of the site. The installation would also be very visible from Whiteworks Road, the bridlepath and land towards South Hessary. The proposed siting of the solar panels was clearly not within the curtilage of the property.

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

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In response to Member queries the Case Officer advised that the property is owned by the Duchy of Cornwall who were keen to see the application determined before any wider search for an alternative location for the panels.

RESOLVED:

That permission be refused due to the reasons set out within the report.

It was agreed that the subject of solar panel installations be raised at the next Planning and Sustainable Working Panel and that a representative from the Duchy of Cornwall be invited to attend.

Item 11 – 0015/14 – Erection of isolation/welfare building – land at Cherry Tree, Moretonhampstead

The Chairman confirmed that the item had been WITHDRAWN.

Item 12 – 0042/14 – Conversion of barn to ancillary accommodation/holiday use – Withill Farm, Sampford Spiney

Speaker: Ms A Burden, Applicant's Agent

The Case Officer reported that the application sought retrospective planning permission for the conversion of a barn to ancillary or holiday accommodation. Due to the location of the building, officers considered that the retention of the development would result in an unjustified dwelling in the open countryside.

Withill Farm, a historic farmstead, situated 1.5km to the east of Sampford Spiney. It was understood from the applicant that works to convert the barn took place in 2005-2006. The physical works were immune from enforcement action as they occurred more than four years ago. A Certificate of Lawfulness was applied for with regard to an existing use as a dwelling; however, there was insufficient evidence to support the application and the Certificate was refused. An Enforcement Notice was issued which required the applicant to stop using the building as a dwellinghouse. The application for the conversion of the barn was submitted by the applicant to avoid having to comply with the requirements of the Enforcement Notice. The applicant had been advised by the Director of Planning that the application would not be supported on policy grounds.

A draft Section 106 Agreement had been submitted by the applicant that sought to ensure that the use of the building remained ancillary to the main dwellinghouse. The draft agreement had been examined by the Head of Legal and Democratic Services and was considered to be defective in a number of areas.

Ms Burden advised Members that, in her opinion, as the converted barn was only 25m away from the front door of the main farmhouse it could not be considered disassociated from the rest of the farm buildings. She added that it was her understanding of Policy DMD44 that a self catering unit would be permitted if within close proximity of the main dwelling. The Section 106 Agreement would tie the barn in with the rest of the farmstead which would prevent it from being sold as a separate

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dwelling. Her client would maintain a log of visitors and would give an undertaking that no family member would occupy the property for longer than a six week period.

Miss Moyse proposed that the matter be deferred in order that a Site Inspection may be undertaken, in view of the letters of support and the comments from the Parish Council, which was seconded by Mr Jeffery.

RESOLVED:

That determination be deferred until a SITE INSPECTION has taken place.

The Head of Legal and Democratic Services advised that Members should bear in mind that they had already authorised enforcement action and issued an enforcement notice which was extant.

1458 Monitoring and Enforcement

Members received the report of the Director of Planning (NPA/DM/14/015)

Item 1 – ENF/0167/13 – Change of use of shop to a mixed use incorporating a café – 40 Fore Street, Buckfastleigh


Speakers: Mr S Williams, in support of proposed enforcement action

The Case Officer reported that the matter was first raised with the Authority in August 2013. Reports were received that works were being carried out on the listed building. Officers visited the site in September 2013 when they met with the leaseholders. It was noted that a section of the floorspace had been set aside as a seating area; officers concluded that the use of the premises had changed from A1 – shop usage, to a mixed use of A1 and A3 (restaurants and cafés). The leaseholders were invited to either remove the unauthorised café or submit a retrospective planning application seeking permission to retain it. This has not proved possible as the leaseholders were not supported by the owner of the property.

Mr Williams advised Members that he was the tenant of number 41 Fore Street, the accommodation situated above the shop. He stated that there was no acoustic barrier between the café and his lounge area. Whilst he had no objections to the shop use, he did take issue with the café which, he felt, was encroaching on his personal daily life.

In response to a Member query Mr Williams advised that the café was open from 8am until 6.30pm, six days a week.

Members expressed a range of views. Some, in recognising that the lease on the shop was due to expire in November 2014, stated that they would agree to enforcement action but would prefer that this was delayed to commence at that time. Others acknowledged that Mr Williams had been unsuccessful in his attempts to negotiate and advised that they would prefer to see the cessation of the café with immediate effect.

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The Head of Legal and Democratic Services advised that a Stop Notice could be issued to require that the café ceased trading immediately. Failure of the leaseholders to comply would result in their facing a prosecution and a substantial fine.

The Case Officer reported that he had been in correspondence with Mr Williams. The main issue was noise nuisance which would be dealt with by Environmental Health. He added that Mr Williams had delayed making a complaint pending the outcome of this proposal.

Miss Jenny proposed the recommendation.

A brief discussion followed regarding when the leaseholders should be required to cease the café trading part of the business. Mr McInnes suggested that the Authority should require trading to cease within three months of the meeting. Miss Jenny agreed to amend her proposal, which was seconded by Mr Hitchins.

RESOLVED:

That the appropriate legal action be taken to:

- (i) secure the cessation, within a three month period, of the A3 (restaurant and Café) use within the building; and
- (ii) secure the removal of all fixtures and fittings associated with the unauthorised use.

Mr Vogel asked that his abstention be recorded.

Item 2 – ENF/0199/13 – unauthorised residential use of a mobile home – land at Great Rick Farm, Hennock

Speaker: Ms L Mumford, landowner

The Case Officer advised Members that Authority Enforcement Planners had noted two mobile homes on the land in October 2013. The unit which was the subject of the proposed legal action was situated some 40m from the farmhouse, in an elevated position; it was surrounded on two sides by decking, with a canopy over part of the decked area. The other mobile home, to the east of the farmhouse, was uninhabited and would be the subject of an enforcement notice to be issued under the Authority's Scheme of Delegation.

It was understood that the units had been placed on the land to be used as occasional accommodation for family and friends. Unforeseen circumstances had led to an elderly relative occupying the unit which is subject to the proposed legal action.

A planning application was received by the Authority on 4 March 2014. At the present time this application was invalid. As the decking area had been added to the mobile home, officers considered that there was a sufficient degree of permanence for it to become a building; this would become lawful after a four year period – April 2014. The proposed legal action would effectively 'stop the clock' and prevent this from happening. The personal circumstances of the occupant would be taken into account when determining an appropriate timescale for compliance with the Notice.

Signed James McInnes
Date 4-4-14

By way of an update, the Parish Council was in support of the proposed enforcement action.

Ms Mumford advised Members that the farmhouse, together with three self catering cottages was purchased in 2007. The business was run by four partners. She stated that the two lodges, purchased in 2010, had never been used on a commercial basis; one mobile home was empty and the other was occupied by her elderly mother on a full time basis.

The Director of Planning advised that the Authority did not underestimate the applicant's dilemma. Notice needed to be served but a reasonable time period would be given for compliance. The planning application would be dealt with separately.

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

RESOLVED:

That the appropriate legal action be taken to:

- (i) secure the removal of the mobile home, exterior decking and associated summerhouse from the land; and
- (ii) secure the cessation of the residential use of the land.

1459 Consultations by Neighbouring Local Authorities

Members received the report of the Director of Planning (NPA/DM/14/016).

RESOLVED:

Members NOTED the response made under delegated powers.

1460 Appeals

Members received the report of the Director of Planning (NPA/DM/14/017).

RESOLVED:

Members noted the content of the report.

1461 Applications Determined Under Delegated Powers and Applications Withdrawn

Members received the report of the Director of Planning (NPA/DM/14/018).

RESOLVED:

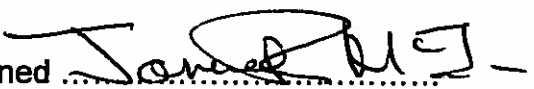
Members noted the content of the report.

1462 Enforcement Action Taken Under Delegated Powers

Members received the report of the Director of Planning (NPA/DM/14/019).

RESOLVED:

Members noted the content of the report.

Signed 
Date 4-4-14