

**DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE**

7 November 2014

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

Apologies: D Lloyd, D Webber, S Belli (Director of Planning)

1525 Minutes of the meeting held on Friday 3 October 2014

The Minutes of the meeting held on Friday 3 October 2014 were signed as a correct record.

1526 Declarations of Interest

The Chairman stated that Members had received emails regarding most of the items on the agenda, therefore only declarations of personal contact or involvement need to be declared.

The Chairman declared a personal interest in Item 0552/14 (Listed Building Consent) & 0551/14 (Full Planning Permission) – Retrospective application, Lean-to adjoining main house, Hillside House, Drewsteignton. Mr Walledge advised that the Chairman would leave the meeting for this item and Mr Vogel would chair the item.

Mr Vogel declared an interest in Item 0481/14 – Atrium School, South Dartmoor Community College, Ashburton due to being Ward Member for Ashburton and Buckfastleigh.

Mr Harper declared a personal interest in Item ENF/0215/12 due to owning neighbouring land and will leave the meeting for the item.

Mr Nutley declared a personal interest in Item 0481/14 – Atrium School, South Dartmoor Community College, Ashburton, due to seeing a presentation at Ashburton Town Council.

Dr Mortimer declared a pecuniary interest in Item 0531/14 - Internal and external alterations to house (Listed Building Consent), Mearsdon, Cross Street, Moretonhampstead, due to owning the property and declared he would leave the meeting for the item. He also declared a personal interest item 0512/14 - Replacement lintels and windows to south elevation of barn cottage and lower parlour wing – Higher Uppacott, Poundsgate, due to helping with fund raising and making a donation towards to conservation of the building, and a personal interest in item 0481/14 – Atrium School, South Community College, Ashburton, due to his son attending the school.

Mr Jeffery declared a personal interest in ENF/0215/12 – Barn being used for residential purposes, Land to the north west of Spring Farm, Bridford, due to knowing the applicants

Signed 

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Mr Barker declared a personal interest in Item 0481/14 –Atrium School, South Dartmoor Community College, Ashburton, due to being a Governor at the school, but stated this does not give him any decision making powers and he would stay in the meeting and participate.

1527 Items requiring urgent attention

None

1528 Applications for Determination by the Committee

Members received the report of the Director of Planning (NPA/DM/14/058).

Item 1 – 0481/14 - New two-storey school, new drop-off/pick-up arrangement, expansion of existing car park - South Dartmoor Community College, Balland Lane Ashburton

Speakers: Mr S Tacchi – Agent for the Applicant

The Planning Officer reported that this application is for three changes to the campus of South Dartmoor Community College; 1) an independently run Atrium School, 2) an extension to the current car park and 3) improvements to the current bus drop-off/collection area at the entrance to the site.

The proposed Atrium school will be independent from South Dartmoor Community College, but will have use of the sports facilities, canteen and library. The school will take up to 375 students. The planned site is currently occupied by temporary classrooms and a grass area with sporadic concrete slabs. There are also a number of mature trees on the site which are to be protected.

The design of the school was a challenge on a tight triangular site and taking in consideration the close proximity of the residential neighbours to the rear of the site. Due to this the design has been reduced in height from the original plans to ensure its not overbearing on the neighbouring properties. The window height has also been carefully considered to ensure they are not intruding on the privacy of the neighbours.

The proposed improvements to the site access are a substantial part of this application. The plans show increased size and capacity to the existing car park, and the drop-off/collection arrangements are to be improved to reduce congestion from Balland Land. A full travel and transport statement is included in the application to ensure suitable traffic and transport management of the site.

The Planning Officer clarified to Members that the Condition 8 had a typing error and should read "No site clearance, site preparation or construction work shall take place **OTHER THAN** between 0800 and 1800 Monday to Friday.....".

A reptile survey and mitigation report has recently been submitted, which is acceptable and it is now considered that the development would have no adverse ecological impacts.

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Mr Tacchi thanked the Planning Officer for such a comprehensive overview of the planning application. He informed Members that the time scales are tight due to the funding limitations from the Department for Education. The deadline is September 2015, therefore any delay in the decision making process may jeopardise the project. He reassured Members that a number of meetings had been held with interest groups including the residents from the neighbouring properties. Mr Tacchi stated that should the proposed plans go ahead, there would be benefits for the wider community in the form of improved traffic management and job creation. The Members stated that the investment in to the area and the proposed improvements to the road and traffic management will be beneficial to the area.

Dr Mortimer proposed the recommendation, which was seconded by Mr Nutley

RESOLVED

That, subject to the conditions in the report, permission be GRANTED.

Item 2 – 0354/14 – Residential development, forty dwellings, open space and landscaping, new access and pedestrian footway – land adjacent to Fairfield, South Brent

Speakers: Cllr Cathie Pannell – South Brent Parish Council Representative
Ms P Wainwright – Sustainable South Brent – Objector
Mr E Jones – Applicant's Agent

The Planning Officer informed Members that Mr Townsend from Devon County Council Highways and Cassandra Harrison from South Hams District Council were in attendance and available for questions after the presentation.

The Planning Officer stated that this application is for 40 residential dwellings of varying sizes, a new access and pedestrian crossing. There has been a 2 year community engagement process, and the scheme has been part of the Local Plan and a Masterplanning exercise for residential housing. The Application includes affordable and shared ownership housing, which would occupy 14 of the units (10 affordable and 4 shared ownership), which equates to 35%.

The proposed development would on 1.72 hectares of arable land, with a strong boundary which will be retained.

A major part of the public consultation highlighted that community benefits must be included in the development, particularly traffic calming, cycle provision and crossing points on the main road. There has also been play/recreation space included in the design of the development.

The design of the houses would include painted render, horizontal boarding and stone facing, the design development has been thought out carefully with the assistance of the Planning Officer. The design of the properties includes sustainable fabric and insulation bringing the buildings above Code 4.

Signed 

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The mature trees on the site would be protected by a Tree Preservation Order.

Mrs Pannell, South Brent Parish Council representative, stated that although South Brent Parish Council do not object in principle, there are some serious concerns. The safety of pedestrians along the busy route in and out of town is paramount, therefore it is vital for two table-top crossing points to be installed. The sizes of the affordable units do not meet the need of the community as there are no larger properties available at affordable housing value. Most of the properties will not be affordable to a lot of families in South Brent, who the properties are designed for.

Ms Wainwright stated that Sustainable South Brent objects in regard to the reduced number of affordable dwellings and the sustainability of the development. She stated that the reduction in affordable housing from 50% to 35% was contrary to Policy SBR1. She highlighted to Members that there are no improvements to the infrastructure, such as health facilities, education and local employment in South Brent to support the level of Open Market Housing. Sustainable South Brent suggest that, in regard to build quality and future proofing the development, Code 4 is inadequate in addressing energy efficiency. The highest possible standards in designing sustainable buildings should be achieved to protect the National Park.

Mr Jones stated that the site was proposed for development in the Local Plan and has been through a long public consultation and work with the Planning Officers as well as South Brent Parish Council and the brief has been considered a viable and deliverable scheme and agreed by the Planning Officer. The reduced level of affordable housing is due to the proposed traffic improvements and the £91k that will be spent on creation of facilities should the development be approved. Code 4 housing reduces CO2 emissions by 25%, for the units to reach higher Coding will cost considerably more and therefore the housing would not be in the affordable housing bracket. The developers, Cavanna Homes Ltd, accept the conditions and S106 that would be part of the planning permission.

Members questioned the type of crossings proposed, Mr Elliot informed them that although they had suggested raised crossings, Devon County Council rejected this and an anti-skid surface on the approach to the crossings would be used instead. Mr Townsend, Devon County Council Highways, informed them that a controlled crossing was considered but the usage would not make this cost effective for the limited use it may get.

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

A Member did express his concerns that if one site has reduced numbers of affordable/social housing policies may be watered down in future. The Planning Officer and Chairman both reassured the Members that in this case the fewer affordable units were due to the additional benefits in line with Policy DMD 21 which allows for an element of flexibility in this respect.

RESOLVED:

That, subject to the conditions in the report as amended, permission be GRANTED.

Signed James R M Jones

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Item 3 – 0485/14 – Front and rear two-storey extensions, side porch, pergola and timber cladding to existing garage – Hawkwood, Ilsington

The Planning Officer informed Members that Hawkwood is a chalet style bungalow. This application proposes a two storey extension, but would not have any over looking windows on to the neighbouring property. The actual change in the floor foot print would only be 1.7m extension in to the rear garden.

The Members agreed with the Planning Officer that it meets policy and the mature boundary protects any neighbouring property from being overlooked.

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

RESOLVED:

That, subject to the conditions in the report, permission be GRANTED.

Item 4 – 0489/14 – Rear two-storey extension, front extension to entrance hall and glazed canopy over front door - Waye Hill House, Chagford

Speaker: Mr D Hayes – Applicant's agent.

The Planning Officer informed Members that this Victorian House with a 20th century extension is still an attractive property, which can be seen clearly from access land. The proposed design would wrap around the building and although the proposed volume of the extension is acceptable the design monolithic design of the extension is inappropriate.

Mr Hayes stated that inside the rooms are small and dark, the kitchen is cramped and it is not possible to get furniture up the stairs. The house has very little design merit and is badly insulated and only fire heated. The design has gone through a number of changes since February 2014. The application includes improvements to the insulation and heating and would make the house a much improved family home.

Dr Mortimer proposed a site visit as the plans were unclear and a fair judgement could not be made by the plans alone. Mr Sanders seconded the proposal.

RESOLVED:

That the application be deferred for a SITE INSPECTION to be undertaken.

Item 5 – 0469/14 – Conversion of storage building into two flats – Unit 1, 31a East Street, Ashburton

The Planning Officer stated that the building is set back from the main building line along East Street in the Conservation area behind listed buildings. It is predominantly a residential area with some business units.

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The building has been vacant and on the market since May 2013 and is not suitable for commercial use. The building is not high quality and it detracts from the character of the conservation area. The application proposes conversion in to 2 dwellings, with improvements to window design and incorporating slate hanging at first floor level. There will also be parking for two cars. The 2 bed open market dwelling would be 70m² and the one bed affordable dwelling would be 53m², which would have a legal agreement attached to it.

There were concerns from a neighbouring property about new windows in the end elevation, which have now been omitted from the plans. The extraction fans now exit from the roof following concerns from a neighbour at the rear.

Members agreed that the improvements to the buildings would enhance the conservation area. Mr Barker proposed the recommendation, which was seconded by Mr Sanders.

RESOLVED:

That, subject to the conditions in the report and the signing of a S106 agreement to secure the affordability of one of the units, permission be GRANTED.

Item 6 – 0512/14 – Replacement lintels and windows to south elevation of barn cottage and lower parlour wing – Higher Uppacott, Poundsgate

The Planning Officer informed Members that the application is for the replacement of poor quality modern windows and steel lintel in the barn cottage and the ground floor parlour wing. The current windows and lintels detract from the special heritage interest of the Grade I listed building. The application proposed high quality oak replacement windows and lintels with painted internal shutters. The design has been worked up in agreement with English Heritage.

The Planning Officer reminded Members that as the asset belongs to the Authority it will have to be referred to the Secretary of State before a decision can be issued.

Members agreed that this work needs to be carried out urgently and the building has not been as well kept as it should be, particularly as there are only 2 other buildings of the same historic style in the country that are open for public viewing.

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

RESOLVED:

Subject to the condition in the report and approval from Secretary of State, Members were MINDED TO GRANT permission.

Item 7 – 0354/13 - Erection of detached intermediate affordable bungalow – Greenacres, Butts Lane, Christow

The Planning Officer reminded Members that in October 2013, Members approved the infill dwelling in Butts Lane subject to a legal agreement to secure the affordability of the dwelling for a local person. Officers have spent the last year

Signed Tom R. H. Jones

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trying to get the agreement signed and permission issued. The applicant has not responded and therefore the Officers recommendation is now for refusal of the application.

Members agreed that the failure to enter in to the S106 agreement made they proposed the development unacceptable. Mr Sanders proposed the recommendation for refusal, which was seconded by Mr Harper.

RESOLVED:

That, due to the reason set out in the report, permission be REFUSED.

Mr McInnes left the Meeting Room, Mr Vogel took the Chair.

Item 8 – 0552/14 – Retrospective application, Lean-to adjoining main house (Listed Building Consent), Hillside House, Drewsteignton

Speaker: Mr Thomas - Applicant

The Planning Officer informed Members that there had been 6 additional letters of support for the alterations.

The Planning Officer stated that this Grade II listed building is located prominently in the Conservation Area next to a bus stop. The application is retrospective and related to the remodelling of the single storey outbuilding. The outbuilding is part of a series of stone outbuildings which formed an enclosed yard and are important in the context of this listed building.

Some of the alterations the officers are able to support, but some are not acceptable on a building of this style. The key concerns are as follows; the original lean-to displayed traditional eaves with no verge boards which were consistent with the historic presentation, the eaves and the ridgeline have been raised, modifying the proportions of the traditional outbuilding. The siting of the flue has been revised and a new window installed which is unsympathetic to the character of the building. The roofing slate is not of a traditional riven quality and the colour finish is not sympathetic to the listed building. The use of modern clip fixings on the roofing slates is contrary to design guide advice.

Mr Thomas stated that substantial planning permission was granted in 2013 for the property and he had assumed the lean-to would not require listed building consent/planning permission as it was a repair. He informed Members that the slate sourced, although artificial, was as close to the slate used on the roof of the main house. The boiler flue is now in a less prominent position and the window was replaced in the 1990s. he had replaced like for like.

Mr Walledge reminded Members that there was no power to issue a split decision and if any part of the alterations was deemed unacceptable then the application should be refused.

Members agreed that the character of the building in a prominent location in a conservation area, had been changed and looked too modern for a listed building.

Signed



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

RESOLVED:

That, due to the reasons set out in the report, consent be REFUSED.

Item 9 – 0551/14 – Retrospective application, Lean-to adjoining main house (Full Planning Permission –Householder), Hillside House, Drewsteignton

Members agreed that the issues on the planning application were identical.

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

RESOLVED:

That, subject to the reasons set out in the report, permission be REFUSED

Dr Mortimer left the meeting room, Mr McInnes (Chairman) returned to the meeting.

Item 10 - 0531/14 – Internal and external alterations to house (Listed Building Consent), Mearsdon, Cross Street, Moretonhampstead

Speaker – Mrs Mortimer – Applicant

The Planning Officer informed Members that this Grade II* late medieval house is in a dominant position within the Conservation area.

The application is in relation to the east end chamber on the left of the passageway, which will bring this part of the building in to viable use and upgrade the standard in line with the rest of the building. The modern timber boarding in the passageway is proposed to be changed with granite stonework and traditional oak plank and muntin screen. The modern staircase is also proposed to be changed. On the first floor, the plasterboard partitions are to be removed to restore the historic plan. English Heritage welcome the proposed changes as a positive improvement.

Mrs Mortimer informed the Members that Dr Mortimer had done extensive historical research in to the property, which indicated it was built in 1525 and is the earliest known town house in Devon. They are keen to restore the historic features of the property and traditional materials will be used in the restorations. No fabric older than 1909 will be removed.

The Members agreed that the proposed restoration would be good to see as the house is very prominent in Moretonhampstead.

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

RESOLVED:

That, subject to the conditions in the report, consent be GRANTED

Signed James P. H. Jones

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Dr Mortimer returned to the Meeting Room

Item 11 – 0550/14 – Application to discharge a planning obligation requiring the provision of affordable housing (attached to permission ref: 0716/06) (modification or discharge of Planning Obligations), 1 Central Court, Fore Street, Buckfastleigh

The Planning Officer stated that the property was built in 2006, as part of a terrace of three dwellings. It was agreed that one of these dwellings would be an affordable dwelling for occupation by a local person in housing need. In 2009 the applicant had difficulty securing a competitive mortgage on the property. Due to this, the applicant approached the Authority indicating that the S106 was too restrictive and asked for it to be changed to relax the restrictions. The Authority assured him that the S106 was less restrictive than some in other parts of Devon. The applicant did manage to secure a mortgage on the property but still maintains that the restrictions are unviable in the current climate. The Authority maintains that the S 106 exists to ensure that the dwelling remains available at 25% below the market price for future owners.

The Planning Officer highlighted to Members that the owner had professional independent financial advice when purchasing the property and he was fully aware of the restrictions in place. Removal of the restrictions would create an unrestricted open market property, which would be unaffordable to anyone in housing need. It would be contrary to the Authority's housing policy.

Members agreed with the Planning Officer that the S106 should stay in place, to ensure the housing is available at a price those in need can afford. There is no significant reason to remove the restriction on this property.

Mr Sanders proposed the recommendation, which was seconded by Mr Ball.

RESOLVED:

That, due to the reasons set out in the report, permission be REFUSED.

Item 12 – 0529/14 – Agricultural livestock building, Land known as Scae Ranch, Cross Furzes, Buckfastleigh

The Planning Officer advised Members that the proposed Livestock building is to sit adjacent to the existing building. The site has a boundary of mature trees, but just 20m from the site is Moorside Cottage. The proposed building would be 9.1mx18m (164m²) for over wintering of cattle and occasional shelter for sheep. The Environmental Health Officer has objected to the proposal due to the potential odours in close proximity to the neighbouring property. No pre-application advice was sought for this application.

Members agreed that the proximity of the proposed barn is too close to the neighbouring property and without an agricultural assessment, the need for intensification is unknown.

Signed 

Date 5 - 12 - 14

Mr Ball proposed the recommendation for refusal, which was seconded by Mr Harper.

RESOLVED:

That, due to the reasons set out in the report, permission be REFUSED.

Item 13 – 0525/14 – Extension to existing dwelling and change of storage building to garage/living accommodation in adjoining 'Old bakery' The Old Bakery, South Zeal

Speaker: Mr P Bridgford – Applicant

The Planning Officer advised Members that this application is in three parts – the former cottage, shop and bakery, and five elements are being altered including increasing the height of the flat roof to improve the family bathroom, demolish the extension, build a new extension, build a curved wall around the courtyard and put a pitched roof on the former bakery.

One objection was received due to the closing in on an already tight space, with an awkwardly placed modern bungalow to the rear.

The application indicates just a 1m increase in height and should not have a significant impact on the neighbouring properties. The applicants have submitted a solar survey which indicates no light will be lost.

The proposed extension is actually smaller than the current footprint reducing the footprint by 10m², but will provide the dwelling with a more useful space both inside and outside. The pitched roof on the old bakery would be much more appropriate in the conservation area and the curved rendered wall around the courtyard meets the approval of the Historic Buildings Officer.

Mr Bridgford informed the Members that there has been a long consultation with the Planning Officers for the design to be acceptable. He stated that it does not detract from the area and is not over bearing on the on the neighbours. The changes are modest and will put no extra strain on the drains and waste water outlets.

Members discussed the application and stated that it is an exemplar for what can be done in a tight space with consultation with the Planning Officer. It will make a significant improvement to the area.

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

RESOLVED:

That, subject to the conditions stated in the report, permission be GRANTED.

Item 14 - 0463/14 – Self-contained biomass boiler installation, Rock Inn, Haytor Vale

Speaker: Mr B Veale – Ideal Biomass, on behalf of Applicant

Signed 

Date 5-12-14

The Planning Officer informed Members that the Rock Inn is located in the centre of Haytor Vale, which is accessed down a narrow lane to an open parking area, passed a row of terrace houses. The nearest property to the proposed site is 20m away. There has been some clearance work carried out on the proposed site prior to receiving the application. At the bottom of the lane there is an assortment of outbuildings, parking areas and storage. 16 objections had been received from neighbouring residents.

The proposed building would have a roofline the same as a neighbouring garage and would measure 8.3mx4.2m with a 6m flue on a monopitched roof. The building would be a simple pellet store and boiler room. The design of the building would be a simple timber clad building with a corrugated iron roof and the flue is to be painted black. The delivery of pellets would be 8-10 times a year, taking approximately 45 minutes in a small van, delivered at approved times.

The Planning Officer stated that there has been no objection from Devon County Council Highways, there has been a turning and access plan received, so access and road blockage issues have been addressed. The site will be screened by the tree boundary from the neighbouring properties and the noise assessment has indicated that no audible sound will be heard from the residential properties and the Environmental Health Officer had no objections.

Mr Veale informed the Members that the installation of the boiler is part of the plan to make the Rock Inn carbon neutral. The Rock Inn already has to receive delivery from a fuel lorry, which will be replaced by a smaller vehicle delivering the woodchip. The woodchip will be sourced from an Okehampton based company. He stated that the comments received from locals about reducing the amount of parking in the lane were irrelevant as the owners of the Rock Inn discouraged people from parking along the verge where the structure will be placed. The applicants had worked with the planning officers in producing a design that would be unobtrusive to the location.

Members suggested that condition 5 should state "All deliveries in connection with the biomass boiler and **ROUTINE** maintenance works to the biomass boiler shall only take place between 08.00 -18.00 Monday to Friday and 09.00 and 13.00 on Saturdays, and not at any time on Sundays, Bank or Public Holidays."

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

RESOLVED:

That, subject to the conditions in the report and the insertion of the word "Routine" in condition 5, permission be GRANTED

Item 15 – 0527/14 – Erection of garage and car space, Rothley, West Street, Ashburton

Mr Harper left the Meeting

Signed 

Date 5.12.14

The Planning Officer informed the Members that the refusal is recommended due to the impact on the residential area and the Conservation area. The application is by the Owners of Rothley but the garage and space would be for the use of St Martins Cottage which currently does not benefit from any provision. It is a sensitive site and the siting of the proposed garage is not appropriate. The site has an awkward relationship with surrounding properties of St Martins Cottage and Rothley and does not have a connection with either.

Some Members stated that they were disappointed with the recommendation of refusal as St Martins would benefit. The development would not be seen from West Street and would not have a great impact on the character of the area. No parking space will be lost if the garage is used for motor vehicle storage only.

Mr Nutley proposed to grant permission for the Garage.

Dr Mortimer stated that although the design would sit well next to a building, the proposed site would make it an individual building, detracting from the conservation area and therefore proposed the recommendation of refusal.

Mr Barker seconded Mr Nutley's proposal to grant permission, as the building would not cause any substantial harm to the area.

It was suggested that a condition be applied that the garage shell only be used for Motor Vehicle storage and not for domestic storage.

RESOLVED:

That, subject to the following conditions, the permission be GRANTED.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2) Prior to the commencement of the development hereby approved, samples of the proposed materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only the approved external material be used.
- 3) The development hereby permitted shall be used for the parking of a private motor vehicle only and for no other purpose.

Mr Harper rejoined the meeting
Mr Hitchins and Mr Nutley left the meeting

1529 Monitoring and Enforcement

Item 1 – ENF/0234/14 – Use of land for the sale of motor vehicles and as a vehicle recovery centre, Land at Hyner Vale, Lower Ashton, Christow

Speaker: Mr J Aplin – Applicant

The Case Officer informed Members that the site is being used for car repairs, car sales and a breakdown recovery service as confirmed by a sign at the entrance to

Signed James D. Aplin

Date 5-12-14

the site use of the site for car repairs is long established, but it was obvious that the site is also now being used for the sale of cars and a liveried 4x4 truck and recovery truck had been seen on the site.

Permission has never been granted for car repairs, but in 2006 the Authority was provided with evidence that the activity had been taking place since the 1980's and therefore it was immune from enforcement action. In 2010, an Officer of the Authority wrote a Statement of Case regarding an appeal on the site. It confirmed the land was being used for car repairs and the preparation of cars for sale, but it did not say the cars were being sold on the site. The Case Officer stated that a business of this kind would cause a visual impact and affect the landscape character, furthermore the traffic movements and machinery associated with this type of business, will have a significant effect on the tranquillity of this area. It is recommended that enforcement action be taken to ensure the termination of the use of the land for car sales and vehicle recovery.

The Parish Council have stated that the local business is important for the Teign Valley and a large amount of locals use the garage for car repairs. It would be a great loss to the area if this service were to be ceased.

Mr Aplin told the Members that the site had been in the family since the 1960's and in 1970's they started buying, repairing and selling vehicles. He stated that just repairing cars will not sustain the business. He informed the Members that the "recovery trucks" were not there for vehicle recovery as a separate enterprise, but as part of the repairs side of the business, as cars sometimes require picking up from a customer's home.

Members were advised that if no action is taken, the whole site could be turned over to car sales, with a "car supermarket" type operation. Members were concerned to understand why the breakdown recovery service was not simply ancillary to the car repair use. Members were further advised advised that both the car sales use and the breakdown recovery use were different uses in planning law to vehicle repairs.

Mr Sanders proposed to proceed with the recommendation as set out, which was seconded by Mr Harper.

The first proposal was not carried. The second proposal, for enforcement action to be to be authorised, for the reasons set out in the report, was carried.

RESOLVED:

That, for the reasons set out in the report, legal action be AUTHORISED.

Mr Harper, Mr Sanders and Mr Ball left the Meeting Room

Item 2 – ENF/0215/12 – Barn being used for residential purposes, Land to the north west of Spring Farm, Bridford

Speaker: Mrs Cahill

Signed

Date 5.12.14

The Case Officer informed Members that various issues with the site had been investigated since 2012 when concerns were first raised about the alleged use of the building. The recommendation seeks to take formal enforcement action against all of breaches of planning control that are currently occurring, which are; the residential use of the agricultural building, the use of the building and surrounding land for a mixed use of agricultural and equine purposes and the erection of a domestic outbuilding.

An inspection of the agricultural building showed that 15-20% of the ground floor was being used for kitchen and office use, whilst a mezzanine had been installed and used for 2 bedrooms and a bathroom. The owners had insisted that these areas were being used as rest areas when the weather became inclement, which the Authority deemed excessive. The mezzanine ceased use as a domestic area.

During a later investigation it was noted that the building was being used for equine purposes. Owners advised the Case Officer that this had been happening since the purchase of the property in 2006 and by the previous owners before that. The Authority received the CLEUD request in January 2014 but was refused and therefore the equine use remains unauthorised. During more recent visits it became clear that residential use of part of the agricultural building had recommenced. The owners insisted this was a temporary measure. Despite this a follow up visit showed that they were still in residence and they were paying council tax on the agricultural building as a dwelling. He also informed Members of a new outbuilding that had been erected on the land without permission.

The Case Officer stated that approximately 40% of the ground floor was being used for equine purposes and jumps, schooling areas and taping to create smaller paddocks was evident in the sounding land. Such use would not be permitted if an application was made.

Mrs Cahill informed the Members that she and her husband had fully complied with the requests from the Authority, but unfortunately the sale of the house they hoped to buy fell through, therefore they had no option but to continue living in the agricultural building with their two young children. She stated that the equine use was a hobby only and no money was being made from it. A new application for mixed agriculture has been submitted for the building.

Members agreed that they have sympathy for the family, living in less than ideal circumstances which an unfortunate series of events had led to. Members agreed that the Authority should give the family enough time to find alternative accommodation. Members were advised that a 6 month compliance period would be allowed.

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

RESOLVED:

That the appropriate legal action be taken to:

- 1) Secure the cessation of the residential use of the agricultural building, including the removal of all fixtures and fittings within the building that facilitate the use.

Signed



Date

5.12.14

- 2) Secure the cessation of the use of the agricultural building and the land for a mixed use of agricultural and equestrian uses
- 3) Secure the removal of a domestic outbuilding from the land.

1530 Appeals

The Members received the report of the Director of Planning (NPA/DM/14/060)

RESOLVED:

Members noted the content of the report.

1531 Applications Determined Under Delegated Powers and Applications Withdrawn

Members received the report of the Director of Planning (NPA/DM/14/061).

RESOLVED:

Members noted the content of the report.

1532 Enforcement Action Taken Under Delegated Powers

Members received the report of the Director of Planning (NPA/DM/14/062).

RESOLVED:

Members noted the content of the report.

1533 Appointment of Site Inspection Panel and Arrangements for Site Visits

The site visit to Item 4 – 0489/14 – Rear two-storey extension, front extension to entrance hall and glazed canopy over front door - Waye Hill House, Chagford, will be held on 21 November 2014. Members attending are Miss Moyse, Dr Mortimer, Mr Jeffery, Mr McInnes and Mr Gribble.

Signed 

Date 5.12.14