

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

SITE INSPECTIONS

Report of the Director of Planning

1 Application No: **0489/14** District/Borough: **West Devon Borough**
 Application Type: **Full Planning Permission - Householder** Parish: **Chagford**
 Grid Ref: **SX692871** Officer: **Jo Burgess**
 Proposal: **Erection of rear two-storey extension, front extension to entrance hall and glazed canopy over front door**
 Location: **Waye Hill House, Chagford**
 Applicant: **Mr & Mrs M Driscoll**
 Recommendation: **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension, by reason of its scale, massing and design, will have a detrimental impact on the character and appearance of the property contrary to policies COR1, COR4, DMD1b, DMD7 and DMD24 of the Dartmoor National Park Authority Development Plan, to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

Members met at Waye Hill House and viewed the front, side and rear of the property. The applicant and agent set out the footprint of the extensions in order for Members to visualise the proposals. The planning officer talked through the application and Members considered the plans and the site surroundings.

It was noted that the principle elevation faces east and views are available to the south from open access land. It was agreed that there is scope to extend the property in some form given its size and there was no objection to the loss of the conservatory.

Queries were raised about the retention of the existing rain water goods, windows and vent pipe. The agent agreed that the extensions will be of a matching material.

Members noted the existing tree to the rear and the agent gave assurances that every attempt will be made to ensure its retention.

Members agreed that they had no objection to the two-storey extension to the front or the

canopy to the side.

The Parish Council representative explained that they also had no objection to the two-storey extension to the front or the canopy to the side. The representative explained their support for the scheme based on simple, contemporary design and that the agent had responded to their comments by revising the roof design. As the proposal was within the extension limit set out in policy DMD24 the Parish Council considers the scheme appropriate.

Members agreed that there was no issue with the extensions to the front and side, the key issue was the size, scale and design of the rear extension. They recognised that the existing rear elevation is of good quality and is the only one in public view.

Members debated the merits of the rear extension and commented that the proposed windows were very large and over simplistic.

Officers remain of the view that the proposal does not accord with the principles of good design for the appropriate extension to an attractive dwelling. Whilst a modern approach could be acceptable, the proposal is not considered to be an appropriate solution.

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50m
Scale 1:1250 @ A4

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Introduction

Waye Hill House is a large detached dwelling situated approximately 1km south west of the centre of Chagford on the southern side of Manor Road. It enjoys a secluded plot with extensive views to the south east towards Meldon Hill.

The application is in two parts. Firstly, the removal of a rear conservatory in favour of a two storey extension across the rear, southern elevation and secondly, the application of a glazed canopy over the entrance porch.

The application is presented to the committee in view of the comments received from the Parish Council.

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
South West Water:	No objections
Environment Agency:	Zone 1 - standing advice applies
DNP - Ecology & Wildlife Conservation:	Works to proceed in accordance with the recommendations of the ecological survey report.

Parish/Town Council Comments

Chagford PC: The Parish Council, in its initial response based on the original plans, has stated that it supports that overall principle of all aspects of the proposal but is of the opinion that the proposed gable ends to the two storey extension create a dominant effect and are not sympathetic to the existing topology of the roof. It is the Council's opinion that this aspect of the proposal does not satisfy policies COR4, DMD4 and DMD5. The Council is satisfied that the application is compliant in all other aspects with policy DMD24.

Should the application change to a hip-end roof design at these points the Council would support the whole of the application.

The Parish Council has since confirmed that it supports the proposal based on the revised plans.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR11 - Retaining tranquillity

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology

COR8 - Meeting the challenge of climate change

DMD14 - Biodiversity and geological conservation

DMD1a - Presumption in favour of sustainable development

DMD24 - Extensions and alterations to dwellings

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

SITE CHARACTERISTICS

Waye Hill House is a mature detached property set in extensive grounds away from the main settlement of Chagford. The nearest neighbouring property is Upper Furlong approximately 140m to the north east. It is a substantial property which continues to display a well-planned form and character which has, through the passage of time, been altered and extended by the addition of sympathetically designed outbuildings on the northern aspect. These are now incorporated into the living accommodation. A modern conservatory has been added to its southern elevation.

The plot is bounded by mature vegetation. There are glimpsed views of the dwelling when passing on the public highway. The property enjoys extensive views across common land at Meldon to the south. In layout the property has its principle elevation facing eastwards.

POLICY IMPLICATIONS

This is an existing domestic property in a location outside of a recognised settlement. Policy allows for the consideration of proposals to refurbish and enhance properties where there would be no demonstrable harm to either wider National Park interests or indeed direct harmful impact on neighbouring amenity. Specifically, policies COR4 and DMD7 reflect the Authority's stance on good design. The adopted Design Guide reflects this approach. Policy DMD4 has specific guidance concerning the protection of residential amenity. Policy DMD24 sets the parameters of scale that should be applied to domestic extensions.

The policies clearly allow for the presentation of modern approaches to the design of domestic extensions where these are informed by the site characteristics.

DESIGN CONSIDERATIONS

It is acknowledged that this is a substantial property and that, in this location there is the potential to absorb a significant extension without compromising the principles of volume and neighbouring amenity contained in adopted policy. Indeed, when the relative volumes are addressed, including the removal of the existing conservatory, the overall increase in habitable floor space equates to around 34%, reflecting the limits stated in policy DMD24.

The main issue here is therefore one of appropriate design and how the proposal fits with the existing property characteristics. Pre-application advice clearly highlighted Officers concerns in this respect however, the applicant has chosen to pursue the application as presented.

The principle concern relates to the conflict of styles between the existing and proposed. It is acknowledged that the proprietary conservatory adds little to the property and there is no objection to the removal of this feature. What is of concern is the proposed two storey extension that seeks to replace it. This is designed in an unashamedly modern way to contrast with the existing however, it is the form and scale of this addition which sits uncomfortably with the existing building. It has a rather monolith style with smooth modern lines and a bulky roofscape which contrast sharply with the existing. The plan wraps around the southern aspect enclosing an attractive double bay window feature. Extensive modern glazing units are proposed to take advantage of the views to the south. The proposed roofscape is a rather complicated arrangement of hips and hidden valley gutters which appears overly complex.

The second and third elements including the application of a glazed canopy above the eastern (front) elevation and alterations to the entrance hall are less controversial and in principle, considered to be acceptable.

REPRESENTATIONS

The applicant has submitted revised plans which seek to address the principle concern of the Parish Council. These now show a hipped roof profile to the proposed extension.

SUMMARY

The principle of extending this property is not in dispute. It is the design of that which is proposed which is considered to be at odds with the character of the dwelling and this location. While there are likely to be limited views of this feature from those passing on the public highway and distant views of the property from public access land to the south, it is an acknowledged fact that visibility is only one of the tests of appropriateness.

In this instance, there is a clear differentiation between the existing and proposed. Modern extensions to traditional buildings can work well if the design respects the form and character of the old against the new. Being able to clearly read the phases of development is one of the underlying principles of this approach. In this case, the new is strikingly different and wraps around the southern aspect to an extent that it masks an attractive elevation and presents an uncomfortable link in both form and roofscape with the existing features of the property. The revisions showing a hipped roof profile do not alleviate these concerns.

CONCLUSION

This is a proposal which it is considered does not accord with the principles of good design for the appropriate extension of an attractive dwelling. While a modern approach to the extension

of this property could be acceptable in principle, the proposal currently before the Authority is not considered to be the most appropriate solution.

Pre-application advice was sought and the applicants were strongly advised that whilst the principle of an extension was acceptable the suggested design solution was not for the reasons set out in this report.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Director of Planning

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Item No. **Description**

1. 0524/14 - Erection of 15 specialist dwellings for the elderly (9 houses and 6 flats) together with garages, gardens and a communal area for residents (Full Planning Permission), land at Bretteville Close, Chagford
2. 0560/14 - Change of use of residential property (C3) to a non-residential institution use (D1) to allow building to be used for teaching small groups of students/individuals in a non-classroom setting (Full Planning Permission), 2 School Houses, Place Lane, Ashburton
3. 0603/14 - Agricultural worker's dwelling (Full Planning Permission), Mill Leat Farm, Holne
4. 0620/14 - Two-storey extension to rear and side of house with other alterations (Full Planning Permission - Householder), 36 Furlong Close, Buckfast
5. 0498/14 - Walls and roof added to existing dwarf wall to extend kitchen (Full Planning Permission - Householder), Long Barn, 4 Quarry Farm, South Tawton
6. 0519/14 - Erection of two stables with hard-standing to the front (Full Planning Permission), Smutty Park, Thorn, Chagford (NE of Higher Justments)

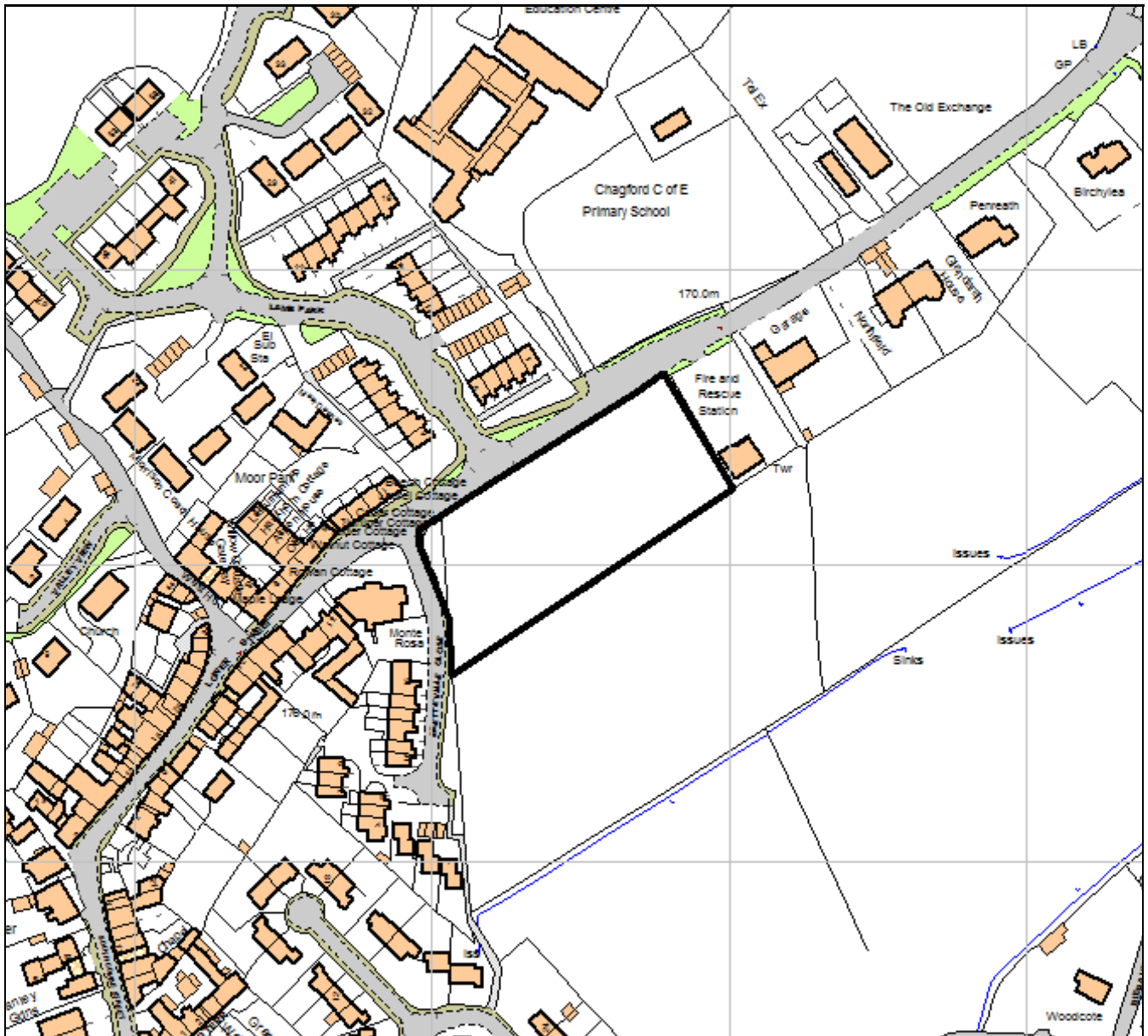
1. Application No: **0524/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX702878**

District/Borough: **West Devon Borough**
Parish: **Chagford**
Officer: **Christopher Hart**

Proposal: **Erection of 15 specialist dwellings for the elderly (9 houses and 6 flats) together with garages, gardens and a communal area for residents**

Location: **land at Bretteville Close, Chagford**

Applicant: **Blue Cedar Homes Ltd**



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50m
Scale 1:1250 @ A4

Recommendation **That, subject to the completion of a s106 agreement containing a commuted sum towards the provision of affordable housing, a public car park and recreation open space, permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The roof of the buildings hereby approved shall be covered in natural slate, a sample of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.
3. The roof slates and areas of slate hanging shall be covered in slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
4. No development shall take place until a detailed schedule of all external materials, including stone samples, render styles and colours, fenestration details, rainwater goods, garage doors, soffit and verge details, chimney pots, kerbing and courtyard paving elements has been submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these agreed details unless otherwise agreed in writing.
5. A detailed schedule of all external lighting including times of operation shall be submitted to the Local Planning Authority for approval in writing before the first occupation of any unit, and prior to any lights being erected or placed on the buildings.
6. The temporary vehicle access onto Bretteville Close shall be permanently stopped up to vehicle traffic within one month of the satisfactory provision of the southern access to the site, ie. between units 13 and 14.
7. No tree or hedgerow on the land (other than one permitted to be felled or removed as shown on the approved plans) shall be felled, lopped, topped, cut down or grubbed out without the prior written consent of the Local Planning Authority. Any tree or hedgerow removed without consent, or found to be dying, damaged or diseased, shall be replaced on a like for like basis unless otherwise agreed in writing by the Local Planning Authority.
8. Prior to the commencement of any works or development on the land, all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.
9. No development shall take place in connection with this permission until such time as a Construction Method Statement has been agreed in writing with the Local Planning Authority. The statement shall include details of tree/hedgerow protection methods, site working hours, delivery hours, site compounds, site office and facility buildings and on-site parking provision for all contractors vehicles. The development shall proceed in accordance with the agreed statement unless otherwise agreed in writing.

10. The works shall be undertaken strictly in accordance with paragraph 8 of the Ecological report received 12 September 2014 unless otherwise agreed in writing with the Local Planning Authority.
11. No works in connection with the development of the residential units shall be undertaken until the highway works as shown on the approved drawing number SK09 have been implemented.
12. The proposed estate road footways, footpaths, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
13. No part of the development hereby approved shall be commenced until:
 - i) The access road 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
 - ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - iii) The footway and junction improvements to Bretteville Close at its junction with Lower Street on the public highway frontage required by this permission has been constructed up to base course level.
14. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A site investigation scheme, based on information for an assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

15. No development shall take place until the archaeological evaluation as detailed in the Written Scheme of Investigation has been undertaken and the results presented to the Local Planning Authority in written form.

16. Prior to the commencement 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 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.
17. Notwithstanding the details as shown on the approved plan, the stone boundary wall on the northern boundary of the site facing Lower Street shall be retained at its existing height. Any necessary repairs or repointing shall be carried out to match the existing with raked mortar joints.

Introduction

The development site is located on the southern side of Lower Street on the approach to Chagford. It is currently undeveloped open pasture forming a part of the larger site allocated for mixed development.

The application seeks permission for the erection of 15 units of accommodation aimed at the elderly.

It is a major application which presents a variety of policy issues and has engaged public debate. This application represents the first stage of the approved Chagford Masterplan. For these reasons it is presented to the Committee for consideration and determination.

Planning History

0132/06	25 Category II sheltered housing units with 1 warden's unit, 40-bed nursing home, 8 affordable housing units, access and carpark spur at Bretteville Field with a 1m highway-widening of Bretteville Close	Outline Planning Permission Refused	05 May 2006
	Appeal lodged: 06 November 06	Result: Withdrawn	
0689/04	Category II sheltered housing development for the elderly	Outline Planning Permission Refused	04 October 2004
0382/04	Category II sheltered housing development for the elderly	Outline Planning Permission Withdrawn	01 July 2004
0548/03	Category II sheltered housing development for the elderly	Outline Planning Permission Refused	10 October 2003
03/08/2325/90	29 low cost starter homes	Outline Planning Permission Refused	30 November 1990
03/08/2668/88	21 dwellings, garages and parking	Outline Planning Permission Withdrawn	26 February 1990

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: The site is part of the larger overall site identified for

development in Chagford. As such, discussions have taken place with all stakeholders about the development of the site and the principles have been established.

It is proposed that the site will ultimately derive vehicular access from the larger part of the site to the south-east, but in the interim period it is proposed that the smaller part of the site derives its vehicular and pedestrian access from Bretteville Close. As an access to serve this limited amount of development, Bretteville Close, with the improvements proposed at the junction with Lower Street will be acceptable from a highway safety point of view.

Construction vehicle access will not be ideal and may require the temporary revocation of some of the parking bays in Bretteville Close, but this matter can be controlled by a suitably worded condition and is not a reason to recommend the refusal of planning permission.

The planning authority will also need to give consideration as to how the eventual vehicular access to the south-east can be adequately secured, such that the final scenario shown on some of the application plans with the vehicular access from the adjoining site and pedestrian and cycle access only to Bretteville Close (as shown on some of the application plans) is achieved.

South West Water:

No objection provided that foul drainage only is connected to the public sewer.

Environment Agency:

Zone 1 - standing advice

Environmental Health (WDBC):

Request condition to deal with land affected by contamination.

Historic Buildings Officer:

The proposed development adjacent to the Chagford conservation area has been the subject of considerable pre-application discussion and site visits. Impact on heritage assets, both designated and non-designated has been assessed by a fair and well balanced Statement of Significance and the disposition and relationship of new buildings with built heritage and the conservation area well considered and presented. Overall, the proposal for housing development will not cause harm to the significance of heritage assets and is supported.

DNP - Ecology & Wildlife Conservation:

The submitted Ecology Report accompanying the application provides an impact assessment for the proposed scheme of 15 dwellings. This assessment has been informed by a Preliminary Ecological Appraisal, a desk survey and a programme of protected species surveys including bats, dormouse, badger, breeding birds and reptiles.

Habitats identified within the application site include low conservation value grassland, species poor hedgerow and a mature willow tree. The site is bordered by tightly grazed

pasture and residential gardens. No evidence of dormouse was recorded. Nine species of bat were recorded including greater horseshoe, lesser horseshoe, Nathusius' pipistrelle, long-eared bat, common pipistrelle, soprano pipistrelle, whiskered bat and noctule. A single common pipistrelle was recorded emerging from the mature willow. Suitable habitat was identified for nesting birds although the site is considered unsuitable for ground nesting species.

Three internationally important sites lie within 10 km of the site. The SA/SEA Scoping Report for the DMD (July 2012) considers that the development of the site would not cause harm to any SSSIs, SACs, Ramsar Sites or SPAs. The site underwent a Habitat Regulations Assessment screening in January 2014 which states that development of the site would not have a significant effect on the three SACs (Dartmoor SAC, South Dartmoor Woods SAC and South Hams Greater Horseshoe Bat SAC).

The report includes key mitigation and enhancement measures to reduce impacts. Measures include retention of key linear features including the south boundary hedgerow and the connecting linear features to the east and west and the retention and enhancement of a green corridor along the southern boundary. Corridors would be kept dark through no adjacent lighting or lighting which is directed away from the habitat corridor. Recommendations are made with regard to lighting design. A new bat roost would be provided within the roof void of a new garage building to replace the roost in the mature willow which is to be felled and replaced with a newly planted oak. Felling of the willow tree needs to be carried out under a detailed Method Statement as part of a European Protected Species Licence. Other measures include the creation of a new community garden, timing of works to avoid nesting birds.

Because the felling of the mature willow tree requires a European Protected Species Licence the following three tests need to be applied when considering the application under the Habitats Regulations:

1. The development is of overriding public importance
2. There is no satisfactory alternative
3. There will be no significant detrimental population impact (on the bats)

If the development proceeds in strict accordance with the measures set out in the licence method statement we can confirm the application satisfies test 3 of the Regulations.

With the implementation of recommended mitigation and

enhancement measures the impact assessment considers that the development would have a neutral residual effect on biodiversity.

DNP - Trees & Landscape:

Several trees are growing on the site and the applicant has submitted an arboricultural report in support of the application. A number of trees have been identified for removal a Lawson cypress, a mature willow, a mature holly a small group of willow and two small groups of hawthorn trees. The trees, other than the mature willow, are not significant features in the landscape and their removal will have minimal impact on the local landscape.

The mature willow tree is growing at the junction of Bretteville Close and Lower Street. The tree is a magnificent specimen and a focal point of this part of the village. The tree is protected by a Tree Preservation Order. The tree is in very poor condition and has a fungal infection which has decayed a substantial part of the heart wood. The tree was tested earlier in the year to assess the extent of decay. The decay is so extensive that the remaining sound wood falls below the recognised safe threshold. It may be possible to pollard the tree, but the amenity value of the tree would be lost and it is arguable whether it is better to fell the tree and plant a replacement. The applicant intends to fell the willow and replace it with a specimen oak tree.

The applicant has submitted a landscape and visual impact assessment.

Landscape Character

Landscape Character Type - 2D Moorland Edge Slopes

The land immediately to the north, west and east is developed land. The land to the south is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Several fields are sub-divided with fencing. Small broadleaved woodlands are a feature of this landscape. The land has a pastoral character.

The Landscape Character Assessment for Dartmoor National Park identifies valued attributes for this landscape type as;

- A rich and intricate landscape full of contrasts
- Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls
- Pastoral character of fields contrasting with areas of heathy moorland
- Spectacular views to the moorland core of Dartmoor as

well as the surrounding countryside outside the National Park.

- Features associated with the areas mining heritage and historic land uses.

The site is allocated for housing development in the local plan. Clearly there will be a change in character of the land from a grazed pasture to housing, but the location of the site and the proximity of the existing settlement will minimise this impact.

Visual Impact

The development will be visible from many points around Chagford, however, its visual impact will be very local and the development will be seen in association with the existing settlement.

Mitigation

A detailed landscape scheme has been submitted to help mitigate the impact of the development. The hedging enclosing the site will be a mix of native species and the replacement for the willow tree will be a native oak. However, the rest of the planting is mostly ornamental and does not reflect the character of an isolated Dartmoor village. A significant amount of work was carried out during the master plan exercise to identify the local vernacular to help influence the design of the buildings, this concept does not appear to have been extended to the soft landscaping. The proposed landscape scheme could be found in any housing development around the country. I would like to see greater emphasis placed on native species to reflect the character of a moorland town.

Conclusion

The proposed development will require the removal of several trees. Most of the felling will have minimal impact on the character of the area, but the removal of the willow tree will have a significant impact on the amenity of the area. The mature willow tree is protected by a TPO, but it is in very poor condition and needs to be felled on safety grounds. The tree will be replaced with an oak tree.

The development will have minimal visual impact and minimal impact on the character of the area.

The soft landscape has many ornamental species and it is a scheme that could be found in any development across the country. I would like to see a landscape scheme that has more native species and one that reflects the character of a Dartmoor Town.

Forward Planning &
Community:

The application relates to an allocated site with an approved Masterplan. The scheme is considered

consistent with that set out in the approved Masterplan. Subject to satisfactory negotiations regarding the S106 agreement for contributions towards affordable housing in lieu of on site provision, and an appropriate proportional contribution towards other aspects identified in the allocation, this application is supported.

DNP - Archaeology:

A Written Scheme of Investigation (WSI) has been prepared which outlines the archaeological evaluation which will take place before the development work begins. (It has already been shown by archaeological survey that the well preserved earthworks still evident in the Bellacouche fields form part of the upper section of alluvial tinworks)

The archaeological evaluation will comprise the initial excavation of four trenches, 25m x 1.8m, with the objectives of gaining information about the archaeological resources within the development area, in order to make an assessment of its merit in the appropriate context.

These objectives are:

- To locate, identify and to investigate the record the presence/absence of archaeological features or deposits
- In particular these will investigate and confirm the date of the tinworking remains and associated water channels
- The evaluation, where possible, will confirm the extent, date, character, relationship, condition and significance of archaeological features, artefacts and deposits within the proposed development area
- To inform the scope and nature of any requirements for any potential further fieldwork, whether this is additional watching brief, excavation, or post-excavation work
- To enable the preservation by record of any archaeological features or deposits uncovered and
- To place any identified archaeological remains within their historical context

The details in this WSI are acceptable. A condition should be placed on any permission that this archaeological evaluation takes place before the commencement of the development.

Parish/Town Council Comments

Chagford PC:

- The Parish Council supports the application in principle subject to the following considerations;
- the application details accord with the revised plans
 - the whole development is open with free access to all pedestrians and cyclists
 - resolution of the dropped kerb and vehicle overrun area to safeguard pedestrians
 - receipt of a detailed plan to show highway improvements

- a construction method statement to restrict vehicle movements between 7.30 - 9.30 and between 15.00 and 16.30 on all weekdays
- parking on site for all construction traffic
- vehicular access to Bretteville Close to be closed as soon as possible (or a maximum of 3 years)
- building works do not commence until there is a signed s106 agreement
- works do not commence until there is a planning application submitted for works on the rest of the allocated site

The PC has stated its qualified support for the revised plans with reservations concerning the absence of staggered rooflines, the uniformity of the blanked window details and a request that the end property has a hipped roof to match the apartment building.

Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR10 - Providing for renewable energy
- COR13 - Providing for high standards of accessibility and design
- COR15 - Providing for limited new housing to meet local needs
- COR16 - Meeting the needs of vulnerable groups and those with special needs
- COR4 - Design and sustainable development principles
- COR5 - Protecting the historic built environment
- COR6 - Protecting Dartmoor's Archaeology
- COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
- DMD13 - Archaeology
- DMD14 - Biodiversity and geological conservation
- DMD15 - Renewable energy
- DMD1a - Presumption in favour of sustainable development
- DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
- DMD2 - Major Development
- DMD21 - Residential development in Local Centres
- DMD38 - Access onto the highway
- DMD4 - Protecting local amenity
- DMD40 - Parking provision - Residential
- DMDCHG2 - Mixed use development east of Bretteville Close

Representations

- 10 letters of objection 2 other letters
- Petition against the proposal, with 222 signatures

While some give support to the principle of development, the overwhelming concern centres on the traffic generation both during and after construction. In particular, there is concern that the construction traffic will lead to an unacceptable hazard and conflict with

school children and pedestrians. It is stated that Bretteville Close is a popular thoroughfare used as a safe pedestrian route to the nearby school. The crossing points put children in direct conflict with traffic. It is also suggested that the road needs to be re-aligned as far as its junction at Easton Cross to ease traffic congestion. A 20mph zone and zebra crossing are suggested as measures necessary to safeguard children.

There are also concerns expressed relating to the design of the scheme. It does not pay attention to local vernacular styles and materials. The scale of the apartments is considered out of keeping. One resident considers the development is likely to be overpriced, overwhelming and urban in its appearance. Noise and pollution during the construction phase will also be significant. The community benefits are not explicit in this application. The lack of affordable housing provision is also noted.

Observations

MASTERPLAN/POLICY IMPLICATIONS

The National Planning Policy Framework (NPPF), contains a presumption in favour of sustainable development, identifying twelve core planning principles that underpin the plan making and decision taking functions. They confirm that planning, amongst other things, should:

- Be genuinely plan-led and based on joint working and co-operation;
- Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- Take account of the different roles and characters of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

The vision for Chagford is one of sustaining a vibrant local economy while balancing the commitments to improve accommodation opportunities for local people, improving parking provision and conserving the town's distinctive character and heritage. Chagford is one of eight designated Local Centres within the National Park where it is recognised that limited growth can be accommodated to facilitate these aims.

The Chagford Design Statement (May 2009) was the catalyst for a community led desire to maintain the economic viability of the village recognising its vibrant community spirit. This has been translated into the adopted policy DMD CHG2 which states;

'An area of land 3.7ha in extent to the east of Bretteville Close, Chagford, is allocated for mixed use including;

- (i) A public car park to include provision for coaches;
- (ii) Housing for the elderly to meet identified local needs;
- (iii) Other housing, to include affordable housing to meet identified local needs;
- (iv) An area of recreational open space for community use

Development of this site should;

- (a) Provide recreational open space that protects the area of archaeological interest;
- (b) Positively incorporate existing on-site drainage into recreational open space;
- (c) Allow for the provision of a road linking Lower Street with Westcott Lane.

Proposals at CHG2 should accord with a comprehensive masterplan for the entire site prepared in association with local community, relevant stakeholders and the Authority.'

In order to realise the aims of the policy a masterplanning exercise was started in 2013

through an 'Enquiry by Design' engagement process led by the Prince's Foundation involving the local community and stakeholders. The resulting masterplan was adopted by the Authority in April 2014 (NPA/14/018). This sets the template for development of the allocated site as a whole, ensuring that there is a comprehensive approach to the delivery of development and the community benefits that are required. This provides the framework against which all subsequent planning proposals must be tested.

At the local level, the characteristics of the site and its location bring into play a range of policy considerations. The site lies on the fringe of an historic settlement where it is important to ensure the right contextual approach. In general, Local Plan policy DMD3 states development proposals should help to sustain good quality places by responding to and reinforcing locally distinctive patterns of development and creating places that are accessible and easy to move around on foot and by cycle.

Residential amenity is considered in Policy DMD4. It states that proposals should not have an overbearing and dominant impact; have an adverse effect on well-being or detract from the special qualities of the area. New development should also conserve and enhance the character and special qualities of the Dartmoor landscape; ensuring that location, site layout, scale and design conserves what is special or locally distinctive about landscape character (Policy DMD5).

Design is addressed specifically in Policy DMD7. This policy advises that new development should – amongst other things - conserve and enhance the character of the local built environment that contribute to visual, historical or architectural character; reinforce the distinctive qualities of places through use, scale, height, alignment, detailing and materials. Furthermore, planning permission for development which includes a new access onto a public highway will only be granted where it can be provided in a way which does not detract from the character and appearance of the locality, with particular attention being given to the need to retain hedgebanks, hedges, walls and roadside trees (Policy DMD38).

The historic significance of the site lies in its position on the entrance to an important Stannary town on land which already exhibits archaeological interest. Developing the site around these important features requires adherence to the principles set out in policy DMD13.

THE SITE CHARACTERISTICS

This part of the development site covers approximately 0.49 hectares. It is a relatively level pasture field on the periphery of development at Bretteville Close with the more open Bellacouche Meadows to the south. The boundaries are characterised by a high stone wall adjacent to Lower Street and a mature hedgerow on the southern side. Both features are to be retained as part of this proposal. Access to the site is currently through a fieldgate off Bretteville Close. A mature Willow tree, currently protected by a Tree Preservation Order, lies in the north east corner of the site. To the east lies the town fire station.

THE APPLICATION

The application proposes 15 units of residential accommodation provided by Blue Cedar Homes, a company that specialises in the provision of managed housing for older residents. The units are specifically designed to meet the changing needs of older occupants allowing for adaptation through their life span when mobility issues may become more pressing – 'one home, from active retirement to supported old age'. This scheme will be limited to those over

65 years of age.

It is acknowledged that many older residents wish to downsize but do not necessarily wish to retire to a bungalow, which are inevitably in short supply in this location. An adaptable product which offers the opportunity to change to ground floor living whilst providing carers accommodation on the first floor is part of the concept. The development as a whole is aimed at being fully accessible including level pathways and thresholds, wider staircases, easy installation of stair lifts and emergency alarm systems. The scheme will have an Estate Manager recruited from the local area providing support for tasks such as maintenance, gardening, waste management, etc.

The mix of units comprises 6 No two bedroom apartments and 9 No two/three bed dwellings. The 6 apartments are contained in a three storey block on the north west aspect of the site adjacent to the largest neighbouring building, Monte Rosa. A linear range of semi-detached dwellings is positioned on an east-west axis facing Lower Street, the main route into the village. To the rear of these properties is a courtyard area with communal garden space and parking courts. Further semi-detached dwellings are arranged around this shared surface highway. Initially, access to the site will be provided via Bretteville Close. Following completion of the new link road which will service the adjoining site, that access vehicular will be stopped up in favour of a dedicated access from the southern aspect. The development will contain through pedestrian routes to encourage integration with the neighbouring parts of the village.

DESIGN

The vernacular style takes its references from detailed analysis of buildings styles found elsewhere in the village. This follows a theme of those buildings within the historic core of the settlement rather than taking cues from the somewhat bland modern estate architecture that can be found in the immediate vicinity. This is an approach reflected in the masterplan which seeks to reinforce the positive aspects of good design on what is a very important approach to the village. The grain of the development primarily follows the axis of Lower Street, with development relatively tight to the roadside, emphasising the feel of enclosure leading into the narrow streetscape further into the village centre. The scale and massing reflects the gradual change from west to east. The highest, three storey elements sit comfortably against the dramatic form of Monte Rosa. The lower aspect of the two-storey dwellings with a gentle change in floor and ridge levels reflects the natural contours of the site and two-storey dwellings opposite in Lamb Park. Retaining the roadside stone wall is a strong feature.

The mix of units gives an opportunity to add visual variety in both form and materials – again reflecting the variety found in the village. The palette of materials includes painted render, natural stone and tile hanging with slate roofs used throughout. Architectural details such as clipped eaves, stone and timber porches and chimneys all add interest. While the street facing elevations are very traditional in appearance, the rear southern aspect is less so incorporating glazed elements and solar roof technology to make the best of this south facing aspect. The rear communal green space is an attractive feature bounded by the retained mature hedgerow. A simple timber summerhouse will provide a focal point for residents in this location.

ECOLOGY

The site has a low level of ecological interest. Suitable mitigation measures are proposed to

ensure this is addressed during the construction phase and enhanced where possible once the development is complete.

HIGHWAY ISSUES

The long term objective is to serve the proposed development by way of a spur off the proposed new link road serving the wider development site. Provision is made within the development to link to this route when it is made available. In the interim, the site will be accessed for both construction purposes and the initial period of occupation by way of an adaption of the existing access point off Bretteville Close. This will require some minor adjustments to the junction with Lower Street in the form of a small build out and the temporary removal of up to four on street parking spaces. It is acknowledged that this will cause a degree of disruption in the short term however, the intention, backed up by a suitable planning condition, is to ensure that this access is stopped up for vehicle traffic once the southern access is provided. The Highway Engineer has assessed this approach and is mindful of the strength of local opinion voiced on this particular issue. His advice to the Authority is that there should be no overriding road safety issues preventing this approach from being considered. The concerns relating to construction traffic, contractor parking and times of operation are all addressed within the specific conditions. An element of disruption to all will be inevitable during the construction phase. However, the long term solution of the southern access/link road is seen as a positive community aspiration. It is anticipated that the four on-street parking spaces will be returned once the Bretteville access is closed up to vehicle traffic. Off-site highway works related to this phase of the overall development are limited to the adaptation of the Bretteville Close junction. It is anticipated that further works may be required in relation to the second phase of development.

PLANNING OBLIGATIONS

Community benefits accruing from the allocated site as a whole are very much the driving force behind local support for the principle of this development. The Local Plan and masterplan documents are explicit in their requirements. It is necessary to demonstrate that this site is providing a proportionate contribution to the wider objectives of providing affordable housing, housing for the elderly, a public car parking facility and new link road whilst recognising the need to enhance public open space provision in this location.

This application is seeking to specifically address the community's desire for appropriate housing for local elderly residents wishing to downsize. The necessary legal agreement will seek to limit occupants to the over 65's with additional clauses to restrict this to local inhabitants in the first instance. In addition, the viability of the development has been thoroughly assessed to ascertain what level of commuted sum can be delivered to support the wider objectives. Discussions in this respect are on-going at the time of compiling this report. A verbal update will be required at the meeting. Suffice to say the Authority is firm in its position that this development will be expected to provide a significant contribution towards the additional off site elements to ensure they are delivered as part of the overall package.

SITE INSPECTION

Some Members took the opportunity presented by the pre-committee site inspection to assess the merits of the application. In the company of representatives from the Parish Council and Highway Authority the panel visited the site in early October. Members were briefed on the specifics of the case and were specifically interested in assessing the issues of layout, design and traffic issues. Convening on the site, the Planning Officer gave Members a detailed

resume of the application and, in particular, its relationship to the wider allocated site as a whole. The salient points of the masterplan document were acknowledged.

The panel were appraised of the Highway Authority's views on the concerns raised by objectors and made a thorough examination of the access point, highway improvements and parking issues. The panel took the opportunity to pass along Bretteville Close and down to the Primary School entrance. The relative positions of parked vehicles, visibility and speed of traffic entering the village was observed. The panel debated the safety aspects associated with the 'school run' in some depth, noting that there would be some disruption during construction phases however these should be mitigated by the expected improvements once an alternative link road is provided in the longer term.

The panel also debated the merits of the revised designs put forward and considered that, on balance, these were improvements which had enhanced the initial submission.

SUMMARY

From inception through allocation and the masterplanning process the community have been engaged in formulating the plans for this development site as a whole. The principle stems from a long expressed desire to provide a level of new development that seeks to sustain the future of the village, providing not only affordable housing but also, in this case recognising the special needs of the elderly who wish to retain their place in this community. The long held desire to establish a public car park and ease traffic congestion by introducing an alternative route to the village centre is fundamental to the acceptance of this development opportunity. The community however, have been strong in its view that this opportunity should not compromise the very special character of the site and the village as a whole. The in depth analysis of all aspects of landscape character, visual impact, traffic assessment and archaeological impact have informed the adopted masterplan. This application is the first phase of this anticipated development. It closely follows the agreed formula set out in those documents.

The scheme itself is designed to complement the existing character of the village, drawing its references from the local vernacular in both style and materials. It is not an overtly innovative or modern approach but sits comfortably within its immediate surroundings and should visually enhance this important gateway into one of the National Park's historic settlements. The community benefits come from the realisation of accommodation meeting a specifically identified need for the elderly together with a commuted sum to offset against the public benefits to be accrued in the second phase. It is likely that the second phase application will be submitted by CG Fry in January/February 2015.

CONCLUSION

For the reasons set out in the report, the application is considered to offer an appropriate design solution meeting the adopted policy and masterplan objectives. Within the resolution of matters contained within the legal agreement it is considered to be a development proposal in line with stated policy objectives and one which will bring real community benefits to this settlement.

2. Application No: **0560/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX762708**

District/Borough: **Teignbridge District**
Parish: **Ashburton**
Officer: **Jo Burgess**

Proposal: **Change of use of residential property (C3) to a non-residential institution use (D1) to allow building to be used for teaching small groups of students/individuals in a non-classroom setting**

Location: **2 School Houses, Place Lane, Ashburton**

Applicant: **South Dartmoor Academy**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed change of use by reason of the relationship with and proximity to the adjacent property would have a detrimental impact on the amenity of the adjoining residents contrary to policies COR1, COR4 and DMD4 of the Dartmoor National Park Development Plan and to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

The property is semi-detached and although it can be seen from Place Lane the property is land locked and only accessible via a garden gate from the college campus.

This is a retrospective application. The downstairs room adjacent to the party wall has four computers for individual use and a small central table and the upstairs room is used as a meeting room with a toilet adjacent. The other rooms are used by students under staff supervision for individual learning.

The application is presented to Committee in view of the comments received from the Town Council.

Planning History

0899/06	Renewal of permission ref 0024/02 in respect of the erection of a detached garage		
	Full Planning Permission	Grant Conditionally	05 January 2007
0024/02	Detached garage with natural slate pitched roof		
	Full Planning Permission	Grant Conditionally	20 February 2002
0466/01	Extension to provide porch and utility and flat-roofed single garage		
	Full Planning Permission	Refused	08 October 2001
5/31/150/95/03	Dwelling with garage and proposed garage for No1 School House		
	Full Planning Permission	Refused	31 July 1995

Consultations

Teignbridge District Council: The Environmental Health Officer has advised that in order to demonstrate that education activities within the building will not cause problems for the neighbours a noise impact survey should be carried out. Separate advice from Devon County Council in respect of the requirements for classrooms should also be sought.

County EEC Directorate: No highway implications

South West Water: No objection

Environment Agency: Flood Risk Zone 1 - standing advice applies

Parish/Town Council Comments

Ashburton TC: Although there is some sympathy with the adjacent owner who has complained of noise, the building would only be

used during school hours and if soundproofing can be improved the Town Council supports the application.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR12 - Meeting the need for local infrastructure, community facilities and public services

COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

DMD1a - Presumption in favour of sustainable development

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

Representations

2 letters of objection

Objections have been received from the neighbour and on his behalf raising conflict caused by noise particularly shouting and constant banging of doors and the loss of value.

Observations

INTRODUCTION

2 School Houses is the former caretakers' house located on the edge of the South Dartmoor Academy campus and only accessible from it.

ENFORCEMENT

The unauthorised use of the dwelling for educational purposes was drawn to the attention of the Authority and the Academy was advised that planning permission should be sought.

The building is being used for the teaching of small groups of students and individuals who benefit from being able to study in a home like environment. No more than 10 students are in the building at any one time and students are always supervised by at least two adults.

PLANNING POLICY

The key policies in this case are COR4 and DMD4 which seek to protect residential amenity. DMD4 states that development proposals should not introduce levels of noise that would adversely affect human health and well-being or significantly reduce the levels of privacy enjoyed by the occupiers of nearby properties.

NOISE & LOSS OF PRIVACY

The adjacent neighbour has complained of increased noise levels which particularly affect his daughter who regularly works nights; so sleeps during the day. The Environmental Health Officer has confirmed that if a noise impact survey is carried out to inform any improvements to noise insulation, this would be based on an average person and could not specifically take into account a night worker. In addition Devon County Council has guidance specifically in respect of conditions within classrooms which would have to be met.

In the absence of a noise impact survey the Environmental Health Officer cannot confirm that the education activities within the building will not cause problems for the neighbours and whether additional insulation is required.

The garden of the property is well screened from the garden of the adjacent property at ground floor level by a fence and the Authority could remove permitted development rights in respect of detached buildings within the curtilage; however the upstairs rooms are being used in a much more intensive way and activity and overlooking is bound to significantly reduce the level of privacy previously enjoyed by the neighbour.

REPRESENTATIONS

The neighbour has sought advice in respect of the loss of value to his property as a result of the change of use. He has been advised that the value and saleability of the property would be reduced by 20%. This loss of value is not a material planning consideration but does reflect the perceived changes to the neighbours' amenity.

TOWN COUNCIL COMMENTS

The Town Council has supported the application on the basis that the building will only be used during school hours and with improvements to soundproofing.

CONCLUSION

In order to clarify the impact of the use on the neighbour and possible mitigation within the building a noise impact survey would be required. Notwithstanding this, the impact of school children using the building on privacy by virtue of overlooking and the additional activity associated with the use both within the property and the associated external space, is considered to be such that the proposal is contrary to policies COR4 and DMD4 and should be refused.

3. Application No: **0603/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX714691**

District/Borough: **South Hams District**
Parish: **Holne**
Officer: **Louise Barattini**

Proposal: **Agricultural worker's dwelling**

Location: **Mill Leat Farm, Holne**

Applicant: **Mr & Mrs PA & DE Cleave**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed agricultural worker's dwelling, by reason of its size, would result in a dwelling which exceeds the functional requirements of the agricultural holding and compromises the affordability of the dwelling to the local community in the long term. The proposal therefore conflicts with policies DMD23 and DMD26 of the Dartmoor National Park Authority Development Plan and to the Dartmoor National Park Affordable Housing Supplementary Planning Document 2014.

Introduction

Mill Leat Farm is a 450 acre livestock holding to the south east of Holne. There are two modern barns in the field to the east of the application site and two newly constructed agricultural buildings within the same field (see 0076/13 & 0077/13).

The site is flanked by the public highway to the north and there is an existing access to the north east corner of the field. Within the field, levels rise to the south and west and the land is enclosed by Devon hedge banks.

The application proposes a 3-bedroom agricultural workers dwelling and is presented to Committee at the request of a Member.

Planning History

0251/14	Agricultural worker's dwelling Full Planning Permission	Withdrawn	24 June 2014
0662/13	Agricultural worker's dwelling Outline Planning Permission	Grant Outline Conditionally	10 February 2014
0076/13	Resubmission of application 0513/12 for the provision of a new agricultural livestock building (432sqm) Full Planning Permission	Grant Conditionally	12 April 2013
0077/13	Resubmission of 0514/12 for the provision of a new agricultural building (432sqm) Full Planning Permission	Grant Conditionally	12 April 2013
0513/12	Construction of agricultural livestock building 1 plus associated works Full Planning Permission	Withdrawn	20 November 2012
0514/12	Construction of agricultural livestock building 2 plus associated works Full Planning Permission	Withdrawn	20 November 2012

Consultations

County EEC Directorate:	No highway implications
South West Water:	No objections
Environment Agency:	No objection - flood zone 1 standing advice only
DNP - Ecology & Wildlife Conservation:	To avoid impact on greater horseshoe bats, artificial light levels from the dwelling should not exceed 0.5lux within 5 metres of a hedgerow. This should be a condition of

DNP - Trees & Landscape: approval.
No objection as long as there is a justifiable need for an agricultural dwelling on this site and subject to the site being enclosed along the southern boundary with a Devon bank planted with a mixed native hedgerow.

Parish/Town Council Comments

Holne PC: No objection

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR21 - Dealing with development and transport issues in a sustainable way
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD14 - Biodiversity and geological conservation
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD26 - Agricultural occupancy conditions
DMD4 - Protecting local amenity
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

HISTORY & PRINCIPLE OF DEVELOPMENT

The principle of an agricultural worker's dwelling, grouped with the existing modern farm buildings and yard, has been accepted in this location under outline planning permission ref: 0662/13 which expires in February 2015.

An application for full planning permission for a farm worker's dwelling was withdrawn in June this year following concerns raised by officers regarding the design, scale and landscaping of the proposed dwelling.

DESIGN & LANDSCAPE IMPACT

This revised design has been the subject of pre-application discussions with officers and is considered to present a more robust design which reflects the character of Dartmoor's buildings. The proportions, form, materials and detailing are considered to be sympathetic to the site and local built environment.

The exposed nature of the site from surrounding moorland is acknowledged and landscaping of the site is important in this respect. Additional landscaping to the south is considered important. The use of slate hanging on the upper elevation is welcomed as a traditional building material which will help to soften its visual impact in the landscape.

SIZE

Planning policy DMD23 establishes the criteria for considering proposals for new farm dwellings in the countryside and specifies that the building should be on a scale appropriate to the functional requirement of the holding or rural-based business.

The size of the unit has remained an issue through the pre-application discussions.

The applicants have been the tenants of Mill Leat Farm in Holne for 25 years and were recently given notice on the tenanted farmhouse which led to the outline consent for a new farm workers dwelling earlier this year. They run a livestock farm comprising approximately 450 acres of land (a mix of owned and rented land). Current stocking levels are understood to be as follows; 150 suckler cows and in-calf heifers, 150 followers, 30 bulling heifers, 5 stock bulls and 650 ewes (producing 800 lambs per year) and 200 turkeys per year.

Mr Cleave works full time on the holding with part time work assistance. His son works part time on the holding and at his tenanted holding at Broadhempston. The need for one full time worker to be permanently on site to meet the functional needs of the holding has been established under application 0662/13 with the approval of outline consent for a dwelling for Mr Cleave and his wife.

Agricultural worker's dwellings, as exceptional dwellings in the countryside, are subject to agricultural occupancy conditions to ensure that they are available to the farming community in perpetuity. There is a need to ensure that such dwellings are proportionate to their need and that they are of an affordable size/scale for such workers to ensure that they fulfil their purpose and can revert to an affordable dwelling for local persons in line with policy DMD26 if agricultural occupancy is no longer justified.

This is acknowledged in the recently adopted Dartmoor Affordable Housing Supplementary Planning Document (SPD) which provides floor space benchmarks for affordable dwellings.

This SPD states that the guidance on property sizes will also provide a helpful benchmark on proposals for agricultural worker's dwellings in the National Park. Whilst such properties will often need a modest amount of additional floor space for farm office or utility/boot room, the focus should remain on providing a dwelling which is affordable for an agricultural worker and potential future occupancy as an affordable dwelling. This guidance recommends a floor space of 85sqm for a 3-bedroom affordable dwelling.

At outline stage, the Authority took the opportunity to secure a dwelling commensurate with the need for an agriculturally tied dwelling by imposing a 100sqm floor space restriction on the dwelling. This acknowledged the advice within the SPD and allowed an extra 15sqm for additional farm office/boot room. This is a material consideration in the determination of this application.

This application proposes a 3-bedroom dwelling of 140sqm with an additional 26sqm for farm office, boot room, toilet and farm store (totalling 166sqm). An integral double garage is

proposed in addition. This in effect excluding the double garage is nearly double the size indicated in the SPD.

Having regard to the above considerations it is considered that the scale of the proposed dwelling will not comply with policy DMD23 and the Affordable Housing SPD.

CONCLUSIONS

An outline application for a farm workers dwelling to meet the need for one full-time farm worker to be present on site was accepted under outline consent 0662/13, expiring in February 2015. That application was approved subject to a total size restriction on the new dwelling of 100sqm. Mr Cleave was aware of the restriction applied on that permission and this was reiterated in pre-application discussions prior to the submission of this application.

The route of challenge for the 100sqm floor space restriction should be to appeal the condition on the outline consent. Notwithstanding this, the applicant is seeking a determination on the full planning application submitted.

The proposed dwelling with a floor space of 166sqm, is considered to be far in excess of a reasonable floor space allowance to meet the needs of the holding and the focus of providing a dwelling which is affordable for an agricultural worker in the long term, and potential future occupancy as an affordable dwelling. Whilst the design is considered to be acceptable, this is not a reason for setting aside the objection to the scale of dwelling proposed.

4. Application No: **0620/14** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission -
Householder** Parish: **Buckfastleigh**
Grid Ref: **SX738671** Officer: **Oliver Dorrell**
Proposal: **Two-storey extension to rear and side of house with other alterations**
Location: **36 Furlong Close, Buckfast**
Applicant: **Mr & Mrs W Ballard**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension by reason of the percentage increase in habitable floorspace and resultant size of the dwelling would be contrary to policy DMD24 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

36 Furlong Close is a two-storey semi-detached property located on a small estate development on the southern fringes of Buckfast. The building is formed of block walls with a painted render finish, uPVC windows and a concrete tile roof.

The accommodation currently comprises two bedrooms. This proposal is for two-storey side and rear extensions and a rear conservatory to create an enlarged kitchen/dining room and living room downstairs and an additional bedroom with en-suite bathroom above.

The materials proposed are to match the existing external finishes.

The additional living accommodation is proposed to allow the daughter of the applicants to move in with her elderly parents to assist with their care.

This is a re-submission. The original application (ref: 0468/14) was withdrawn on the advice of Officers due to concern over floorspace increase and it was recommended that the scheme be reduced in line with policy to overcome the objections.

The application is presented to Committee in view of the Town Council's comments.

Planning History

0468/14	Two storey extension and associated alterations		
	Full Planning Permission - Householder	Withdrawn	01 October 2014

Consultations

Teignbridge District Council:	Any planning permission should be subject to a detailed condition relating to unsuspected contamination.
County EEC Directorate:	No highway implications
South West Water:	No objection, subject to foul water only being connected to to the public foul or combined sewer
Environment Agency:	Standing advice - flood zone 1

Parish/Town Council Comments

Buckfastleigh TC: Support. This will upgrade the housing stock

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

Representations

1 letter of objection

Concern raised that the windows proposed on the west elevation would overlook and result in loss of privacy for occupiers of a number of properties. It is suggested that the windows should be obscure-glazed or narrowed.

Observations

SITE CHARACTER

Furlong Close is a small-scale development of former Local Authority houses to the south of the village of Buckfast. The houses are all of a similar design and proportions with few having significant alteration or extension since construction.

No36 occupies an elevated position on the southern end of the estate. It and its adjoining neighbour are set back from the nearby properties to the north meaning that the both the garden and side windows currently overlook the other gardens.

DESIGN

The proposal comprises extending off the north and east elevations to form two hipped end extensions and a lean-to conservatory with raised deck. A pitched roof will also be formed over the front porch. The introduction of the hipped roofs will be seen as a departure from the other properties in the Close which are almost exclusively gabled however it is not considered that this change will adversely affect the appearance of the area. A degree of variation can often add interest.

The design of the extensions are visually acceptable and while they will mean bringing the building closer towards the northern boundary it is not considered that this will result in an overly cramped appearance.

IMPACT ON NEIGHBOURS

The application property is offset from the nearest neighbouring property which means the physical impact of the extensions will not be so great as if the two buildings were greater aligned. The neighbour will retain a reasonable outlook from the rear windows and it is not considered there will be an overbearing or dominant impact resulting from the proposed development.

There is currently a large degree of overlooking of the gardens of the properties to the north and east from both the application property and other properties in the area. The extension on the north elevation will have windows facing down the gardens however due to their offset nature they will be further from the nearest neighbours to the north-west than the existing openings. The ground floor windows will also be reduced in size from a triple to a double

casement.

At first floor the bedroom window is to be fitted with a projecting bay with solid sides to 'tunnel' views away from the other properties and prevent any line of sight directly into neighbouring houses.

Overall it is considered that the impact of the extensions will not significantly reduce levels of privacy or amenity for nearby residents.

POLICY CONSIDERATIONS

The proposed extensions do not conflict with policies COR1 and COR4 in that they will preserve the character and appearance of the area.

The proposal will also adequately protect amenity for the occupiers of nearby properties, in accordance with policy DMD4.

In terms of assessing the proposal against policy DMD24(c) however area calculations show that the proposed extension will result in an increase in habitable floorspace of 57% on the existing living accommodation. The existing floorspace is 75sqm; the proposed floorspace is 118sqm. This figure represents an increase significantly greater than the 30% permitted under part (c) of DMD24, as such there is conflict with this particular part of the policy.

For information, the proposed scheme is 14sqm smaller than the previous application following removal of a first floor dressing room above the porch and a reduction of 300mm in the width of the side extension.

CONCLUSION

The proposals present a considered and well designed approach to providing additional accommodation to allow for the applicant's daughter to care for her elderly parents in their own home. The extension is considered appropriate in terms of its design and materials, and will not be damaging to residential amenity locally.

Unfortunately however the proposal represents an increase in habitable floorspace in excess of that allowed under part (c) of the policy DMD24, therefore despite the scheme being considered acceptable in all other regards, regrettably the application is unable to receive Officer support.

5. Application No: **0498/14** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission -
Householder** Parish: **South Tawton**
Grid Ref: **SX660946** Officer: **Jo Burgess**
Proposal: **Walls and roof added to existing dwarf wall to extend kitchen**
Location: **Long Barn, 4 Quarry Farm,
South Tawton**
Applicant: **Mr B More**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension to this building, by reason of its form and location, would have an unacceptable impact on the character and appearance of this local heritage asset and the character and appearance of this part of Dartmoor National Park contrary to the Dartmoor National Park Core Strategy Development Plan Document and in particular policies COR1, COR3 and COR4, policies DMD7, DMD8 and DMD24 of the Dartmoor National Park Development Management and Delivery Development Plan Document and to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Quarry Farm is a historic farmstead located north of South Tawton and immediately south of the A30. Long Barn is one of the barns converted following the permission given in 2003.

It is proposed to build walls and a roof off an existing dwarf wall in order to extend the kitchen.

The application is presented to Committee in view of the comments received from the Parish Council.

Planning History

0220/14	Walls and roof added to existing dwarf wall to extend kitchen		
	Full Planning Permission - Householder	Refused	10 June 2014
0631/02	Amendment to permission ref 3.26/2116/89 (five dwellings) for conversion of redundant traditional buildings to four dwellings, drainage, access and car parking		
	Full Planning Permission	Grant Conditionally	08 January 2003

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
South West Water:	No objections
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	Whilst the small converted end extension to the barn does not appear on the 1905 OS map, there is photographic evidence for what appears to be a more recent pighouse with adjoining walled sty in the area of the proposed extension.

The proposed extension in front of the earlier structure and the main barn conversion is inappropriate and not subservient in the context of former farm buildings and the double pile form created by the proposed structure is not normally found in an historic farmstead context.

In this case, it considered that the proposal will cause harm to the significance of the local heritage asset and is therefore not supported.

Parish/Town Council Comments

South Tawton PC: The Parish Council supports this application.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR5 - Protecting the historic built environment
DMD1a - Presumption in favour of sustainable development
DMD24 - Extensions and alterations to dwellings
DMD7 - Dartmoor's built environment
DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

INTRODUCTION

Quarry Farm is located in a former quarry and the development is visible from South Tawton village to the west. Long Barn is visible from other properties within the development. The conversion of the building included the conversion of the former pig pens to the north east and retention/rebuilding of the enclosing wall. Permitted development rights were removed when Long Barn was given permission in 2002.

PRE-APPLICATION ADVICE & PLANNING HISTORY

The applicant was advised at the pre application stage that officers objected to the principle of extending the property to enclose the former pig pen enclosure. A planning application for a similar development with a different roof and window configuration was refused by Members in June.

POLICY

Development Plan Policies COR4, DMD7 and DMD24 apply to extensions. However the building forms part of a historic farmstead so is considered to be a Local Heritage asset and policy DMD8 is also applicable.

DESIGN

It is proposed to use the existing wall as the base for a new pitched roof extension to extend the existing kitchen. The new roof will not cut into the existing kitchen roof above the eaves as was proposed in the earlier application.

The wall projects in front of the front elevation of the Long Barn by 2.25m. The Dartmoor Design Guide advises that extensions should not be sited on the front or main elevation of the building and by extending in this way, the extension will not be subservient to the context of the former farm buildings and have an adverse impact on their character and appearance.

The extent of the proposed glazing has also been reduced with two windows now proposed in the front elevation rather than glazing throughout.

IMPACT ON THE HERITAGE ASSET

The wall formed the enclosure to the pig pens and was shown to be retained on the approved plans. Photos indicate that the original wall was removed and rebuilt with a concrete block core so the applicants argue that the impact on the historic structure is minimal. The wall itself is clearly not historic however Long Barn forms part of a historic farmstead which appears on the Historic Environment Record and is considered to be a local heritage asset. The Historic Buildings Officer has advised that although the extension may accord to the former pighouse structure it will not be subservient in the context of the converted farm buildings and cause harm to the significance of the local heritage asset.

CONCLUSION

Although the Parish Council has supported the application and the addition is a small extension, the NPPF requires a balanced judgement to be made having regard to the scale of the harm or loss and the significance of the heritage asset. In this case the scale of the harm to the significance of the Local Heritage Asset is considered to be unacceptable.

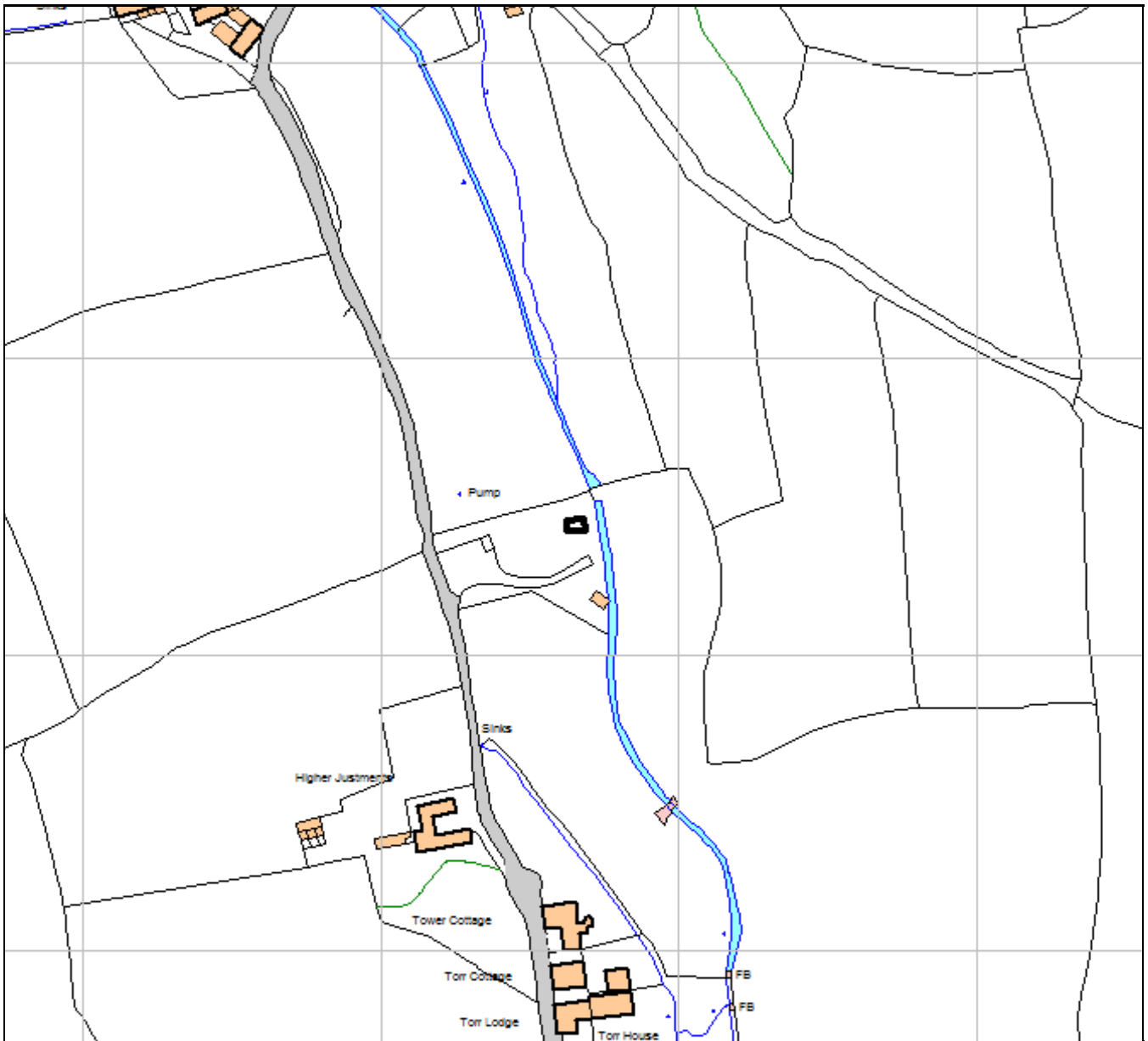
6. Application No: **0519/14**
Application Type: **Full Planning Permission**
Grid Ref: **SX684869**

District/Borough: **West Devon Borough**
Parish: **Chagford**
Officer: **Louise Barattini**

Proposal: **Erection of two stables with hard-standing to the front**

Location: **Smutty Park, Thorn, Chagford
(NE of Higher Justments)**

Applicant: **Mr & Mrs G & A Bright**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be GRANTED**

Condition(s)

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 roofing material and finish of the external timber weatherboarding shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved external facing and roofing materials shall be used in the development.
3. The stables hereby approved shall be for private use only with no commercial or livery use.
4. There shall be no external lighting on the stables hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Introduction

The application relates to a small field parcel to the north of a ribbon development of properties along a single track lane at Thorn, Chagford. Within the site, the land slopes down to lower ground adjacent to the stream and is enclosed by vegetation. The site is within flood risk zone 1. There is an existing access from the lane and there is an established hard standing to the higher part of the site and driveway down to a stone utility building at the base of the site.

The application proposes the erection of a stable building for two horses with hard standing apron.

The application is presented to Members in view of the comments received from the Parish Council.

Planning History

0896/07	Use of land for the storage of materials and equipment in connection with the Applicant's business of landscape gardening known as All Seasons Landscape Gardeners (South West) Limited
	Certificate of Lawfulness for an existing use Certificate not issued 31 January 2008
	Appeal lodged: 10 July 08 Result: Withdrawn
0380/07	Certificate of Lawfulness in respect of use of field for storage of materials used in line with landscape gardening business
	Certificate of Lawfulness for an existing use Certificate not issued 05 July 2007

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
South West Water:	No objection
DNP - Archaeology:	No archaeological concerns

Parish/Town Council Comments

Chagford PC:

The Parish Council objects. The application does not satisfy policies COR4 and DMD33. The development is on a field which is inadequate size to keep two horses and the applicant is therefore not compliant with section 1 of DMD33. This is an issue the applicant accepts as the application states that the horses are also kept on other land, approximately 1.5 miles from this field. The Council is also concerned about the use of a very large area of concrete in the open countryside which fails to satisfy policy COR4 (a) and (b).

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR21 - Dealing with development and transport issues in a sustainable way

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR6 - Protecting Dartmoor's Archaeology

COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology

DMD13 - Archaeology

DMD1a - Presumption in favour of sustainable development

DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities

DMD33 - Horse related development

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

Representations

1 letter

One letter was received expressing archaeological interest in the site due to its likely association with an historic tin mill.

Observations

KEY PLANNING POLICY

Policies COR1, COR3, COR4, DMD1b and DMD5 require new development proposals to conserve and enhance the character and appearance of the local landscape. Special consideration is given to the scale, design, layout and siting of new developments.

Policy DMD33 establishes the principles for new equestrian development, setting out criteria in relation to the capacity of the land, scale and relationship to existing buildings, design and impact on local landscape character.

The Dartmoor Design Guide recommends grouping new equestrian developments next to existing buildings, avoiding skyline locations and retaining existing vegetation to help soften the impact in the landscape.

THE PROPOSAL

The application proposes a modest 3.6m x 7.2m stable building for two horses. A timber building is proposed with traditional pitched roof, sited to the base of this sloping field within proximity of the existing stone building on this land. Revised plans have been received during the course of the application showing the extent of hard standing to the sides of the building reduced.

The applicants discussed their proposals with officers prior to submitting this application.

IMPACT ON AMENITY AND LANDSCAPE CHARACTER

The proposed stables would be well related to existing buildings in the landscape and would be set down on the valley floor, contained by vegetation, with minimal visual impact. The scale of the proposed building is commensurate with the number of horses kept on the land and the proposed timber building and design is considered acceptable.

The Parish Council have raised concerns regarding the capacity of the land to accommodate two horses. The applicant owns the adjacent paddock (amounting to a total land area of 0.7ha), notwithstanding the additional paddock 1.5 miles away where the horses also graze. The British Horse Society recommends 0.4ha of land per horse where the horse is kept wholly to grass, and that area of land required is less if two or more horses are kept in this way or if they are stabled. This has been brought to the attention of the Parish Council but they wish to retain their original comments on the application.

The Parish Council have also raised concerns about the extent of hard standing proposed. This area has been reduced to the side and the apron to the front is not considered to be unreasonable and will have limited impact when considering the siting and development as a whole.

The proposal is considered to conserve the character and appearance of this part of the National Park in line with policy and not conflict with Design Guide advice. The proposed development will have no adverse impact on highway safety and will not conflict with policy COR21.

The proposed stables are a sufficient distance from neighbouring properties to prevent any adverse impact on the residential amenity and will therefore not conflict with the objectives of policy DMD4.

The site comprises made up ground with rubble and soil from its former use as a landscape gardener's depot. If a historic tinner's structure does survive here it is now well buried and unlikely to be disturbed by the proposed development. There are no archaeological concerns in line with policies COR6 and DMD13.

SUMMARY

The proposed stables would be well related to existing buildings in the landscape. It is a sustainable location adjacent to the applicant's house and existing paddock. The scale of the proposed building is commensurate with the number of horses kept on the land and the proposed timber building and design is considered acceptable. The application complies with planning policy and Design Guide advice and is therefore recommended for approval.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

MONITORING AND ENFORCEMENT

Report of the Director of Planning

INDEX

Item No. **Description**

1. ENF/0064/12 - Various unauthorised developments, Middle Venton, Drewsteignton
2. ENF/0265/13 - Unauthorised building works, Land south of Sanduck Cross, North Harton, Lustleigh
3. ENF/0126/14 - Unauthorised residential use of stables, Land near Harford Bridge, Tavistock
4. ENF/0108/14 - Unauthorised residential use of land/mobile home, Land off Love Lane, Ashburton

1 Enforcement Code: ENF/0064/12 District/Borough: West Devon Borough
Grid Ref: SX694910 Parish: Drewsteignton
Officer: Andy West

Description: Various unauthorised developments

Location: Middle Venton, Drewsteignton

Land owner: Mrs Sowrey

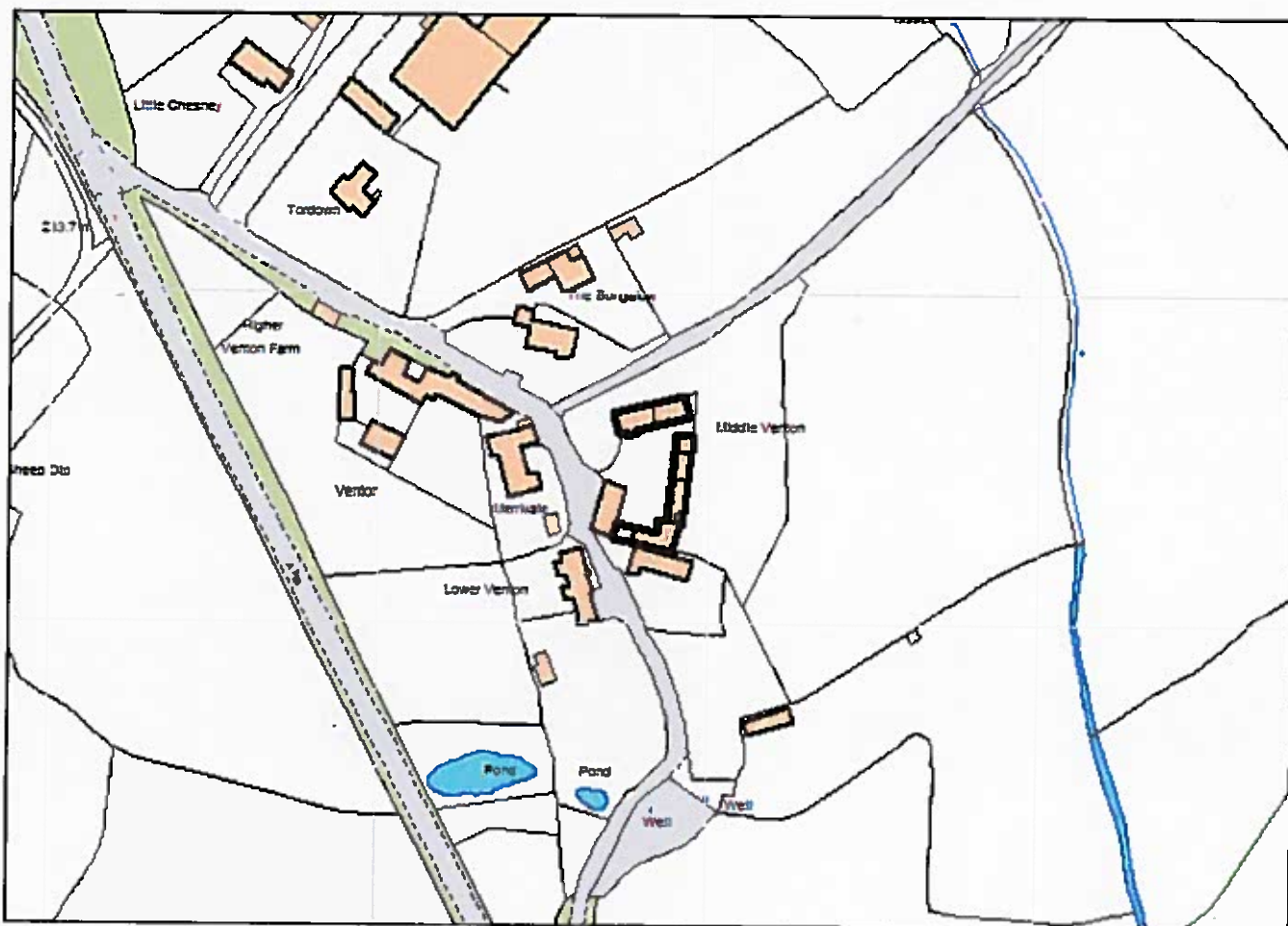
Recommendation That, subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to:

(Numbers correspond to paragraph numbers in report)

2. Secure the removal of all external pipework at the rear of the house, including the existing soil vent stack;
4. Secure the fitting of a door (as envisaged in the 2009 approval) in the opening between the cross-passage and the shippon;
5. Secure the removal of the unauthorised external door to the shippon and the re-instatement of a solid, vertically boarded, timber door;
6. Secure the removal of the unauthorised concrete floor in the shippon;
7. Secure the removal of all paint and primer from the window in the southern elevation of the shippon;
8. Secure the removal of the glazed upper window and external loft door to the shippon and the re-instatement of a vertically boarded, inward opening, loft door;
9. Secure the removal of the white wash from the shippon walls;
- 12a. Secure the removal of the handrail closest to the northern wall of the shippon;
17. Secure the closure of the unauthorised doorway between the annexe and the adjacent store by reinstating the section of wall; and

That no further action be taken in respect of:

1. The creation of an en suite bathroom to bedroom 2, subject to compliance with 2. above;
3. The failure to reinstate the rear cross passage door and frame;
10. The new spotlights and switch boxes in the shippon;
11. The removal of the joists and failure to reinstate the hayloft floor in sawn planking;
- 12b. The unauthorised steps, balustrade and single handrail in the shippon;
13. The thatched ridge line over the house and shippon;
14. The alterations to the previously approved shed and its use as a garden room;
15. The domestic use of the linc hay/former animal house;
16. The variation in detail of the first floor window in the annexe;
18. The use of the annexe's plant room as a WC and utility area.



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

COR1 & DMD1a - Sustainable Development Principles

COR3 & DMD1b - Delivering National Park purposes and protection of Dartmoor's special environmental qualities

COR5 & DMD8 - Protecting the historic built environment, change of use and alterations to historic buildings

DMD3 - Sustaining the quality of places in the National Park

DMD7 - Quality and distinctiveness of the built environment

DMD10 - Enabling development involving heritage assets

Representations & Parish/Town Council Comments

The Parish Council supported each of the Listed Building Consent applications submitted in September 2013 although it should be noted that application ref. 0573/13 was for the retention of a limecrete floor whereas this is not what is believed to have been laid.

Any further comments from the Parish Council will be reported at the meeting.

English Heritage broadly supports each of the recommendations in this report but also makes some additional recommendations in terms of remedial works.

Observations

BACKGROUND PAPERS

An independent Heritage Appraisal and Impact Assessment undertaken by Heritage Vision Ltd., together with the comments from English Heritage and the landowner's agent that are referred to in this report, are available to view on the Authority's website at:
<http://www.dartmoor.gov.uk/aboutus/au-report/2014-dm>

INTRODUCTION

Middle Venton is a Grade II* listed Devon longhouse in the small hamlet of Venton within the parish of Drewsteignton. The farm was listed in 1988.

The complex at Middle Venton comprises the Grade II* listed house and shippon, a Grade II listed barn on the western side of the former farmyard (now a courtyard), a cow byre and series of barns and linhay type structures forming the southern and eastern sides of the courtyard; these buildings being Listed by association with the house and shippon.

Immediately to the south of the courtyard lies Rose Cottage also a Grade II Listed building, but not in the same ownership. To the east of the courtyard the landowner owns a parcel of agricultural land, part of which has been fenced off from the remainder (which is the subject of separate and current enforcement action). To the north of the house lies a garden area bounded by a public byway.

In order to achieve the opening up of the cross passage and restoration of the hall, planning permission and Listed Building Consent were granted in 2009 for alterations and extensions to the farmhouse and re-roofing of the shippon in thatch. In addition a separate planning permission and listed building consent were granted for annexe accommodation in a former cow byre on the other side of the courtyard.

An archaeological assessment carried out in 2006 highlighted two aspects of Middle Venton which mark its particular importance, Firstly it was 'quite remarkably unaltered' - retaining the plan and volumes of the rooms in almost a complete state but also certain features and its roof. The report states 'more exceptional is the survival in unaltered form of approximately half of the shippon and this was the crucial feature in placing a high listing status on the farm in 1988. The grade II* listing reflects the fact that it is recognised as an important survival - only 5.5% of Listed Buildings in England are of this status. On Dartmoor there are probably less than 20 longhouses which retain partially converted shippons and only about 5 or 6 of which have unconverted shippons.

PLANNING HISTORY

Planning and Listed Building Consent Applications were submitted in 2005 but were withdrawn because the alterations proposed were considered unacceptable. In 2009, planning permission and listed building consent were granted for an extension on the rear of the dwelling that contained a replacement staircase, a bathroom at first floor level and a ground floor toilet. Although contrary to many of the Development Plan policies at that time, these applications were supported by the Authority and English Heritage because it enabled the cross passage to be re-opened and the plan of the hall to be restored by removing a ground floor bathroom and staircase, whilst retaining the unconverted shippon.

Planning application 0701/05 proposed the conversion of the cow byre which is a curtilage listed building within the farmyard, to an annexe. The Authority exceptionally allowed the conversion of this building to residential accommodation to take pressure off the house and to enable the

applicants to live on site in modest accommodation while the main house was being worked on.

Members will recall considering seven applications seeking retrospective listed building consent for unauthorised works of alterations at this property during the Committee's meeting in March 2014. Whilst it was recommended and agreed at this meeting that consent be granted for the retention of an external door to the annexe, Members refused to grant listed building consent for the retention of an en suite bathroom in the main house, a replacement door and shutter within the shippon, the retention of a hand rail and balustrade in the shippon, the retention of glazing to the former loading door and new timber shutter on the rear of the shippon and also the retention of a limecrete floor and limewashing of the shippon walls.

The reasons for refusal included the impact of the respective works on the significance, historic interest and cultural significance of the Grade II* Listed longhouse and the detrimental impact the alterations have to the character and appearance of the Listed Building and to this part of the National Park.

BACKGROUND

In the autumn of 2011, Officers were invited by the owner to inspect the works approved in 2009 which were nearing completion. During the course of the visit it became clear that various additional works had been undertaken without the benefit of listed building consent. The nature and extent of some of these works raised considerable concern with the Officers who, having assessed the works, considered that they were unlikely to be supported by the Authority.

English Heritage was subsequently consulted and, without having visited the site, expressed strong concerns over the works.

After the identification of these unauthorised works and the concerns raised, there followed a period of lengthy and detailed correspondence and meetings between the property owner, officers of the Authority and representatives of English Heritage. The aim of these discussions was to find a course of action whereby the various breaches of listed building and planning control could be remediated in order to preserve as much as possible of the original character and appearance of Middle Venton Farm.

Despite the attempts of the National Park Authority to work with the landowner to address the unauthorised works that have taken place, the owner remained adamant that she wanted to retain as much of the work that she has carried out to the property as possible.

This led to the submission of six applications for Listed Building Consent that were presented at the March 2014 meeting of the Authority's Development Management Committee. However, with the exception of a single application for the retention of an entrance door in an annex building that was recommended for approval, all of the applications were refused as it was considered the retention of the unauthorised works within the building would cause substantial harm and would in turn be detrimental to the character and appearance of the listed building and the National Park.

Having refused these applications, senior officers of the Authority had a number of meetings with Mrs Sowrey and her planning agent with a view to reaching a negotiated solution that would lead to some of the unauthorised works to the buildings being removed and some being remediated.

It was also agreed that an independent specialist should be appointed (at the Authority's expense) to carry out a Heritage Appraisal and Impact Assessment of the property and the works that had been carried out. The purpose of this undertaking was to provide both the Authority and the

property owner with an entirely autonomous report that offered specialist advice on the impact of the works that had been carried out to the building.

It was hoped, that once the report had been viewed by both parties, an open dialogue could be entered into regarding possible (and mutually agreeable) solutions and remedial works.

However, these negotiations have come to nothing, as Mrs Sowrey's agent has recently written to the Authority's Director of Planning and advised that both he and his client disagree with much of the report's findings and that they are unwilling to follow the recommended remedial works.

In view of the current situation and the fact that the Authority has for some time tried to draw the matter to a conclusion without resorting to formal enforcement action, it is felt that the situation has reached a point where the Authority must now consider what, if any, action is required to resolve the various unauthorised developments at the property. These are described in more detail in the "BREACHES" section of the report.

Whilst it is acknowledged that there has been much positive work undertaken at Middle Venton in order to safeguard the property, this cannot be used as justification for undertaking further unauthorised and inappropriate works. It is particularly disappointing to the Authority that much of the unauthorised works were carried out during a period when works that had been approved by the Authority were taking place, and at a time when the Authority was trying to be proactive and helpful in working with the owner to both conserve and enhance a fine example of a Devon longhouse.

BREACHES

Each of the breaches that have been identified are listed below (in the order in which they appear in Chapter 5 of Heritage Vision Ltd.'s report). A commentary accompanies each of the breaches explaining why they are considered to be a breach of either Listed Building or planning control (or both) and also what action is recommended by Officers to deal with the matter.

1. CREATION OF EN SUITE BATHROOM SERVING BEDROOM 2

In order to create an en suite bathroom area, a partition wall has been erected to sub divide the original bedroom. The newly created room has had bathroom fittings installed within it and decorative works such as tiling have been carried out on the walls. Plumbing has also been installed to provide running water in the bathroom and for the disposal of foul drainage; these works have necessitated the raising of the bathroom floor in order to "box in" the necessary pipework.

The Development Management Committee has previously refused Listed Building Consent for the aforementioned works which were also considered to be inappropriate by the Planning Officer, the Authority's Historic Buildings Officer and English Heritage.

However, having taken advice from an independent heritage specialist (Heritage Vision Ltd), it is considered that the partition wall that has been introduced into the room does not materially harm the existing historic walls as it is held in place by tension. Furthermore, as the bathroom is accessed through a door from the adjacent bedroom, the original volume of the room can still be appreciated and therefore no form of discordant block has been introduced into the room.

It is therefore recommended that no further action is taken regarding the physical works to create the en suite bathroom area with a caveat requiring the removal of external pipework at the rear of

the house. See point 2 below.

2. EXTERNAL PIPE WORK ASSOCIATED WITH EN SUITE BATHROOM AREA

In order to provide drainage and sanitary facilities for the en suite bathroom, a soil vent stack and other pipework have been installed on the exterior of the building.

The inclusion of an ugly complex of pipework on the rear elevation does little to conserve or enhance the character and appearance of the historic building. Whilst it is noted that efforts have been made by Mrs Sowrey to mitigate the visual impact of this pipework by installing metal pipework at the suggestion of officers as opposed to more visually intrusive plastic drainage goods, it is considered that presence of the pipes detracts from the simplicity of the rearmost elevation of the building.

The Authority has previously recommended to the owner and her agent that the pipework should be re-routed within the building, however, Mrs Sowrey's agent has recently confirmed that his client is unwilling to do this as, in their view, such works would cause significant damage to the historic fabric of the listed building. The owner claims that the Authority gave permission for the pipework but there is no written record and no new grant of listed building consent.

The pipework could be re-routed through the interior of the recently approved rear extension. Such works would have little or no impact upon the historic fabric of the much older, original building.

It is therefore recommended that authorisation be granted to take enforcement action to secure the removal of the pipework from the exterior of the building.

3. REMOVAL OF CROSS PASSAGE REAR DOOR AND FRAME

Prior to the construction of the authorised extension to the rear of the property in 2010, the door at the rear/northern most end of the cross passage acted as the rear entrance into the property. However, when the extension was being constructed the former rear door (and frame) was removed in order to allow clear passage from the front to the rear of the building.

It is considered that both the door and associated framework were historic features that demonstrated the original footprint of this traditional building. However, the form of the original cross-passage is still legible by virtue of the fact that there is a visible scar from the original forming of the stone into a door way that clearly indicates where the door and its frame were positioned.

For this reason it is recommended that no further action is taken over the owner's failure to reinstate the rear cross passage door and frame. This is in line with the advice of Heritage Vision Ltd but not agreed by English Heritage.

4. DOOR BETWEEN CROSS PASSAGE AND THE SHIPPON

In its original form, the residential (main house) and agricultural (shippon) elements of the property would be separated from one another by a door leading off from a centralised cross passage. Indeed it was identified in the listing in 1988 that one of the most significant heritage features of Middle Venton was its unmodernised shippon which was "essentially how it was when used as a cow byre".

However, the physical and environmental separation of the two parts of the building has been lost by the removal of the door from the cross passage into the shippon area. This has led to the

house and the shippon being viewed and used as a single volume, when historically the uses of the two elements would have been entirely separate.

In order to preserve the separation in character between the shippon and the house (as the building would originally have been laid out and as was envisaged in the 2009 approval) it is recommended that authorisation be granted to take the appropriate legal action to secure the installation of a door between the cross passage and the shippon as shown on the 2009 approved plans.

5. INSTALLATION OF A REPLACEMENT EXTERNAL DOOR TO SHIPPON

In its original form as a working farm, the main farmhouse and the shippon were accessed via different doors on the front elevation of the property. Both of these entrances remain at this time.

Drawings were approved in 2009 that showed that the existing solid timber shippon door would be re-hung in order that it would open outwards. However, in 2013 the 'original' door was removed (although this still remains on site) and replaced with a triple light, glazed door with fixed light to one side. This door was installed in such a way that it was located on the inside of the stone door frame and opens inwards.

At the present time, the door into the shippon is being used as the main entrance into the property (despite a fully functioning front door in the adjacent cross passage). In practical terms this means that the majority of the time the exterior shutter is left open and the glazed, modern door is fully visible.

Although considerable works to the farmstead have been allowed by the Authority and English Heritage, the maintenance of the unconverted character of the shippon has been the primary concern of officers in their negotiations with the property owner. Clearly the installation of a domestic door is contrary to the aspirations of both the Authority and English Heritage.

The new door is considered to detract from the original significance, form, quality and setting of the building. In turn, this adversely affects its historical and architectural interest, while not in any way maintaining or protecting the cultural significance or fixtures and fittings of the building.

With this in mind, it is considered necessary to secure the removal of the external door to the shippon and to require the installation of a simple, solid timber door in a position mid-way in the reveal and opening outwards.

6. INSTALLATION OF A CONCRETE FLOOR (WITH LIMECRETE CORDON SANITAIRE AROUND THE PERIMETER) IN THE SHIPPON

In its earlier form, the entire shippon area had a dirt floor. At some point before 2009 works were undertaken to lay a concrete screed floor over the most westerly section of the shippon in connection with the areas use as a utility area, whilst the remainder of the shippon retained its dirt floor.

In 2009, when Listed Building Consent was granted for various works throughout the property, proposed drawings were submitted which state "earth and stone floor to be restored/reinstated". It is important to note that this 2009 consent did not grant any form of approval for any form of hard surfaced floor to be installed in the shippon.

Since 2009 works have been undertaken to lay a concrete floor with a limecrete cordon sanitaire

around its perimeter to help with damp management. It is considered that these works detract from the original significance, character, form and quality of the listed building and cannot therefore be supported.

In addition to the inappropriateness of the physical laying of the concrete floor, the presence of a level floor throughout the shippon facilitates an intensified residential use of this space.

Furthermore, when the property was designated as a listed building in 1988, the survival in an unaltered form of approximately half of the shippon, was a crucial feature in placing a high listing status on the farm; it being "essentially how it was when used as a cow byre". It is therefore not considered to be appropriate to allow either the use of the shippon to be changed (see point 7 above) or for physically incongruous features (such as a concrete floor) to be added to such a historically important feature of a protected building.

A recent report by a surveyor who was employed by the property owner states that the concrete floor has been laid on top of a layer of insulation, with a Damp Proof Membrane beneath. Before learning of this, Officers were concerned about the risk of structural damage to the listed building if attempts were made to remove the concrete floor. However, it is now considered that any vibrations or impact from tools upon the concrete are likely to be dissipated by the insulation and membrane that sit beneath it, and that therefore the likelihood of any damage being caused to the building is greatly reduced.

The heritage consultant considers this concrete floor to be the most harmful of all the unauthorised works to the heritage significance of the building and recommends that every effort needs to be put to successfully removing the floor and providing an appropriate floor in its place.

In conclusion, due to the harmful effects of the concrete floor and the fact that these works facilitate an intensified domestic use of the shippon, it is considered necessary to take enforcement action to secure the removal of the concrete floor from the shippon.

7. PAINTING OF WINDOW IN SOUTHERN ELEVATION OF THE SHIPPON

When approval was granted in 2009 for alterations to the house, it included the replacement of the existing 2 paned window in the shippon with a new three light window. The decisions also included a condition requiring full details of the proposed finishes to all new external joinery to be submitted for approval prior to the installation of the joinery. This window has been replaced but the condition was never discharged.

The window has subsequently been painted the same grey/green colour that the windows on the main house have been painted in which has the effect of giving the shippon a unity with the house and a domestic appearance.

In order to return the external appearance of the shippon to that of a utilitarian animal house, it is recommended that enforcement action be taken to secure the removal of the current paint work from the window and frame which is then to be left unpainted.

8. INSTALLATION OF HIGH LEVEL GLAZED WINDOW AND EXTERNAL LOFT DOOR IN SHIPPON

When a number of applications were considered with regard to alterations to the property in 2009, it was noted that it was intended to retain the existing timber boarded loft door on the rear elevation of the shippon.

In the period since 2009 works have been undertaken to install fixed glazing into the opening where the hayloft shutter once was and to install a new timber shutter. The shutter is outward opening and due to the fixed nature of the glazing inside, is only accessible/useable from outside. The shutter therefore appears incongruous as it is impossible to operate it as it cannot be reached from either inside or outside the building and is historically inaccurate.

The glazing of an original opening has again had the effect of making the shippon more habitable. It is therefore considered that these works further erode the non-domestic character of the shippon. This is perhaps more evident when the shutter is not closed, whereupon the timber frame and glazing is more readily visible. Whilst the desire of the owner to make the building watertight is acknowledged it is not considered that the works are either necessary or appropriate in the shippon.

The installation of glazing and a false shutter is considered to be harmful to the significance of Middle Venton as it materially affects and undermines the historical integrity of the building.

On the basis of this it is recommended that enforcement action be taken to secure the removal of the glazed upper window and external hatch door to the shippon and the re-instatement of the timber boarded loft door.

9. WHITEWASHING OF THE SHIPPON WALLS

Works have been undertaken to limewash the interior walls of the shippon. Although English Heritage feels that these works have lightened the shippon and have therefore made the fine, new exposed thatched roof more obvious, it has expressed concerns that the works have led to a misplaced emphasis being placed upon the hayloft and its roof when the building is viewed internally.

Furthermore, concerns have been expressed in the independent report by Heritage Vision Ltd that the four coats of white wash that have reportedly been applied to the walls of the shippon alter the character of the interior of the shippon.

For these reasons, it is considered necessary to take enforcement action to ensure the removal of the whitewash from the shippon's interior walls. Consideration will need to be given as to the method of removal as mechanical methods may well damage the historic fabric of the building whilst simply scrubbing or scratching the whitewash away from the wall is likely to leave a discoloured and patchy finish. A non-mechanical treatment is likely to be the best option and has been successful in the removal of limewash in other buildings.

10. INSTALLATION OF SPOTLIGHTS AND SWITCHBOXES IN SHIPPON

Although the installation of spotlights, cabling and switchboxes into the shippon have the effect of adding modern, incongruous, domestic features into a historic building, it is considered that the effect that they have upon the character and appearance of the listed building are minimal and do not warrant any further action.

It is therefore recommended that no further action be taken over the new spotlights and switch boxes in the shippon.

11. REMOVAL OF JOISTS, FLOOR BOARDS AND TALLETT FLOOR FROM FIRST FLOOR LEVEL OF SHIPPON

When the property was given listed building status, the hayloft extended over the kitchen area and the shippon area retained its beams, floor joists and some floor boards from the former hayloft.

When consent was granted in 2009 it was agreed that the hayloft floor was to be retained and reinstated across the entirety of the shippon in sawn planking.

Although the timber beams have been retained throughout the shippon, the joists and remaining floor boards have been removed and the hayloft across the whole of the shippon has not been reinstated. Instead, the existing hayloft (known as the tallett) has been re-boarded in what appears to be plywood sheets or similar.

The survival in an unaltered form of approximately half of the shippon was a key driver in the property being granted such a high listed building status. The evidence of the existence of a hayloft at the property was seen as a key feature of the property. However, having taken expert advice, it is considered that any attempt to fully reinstate the entire hayloft floor would be very challenging due to the fact that the existing floor beam is extremely uneven.

Furthermore, the fact that a floor did exist across the space can be seen and readily understood by the presence of the joist sockets in the floor beam and gable wall.

On the basis of the independent expert advice, it is recommended that no further action is taken on this matter.

12. INSTALLATION OF STEPS, HANDRAIL AND BALUSTRADE IN THE SHIPPON

When the property was listed in 1988, access into the hayloft was by way of a simple ladder. When consent was granted in 2009 it was agreed that the hayloft floor was to be reinstated across the entirety of the shippon in sawn planking, with a fixed ladder installed in a gap between the joists.

Although the timber beams have been retained throughout the shippon, the joists and hayloft floor across the eastern part of the shippon have been removed. The remaining hayloft (known as the tallett) has been boarded over and a balustrade, of a deliberately engineered "rustic" appearance, has been erected along its edge. A fitted set of steps with similarly designed handrails has been installed to allow access down to the shippon floor but has been installed in a different position to that approved.

Whilst the presence of a set of steps and balustrading are not historically correct, the presence of these items is not considered to confuse the interpretation or legibility of the shippon.

As such, it is recommended that no further action be taken regarding the existence of the steps and the balustrading. This is in line with the independent report.

However, as the steps are located in a position closer to the shippon hatch door than the ladder approved in 2009, any inward opening loft hatch (as recommended in point 10 above) would not be able to open fully. It is therefore recommended that appropriate enforcement action is taken to secure the removal of the handrail closest to the northern wall of the shippon.

This course of action will allow the steps to remain in their current position and allow safe access up to the tallett area by way of the retention of one handrail.

13. ALTERATION TO RIDGELINE OF THATCHED SHIPPON ROOF

The approved plans for the 2009 listed building consent show that the ridge line of the thatched roof of the shippon should have been lower than that of the main house. At the present time the ridge height is continuous between the two elements of the property.

Whilst it is considered that the loss of the 'step' between the house and the shippon has impacted upon the character of the building, this is not considered to be to an extent that would warrant formal enforcement action.

It is therefore recommended that no further action be taken over the thatched ridge line over the house and shippon.

14. USE OF AND ALTERATIONS TO THE SPACE APPROVED AS A SHED, NOW USED AS A GARDEN ROOM

The previously mentioned 2009 approval allowed for the reconstruction of the remains of the walls beyond the eastern elevation of the shippon. This reconstructed area was to be used as a shed, within which the plant for the ground source heat system would be located.

This plant has instead (and without permission) been installed in a former animal house in the yard (see point 15 below). The shed has had under floor heating installed within it and is used as a garden room.

The absence of any plant/heating equipment within the shed and the installation of heating has the effect of creating an additional room to the house, which is separated from the main dwelling by the shippon.

Whilst the use of this area of the building is not as was originally intended or envisaged, as part of the balanced group of works proposed to restore the property's heritage significance outlined in this report, it is considered that the harm that is caused by the use of this space is minimal. Furthermore, the presence of under floor heating in this area has the effect of keeping the ambient temperature within the shippon at a reasonable level.

It is therefore recommended that no further action is taken over this matter.

15. UNAUTHORISED RESIDENTIAL USE OF THE LINHAY BUILDING

During a recent visit to the site, it was noted that a section of the linhay building to the immediate south-east of the main property is being used for residential purposes in the form of a utility room.

Kitchen units have been installed within the room, along with a concrete floor, plumbing (servicing a sink) and the Heat Exchange unit (which should have been sited in the garden room at the eastern end of the shippon) used to heat the entire farmhouse.

The use of the linhay for residential purposes is a material change of use which requires the benefit of formal planning permission. However, having considered the matter and taken expert advice it is considered the alterations to the building do not cause considerable harm to the heritage significance of the site as a whole and gives the building a use which will ensure that it is maintained.

It is therefore recommended that providing the building remains in ancillary use, no further action is taken. Any future works or changes to the fabric of this building may trigger a need for listed

building consent.

16. INSTALLATION OF UNAUTHORISED FIRST FLOOR WINDOW IN THE ANNEXE

Works have been carried out to install a modern window into the first floor of the annexe instead of the shutter structure that was approved. The first floor window however has been fitted as part of the overall conversion and is not found to harm the heritage significance of the building. It is therefore recommended that no further action be taken over the installation of this window.

17. BREACH IN THE WALL BETWEEN THE ANNEXE AND STORE TO CREATE AN ADDITIONAL ROOM

Two separate approvals exist for the conversion of the former cow byre into an annexe and the conversion of the stables into a two storey store. The two buildings are quite separate structures that had entirely separate functions and are likely to have been built at different times.

It is generally not considered to be acceptable to knock through from one historic building to another as this materially affects the plan form of both buildings and limits an individual's ability to understand the original function of the buildings.

The room that has been created by the removal of a section of gable wall between the annexe and store could easily be used as an additional (third) bedroom to the annexe. The creation of this level of accommodation in a building that is supposed to be ancillary to the main house raises concerns that efforts are being made to create an additional unit of accommodation at the site.

On the basis of the harm which the works cause to the plan form of the historic buildings and the way in which any resultant building could be used, it is considered necessary to take enforcement action to ensure that the opening in the gable wall from the annexe into the store is blocked up.

18. USE OF THE ANNEXE PLANT ROOM AS A WC AND UTILITY AREA

The permission for the plant room immediately adjacent to the annexe has not been implemented as approved. The works that have been carried out have provided a WC and utility area to serve the annexe. The provision of such facilities outside of the existing envelope of a converted outbuilding is not normally permitted.

However, having assessed the matter and taken expert advice, it is considered that the works that have been carried out have a low impact on the heritage significance of Middle Venton and therefore it is recommended that no further action is taken on this matter.

POLICY

Local planning policy, including the Authority's Core Strategy DPD and the Development Management and Delivery DPD, is framed or guided by central government policy. At the present time the core aims and objectives of the UK's planning system are enshrined within the National Planning Policy Framework (NPPF).

Paragraphs 126 to 141 of the National Planning Policy Framework set out government advice and guidance on conservation of heritage assets. For the purposes of this case Paragraph 132 is particularly relevant. It states:

"When considering the impact of a proposed development on the significance of a designated

heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional... Substantial harm to or loss of designated heritage assets of the highest significance .. (including Grade II* listed buildings).. should be wholly exceptional."

It is considered that some of the unauthorised alterations to Middle Venton Farm constitute "substantial harm", within the meaning of Para 132 of the NPPF and do little to conserve the building as a heritage asset insofar as they are not traditional and visually incongruous. It therefore also follows that the significance of the building is being greatly harmed through the alterations that have taken place.

In taking enforcement action to remediate the unauthorised works, the Authority is trying to ensure that the aims of the NPPF are met by safeguarding the character and appearance of a Grade II* listed building.

Policy COR1 of the LDF Core Strategy DPD seeks to ensure that all development within the National Park is undertaken in a sustainable manner and that consideration is given to, the need to conserve and enhance important historic and cultural features. It is not considered that either the physical works to Middle Venton Farm or the way in which some sections of the building are being used conserve or enhance the historic or cultural features of the Grade II* listed property or the hamlet of Venton.

Policy COR3 ensures that development within the National Park will conserve and enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. In order to do this the policy states that any development must have regard to historic and archaeological landscapes, features and artefacts; and vernacular and historic buildings and traditional man made features.

It is not considered that the development that has taken place has had any regard for the historic features of the listed building and therefore does little to either conserve or enhance the special environmental qualities of this area of Dartmoor.

Policy COR4 relates to Dartmoor's built environment and seeks to; conserve or enhance the quality and distinctiveness of that built environment. It is considered that the provision of the removal of many traditional features and their subsequent replacement with more modern, standardised items does little to conserve or enhance the quality and/or distinctiveness of the Building, the other adjacent listed buildings or the surrounding hamlet.

Policy COR5 states that "the character, appearance, historic plan forms, settlement patterns, integrity, local distinctiveness and cultural associations that contribute to the special qualities and settings of the historic built environment and historic parks and gardens should be conserved and enhanced". The numerous physical alterations that have been carried out to the protected building clearly have an impact upon the character, appearance and integrity of the listed building in question.

It therefore follows that both the special qualities and setting of the historic built environment within this part of Venton have also been detrimentally affected.

Policy DMD1b of Dartmoor National Park Authority's Development Management and Delivery DPD

seek to protect the National Park's special qualities by ensuring that when considering development proposals "The conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations".

Whilst the Authority understands that many of the physical alterations that have been carried out to the building make it easier to inhabit and to use on a day to day basis, this cannot outweigh or override the fact that the building is a very important heritage asset which contributes to the cultural heritage of the surrounding hamlet and to the National Park as a whole. This level of protection should be taken into account at all times and any developments to protected buildings should be mindful of the implications of any works upon the cultural heritage of the building.

Policy DMD3 aims to sustain the quality of place in Dartmoor National Park. The policy makes a clear statement that in order to do this, development should reinforce locally distinctive patterns of development and cultural heritage, as well as protecting distinctive landmarks, buildings and views.

The works that have taken place to the building do little to reinforce the cultural heritage of the site or the surrounding area and clearly do not protect the highly distinctive buildings that form the Middle Venton farmstead.

The approach of Policy DMD1b is mirrored somewhat by Policy DMD7 which seeks to protect the quality and distinctiveness of the built environment. The installation of the standardised features (such as non-traditional windows and doors) does not conserve or enhance the rural setting or the distinct historic, cultural and architectural features of the building which this policy seeks to maintain.

Policy DMD8 seeks to ensure that all works to listed buildings or heritage assets are strictly controlled so that harm is not caused to these assets. The policy confirms that where development will cause harm to a listed building (or other heritage asset), such development will only be supported where the harm is outweighed by the public benefit that the development may bring.

It is not considered that any of the physical alterations to Middle Venton Farm or the way in which the use of the building(s) has been changed produces any kind of public benefit, due to the fact that the building and the land surrounding it are in private ownership and are not in any way open to the public.

Policy DMD10 relates to enabling development involving heritage assets and relates to the use of listed buildings for purpose(s) other than those which the building was originally designed or used for. Whilst the policy states that the normal policy framework can sometimes be deviated from if the end result is the securing of the future of an important heritage asset, it also states that permission will only be granted for enabling development where the public benefits decisively outweigh the disadvantages of departing from either the development plan or national policy.

In this case and for the reasons set out above (particularly with regard to (Policy DMD8) it is not considered that the development has an overriding public benefit which would suggest the need for the Authority to set aside the objectives of either our own policies or those of central government.

ENGLISH HERITAGE

English Heritage has been consulted by and has attended many meetings with representatives of the National Park Authority throughout the course of this investigation.

The Inspector of Historic Buildings and Areas for this region has provided the Authority with

comments regarding the works on several occasions in recent years and has also more recently provided the Authority with his comments on the independent report that was prepared by Heritage Vision Ltd.

It is the opinion of English Heritage that "the works have cumulatively caused substantial harm to the farmhouse which is graded II* as a former longhouse with a largely intact shippon end". Furthermore it is considered that "the works have adapted a run-down, damaged and spartan farmhouse into a comfortable home. That said, the house would have been no less comfortable and the significance would have been better enhanced had the works been undertaken in accordance with the condition" (which required the submission of a detailed specification of works to be carried out to the property to be submitted to the National Park Authority).

With regard to the importance of the grade II* listed building, English Heritage confirms that "long houses are rare, a vernacular building type of international significance" and that they are predominantly a Dartmoor building type. The defining feature of such buildings is the housing of humans and stock under one roof. Importantly, its advice goes on to state that "the distinctive character of long house shippons is vulnerable to change, not just externally but internally as well, particularly if domestic uses are extended in to them."

In terms of the individual breaches detailed above, English Heritage have commented on three separate occasions, once when the planning permission and listed building consent applications were being determined at the beginning of 2014, again in mid-July when Mrs Sowrey submitted a number of amended proposals for remedial works and more recently when the aforementioned independent report was produced.

English Heritage is broadly supportive of the independent report and recommendations and of the actions that the Authority now propose.

In addition to the comments of English Heritage, the Authority's own Historic Buildings Officer also has the following comments to make on the matter;

Middle Venton is a Dartmoor long house of exceptional significance and a grade II* listed designated heritage asset. LBC was granted in 2009 for a holistic and carefully considered range of alterations and an extension as a scheme for managed change in order to ensure character and significance were not harmed. During the course of these approved works certain other additional works have been carried out which have caused substantial harm to significance and negated the original intention of the 2009 consent to safeguard in particular the character and significance of the long house (an unusually well preserved example) and especially its Shippon which is a rare survival as recorded in an Archaeological Assessment of Middle Venton, Drewsteignton by Exeter Archaeology dated July 2006.

The works to the property have in each case both singularly and collectively caused substantial harm to character and significance of the heritage asset and the purpose of its grade II* listing designation.

HUMAN RIGHTS

The vast majority of the works that have been carried out to Middle Venton Farm have taken place within part of a building which is considered to be Mrs Sowrey's place of residence/home. As such, the courts will view any decision to take enforcement action as engaging the occupiers' rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 and Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the

unauthorised residential use of the shippon to cease would represent a serious interference with the rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".

The courts have held that provided a balance and proportionate approach is taken, having regard to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.

Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.

Although Mrs Sowrey is a widow and 79 years of age, these factors do not outweigh the harm to a public asset of exceptional quality. There are not believed to be any overriding welfare considerations.

Members are therefore advised that enforcement action proposed with regard to the Shippon would be:

- i) In accordance with law - s.178(1) T&CPA 1990
 - ii) In pursuance of a legitimate aim - the upholding of planning law and in particular the Development Plan policies protecting heritage assets from harmful alterations
 - iii) Proportionate to the harm
- and therefore not incompatible with the Human Rights Act.

Furthermore, it is also considered that the works that are proposed to remediate the physical works to the building will not materially affect Mrs Sowrey's ability to reside within the building.

CONCLUSION

The lawful use of the property is a material consideration but it does not displace the requirement to justify works that may be harmful to a listed building in accordance with the statutory consideration in the Planning (Listed building and Conservation Areas) Act 1990 and the policies in the NPPF.

English Heritage has concluded that although the works have not been badly executed and in general they have been executed to a high 'spec' and adapted a run-down, damaged and spartan farmhouse into a comfortable home, the house would have been no less comfortable and the significance would have been better enhanced had the works been carried out in accordance with the requirements of the 2009 listed building consent and planning permission.

The Authority, English Heritage and an independent Heritage Specialist agree that the works that have been carried out at the property are harmful to the significance of the Grade II* listed building and particularly the unconverted shippon and cumulatively the harm of the unauthorised works is considered substantial.

In refusing the recent listed building consent applications, Members have already found that the unauthorised works have caused harm to the building, its setting and that they detract from the very reasons why the building was given such a high listed status.

The alternative to taking formal enforcement action by way of a legally binding Section 106

agreement, together with a detailed set of works and drawings and an agreed timescale, has been put to the owner of the property. This offer has not been taken up, even though such an approach has found favour with both English Heritage and the Authority's independent advisor and would remove the need for formal action.

Members are therefore asked to agree the actions set out in the recommendation above.

2 Enforcement Code: **ENF/0265/13**
Grid Ref: **SX766833**

District/Borough: **Teignbridge District**
Parish: **Lustleigh**
Officer: **Nick Savin**

Description: **Unauthorised building works**

Location: **Land south of Sanduck Cross, North Harton, Lustleigh**

Land owner: **Mr Bradford**

Recommendation **That, subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to;**

- 1. Secure the removal of the unauthorised building from the land; and**
- 2. Return the land to its original condition, prior to the erection of the building.**



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

COR1 - Sustainable Development
COR3 - National Park Landscape
COR4 - Built Environment

DMD1b - Dartmoor's Special Qualities

DMD5 - Dartmoor Landscape
DMD7 - Built Environment
DMD34 - Agriculture

Representations & Parish/Town Council Comments

Any comments from the Parish Council will be reported at the meeting.

Observations

The site in question is located some 2.5 kilometres to the north-west of the village of Lustleigh.

In December 2013, concerns were raised with the Authority about the alleged erection of a "substantial building" on land near Sanduck Cross, to the north of North Harton Farm.

A subsequent meeting with the landowner confirmed that a large wooden building, approximately 6m x 5m, had been constructed in a position some 450 metres to the north of the main farmstead, immediately adjacent to the northern boundary hedge of a field.

The landowner has stated that the building is to assist with the blueberry harvest between July and October and has been located where the pickers can take their full trays of blueberries out of inclement weather; the alternative, he states, is taking the individual trays to the farm which is over half a mile away. The landowner has advised that the building is sufficient in size to store one day's harvest of several hundred trays of blueberries, that are then transported once or twice a day by tractor and trailer to the main farm buildings. He does not, however, state why the blueberry trays are not loaded directly onto a covered, ventilated trailer to avoid double handling them.

The building has been constructed so that it is raised above ground level and sits on a number of stilts, an outcrop of rocks and a section of felled tree. A raised platform has also been incorporated on the southern elevation of the building. The landowner states that the building has been designed to maximise ventilation for the blueberry crop, and to see out over the plantation.

Despite advice that such an application was unlikely to receive support from the Authority, an application (reference: 0461/14) seeking retrospective permission to retain the building was submitted in August 2014.

This application was refused on 10th October as it was considered that the proposal would; "...introduce an isolated building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park".

Given this recent refusal of planning permission and the fact that the unauthorised building remains in situ, it is considered necessary to take formal enforcement action to ensure the permanent removal of the building from the land.

3 Enforcement Code: **ENF/0126/14**
Grid Ref: **SX500767**

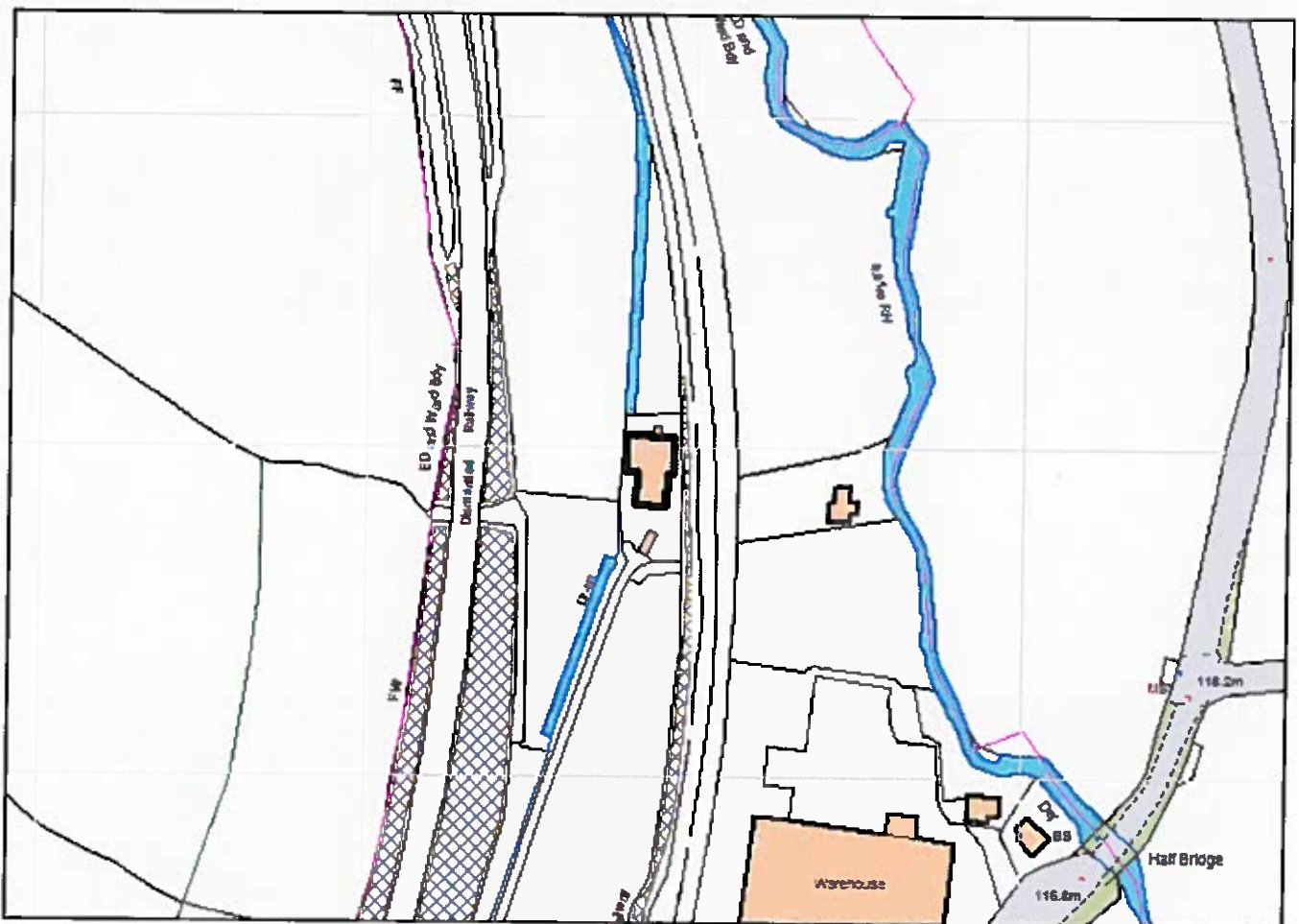
District/Borough: **West Devon Borough**
Parish: **Tavistock**
Officer: **Nick Savin**

Description: **Unauthorised residential use of stables**

Location: **Land near Harford Bridge, Tavistock**

Land owner: **Mr & Mrs Rowe**

Recommendation **That, subject to the consideration of any comments from the Town Council, the appropriate legal action be authorised to secure the cessation of the residential use of the building.**



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

- COR1 & DMD1a - Sustainable Development
- COR2 - Development in the countryside
- COR4 - Design and sustainable development principles
- COR9 - Protection from and prevention of flooding.
- COR15 & DMD23 - Providing for limited new housing to meet local needs in the countryside
- DMD1b - Delivering National Park purposes and protecting Dartmoor's Special Qualities
- DMD3 - Sustaining the quality of places
- DMD5 - Protecting the character of the landscape
- DMD7 - The quality and distinctiveness of the built environment

DMD23 - Residential development outside Local and Rural Settlements

Representations & Parish/Town Council Comments

Any comments from the Town Council will be reported at the meeting.

Observations

INTRODUCTION AND HISTORY

Harford Stables is situated some 3km north east of Tavistock adjacent to the A386.

A report in June 2014 suggested that part of the stable building was in full-time residential use. This was subsequently confirmed at a site meeting with the landowners and their agent when it was also revealed that this use began over five years ago in April 2009. The agent suggested that it was their intention to make an application for a certificate of lawful use to confirm that there had been a change of use of part of the building to a single dwellinghouse and that this use in part of the stables was now lawful through the passage of time.

APPLICATION FOR CERTIFICATE OF LAWFULNESS (CLEUD) REF. 0465/14

An application was received in August 2014 and determined in October 2014. The application claimed a CLEUD for the use of part of the stable building and a lean-to extension as a single dwellinghouse. Immunity from enforcement under the 4 year rule was asserted.

The application was refused and the file passed to the enforcement team. The applicants provided a Statutory Declaration dated 15th July 2014 in which they confirm that in addition to the approved stables, a 'lean-to' was constructed on the west elevation.

The applicants maintain throughout 2007 and 2008, that they were sleeping in the lean-to occasionally as well as using it as a 'break room' when working with the horses on the land. They say that they stayed in the lean-to during lambing in Spring 2009, following which the lean-to became their permanent home.

The lean-to appears to have operated as a self-sufficient dwelling for in excess of four years – although the only access is through the stables, it has facilities for cooking, cleaning and washing. A hot water tank, boiler, water and gas pipes were installed in 2008. Additionally the applicants have received correspondence from official organisations including HMRC and their respective banks addressed to 'Harford Stables' since April 2009.

Statutory Declarations made by third parties confirm that the applicants have used the property as their house since April 2009, and a further declaration confirms that a kitchen, laminate flooring, internal doors and studwork, shower tray and tiling were fitted in the property by a contractor in 2008/2009.

On the balance of probabilities it is likely that the lean-to has been utilised as a dwelling for in excess of four years (the usual immunity period).

However, in order for immunity under s.171B(2) to apply, there must have been a CHANGE OF USE to use as a single dwellinghouse. If there is no previous use, the four year rule cannot apply and therefore the ten year rule applies by way of s.171B(3).

The permission was granted in October 2007, and there is no evidence of a different use other

than as sitting and sleeping accommodation.

In a letter from M of 13th August 2014, which forms part of the applicant's supporting evidence it states that:

- M is a friend of the applicants, and a self-employed fencing/building/landscaping contractor.
- M says that he assisted the applicants in constructing the lean-to, and that the construction includes insulated and lined walls.
- M says that he undertook this work to "enable them to move into the property and to make it permanently habitable as a dwelling".
- M continues by saying that he worked with the applicants "to ensure that the lean-to extension into the stable block was made habitable".
- M says that the applicants slept in the building occasionally during 2007 and 2008 in order to look after animals on their holding and they moved in the dwelling on a permanent basis in April 2009

There are clear statements that the lean-to was constructed with the intention that the applicants would live in as their permanent dwelling. M makes no mention of use of the lean-to as a 'break room', and the applicants have provided no evidence to prove that there was a different use prior to the current use.

It seems that the applicants constructed the lean-to intending it to be used as a dwelling, and it has always been used as a dwelling (albeit unfurnished in the early stages).

Accordingly there has been no material change of use, and the applicants are unable to rely on the four year rule. The use as a dwelling is not immune from enforcement action.

POLICY

The National Planning Policy Framework (NPPF) seeks to avoid the creation of new dwellings outside of defined settlements and this aim is reflected in the policies of the Dartmoor National Park Local Plan.

The creation of a separate new dwelling in the countryside is contrary to Local and National planning policy. In exceptional circumstances, the Authority supports the creation of new dwellings in the countryside, provided that they are for agricultural or rural workers and there is sufficient justification for such a dwelling. However, in this case neither the owner/occupier of the property or their agent has ever put forward any form of agricultural or any other justification that would support the creation of a dwelling on the land.

WELFARE ISSUES AND THE HUMAN RIGHTS ACT 1998

Part of the building at Harford Stables is occupied by Mr and Mrs Rowe together with their 2 children, aged 11 and 10. Their children are at school locally. Mr Rowe has to undergo regular injections to his spine but other than this there are no health or Social Services issues. The courts will view any decision to take enforcement action as engaging their rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".

The courts have held that provided a balanced and proportionate approach is taken, having regard

to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.

Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.

There are not believed to be any overriding welfare considerations at this time. Members are therefore advised that enforcement action would appear to be:

- (i) in accordance with law – s.178(1) T&CPA 1990
 - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
 - (iii) proportionate to the harm
- and therefore not incompatible with the Human Rights Act.

CONCLUSION

The unauthorised residential use of part of this building is clearly contrary to policy and harmful to the special qualities of the National Park. The development is considered contrary to the advice contained in the National Planning Policy Framework and the National Park Local Plan policies and following the refusal of the CLUED it is now considered appropriate to secure the cessation of the use of this part of the building as a dwellinghouse. A six month compliance period will ensure that the occupants have sufficient time to make alternative arrangements for accommodation.

4 Enforcement Code: ENF/0108/14
Grid Ref: SX758698

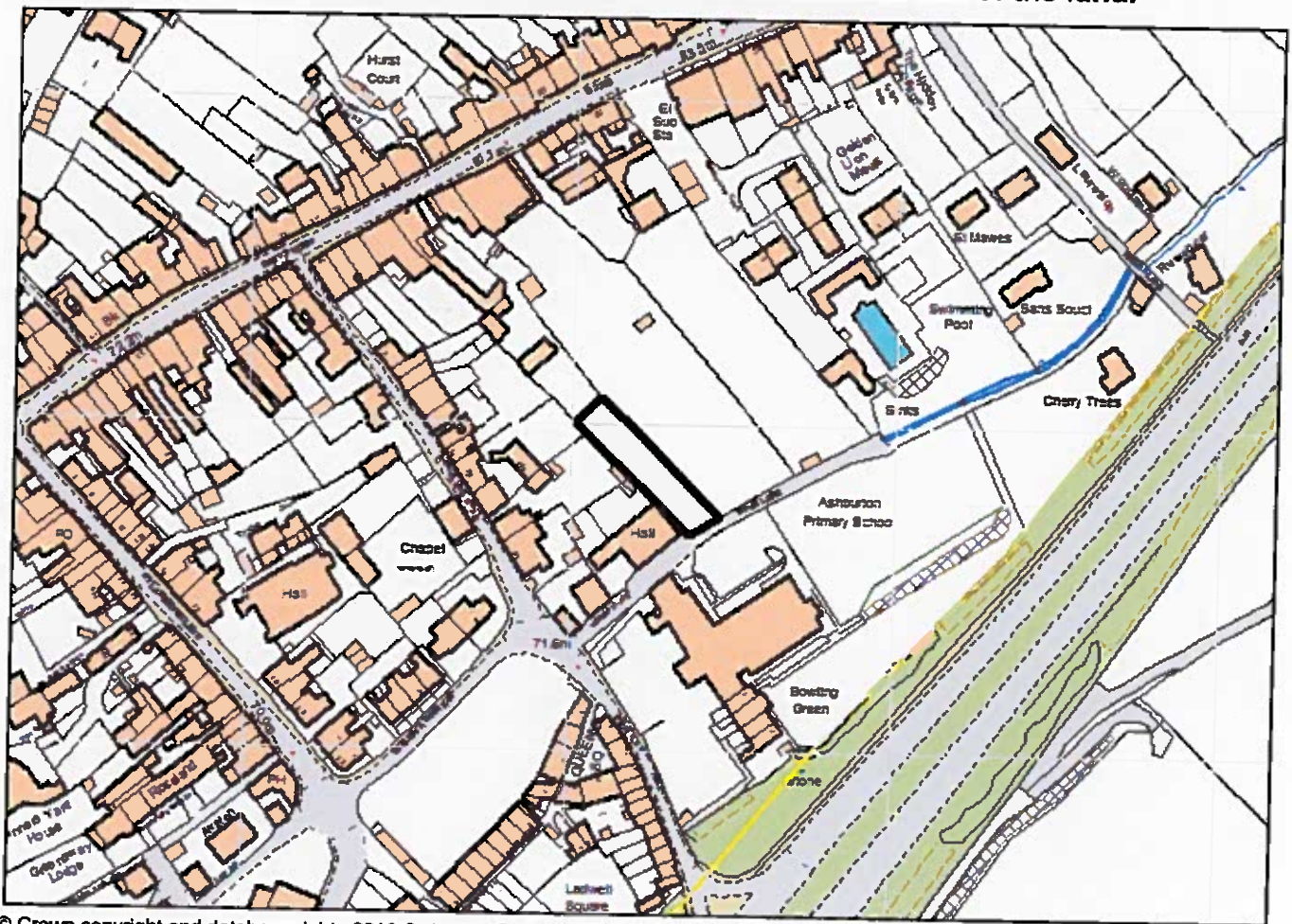
District/Borough: Teignbridge District
Parish: Ashburton
Officer: Nick Savin

Description: Unauthorised residential use of land/mobile home

Location: Land off Love Lane, Ashburton

Land owner: Miss C Toms

Recommendation That subject to the consideration of any comments from the Town Council, the appropriate legal action be authorised to;
1. Secure the removal of the mobile home from the land, and;
2. Secure the cessation of the residential use of the land.



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100m
Scale 1:2500 @ A4

Relevant Development Plan Policies

COR1 - Sustainable Development
COR2 - Settlement Pattern
COR3 - Environment & Heritage
COR15 - Housing

DMD1a - Dartmoor National Park Special Qualities
DMD1b - Protecting National Park qualities
DMD3 - Sustaining the quality of places

DMD5 - Landscape Character
DMD23 - Residential Development
DMD28 - Residential Caravans

Representations & Parish/Town Council Comments

Any comments from the Town Council will be reported at the meeting.

Observations

The site is located approximately 250m south east of the centre of Ashburton. It lies within a long, narrow burgage plot to the rear of 44 East Street which is a grade II listed building. A large community building and sports area occupy either side of the plot with Ashburton Primary School lying opposite.

The Authority received a report in May 2014 that a large mobile home had been sited on the land off Love Lane. A planning application was subsequently submitted for the "Construction of single storey two-bedroom dwelling, including repair work to existing stone wall boundaries, landscaping/planting and altered site entrance"; reference 0299/14. The owners intention was to stay in the mobile home with her son while the application was being considered and during the construction of the dwelling should it have been granted.

APPLICATION 0299/14

Local plan policy sets out the circumstances in which new dwellings will be permitted within Local Centres and includes at DMD21 a requirement that not less than 50% of the proposed units should be for affordable housing to meet local needs. It was found that the application did not meet this criteria.

The Officers report further noted that the proposed development would present an unacceptable form of infill development within the narrow burgage plot within the Ashburton Conservation Area. He noted that the form and design of the building failed to respond sympathetically to, or reinforce, the characteristics of the locally distinctive buildings in the immediate surroundings. The proposal, he went on to say, failed to demonstrate how it would conserve or enhance the setting of the Conservation Area and grade II listed building. Accordingly the application was refused in July 2014.

The mobile home remains on the land and the unauthorised residential use continues.

THE HUMAN RIGHTS ACT 1998

The mobile home is occupied by Charlotte Toms and her son and it is understood to be their home. Miss Toms son is 17 and has learning support needs. He attended Sands School in Ashburton where he was provided with specialist support. He suffers with acute anxiety resulting from small changes in circumstances. He remains dependent on Miss Toms for housing and all other domestic care. Currently he attends Plymouth City College where he is undertaking a carpentry course. As such, the courts will view any decision to take enforcement action as engaging their rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".

The courts have held that provided a balanced and proportionate approach is taken, having regard

to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.

Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.

While the welfare issues are acknowledge, they are not considered to be overriding. Members are therefore advised that enforcement action would appear to be:

- (i) in accordance with law – s.178(1) T&CPA 1990
 - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
 - (iii) proportionate to the harm
- and therefore not incompatible with the Human Rights Act.

CONCLUSION

Following the refusal of the application for a dwelling on the land there is no justification or policy support for residential use of a mobile home on the land. Accordingly it is now considered appropriate to seek authorisation for legal action to secure the cessation of residential use of the land and the removal of the mobile home. A six month compliance period will enable the occupants to have sufficient time to find alternative accommodation.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

CONSULTATIONS BY NEIGHBOURING LOCAL AUTHORITIES

Report of the Director of Planning & Sustainable Development

Recommendation: **that the Committee notes the response made under delegated powers.**

Grid Ref: **SX 763 604** District/Borough: **West Devon Borough**

Officer: **Jim Blackwell** Parish: **Cornwood**

Proposal: **Installation of shared electronic communications base station, comprising 40m telecommunications mast with associated antennas, compound, cabinets and cabling.**

Location: **NGR 257634 60484 Land south of Mumford Cottage, Cornwood, Devon**

Response: **OBJECTION**

The Authority considers the distance of approximately 1.5km of the proposed mast from the National Park boundary will have an impact on the setting of Dartmoor and consequently an OBJECTION is raised to this proposal.

The proposal comprises a static structure which would be seen with the backdrop of the nearby mining operations. However, the submitted landscape assessment demonstrates that there will be a medium impact on the National Park. This is not considered an acceptable level.

The development will neither conserve or enhance the character and special qualities of the Dartmoor landscape and will be an unsympathetic development that will harm the wider landscape and setting of Dartmoor.

The National Planning Policy Framework requires particular care to be taken to ensure that no development is permitted outside the Dartmoor National Park which would damage its natural beauty, character and special qualities.

Recognising the importance of such proposals and the need to improve coverage particularly in so called 'not spots', the Authority is keen to work with infrastructure providers and would be more than willing to consider alternative sites, preferably through pre-application consultation.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

APPEALS

Report of the Director of Planning

Recommendation : **That the report be noted.**

The following appeal decision(s) have been received since the last meeting.

- | | | | |
|-------------------|--|-------------------|---------------------|
| 1 Application No: | D/14/2225229 | District/Borough: | South Hams District |
| Appeal Type: | Refusal of Full Planning
Permission - Householder | Parish: | South Brent |
| Proposal: | Construction of conservatory to front of house | | |
| Location: | 14 Corn Park, South Brent | | |
| Appellant: | Mrs P Williams | | |
| Decision: | DISMISSED | | |

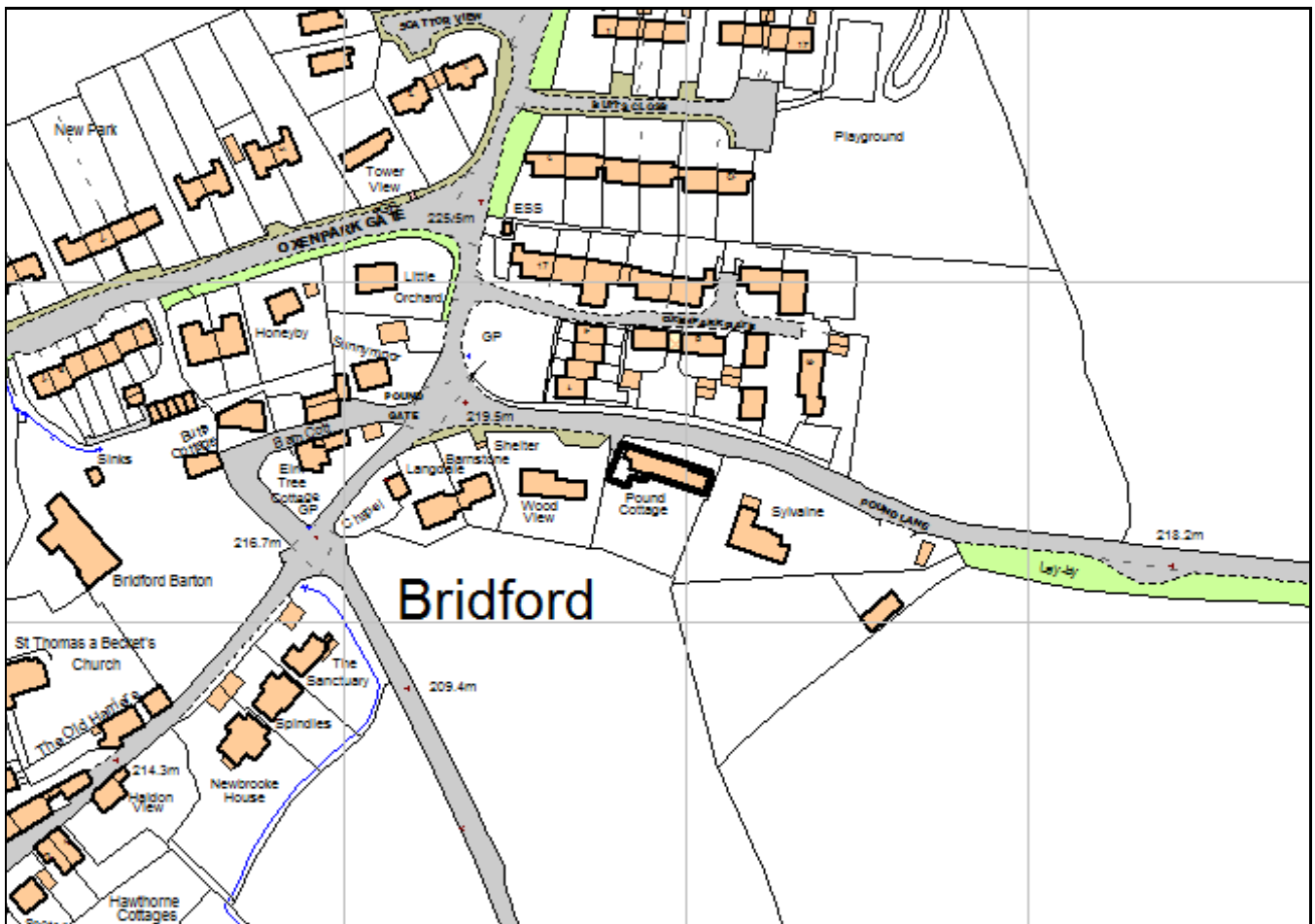


In dismissing the appeal, the Inspector considered the principal issue to be the effect of the proposal on the character and appearance of the area, and upon the living conditions of 13 Corn Park with particular regard to visual impact, daylight and privacy.

The Inspector considered that the overall appearance of the conservatory addition on the front of the dwelling, would display little that would harmonise with the form of No 14 or the appearance of the terrace of which it forms part. The Inspector concluded that it would be clearly seen from Corn Park and stand out within the streetscene as an unsympathetic and incongruous addition to the dwelling. In this respect it would conflict with policies COR1, COR4, DMD7, DMD24 and the Design Guide.

The Inspector concluded that had he been minded to allow the appeal a condition requiring obscure glazing would have ensured that the neighbours amenity was protected.

2 Application No: D/14/2226420 District/Borough: Teignbridge District
 Appeal Type: Refusal of Full Planning Permission - Householder Parish: Bridford
 Proposal: Extension and alterations to dwelling
 Location: **Pound Cottage, Bridford**
 Appellant: **Mr T Hawksworth**
 Decision: **DISMISSED**



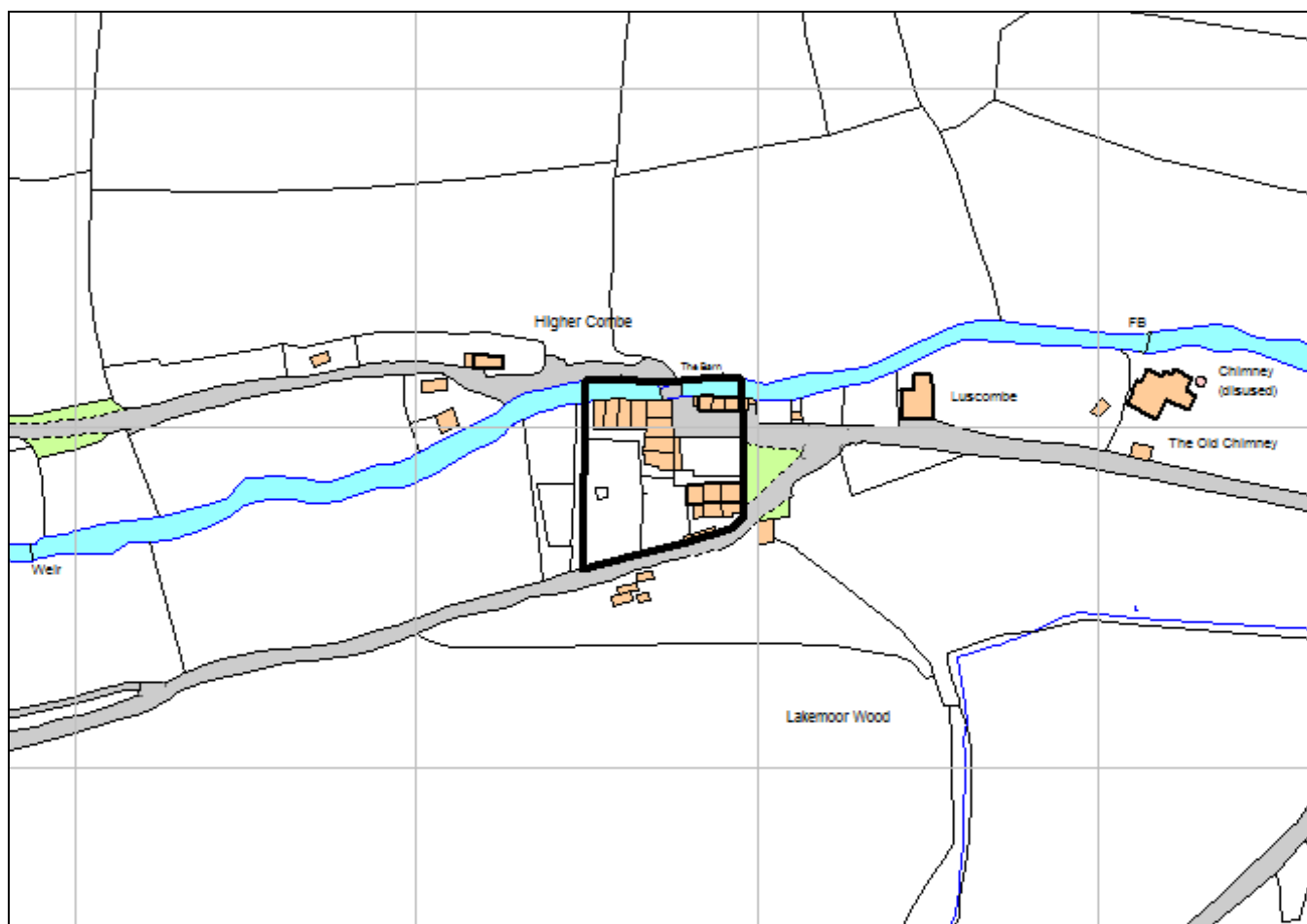
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Pound Cottage is a detached house within the village of Bridford. It is a prominent and attractive building within the area and there are clear views of the house when approaching from either direction along Pound Lane. An existing flat roofed side extension would be replaced by a deep two-storey side and rear extension.

The Inspector commented that the proposed extension would have a contemporary style that would be very different to the traditional appearance of the host building. Although set back from the front elevation of the house, with part of the existing chimney remaining exposed, the Inspector concluded that by virtue of the intricate roof structure, fenestration and choice of materials, the proposed extension would form a jarring contrast to the traditional unpretentiousness of the front elevation of the house that would be visible within the surrounding area, harming the character and appearance of the host building and its surroundings, contrary to a planning objective of the National Planning Policy Framework, that requires great weight to be given to conserving the landscape and scenic beauty of National Parks.

3 Application No: F/12/2185614 District/Borough: South Hams District
Appeal Type: Enforcement Notice Parish: Buckfastleigh West
Proposal: Without Listed Building Consent the execution of alterations and works to the Building
Location: **Mardlewood House, Higher Combe, Buckfastleigh**
Appellant: **Mr H Bourne & Dr S Fullilove**
Decision: **PART DISMISSED PART ALLOWED**



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The appeal was made in respect of the unauthorised alteration and works to a listed building, namely the removal of a timber staircase, a door at the foot of this staircase and a partition studwork wall, as well as the replacement of five traditional timber single glazed windows with double glazed units.

The Listed Building Enforcement Notice required the removal of the new windows and the installation of replacement windows (which should match in design, form, materials, glazing and details the former windows) and the reinstatement of the former staircase, studwork walls and door. The period for compliance with the Notice was 6 months.

The Inspector considered that although the removal of the staircase (and the associated studwork and door) had affected the character of the building, these works had not been harmful to the integrity of the listed building. With this in mind, he determined that this part of

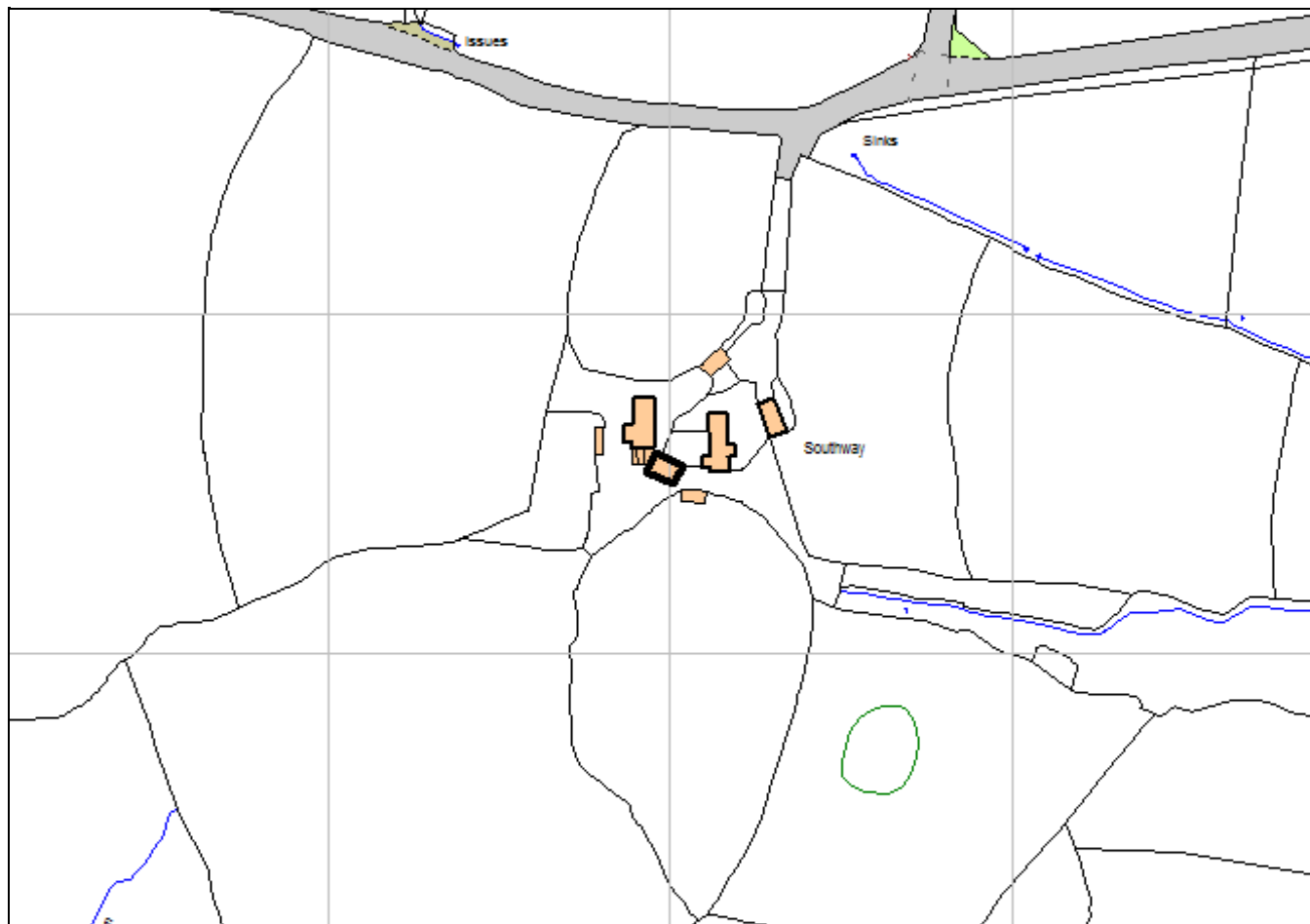
the appeal should succeed, and granted the works Listed Building Consent.

However, he expressed concerns about the impact that the replacement windows have upon the character and appearance of the listed building. He went on to comment that the scale and proportions of the windows were not appropriate and led to them having a bulky and asymmetric appearance.

On the basis of this, he dismissed this part of the appeal, but also used his powers to vary the requirements of the Notice to allow a lengthened compliance period (12 months as opposed to the original 6 month period) and to ensure that the design and layout of the replacement windows matched the windows found on the front elevation of the property.

The owners have until 31st October 2015 to complete the necessary works to the windows.

4 Application No: F/13/2210174 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Widecombe-in-the-Moor
Proposal: Unauthorised rooflight in curtilage listed building
Location: **Southway Farm, Widecombe-in-the-Moor**
Appellant: **Mr TM Wilding-White**
Decision: **DISMISSED**



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Two appeals were made (which ran concurrently) regarding this site in respect of a Listed Building Enforcement Notice addressing unauthorised alteration of and works to a listed building, namely the installation of a velux type rooflight on the south west roof slope of the building and against a decision by the National Park Authority to refuse Listed Building Consent for the retention of the rooflight.

The Listed Building Enforcement Notice required the removal of the rooflight (including any frame, surrounds and fixings) from the building and the reinstatement of that part of the roof to match in design, form and materials the adjacent roof. The period for compliance with the Notice was 6 months.

The reasons for refusal for the Listed Building Consent application stated that: "...the rooflight, by reasons of its design, would have a harmful impact on the character and appearance of this grade II curtilage listed building. The proposal is therefore contrary to policies COR1 and

COR3 of the Dartmoor National Park Core Strategy Development Plan Document along with policies DMD1b and DMD8 of the Development Management and Delivery Development Plan Document and to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.”

In relation to the Listed Building Enforcement Notice appeal, the appellant contended that the building in question was not listed as it was a separate building from the main farmhouse, that because of this the works that had been carried out did not constitute a contravention, that Listed Building Consent should be granted for the works and that the steps required by the Notice were excessive.

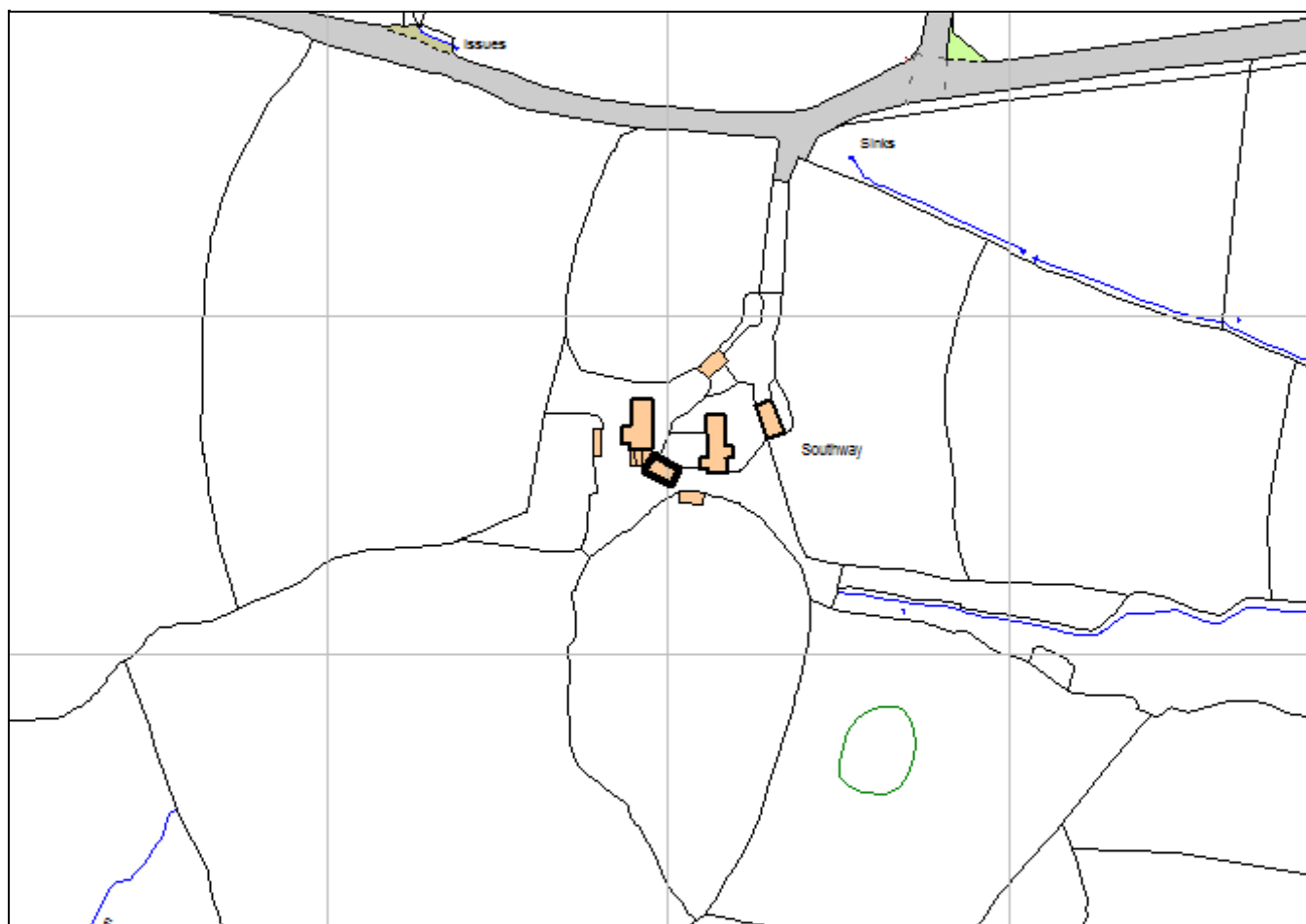
The Inspector considered that the building in question was listed as it forms part of the farm grouping of buildings, and would have done so at the time of listing. It therefore follows that the Inspector also considered that the works did constitute a breach of Listed Building control. He also considered that the steps required by the Notice did not go beyond what was necessary as the removal of the rooflight and the reinstatement of the roof resolved the breach of control and no more.

The Inspector dealt with the claim that Listed Building Consent should be granted and the appeal against the refusal of the aforementioned application together, as they are in essence the same issue. In this regard, he concluded that the rooflight has an effect on both the building itself, the setting of the attached farmhouse and the other buildings in the immediate vicinity.

It was also considered that the bulky and awkward appearance of the rooflight, made it visually harmful to the overall setting of the farmstead.

In conclusion, both of the appeals were dismissed. This has the effect of upholding the Listed Building Enforcement Notice and refusing Listed Building Consent for the works. The appellant therefore has a six month period in which to comply with the requirements of the Notice, by removing the rooflight and reinstating the roof.

5 Application No: E/14/2210237 District/Borough: Teignbridge District
Appeal Type: Refusal of Listed Building Consent Parish: Widecombe-in-the-Moor
Proposal: Installation of rooflight on rear of converted barn linked to house (retrospective)
Location: **Southway Farm, Widecombe-in-the-Moor**
Appellant: **Mr T Wilding-White**
Decision: **DISMISSED**



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See previous Report.

The following appeal(s) have been withdrawn since the last meeting.

1 Application No:	A/14/2224030	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Full Planning Permission	Parish:	Bovey Tracey
Proposal:	Provide access to disused Trendlebere Reservoir, 16 parking spaces, bird hide and associated works		
Location:	Trendlebere Reservoir, opposite car park on Lower Manaton Road, Bovey Tracey		
Appellant:	Natural England		

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS
AND APPLICATIONS WITHDRAWN**

Report of the Director of Planning

Members are requested to contact the Office before 5pm on Thursday if they wish to raise questions concerning any of the above.

(For further information please contact Stephen Belli)

Recommendation: **That the following decisions be noted.**

1	Application No: 0613/14	District/Borough: South Hams District
	Application Type: Full Planning Permission	Parish: South Brent
	Proposal: Conversion of barn into two units of affordable housing	
	Location: Barn 'A' Marley Grange, Stidston, South Brent	
	Decision: Withdrawn	
2	Application No: 0548/14	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Ashburton
	Proposal: Demolish existing garage and link and replace with side and rear extension	
	Location: 53 Long Park, Ashburton	
	Decision: Grant Conditionally	
3	Application No: 0549/14	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Buckfastleigh
	Proposal: Erection of garage	
	Location: 15 Bossell Road, Buckfastleigh	
	Decision: Withdrawn	
4	Application No: 0533/14	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Buckland Monachorum
	Proposal: Demolition of garage and erection of two-storey extension	
	Location: Holly Bank, Meavy Lane, Yelverton	
	Decision: Grant Conditionally	

5 **Application No:** 0534/14 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh West
Proposal: First floor extensions including gabled dormers to rear
Location: Inglenook, Lower Combe, Buckfastleigh
Decision: Grant Conditionally

6 **Application No:** 0574/14 **District/Borough:** Teignbridge District
Application Type: Prior Notification **Parish:** Dunsford
Proposal: Agricultural store/workshop (9.1m x 9m)
Location: East Down Centre, Dunsford
Decision: Prior Approval not required

7 **Application No:** 0514/14 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Chagford
Proposal: Internal alterations
Location: Chagford House, Chagford
Decision: Grant Unconditionally

8 **Application No:** 0570/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Manaton
Proposal: Construction of new biomass boiler house and storage facility
Location: Site of Former Garages, Heatree Activity Centre, Manaton
Decision: Grant Conditionally

9 **Application No:** 0553/14 **District/Borough:** Teignbridge District
Application Type: Certificate of Lawfulness for a proposed development **Parish:** Ashburton
Proposal: Certificate of Lawfulness for the replacement of a single storey flat-roofed extension on rear garden and insertion of two new windows on Kellet Close
Location: Rose Cottage, Balland Lane, Ashburton
Decision: Certificate issued

10 **Application No:** 0555/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Ashburton
Proposal: Remove render and replace with slate hanging on first floor of front elevation, lime render ground floor and replacement of two windows
Location: Briar Rose Cottage, 13 Woodland Road, Ashburton
Decision: Grant Conditionally

-
- 11 **Application No:** 0510/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Lustleigh
Proposal: Formalise stacking area at entrance to woodland and improve entranceway
Location: Forder Farm, Forder Lane, Bovey Tracey
Decision: Grant Conditionally
-
- 12 **Application No:** 0513/14 **District/Borough:** Teignbridge District
Application Type: Certificate of Lawfulness **Parish:** Bovey Tracey
for an existing use
Proposal: Certificate of Lawfulness for use of land for the siting of a residential caravan/mobile home with associated garden area and market garden area
Location: Casanova Cottage, Ullacombe Farm, Bovey Tracey
Decision: Certificate issued
-
- 13 **Application No:** 0518/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Bovey Tracey
Proposal: Change of existing antennas and additional ancillary development along with additional replacement ground based cabinets
Location: Hatherleigh Farm, Bovey Tracey
Decision: Grant Unconditionally
-
- 14 **Application No:** 0505/14 **District/Borough:** South Hams District
Application Type: Full Planning **Parish:** Cornwood
Permission - Householder
Proposal: Erection of 12 ground-mounted solar panels
Location: Kestrels, Sherrell Barns, Ivybridge
Decision: Grant Conditionally
-
- 15 **Application No:** 0539/14 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Hennock
Permission - Householder
Proposal: Erection of conservatory
Location: Longstone, Hennock
Decision: Grant Unconditionally
-
- 16 **Application No:** 0538/14 **District/Borough:** West Devon Borough
Application Type: Full Planning **Parish:** Mary Tavy
Permission - Householder
Proposal: Two-storey rear extension
Location: 9 Warren Road, Mary Tavy
Decision: Grant Conditionally
-

-
- 17 **Application No:** 0516/14 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Lustleigh
Permission - Householder
Proposal: Proposed removal of a failed concrete block section of garden wall.
Realignment and replacement with a granite faced wall to match the
remainder of the granite garden wall
Location: The Old Post Office, Lustleigh
Decision: Grant Conditionally
-
- 18 **Application No:** 0583/14 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Ilsington
Permission - Householder
Proposal: Remove covered parking bay and flat roof and erection of single storey
extension with pitched roof
Location: Rose Cottage, Haytor
Decision: Withdrawn
-
- 19 **Application No:** 0544/14 **District/Borough:** West Devon Borough
Application Type: Full Planning **Parish:** Horrabridge
Permission - Householder
Proposal: First floor extension over garage
Location: 3 Pencreber Road, Horrabridge
Decision: Grant Conditionally
-
- 20 **Application No:** 0535/14 **District/Borough:** West Devon Borough
Application Type: Full Planning **Parish:** Chagford
Permission - Householder
Proposal: Alterations and extensions to dwelling
Location: 12 Manor Drive, Chagford
Decision: Grant Conditionally
-
- 21 **Application No:** 0509/14 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Ashburton
Proposal: Installation of signage to fascia
Location: Martin the Newsagent Ltd, 6 North Street, Ashburton
Decision: Grant Conditionally
-
- 22 **Application No:** 0508/14 **District/Borough:** Teignbridge District
Application Type: Advertisement Consent **Parish:** Ashburton
Proposal: Installation of signage to fascia
Location: Martin the Newsagent Ltd, 6 North Street, Ashburton
Decision: Grant Conditionally
-

23	Application No: 0317/14	District/Borough: Teignbridge District
	Application Type: Change of Use	Parish: Moretonhampstead
	Proposal: Change of use of residential institution (Use Class C2) to residential dwelling (Use Class C3)	
	Location: Holcombe House, Moretonhampstead	
	Decision: Grant Unconditionally	
<hr/>		
24	Application No: 0503/14	District/Borough: West Devon Borough
	Application Type: Listed Building Consent	Parish: Chagford
	Proposal: Landscaping works to the courtyard area north of the Manor House, including alterations to the entrance and boundary wall	
	Location: Holystreet Manor, Chagford	
	Decision: Grant Conditionally	
<hr/>		
25	Application No: 0579/14	District/Borough: Teignbridge District
	Application Type: Full Planning Permission	Parish: Moretonhampstead
	Proposal: Change of use from redundant hayloft to two-bedroom holiday let	
	Location: Lowton Barn, Moretonhampstead	
	Decision: Withdrawn	
<hr/>		
26	Application No: 0580/14	District/Borough: Teignbridge District
	Application Type: Listed Building Consent	Parish: Moretonhampstead
	Proposal: Change of use from redundant hayloft to two-bedroom holiday let	
	Location: Lowton Barn, Moretonhampstead	
	Decision: Withdrawn	
<hr/>		
27	Application No: 0502/14	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Chagford
	Proposal: Landscaping works to the courtyard area north of the Manor House, including alterations to the entrance and boundary wall	
	Location: Holystreet Manor, Chagford	
	Decision: Grant Conditionally	
<hr/>		
28	Application No: 0543/14	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Buckfastleigh
	Proposal: Single storey flank extension and replacement of garage door with a door and a window	
	Location: 27 St Bernards Close, Buckfast	
	Decision: Grant Conditionally	
<hr/>		

29 **Application No:** 0537/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Bridford
Proposal: Extension (58sqm) to agricultural building
Location: Venn Bridge Farm, Bridford
Decision: Grant Conditionally

30 **Application No:** 0585/14 **District/Borough:** West Devon Borough
Application Type: Prior Notification **Parish:** Chagford
Proposal: Access track (100m x 3m)
Location: Rushford Mill Farm, The Old Piggery, Chagford
Decision: Prior Approval not required

31 **Application No:** 0557/14 **District/Borough:** Teignbridge District
Application Type: Listed Building Consent **Parish:** Ashburton
Proposal: Replace asbestos tiles with reclaimed Welsh slate and associated roofing works
Location: 50 West Street, Ashburton
Decision: Grant Conditionally

32 **Application No:** 0545/14 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** Holne
Proposal: Timber-framed garage and studio/store in roof space
Location: 1 Stoodley Barn, Holne
Decision: Grant Conditionally

33 **Application No:** 0546/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Lydford
Proposal: First floor extension (loft conversion) for carer's accommodation
Location: Springers, Vale Down, Lydford
Decision: Withdrawn

34 **Application No:** 0532/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Peter Tavy
Proposal: Wooden field shelter with concrete base and apron
Location: Wedlake Farm, Peter Tavy
Decision: Grant Conditionally

35 **Application No:** 0507/14 **District/Borough:** South Hams District
Application Type: Full Planning Permission **Parish:** South Brent
Proposal: Construction of outdoor store
Location: Glazebrook House Hotel, South Brent
Decision: Grant Conditionally

36 **Application No:** 0506/14 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** South Brent
Proposal: Single storey extension to front of house
Location: Hawkhurst, Hillside, South Brent
Decision: Grant Conditionally

37 **Application No:** 0536/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Ashburton
Proposal: Erection of front and rear extensions with replacement garage
Location: 49 Long Park, Ashburton
Decision: Grant Conditionally

38 **Application No:** 0598/14 **District/Borough:** Teignbridge District
Application Type: Prior Notification **Parish:** Bovey Tracey
Proposal: Construction of agricultural fodder store (22.8m x 12.1m)
Location: Hatherleigh, Bovey Tracey
Decision: Prior Approval not required

39 **Application No:** 0499/14 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Drewsteignton
Proposal: Relocation of entrance door to Drewe Flat and internal alterations
Location: Castle Drogo, Drewsteignton
Decision: Grant Unconditionally

40 **Application No:** 0517/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Lustleigh
Proposal: Demolition of concrete block wall
Location: The Old Post Office, Lustleigh
Decision: Grant Unconditionally

41 **Application No:** 0530/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** South Tawton
Proposal: Erection of a polytunnel (10.6m x 5.5m)
Location: land adjacent to Larksmoor, Throwleigh Road, South Zeal
Decision: Grant Unconditionally

42 **Application No:** 0542/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh
Proposal: Alterations to existing dwellinghouse to extend kitchen
Location: Winsley, Grange Road, Buckfast
Decision: Grant Conditionally

43 **Application No:** 0500/14 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** Holne
Proposal: Extension to existing house
Location: Shuttaford Farm, Holne
Decision: Grant Conditionally

44 **Application No:** 0501/14 **District/Borough:** South Hams District
Application Type: Listed Building Consent **Parish:** Holne
Proposal: Extension to existing house
Location: Shuttaford Farm, Holne
Decision: Grant Unconditionally

45 **Application No:** 0497/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Chagford
Proposal: Loft conversion including dormer windows and convert garage to habitable room with pitched roof
Location: Kestrels, Manor Road, Chagford
Decision: Withdrawn

46 **Application No:** 0540/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Chagford
Proposal: Various works to building
Location: Chagford House Stables, Chagford
Decision: Withdrawn

47 **Application No:** 0541/14 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Chagford
Proposal: Conversion of first floor space to accommodate office facility, modifications to ground floor to provide access stairs to first floor rooms and installation of toilets, plus maintenance and repair to existing brick chimney stacks
Location: Chagford House Stables, Chagford
Decision: Withdrawn

48 **Application No:** 0331/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Belstone
Proposal: Removal of condition 2 of permission ref 0411/11 for use of the building as a separate unit of accommodation
Location: Moorview, Belstone
Decision: Grant Conditionally

49 **Application No:** 0515/14 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Moretonhampstead
Proposal: Single storey extension to form granny annexe
Location: 1 Grays Meadow, Moretonhampstead
Decision: Grant Conditionally

50 **Application No:** 0520/14 **District/Borough:** West Devon Borough
Application Type: Certificate of Lawfulness for a proposed development **Parish:** Burrator
Proposal: Certificate of Lawfulness for the proposed development of fencing, temporary portable toilets and installation of area of hardened sub-surface and levelling ground works re plateau for marquee
Location: field at Burrator Reservoir, Yelverton
Decision: Certificate issued

51 **Application No:** 0521/14 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Burrator
Proposal: Single storey extension (revision of approved two-storey extension ref 0063/14)
Location: Moorwings, Burrator Road, Dousland
Decision: Grant Conditionally

52 **Application No:** 0523/14 **District/Borough:** South Hams District
Application Type: Full Planning **Parish:** South Brent
Permission - Householder
Proposal: Construction of metal flue above roof for wood-burning stove
Location: 39 Clobells, South Brent
Decision: Grant Unconditionally

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

05 December 2014

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the Director of Planning

Members are requested to contact the Office before 5pm on Thursday if they wish to raise questions concerning any of the above.

(For further information please contact James Aven)

Recommendation: **That the following decisions be noted.**

1 Enforcement Code: ENF/0188/14	District/Borough: West Devon Borough
Grid Ref : SX509768	Parish : Peter Tavy
Breach : Erection of large area of raised decking in rear garden area	
Location : Lynwood, Peter Tavy PL19 9LY	
Action taken / Notice served	No further action taken

STEPHEN BELLI