

**DARTMOOR NATIONAL PARK AUTHORITY**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Friday 4 December 2020**

Present: K Ball, S Barker, A Cooper, W Dracup, G Gribble, P Harper, G Hill, J McInnes, D Moyse, N Oakley, C Pannell, P Sanders, P Smerdon, P Vogel, D Webber, P Woods

Officers: L James, Solicitor (acting on behalf of Devon County Council)  
S Whale, Barrister, Landmark Chambers  
C Hart, Head of Development Management  
N White, Monitoring Officer

Apologies: S Morgan, J Nutley, M Renders

The Chairman welcomed members of the public, speakers, Catherine Shewan, Independent Person, Mr Stephen Whale, Barrister, Landmark Chambers and Laura James, Legal Representative.

The Chairman reported that Mr Vogel would have his camera switched off unless he was addressing the meeting. This had been previously agreed. Mrs Oakley requested that, due to broadband bandwidth, she be permitted to do the same. This was agreed.

Members were reminded that when voting consistent language should be used i.e., *For the motion, Against the motion or Abstain*

**1434 Minutes of the Meeting held on Friday 6 November 2020**

The minutes of the meeting held on Friday 6 November 2020 were agreed and signed as a correct record.

**1435 Declarations of Interest and Contact**

Members agreed to declare those interests set out in the matrix of membership of other bodies.

Mr McInnes declared a personal interest in item 3 – 0370/20 – field to the west of Brook Lane Cottages, Widecombe-in-the-Moor, as Cabinet Member, Devon County Council, for children and schools.

**1436 Applications for Determination by the Committee**

Upon the invitation of the Chairman, Mr Whale advised Members that he was attending the meeting to advise on any legal issues that may arise in relation to Planning Application number 0348/15 – Yennadon Quarry, Iron Mine Lane, Dousland. Ms James also introduced herself to the meeting.

Members received the report of the Head of Development Management (NPA/DM/20/019).

**Item 1 – 0348/15** – Extension of the working plan area of the existing active quarry – Yennadon Quarry, Iron Mine Lane, Dousland

Speaker: Mrs A Robertson, Agent for the Applicant

The Chairman advised Members that recommendation (i), as set out in the officer's report on page 16 of the agenda papers, would be dealt with independently as recommendations (ii) and (iii) depend on the outcome of recommendation (i) which is fundamental to the whole application.

The Case Officer reminded Members that the application was from 2015. The application had gone before Members on 6 October 2017 when Members resolved that the proposed development was Major Development and that permission should be granted subject to conditions and a s106 legal agreement. However, the applicants needed to secure the lease on the land and it is understood that this has only recently been achieved. This had delayed the completion of the s106 legal agreement. Since 2017 the National Planning Policy Framework (NPPF) has been revised and National Park policies reviewed; officers considered it prudent to bring the application back to committee for determination. The report before Members supersedes all other reports

Members were made aware of two corrections that were required to the report:

- At para. 21.7 on page 42 it states that the quarry provides full time employment for 27 people – this should read 23 people, as stated in para. 16.4.
- Para. 17.5.2 at the bottom of page 39, the sentence starting “Equally, the owner of CL191 ...” should read “Equally, the owner of CL191 cannot exclude from CL191 livestock grazing by virtue of rights of common belonging to CL38” (not CL191).

Yennadon Quarry is located in the south west of the National Park, 300m to the east of Dousland on the edge of Yennadon Down. The application is to extend the existing stone quarry to the north, increasing its size by roughly a third from 2.2ha to 3.2ha. The area of proposed extraction however only covers approx. 50% (0.53ha) of the extension site. There would be three phases to the development. One of the first operations would be the reprofiling and lowering of the existing bund and fencing off the extension area. Works would commence in the north west corner of the site, with subsequent phases gradually working eastwards. The site would be progressively backfilled and restored to form a bowl running north/south. Some quarry faces would be left on the western side and the land would be allowed to naturally re-vegetate to return it to grassland. The application would ensure that the site's restoration is not left to the end of the scheme.

The existing quarry is very close to its permitted boundaries, which limits the depth to which the quarry can continue to be worked. The application seeks

permission for production to continue at a similar rate to that currently taking place, with an average of 5,500 tonnes per annum for the same period as remaining on the current planning permission which expires in 2026. The conditional parameters would be similar to the existing 1991 permission, but with a reduction of lorry movements from 70 to 60 in any week, together with a reduction in potential annual production from that currently approved (14,000 tonnes per annum to 10,000 tonnes per annum). However, given that it is not proposed to increase production, and given the importance of controlling any potential impacts of the development, a condition limiting extraction to only 7,500 tonnes per annum is considered by officers to be reasonable and appropriate; a decrease of nearly 50% of that currently permitted.

There have been significant changes to the proposal since the application which was refused in 2014. The area specified for extraction has been reduced in size by approximately 35% and the previously proposed bunds along the western and northern boundaries have now been omitted from the scheme. The proposed landscaping has been enhanced with the regrading and reduction in height by 3m of the existing bund.

The quarry primarily produces dimensional building stone and stone used in walling and landscaping. Yennadon stone has unique properties, unmatched by other quarries in the area. Deposits of hornfels slate in the region are largely confined to the National Park, so if an alternative local source of hornfels slate was required, it would almost certainly need to be extracted from a site somewhere on Dartmoor. (*Hornfels is the group name for a set of contact metamorphic rocks that have been baked and hardened by the heat of intrusive igneous masses and have been rendered massive, hard and, in some cases exceedingly tough and durable*). Numerous local buildings and settlements on western Dartmoor and the surrounding area use Yennadon stone; it is clear that this plays an important part in maintaining the character and appearance of the local area.

With regard to the 'Major Development Test' the Case Officer advised that, as indicated in the recommendation, before reaching a decision on this application, it was important to determine firstly whether the scheme constituted 'Major Development' and, if so, whether there were exceptional circumstances to justify the need for the development and whether it would be in the public interest to grant permission. Determination of whether the application constituted major development is a consideration for Members; it was not a matter determined by officers. The definition is different to that for a major planning application (10 homes or more). Footnote 55 within the National Planning Policy Framework refers to the taking into account of the proposal's nature, scale and setting and whether it would be likely to have a significant adverse impact on the purposes of the National Park.

Members were advised that officers were of the view that the scheme did constitute 'major development' and as such, the application was required to satisfy the tests of 'exceptional circumstances' and 'overriding public interest'

The proposal was for larger working area and the loss of some grazing land; however, there were a number of significant benefits that would be secured. The reduction in height and re-profiling of the existing bund along the quarry's western

boundary by 3m would significantly improve the appearance of the site before work commenced in the extension area. The comprehensive and progressive restoration of the site would enable some parts of the site to be restored before the completion of quarry operations rather than leaving restoration until extraction had ceased.

The quarry currently employs 23 people on a full-time basis; there is additional indirect employment in haulage, contract services and the supply of goods. The draft conditions propose a reduction in the amount of material permitted to be exported from the site each year, from 14,000 tonnes to 7,500 tonnes per annum; a decrease of nearly 50% of that currently permitted. Also proposed is a reduction in lorry movements from 70 to 60 (30 return trips).

Permission would also secure the continued supply of local stone for building and conservation projects. Yennadon stone has made, and continues to make, a significant contribution to the distinctive character and appearance of the built environment; there was strong public interest for this to continue.

Officers believe that the applicant has demonstrated that there is clearly a need for Yennadon stone and that this need cannot reasonably be met in any other way. There is a strong public interest in maintaining the distinctive character and appearance of the built environment on Dartmoor, as well as continuing the tradition of small-scale stone quarrying. The relatively low level of landscape and visual harm likely to result from the extension and the short-term minor adverse impact on tranquillity will be balanced by the long-term improvements associated with the progressive restoration scheme and the re-profiling of the existing bund.

The scheme will also bring a clear positive economic benefit in the local area in terms of employment and business expenditure. It is considered that these matters amount to exceptional circumstances that warrant the grant of planning permission

Mr Whale explained that, in respect of 'major development' determination, Members needed to consider Footnote 55 of the National Planning Policy Framework which refers to the nature, scale and setting and whether the proposal could have a significant adverse impact on National Park purposes. Officers have come to a view but the final determination is for Members to make. The exceptional circumstances and public interests are separate; these are only considered if it is concluded that the proposal does constitute major development.

Mrs Robertson stated that she was pleased to see that the Case Officer was still recommending that the application be granted. Since the application was before the Development Management Committee, approvals regarding the grazing of Common Land have been achieved, a written scheme of investigation for the archaeology has been submitted. Extensive consultations have been undertaken with regards to the replacement of Common Land. The exchange of Common Land is covered in the officer's report and legal advice has been received stating that commoners grazing on

CL191 would have unrestricted access to replacement land over CL38. During a Common Land consultation process, agents contacted over 400 households and it became apparent that there was widespread misunderstanding regarding the restoration options for the quarry. Details of restoration, with or without planning permission were therefore published on Yennadon's website. Yennadon is the only quarry in the south west that extracts truly metamorphic stone. All other quarries extract softer, sedimentary stone. Recent strength tests have revealed that the stone is four times stronger than sedimentary rock. Despite a slow down due to the pandemic, the demand for stone has recovered quickly with several developers wanting Yennadon stone.

The Chairman reminded Members that the issues surrounding Common Land were not for discussion at the meeting.

In response to his request the Chairman invited the Case Officer to speak with regards to an issue concerning the draft s.106 legal agreement. The Case Officer advised that, as explained within his report and mentioned by Mrs Robertson, the application incorporates the existing quarry and the access track. The application seeks to consolidate the existing planning permissions so any new permission would allow one planning permission to apply to all parts of the site. A s.106 legal agreement is proposed to ensure that both permissions cannot be implemented concurrently.

A Member queried the number of traffic movements to and from the quarry, asking why tractors and trailer movements had not been included. The Case Officer advised that Members, should they be minded to grant permission, were able to amend the wording of the relevant proposed condition, no.8, to also limit the number of tractor and trailer journeys to and from the quarry. He was not able to answer the question further. The Head of Development Management concurred with his response. Members were also advised that the applicant would have a right of appeal against any condition which, if when amended, would be to their detriment.

The proposed conditions, as set out, and the draft s.106 legal agreement, had been drawn up with the co-operation of the applicants.

With regard to a Member query in relation to the proposed reduction in height of the existing screening bund at the entrance to the quarry, the Case Officer advised that this operation would be incorporated into the first phase of the works.

Mr Sanders proposed recommendation (i) – that the proposed scheme constitutes Major Development - which was seconded by Mr McInnes.

Mr Webber confirmed to the Chairman that he had joined the meeting after the presentation on the application had commenced. He would, therefore, not be able to vote on the proposals.

**RESOLVED:** Members RESOLVED that the proposed scheme constituted Major Development as proposed under recommendation (i).

Having made this resolution in relation to recommendation (i), Mr Sanders proposed recommendations (ii) – that there are exceptional circumstances and the development would be in the public interest - which was seconded by Mr McInnes.

In discussion, Members made the following observations:

- There is clearly a demand and need for Yennadon stone; it is important to preserve buildings on Dartmoor with the correct materials.
- The quarry and the stone it produces should be considered an essential part of Dartmoor; it adds to Dartmoor's heritage.
- The quarry offers local employment.
- The type of stone produces is of particularly high quality.
- The quarry is very close to residential development in Dousland; there are objections.
- The security fencing is too close to the quarry and is not felt to be strong enough to provide an effective barrier.
- Dartmoor has always been a place of "industry", including mining; the quarry is representative of local industry.

The Chairman advised Members that the issues surrounding tractor and trailer movements, together with security fencing, would be better dealt with under recommendation (iii).

**RESOLVED:** Members RESOLVED that that there are exceptional circumstances and the development would be in the public interest, as proposed under recommendation (ii).

Mr Sanders proposed recommendation (iii) – that permission be GRANTED subject to conditions and the completion of a s.106 Planning Obligation Agreement – which was seconded by Mr McInnes.

In response to a question posed by the Chairman, the Case Officer confirmed that he was very aware of the concerns expressed by Members with regard to the security fencing. He explained that under the current permission there is nothing to stop the quarry operators from working up to the boundary. However, the proposed quarry extension offers quite generous buffers around the working areas; the fencing would, therefore, be set back several metres from the quarry face. In terms of the actual fencing requirements, the quarry is governed by the Mines and Quarries Executive which would have expressed any requirement to improve the boundary fences on health and safety grounds. There is currently no proposed condition that addresses this issue; an additional condition would be needed should Members be minded to require improved security fencing.

The Head of Development Management referred Members to proposed condition no. 27 which states that officers intend to see the permanent stock

fencing around the site and would require specific details to be provided to the Authority for approval prior to its erection.

The Case Officer confirmed that the concerns of Members would be taken into account when the determining / discharging condition 27. The fence should be 'fit for purpose' but Members would not wish to see something which would have an adverse impact on the landscape.

Members accepted the proposed condition relating to the number of traffic movements to and from the quarry.

**RESOLVED:** That, subject to the proposed conditions as detailed below and the s.106 Planning Obligation Agreement, permission be GRANTED.

### **Proposed Conditions**

1. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered [.....], including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority.
2. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: [.....]
3. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.
4. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Supplementary Information Annex B - Phased Working/Restoration Strategy (dated 16<sup>th</sup> September 2016) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.
5. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of top soil and over burden shall only take place in the areas identified in the Proposed Phased Working/ Restoration Strategy dated 16<sup>th</sup> September 2016.
6. The total amount of material removed from the application site shall not exceed 10,000 tonnes in any calendar year.
7. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter
8. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (ie a maximum of 60 lorry movements each week).

For the purposes of this condition, a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.

9. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.
10. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix 15 ES) and the Ecology and BMEP Report (Appendix 14 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.
11. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.
12. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours.
13. No blasting is to be carried out on the application site.
14. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.
15. In the event of a permanent cessation of working prior to 31 December 2026, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawings numbered [.....], within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery, unless a different timescale is agreed in writing by the MPA.
16. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation, unless a different timescale is agreed in writing by the MPA.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take



place on the application site without the prior written authorisation of the Mineral Planning Authority.

18. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.
19. Notwithstanding condition 18 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix 12 of the ES, Appendix A of the Addendum to the ES and the Quarry Management Plan dated September 2016.
20. Notwithstanding condition 18 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.
21. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.
22. Within 3 months from the date of this approval the operator shall provide to the Mineral Planning Authority (MPA) for approval a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment shall assess whether a monitoring scheme is needed to continually assess the impact by way of dust arising from the mineral operations, and shall include details of monitoring locations, monitoring methodology and frequency of reporting to the MPA and nominate an independent consultant to undertake the dust monitoring, if required. Thereafter, if the MPA gives a written determination that a dust monitoring scheme is required, the development shall be carried out strictly in accordance with the details of the scheme approved by the MPA.
23. Not later than 3 months from the date of this approval, the operator shall provide to the Mineral Planning Authority (MPA) a scheme for dealing with dust complaints received by the operator, the MPA or the District Council's Environmental Health department. Thereafter the operator shall implement the measures identified in the scheme for the lifetime of the mineral operations.
24. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.
25. There shall be no importation of material onto the application site for storage or disposal.
26. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.

27. The boundary of the application site shall be defined by a permanent stock proof fence, the extent, specification and details of which shall be submitted for approval to the Mineral Planning Authority prior to its erection. The fence shall be erected in accordance with the approved details and maintained thereafter in good stock-proof condition until 31 December 2026.
28. No development in the extension area hereby approved shall take place until either:
  - the land occupied by the existing quarrying operations and the quarry extension area hereby approved have been de-registered as 'common land', and replacement land registered under Section 16 of the Commons Act 2006, or
  - improvement to the common grazing on Yennadon Down has taken place in accordance with the recommendations in Section 8 of the Luscombe Maye 'Common Land Mitigation Report', ref. 7290/CWB, included in the Environment Statement at Appendix A3a.
29. The access track shown on approved Drawing number [.....] shall at all times be maintained in accordance with Quarry Management Plan in order to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry and to avoid any dust or mud being carried on to the highway.
30. A scheme for diverting, capturing or otherwise controlling surface water run-off from the application site shall be submitted to the Mineral Planning Authority (MPA) for approval within three months of the date of this decision notice. The development shall at all times thereafter be carried out in accordance with the scheme as approved in writing by the MPA.
31. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated August 2013.
32. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
  - Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds),
  - Pond creation and management statement (including provision for fairy shrimp), and
  - Post quarry restoration habitat and species management plan.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

33. Prior to the commencement of soil stripping within the quarry extension

area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:

- A scheme for the protection of the track of the former Plymouth and Dartmoor Tramway,
- A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down, and
- A watching brief for soil stripping in the whole area.
- The development shall at all times thereafter be carried out in accordance with the approved scheme.

34. Notwithstanding the restoration strategy set out in the Proposed Phased Working / Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:

- i. The area to be restored;
- ii. The final restoration contours;
- iii. The relevant sections of the approved restoration strategy habitat it relates to;
- iv. Any drainage and water control requirements; and
- v. Any deviations from the approved restoration strategy.

The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.

35. The existing bund located to the west of the existing site shall be reduced in size in accordance with the approved drawings [.....], regraded and seeded with a local provenance mix in accordance with details to be submitted to the Mineral Planning Authority for approval within 3 months of the date of this decision. The reduction, regrading and seeding works shall thereafter be carried out and completed strictly in accordance with the approved drawings and details within 12 months of the date of that approval of details.

36. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of mineral extraction on the application site.

The meeting adjourned for a 10 minute comfort break.

The meeting recommenced at 11.35am.

Mr Webber did not re-join the meeting.

**Item 2 – 0416/20 – Agricultural building (18m x 9m) for storage and livestock – land at Blindfield Meadow, Murchington**

Speaker: Councillor Jordan, Representative of Throwleigh Parish Council  
Mr Davis, Applicant

The Case Officer requested Members to note an error on page 100 of the report. The consultation mentions Teignbridge District Council but should read West Devon Borough Council – the council was aware of the application but did not wish to comment.

There is considerable planning history in respect of the site which the Case Officer clarified for Members. The current application proposes a general purpose barn and a natural access track. Previous applications for agricultural buildings have been refused on the grounds of landscape impact and isolated position. An appeal was also dismissed. The Inspector did not question the need for the barn. The appeal site was, however, noted as being located where the scale and extent of development should be limited and where matters of landscape and scenic beauty carry the highest status of protection.

With regard to the current application, access would be from a minor road using an existing access. The proposed barn would be 18.2m by 9.1m with a 5.2 m ridge height.

One letter of objection has been received and 11 letters of support. In addition the National Farmers Union has submitted a letter of support. It states that the proposal is considered to maximise the economic use of the land available, would improve animal welfare and provide a secure area to store animal feed and materials. The erection of the proposed building would enable the applicants, as well as the next generation of farmers, an opportunity to succeed in a manner which has been open to many generations before them and ensure the vitality of the rural community.

Officers do not question the agricultural requirement of the unit; the scale and purpose of the building is justified in the interests of animal welfare. The Authority's Trees and Landscape Officer has, however, raised objections to the application in that he considered the application would have an adverse impact on the local landscape character. The proposed development is poorly related to other buildings and would have a significant impact on the historic field system and would neither conserve nor enhance the landscape.

Councillor Jordan advised that he was speaking as representative of Throwleigh Parish Council. He advised that all members of the Parish Council were in full support of the application. The visual impact of the proposed

building would be minimal. The building is a huge need for the family – for the welfare of the animals, TB testing, calving etc.

Mr Davis asked Members to support his application for an agricultural building in order to be able to attend his livestock safely and effectively and store machinery and fodder. He stated that the building was the missing link for his farm. The farm is run without subsidy; self sufficient methods are used. The site can become unsightly when machinery and bales have to be stored outside. The building would be screened by the existing hedge. The highway is currently used as an extension to his makeshift handling pen; there are obvious risks and inconvenience caused to the residents of the village. He added that one of his environmental goals would also be achieved in that he would be able to reduce his use of plastic. Farming can be dangerous; Mr Davis advised Members that he works alone and many tasks could be made easier if there was a roof beneath which to work. In his opinion the heritage and beauty of Dartmoor is built on small farmsteads like his and the patchwork landscape is exactly what this small building would sit neatly into and compliment. His proposal includes the planting of further hedgerows. He advised Members that his application was for necessary, genuine agricultural need.

The Chairman asked Mr Davis if he could explain to Members how he had come to have a farming enterprise with no building. Mr Davis advised that he had departed from the farm as he had wanted to undertake a different approach to farming. With regard to the existing track, there is already gravel due to having to use it over the past two winters. The footprint would remain the same.

In response to a Member question regarding the material to be used for the roof of the proposed building, Mr Davis advised that he was open to any suggestions that officer may make.

The Head of Development Management stated that the applicant's dilemma was recognised. However, he reminded Members that they were being asked to determine whether to give planning permission to a building which, in the opinion of officers, would have a significant, harmful impact on the landscape. Members have, so far, been very consistent in their determination of the planning applications for this site; this is due to having strong policies that give them very clear guidance for determining such an application. The need is acknowledged. The proposed reasons for refusal relate to the impact on the character of the landscape.

Mr Smerdon, as a relatively new Member of the Authority and, therefore, having not had the opportunity to see the site as some longer standing Members would have done for previous applications, proposed that the application be DEFERRED in order for a site inspection to be undertaken.

The Chairman advised Members that a site inspection had been undertaken at an earlier application. Subsequent to that visit, the application had been refused.

A Member stated that this application was new and, as such, it was requirement that it be considered on its merits. Mr Vogel seconded Mr Smerdon's proposal.

**RESOLVED:** The proposal for a Site Inspection was NOT CARRIED. (There being a tie in the voting, the Chairman utilised his casting vote).

The Case Officer provided clarification to Members regarding the proposed location and size of the agricultural building compared to that proposed in a previous application. He confirmed that alternative locations could be considered due to a concern expressed regarding the running of a farm without a building but, as explained by the Head of Development Management, the negative affect on the landscape was the main issue.

The area consists a medieval field system. The proposed field to be used would mean a highly intrusive building within the site.

The Head of Development Management clarified visual impact versus landscape character impact. Visual impact can be mitigated against by burying something eg. digging a building into the ground to effectively hide it and reduce its height. However, there are very clear policies that address landscape character. The Authority's Landscape Character Assessments state that buildings and farmstead are usually clustered together, they are not isolated.

In response to a request from a Member, Laura James, the Authority's Legal Representative advised that a site inspection was not a compulsory requirement in the determination of a planning application. Members have, in this case, had the opportunity to vote, and that vote was not carried. There was democratic vote and the Chairman used his casting vote to determine that proposal.

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

In the discussion that followed, views expressed presented a variety of opinions regarding this application. Some Members felt that the building would barely be seen due to its size and siting and would not have a detrimental effect on the landscape. Others felt that there were strong, clear policy reasons for it to be refused. Officers were urged to work with the applicant to attempt to find a location for the building, acknowledging the need for the building for health and welfare of the animals as well as storage. Farming needs to be encouraged and supported.

**RESOLVED:** That for the reason as set out below, permission be REFUSED. The proposed building by virtue of its isolated location, size, together with the extent of excavations and the access track will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the

Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2019.

Mr Harper left the meeting.

**Item 3 – 0370/20** – Construction of eight affordable residential dwellings and associated infrastructure – field to the west of Brook Lane Cottages, Brook Lane, Widecombe-in-the-Moor

**Speaker:** Mr Pike, on behalf of Teign Housing, Applicants

The Head of Development Management advised that the application was for eight affordable homes, developed by Teign Housing. The application was before Members due to the fact that it is an exceptional permission – it is on land that is not allocated for housing, on the edge of Widecombe-in-the-Moor.

The site is central, close to amenities and the school. It is also close to the other social housing site.

The site has a gentle slope which has some bearing on the layout of the dwellings. The application proposes a horseshoe development comprising 2 x two bedroom semi-detached, 4 x three bedroom properties and 2 x one bedroom flats set on two storeys. The extensive landscaping will be retained, including the hedges and a new orchard planted. 16 parking spaces would be included within the scheme.

All of the proposed units are affordable and would be social rented housing. The buildings would be of a high specification, well insulated, of good quality design. The Conservation Area would not be affected.

With regard to infrastructure contributions, one was from Devon County Council Education for £5,500 towards the transport for children to South Dartmoor College. This has been agreed by the applicants. In addition, a sum of £23k+ contribution was requested for an offsite contribution towards a play space. There is an existing play area across the road; the contribution would be towards maintenance of that site. The applicants responded that this amount would have an impact on the viability of the proposal. A better solution has been found – a natural play space within the ‘buffer’ area to the site – informal sitting areas, simple wooden play equipment etc.

Mr Pike advised Members that Teign Housing, based in Newton Abbot, is committed to providing high quality, affordable rural homes within the local area, adding that he had been working on this project for the last two years. There has been extensive consultation, meetings with the Parish Council, consultation events, and the setting up of a local community housing group. It is very evident that there is strong support for new community housing.

The design of dwellings meets planning policy, using high quality materials, with a layout which is sympathetic to the village setting. It also compliments the existing scheme at Brook Lane Cottages. All of the properties will match or exceed current space standards. With regard to rents, it is aimed that these will be 'social'. The scheme also incorporates a community orchard which will incorporate a simple play area which should not cost more than £5k

With regard to housing need, it was confirmed by Teignbridge District Council's allocation team that eight qualified households were registered for the parish of Widecombe.

In response to a Member query Mr Pike explained that there are two types of rent that housing associations typically charge. Government policy is under 80% or market rent which is the 'affordable' rent. Teign Housing is looking to achieve subsidy which will mean that it can charge 'social' rent which is 55-60% of market rent. However, other funding schemes need to be secured to achieve this. Tenants are sought from the parish first; Teign Housing would then cascade out to the rural adjacent parishes within the National Park if required. The surrounding orchard would be maintained via a service charge, payable by incoming tenants, managed by Teign Housing.

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

**RESOLVED:** That subject to the signing of a s106 Legal Agreement to secure the affordability of the dwellings for local persons and a contribution of £5557 towards secondary education transport costs, and conditions as detailed below, permission be GRANTED.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with following approved drawings; 1525-C-GA-100-P4, 1627-101B, 1627-111B, 1627-112B, 1627-113B, 167-114B, 1627-115B, 15-5-C-GA-200-P5, 1525-C-GA-205-P5, 162-100 and 1914-01DRAFT.
3. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. It shall include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,



- ecological systems,
- archaeological sites and ancient monuments.

Where contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to occupation or the development being brought into use.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
5. No development shall take place until a Construction Ecological Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP) and lighting strategy, which shall include the recommendations of the preliminary ecological appraisal report (rev. D, Tor Ecology dated 7 January 2020) and landscape strategy plan (rev. C ref 1914-0draft dated 5 January 2020), are submitted and approved in writing and the development shall be implemented in accordance with the approved details.
6. No development shall start on the site until a Method of Construction Statement, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
  - (i) parking for vehicles of site personnel, operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials
  - (iv) programme of works (including measures for traffic management)
  - (v) provision of boundary hoarding behind any visibility zones
  - (vi) times for deliveries to site and construction hours

The development shall proceed in accordance with the agreed details.

7. No part of the development hereby approved (except for the necessary enabling and grading works and the site preparation) shall be commenced until:
  - (i) The access road has been laid out, kerbed, drained and constructed up to base course level
  - (ii) The ironwork has been set to base course level
  - (iii) A site compound and car park have been constructed in accordance with the agreed Method of Construction Statement.
8. No development hereby permitted shall commence until the detailed proposals for the management of surface water and silt runoff from the site during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the permanent surface water drainage scheme as set out in the approved drawings has been installed and is functional. The scheme shall be maintained in accordance with details set out in appendix F of the Drainage Strategy (True Consulting - February 2020).
9. There shall be no street lighting within the development unless otherwise previously agreed in writing by Local Planning Authority in accordance with the approved lighting strategy.
10. Unless otherwise agreed in writing by the Local Planning Authority, all soil vent pipes shall terminate through slate vents on rear elevations of dwellings hereby approved.
11. A detailed schedule of the materials and finishes to be used on the approved dwellings shall be submitted and approved in writing by the Local Planning Authority prior to their use on the development hereby approved. This shall include samples of the roof slate and ridge tile, walling stone, details of render finishes, rainwater goods, window and exterior door units, cills, eaves/soffit details, positions of all meter boxes, boundary fence design, balustrading and handrails, driveway surface materials, roadway surface materials, kerbs and any proposed exterior lighting units.
12. There shall be no bell casts or render drip beads on the elevations of the dwellings hereby approved unless at the junction with the plinth and to allow for render drip beads over the head of windows and doors.
13. There shall be no verge/barge boards on the gable walls of the development hereby approved.
14. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the dwellings shall be recessed at least 100mm in their openings.
15. The roofs of the dwellings hereby approved shall be covered in a natural slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.

16. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel shall be prepared for inspection by the Local Planning Authority and no further stonework shall be carried out until the sample panel has been inspected, and approved by, the Local Planning Authority.
17. The landscaping and planting hereby approved 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.
18. Prior to the installation of any micro-renewable technology on the development hereby approved, full details of the proposed air source heat pumps and solar panels shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, only the approved micro-renewable technology shall be used in the development. Once the technology becomes redundant for micro-generation it shall be removed from the development and the buildings made good.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwellings hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
20. A scheme to incorporate a 'natural play space' shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be in place prior to the occupation of the 8th unit and shall be maintained as approved by the managing Housing Association.