

**DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE**

5 December 2014

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

Apologies: K Ball

1534 Minutes of the meeting held on Friday 7 November 2014

The Minutes of the meeting held on Friday 7 November 2014 were signed as a correct record.

1535 Declarations of Interest

Members agreed to declare those interests set out in the matrix attached to the Agenda (Membership of other Councils).

The Chairman declared a personal interest, by way of contact, in items 0524/14 - erection of 15 specialist dwellings for the elderly together with garages, gardens and a communal area for residents – land at Bretteville Close, Chagford; 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; 0498/14 – walls and roof added to existing dwarf wall to extend kitchen – Long Barn, 4 Quarry Farm, South Tawton and ENF/0064/12 – various unauthorised developments – Middle Venton, Drewsteignton.


Mr Retallick declared a personal interest, through knowing the applicant, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Sanders declared a personal interest, by way of telephone contact with the agents, in items 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; and ENF/0126/14 – unauthorised residential use of stables – land near Harford Bridge, Tavistock.

Mr Barker declared a personal interest, by way of email and telephone contact with the applicant, and having received copy plans and correspondence, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Harper declared a personal interest, by way of contact with the agent, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Nutley declared a personal interest, by way of email and telephone contact with the applicant, and having received copy plans and correspondence, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Signed 
Date 9-01-14

Miss Moyse declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Hitchins declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Hockridge declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Kidner declared a personal interest, by way of contact, in items 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; and ENF/0126/14 – unauthorised residential use of stables – land near Harford Bridge, Tavistock.

Miss Oakley declared a personal interest, by way of contact, in items 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; and ENF/0126/14 – unauthorised residential use of stables – land near Harford Bridge, Tavistock.

Mr Shears declared a personal interest, by way of contact, in items 0524/14 - erection of 15 specialist dwellings for the elderly together with garages, gardens and a communal area for residents – land at Bretteville Close, Chagford; 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; and 0519/14 – erection of two stables with hard-standing to the front – Smutty Park, Thorn, Chagford.

Mr Gribble declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Jeffery declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.


Mr Webber declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne.

Mr Lloyd declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; and ENF/0064/12 – various unauthorised developments – Middle Venton, Drewsteignton.

Mr Vogel declared a personal interest, by way of contact, in item 0603/14 – agricultural worker's dwelling – Mill Leat Farm, Holne; and ENF/0064/12 – various unauthorised developments – Middle Venton, Drewsteignton.

1536 Items requiring urgent attention

The Director of Planning advised Members of an application for the erection of 12 dwellings at North Brentor – to be built on land identified under the Exceptions Policy. It is expected that the application will be taken to Development Management Committee in January 2015 and a Site Inspection visit, undertaken in advance of the meeting was suggested. This was agreed by Members; the panel would be identified at the end of the meeting.

Signed 
Date 9 - 01 - 14

1537 Site Inspections

Item 1 – 0489/14 – erection of rear two-storey extension, front extension to entrance hall and glazed canopy over front door – Waye Hill House, Chagford

Members received the report of the Director of Planning (NPA/DM/14/063).

The Case Officer reminded Members that the application was in two parts – the removal of a rear conservatory in favour of a two storey extension across the rear, and the application for a glazed canopy over the entrance porch. The overall increase in habitable floor space would equate to around 34%. Officers maintain their view that the extension, by reason of its scale, massing and design would have a detrimental impact on the character and appearance of the property.

The Chairman reported that the general view of the Members who had attended the site inspection was that there were no real objections to the size of the extension; however, Members were split 50/50 regarding the proposed design.

A Member stated that this application was a good example of why site inspections are essential; a lot of issues had been clarified. However, the general principle stands that what is proposed should enhance and improve the current structure. He felt that the proposed design did not do this.

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

Other Members disagreed, stating that they saw nothing wrong with the application; they suggested that Members should 'move forward' in their thinking. They felt that the application was as good as it could possibly get in order to achieve the requirements of the applicant.

The vote to refuse planning permission was NOT CARRIED.

Mr Sanders proposed that planning permission be granted, on the grounds that it represented an enhancement of the property and was an acceptable design. This was seconded by Mr Barker.

The case officer suggested four conditions of Members were minded to grant permission:

1. Standard three year condition
2. Details of external materials, including windows
3. The use of non-reflective glazing;
4. The removal of permitted development rights

RESOLVED: That, subject to the conditions as set out above, permission be GRANTED.

1538 Applications for Determination by the Committee

Members received the report of the Director of Planning (NPA/DM/14/064).

Signed *James R. Jones*
Date 9-01-14

Item 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 – land at Bretteville Close, Chagford

Speaker: Mr Nick Yeo, Applicant

The Planning Team Manager reported that the application was for the development of part of a wider site, identified in the DMD. The overall site, 3.7ha in size, forms the adopted Masterplan for Chagford. The application before Members is Phase 1; Phase 2 is already being discussed with officers and an application is expected in January 2015.

The application is for 9 houses and 6 flats, specifically for those aged 65 and over. The developers, Blue Cedar Homes, have other developments throughout the South West and specialise in residences for the elderly. Development of the site has been restricted by legal agreement.

Access during the construction period and interim period would be through Bretteville Close. This will differ during phase 2 and at the end of the development if the site there will be no vehicular access through Bretteville Close. It was emphasised that the development will not be a gated facility. The Authority had been clear with developers from the outset that the site should be integrated into Chagford and not segregated in any way.

With regard to the design of the dwellings, a typical vernacular terraced style fits with the rest of the village, incorporating slate roofs, painted render and the use of natural stone. The dwellings that face on to Lower Street will be less vernacular at the rear where more glazing will be used as this is the southern aspect of the properties.


Local concerns have revolved around highway issues. In order to ensure safe access, some changes will be made during the construction period; however, in long-term the current parking spaces will be reinstated and current on-road parking will not be affected. It was confirmed by Mr Phil Townsend, Highways Officer, that highway issued had been audited and proposals deemed safe.

In the absence of any affordable housing on site, discussions are ongoing with the applicants to negotiate an appropriate commuted sum for off-site community benefits. The 3.7ha site is allocated for mixed use; any commuted sum would contribute towards wider objectives, including the creation of affordable housing, a public car park, a link road and recreational open space.

In addition to the 17 conditions within the report, the Planning Team Manager requested that the recommendation be amended, as follows:

That:

- 1 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.*

Signed 
Date 9-01-14

- 2 *The Director of Planning, in consultation with the Chairman of the Authority and the Chairman of the Development Management Committee, be authorised to negotiate the level of the commuted sum.*

Mr Yeo advised Members that the application follows the adoption of the Chagford Masterplan and follows community consultation over many months. C G Fry are the developers of the larger part of the overall site, with whom Blue Cedar Homes have a good working relationship. He stated that the scheme before Members reflects the principles of the Masterplan and changes have been made following discussions with parishioners, the Parish Council and DNPA Planning Officers. One of the primary obligations is to agree a commuted sum in the hope that development can commence in the Spring, 2015.

In response to a Member query, Mr Townsend, Highways Officer, advised that any changes to be made would be sensitive to take into account all users, including wheelchairs, buggies etc. In addition, the Head of Legal and Democratic Services, to allay any concerns, advised that it could be conditioned that the access road be built prior to any other development within phase 2.

With regard to the commuted sum, the Head of Legal and Democratic Services advised Members that this would be held by the Authority. S106 negotiations, he added, were at an advanced stage. Payments would be made in two stages, the first at the commencement of development and the second on occupation of the 8th or 9th dwelling. He also confirmed that the commuted sum would be attached to the site, not the developer.

The Director of Planning advised Members that it had always been recognised within the Masterplan that the front of the site would provide open market dwellings for the elderly. Chagford residents would be given the opportunity to downsize, reducing the stagnant housing market within the village. He added that the two sites should be considered as a whole; any commuted sum from Blue Cedar Homes should be proportional.

Mr Gribble stated that, having attended the site inspection, he was very supportive of the scheme and proposed the recommendation which was seconded by Mr Shears.


RESOLVED

That, subject to the conditions in the report, and the amended recommendation as detailed above, permission be GRANTED.

Dr Mortimer requested that his abstention be recorded within the minutes.

Item 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 – 2 School Houses, Place Lane, Ashburton

Mr Barker declared a personal interest, by way of his being a school governor at the school.

Signed 
Date 9 - 01 - 14

The Planning Team Manager reported that the application before Members was a retrospective application seeking a change of use from C3 (residential property) to D1 (non-residential institution use). The dwelling is a semi-detached property which is currently being used for the teaching of small groups of students and individuals. No more than 10 students study within the property at any one time.

The neighbour has experienced a negative impact on his amenity, namely noise and nuisance. He has reported increased levels of noise, outside of class time as well as during school hours.

Mr Nutley felt that the use of the property was unacceptable and proposed the recommendation, which was seconded by Mr Gribble.

RESOLVED:

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

Item 3 – 0603/14 – Agricultural worker's dwelling – Mill Leat Farm, Holne

Speaker: Ms Amanda Burden, Applicant's Agent


The Planning Team Manager reported that the application was for full planning permission for a three bedroomed dwelling with double garage. There are already a substantial number of farm buildings upon the site; the proposal would essentially, if granted, mean the establishment of a new farm development. The principle for this was accepted in this location under outline planning permission 0662/13 – this expires in February 2015. The outline planning permission stated that any dwelling would be limited to 100m² in size. The applicant has chosen to make an application for a dwelling which is 140m², plus an additional 26m² for an office, farm store and boot room.

The applicants have been tenants of Mill Leat Farm for some 25 years and were recently given notice on the tenanted farmhouse. The livestock farm comprises some 450 acres – a mix of owned and rented land. The applicant works full time on the holding with part time assistance.

The design of the dwelling is acceptable; it is also a very high specification (Code 5) sustainable home.

Officers have no argument regarding the need for a dwelling upon the site; however, there is clear conflict regarding the size restriction imposed in the outline permission.

Ms Burden advised Members that her clients are currently tenants and have been given notice to quit by September 2015. There are issues regarding the location of the property they are currently living in, hence their reticence to purchase the property. She stated that S6 of the Authority's policy DMD23 states that the dwelling "should be appropriate to the functional requirements of the holding".

Signed 
Date 9 - 01 - 14

In response to Member queries, Ms Burden advised that the current property her clients occupy is 210m². With regard to the proposed dwelling, she confirmed that in order to achieve Code 5 sustainability, there was no required increase in size.

The Director of Planning clarified that the principal occupiers would be Mr and Mrs Cleave. He also advised that he would question why, when outline permission was granted in February 2014, Ms Burden or her clients had not appealed against the 100m² condition applied at that time.

In response to Member queries, the Head of Legal and Democratic Services advised that the dwelling could be tied to the 130 acres owned by the applicants but this would be unlikely to withstand any challenge. The Director of Planning advised that Members cannot ignore what was granted in February 2014. There is no distinction between the 'main farmhouse' and an agricultural worker's dwelling.

A Member stated that the application disregarded the condition appended to the outline permission granted in February 2014; he was supportive of the officers' views.

Other Members observed that it would be difficult to downsize what is, essentially, the family business and home, into a property less than half the size. The proposed size was the minimum required to run the business. In addition, there were also doubts as to whether the proposed dwelling would ever become an open market property. Some Members felt that the main obligation was to the long term viability of farming on Dartmoor.

Mr Barker proposed that permission be granted, on the grounds that the proposed dwelling would be sited within close association of the other existing farm buildings; and that there were good functional reasons to justify the size of the dwelling, which was seconded by Mr Sanders.


The Planning Team Manager advised that if Members were minded to grant permission the following conditions should be considered:

- Development to commence within one year of the grant of permission;
- Agricultural occupancy only;
- Removal of Permitted Development Rights;
- Landscaping;
- Details of all external materials;
- Garage to be used for parking of private motor vehicles only;
- Windows to be deeply recessed;
- Exterior lighting – to be no more than 0.5lux within 1m of hedgerow

Members agreed that the issues surrounding the determination an agricultural worker's dwelling as opposed to a principal farmhouse be discussed at the next Planning and Sustainable Development Working Panel.

RESOLVED:

That, subject to the conditions as stated above, permission be GRANTED.

Signed 
Date 9-01-14

Item 4 – 0620/14 – Two storey extension to rear and side of house with other alterations – 36 Furlong Close, Buckfast

The Case Officer reported that the proposal is for a two-storey side and rear extension to create a larger kitchen/dining room and living room downstairs, with an additional bedroom and en-suite bathroom upstairs. This equates to a 57% increase in habitable floor space which would clearly be contrary to policy. The application is a re-submission, having been withdrawn in October 2014 following advice from officers regarding the increase of floor space and a recommendation to reduce the scheme.

The Director of Planning reminded Members that they must base their decision based on policy, not the personal circumstances of the applicants.

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

RESOLVED:

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

Item 5 – 0498/14 – Walls and roof added to existing dwarf wall to extend kitchen – Long Barn, 4 Quarry Farm, South Tawton

Speaker: Mr Ben More, Applicant


The Planning Team Manager advised Members that Long Barn was one of a range of barns converted following planning permission in 2003. In addition, at that time, Permitted Development Rights were removed. The application was to build walls and a roof off an existing dwarf wall in order to extend the kitchen. Officers had advised the applicant, at the pre-application stage, that they objected to the principle of extending the property. An application for a similar development was refused by Members in June 2014. The design before Members is considered to be inappropriate, the duo-pitch roofs are of concern and it is felt that there would be a significant adverse impact on the building.

Mr More advised Members that, since the refusal of planning permission in June 2014, he had taken on board all of the comments from Officers and Members in order to make his current application. He added that he was somewhat confused regarding the Authority's stance on his property being a heritage asset as this was not the case originally. He requested that Members defer their decision and undertake a site inspection of his property.

Mr Sanders proposed a site inspection in order to determine how the proposed extension would affect the overall aspect of the building, and to understand why the property was deemed a Local Heritage Asset, which was seconded by Mr Webber.

RESOLVED:

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

Signed 
Date 9 - 01 - 14

Item 6 – 0519/14 – Erection of two stables with hard-standing to the front – Smutty Park, Thorn, Chagford

The Case Officer reported that the application was for the erection of a stable building for two horses with a hard standing apron. The Parish Council has raised concerns regarding the adequacy of the land for grazing two horses; however, the applicant also owns the adjacent field (1.5 acres) which could also be used for grazing. The proposed building is of a modest design and would be discreet within the landscape; the topography and vegetation would also help to disguise the building.

Mr Barker proposed the application, which was seconded by Mr Sanders.

RESOLVED:

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

1539 Monitoring and Enforcement

Item 1 – ENF/0064/12 – various unauthorised developments – Middle Venton, Drewsteignton

Speaker: Mr John Milverton, Landowner's Agent


The Planning Team Manager reported on a number of unauthorised works of alteration and change of use to a Grade II* listed former farmhouse, its attached shippon, an annexe conversion and former linhay.

Middle Venton was given the high grade listing of II* because, as stated in the list description, it *'is one of the minority of Dartmoor longhouses where the shippon is unmodernised; It is essentially how it was when used as a cow byre although the drain has been buried.'* Middle Venton's shippon no longer has this appearance and its heritage significance has suffered substantial harm through the unauthorised alterations that have been carried out.

Planning permission and listed building consent was granted in 2006 for the conversion of a former cow byre to a large annexe in the corner of the yard, in 2009 for alterations and an extension to the house that facilitated the removal of a bathroom from the cross-passage and the re-opening of a doorway to the shippon with the intention of returning the building to its original form. Notwithstanding other good work carried out by the owner in restoring this Grade II* Listed farmhouse, the owner has completed some works for which no consent had been granted and which were specifically at odds with the permissions granted in 2009.

The recommendation to take no further action on the unauthorised conversion of the linhay is an example of the Authority recognising the need for other facilities that cannot be contained in the house.

Six Listed Building Consent applications were considered at the Development Management Committee meeting in March 2014, seeking retrospective approval for some of the works. All but one, for the annexe door, was refused. The owner did not appeal against those decisions.


Signed 
Date 9-01-14

The Authority has since commissioned an independent report from a Listed Buildings expert who has now advised what action is needed and has identified nine breaches that are considered most serious and warrant appropriate legal action to remedy. These are as follows:

- External pipe work associated with en-suite bathroom area – this would have been unnecessary if the en-suite had not been created as pipework from the bathroom in the extension could have passed internally. The presence of the pipe work detracts from the simplicity of the rear elevation.
- Door between the cross passage and the shippon - historically the house and shippon would have been physically and environmentally separated; this has been lost by the failure to install a door – this would create a good thermal seal between the heated part of the house and the shippon.
- Installation of a replacement external door to the shippon - in observing the shippon from the yard the current glazed door has an overly domestic feel; it should be returned to a simple, utilitarian plank door appropriate for access to what had the appearance of a cow byre at the time of listing.
- Installation of a concrete floor in the shippon - in a survey undertaken in 2005 the shippon was recorded as having an earth and stone floor. At some point before 2009 this was replaced with concrete. In order to preserve the significance of the shippon, and avoid a more intensive residential use of the space, the concrete should be removed and a rough floor restored.
- Painting of the window in the southern elevation of the shippon - when planning permission and listed building consent were granted in 2009, a condition was imposed requiring details of the design and finish of this window. This was not complied with. The window on to the yard has an overly domestic appearance, confusing the differences in character between the shippon and the house. This would be improved if the paint was removed.
- Installation of high level glazed window and external loft door in the shippon - the shippon should not be an air tight and warm space, as it is now; it should be comparatively chilly and draughty as it was at the time of listing, like a cow byre. The glazing of the hayloft opening is therefore inappropriate and needs to be removed and replaced, it is suggested, with a traditionally detailed shutter.
- Whitewashing of the shippon walls - the limewash applied to the walls of the shippon has altered the character of the interior of this part of the building which is a former animal house and should be removed.
- Installation of steps, handrail and balustrade in the shippon – it is recommended to take no action over the steps and balustrade; however, the handrail nearest the wall would interfere with what should be an inward opening loft door and therefore needs to be removed.
- Breach in the wall between the annexe and store to create an additional room - two separate approvals have been granted for the conversion of a former cow byre to an annexe and a former stables to a store. The two buildings had entirely separate functions, probably built at different times, and it is not considered acceptable to connect the two, extending the annexe accommodation, possibly to create a three bedroom unit of accommodation.

Following a meeting with the owner and her agent on 1 December 2014, the Authority has received a letter which lists those works that the landowner is now prepared to undertake, as follows:

- Insert a new door between the cross passage and the shippon in a design to be agreed
- Replace the front door to the shippon with a close boarded door
- Remove the paint on the shippon window and treat appropriately
- Block up the opening between the annexe and the adjoining store

Signed 
Date 9-01-14

The landowner is not willing to shift her position on the other matters.

The Planning Team Manager reported that English Heritage was broadly supportive of the pragmatic solution offered to resolve the breaches suggested by the National Park Authority.

The recommendation presents a balanced package of measures which was formulated with advice from an independent Heritage Consultant and from English Heritage.

Mr Milverton advised Members that, in his opinion, officers of the Authority were trying to undermine his client's use of the house. He stated that there was long standing evidence of residential use which officers had failed to identify.

Dr Mortimer commented that, in his view, the package of recommendations set out in the report was very reasonable; the historical value of the property is huge and it was the duty of the Members to protect heritage assets. He proposed the recommendations, which were seconded by Mr Gribble.

RESOLVED:

That the appropriate legal action be taken to:

1. secure the removal of all external pipework at the rear of the house, including the existing soil vent stack;
2. secure the fitting of a door (as envisaged in the 2009 approval) in the opening between the cross passage and the shippon;
3. secure the removal of the unauthorised external door to the shippon and the reinstatement of a solid, vertically boarded, timber door;
4. secure the removal of the unauthorised concrete floor in the shippon;
5. secure the removal of all paint and primer from the window in the southern elevation of the shippon;
6. secure the removal of the glazed upper window and external loft door to the shippon and the reinstatement of a boarded, inward opening, loft door;
7. secure the removal of the white wash from the shippon walls;
8. secure the removal of the handrail closest to the northern wall of the shippon;
9. 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:

10. the creation of an en-suite bathroom to bedroom two, subject to the removal of all external pipework at the rear of the house, including the existing soil vent stack;
11. the failure to reinstate the rear cross passage door and frame;
12. the new spotlights and switch boxes in the shippon;
13. the removal of the joists and failure to reinstate the hayloft floor in sawn planking;
14. the unauthorised steps, balustrade and single handrail in the shippon;
15. the thatched ridge line over the house and shippon;
16. the alterations to the previously approved shed and its use as a garden room;
17. the domestic use of the lincay/former animal house;
18. the variation in detail of the first floor window in the annexe;
19. the use of the annexe's plant room as a WC and utility area.

Item 2 – ENF/0265/13 – unauthorised building works – land south of Sanduck Cross, North Harton, Lustleigh

Speaker: Mr Robin Bradford, Landowner

Signed James P. M. T. M.
Date 9-01-14

The Case Officer informed Members that concerns were first raised a year ago about the construction of a building on the land North of North Harton Farm on a piece of land near to Sanduck Cross. A meeting with the landowner confirmed the presence of a large timber building measuring 6 metres x 5 metres. The building is in an isolated position some 450 metres from the farmstead. The recommendation seeks for the removal of the building and return of the land to its former condition.

The landowner advised the Case Officer that the building is used to assist in the blueberry harvest between July-October every year to store blueberries prior to them being transported back to the main farm for sorting prior to being dispatched to clients.

Mr Sanders, Mr Belli and Mr Hockridge re-entered the Meeting Room.

The building is in an isolated location, raised above ground level. A raised platform on stilts has been added to the southern elevation to achieve its elevated position. On the basis of its design and isolated location, the landowner was informed that any application would be unlikely to receive support. Despite this, an application was received in August 2014. This was refused on 10 October 2014 because it would introduce an isolated building into the open countryside and because its size, location and design would have a detrimental visual impact that would harm the landscape character of the area.

Given the fact that planning permission has been refused for the building and the fact that the building remains in situ, it is considered necessary to take enforcement action to ensure the removal of the building from the land.

An Appeal against the refusal of planning permission was received on 4 December 2014.

There have been no Parish Council comments received.


Mr Bradford informed Members that the family have farmed here since the turn of the last century. It is a dedicated blueberry farm. He stated the shed is really important and is needed to store blueberries as only class 1 fruit can be sold and the blueberries can get badly damaged in the rain which then means they can only be sold for jams and frozen fruit and bring a much lower price. The shed helps with drying and ventilation.

Mr Bradford confirmed that he had engaged with officers about whether he could have a building and was told by Officers that he could not have any building.

Mr Bradford confirmed he had previously used a trailer with a canopy, but that mud gets everywhere and damages the fruit.

Mr Gribble left the meeting.

Members were advised about the risks associated with deferring a decision on enforcement action until after the planning appeal.

Signed 
Date 9 - 01 - 14

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

RESOLVED:

That the appropriate legal action be taken to:

1. secure the removal of the unauthorised building from the land; and
2. return the land to its former condition, prior to the erection of the building.

Item 3 – ENF/0126/14 – unauthorised residential use of stables – land near Harford Bridge, Tavistock

Speaker: Ms Amanda Burden, Agent

The Case Officer informed Members that concerns were first raised with the Authority in June 2014 suggesting part of the stable block was in full-time residential use. This was confirmed in a later meeting with the landowner; and their agent revealed that this had begun over 5 years ago in 2009.

An application for a certificate of lawfulness for the use of part of the building as a dwellinghouse was received in August 2014. This claimed that the use of the building as a single dwelling house had occurred for a period in excess of four years and was therefore immune from enforcement action.


Whilst there is clear evidence that the building in question is being resided in and has been since 2009, the application was refused in October 2014. Officers were satisfied the lean-to structure has been utilised as a dwelling for in excess of 4 years, however, in order for immunity to be achieved there must be a change of use to a use as a single dwellinghouse. It appears that the lean-to was constructed with the sole intention of being lived in as a permanent dwelling and not as an extension to the stables. In this case the 10 year rule applies, not the four year rule and immunity from enforcement action has not been shown.

The Case Officer confirmed to Members that in policy terms the creation of a new dwelling in the countryside is contrary to both National and Local policies. He also confirmed that in exceptional circumstances the Authority does allow dwellings in the countryside for agricultural or rural workers if there is sufficient justification. No agricultural or any other justification has been put forward.

The Case Officer has been informed that there is an intention by the landowner to apply for a 2nd certificate of lawfulness (CLEUD), which would aim to prove there was a different use prior to the use as a dwelling.

Ms Burden informed Members that the lean-to was used as a mess room for two years, allowing a place for hot drinks and for the children to play in. She stated that further evidence can be shown that it was used as a rest room prior to 2009. Ms Burden requested that any enforcement action be deferred to allow for submission of further evidence.

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

Signed 

Date 9-01-14

RESOLVED:

That the appropriate legal action be taken to secure the cessation of the residential use of the building.

Item 4 – ENF/0108/14 – unauthorised residential use of land/mobile home – land off Love Lane, Ashburton

The Case Officer confirmed to Members that concerns were first raised with the Authority's Planning Enforcement Team in May 2014 with the suggestion that the site in question had been cleared of all trees and planting and that a mobile home had been sited on the land. An application was submitted shortly after the visit by the Case Officer which sought permission for the construction of a single storey, two bedroom dwelling and associated works. The owner's intention was to live in the mobile home whilst the application was considered and also during the construction of the dwelling if and when the application was granted.

Planning permission was refused in late July 2014 because the proposal was not compliant with housing policies which seek to deliver affordable housing for local needs and it was considered that the proposed building would represent an unacceptable form of infill development in a narrow burgage plot within the conservation area of Ashburton.

Since the refusal of the application the mobile home has remained on site and the unauthorised residential use of the land has continued.

Given the refusal of planning permission for a permanent dwelling on the site and the fact that the retention of a mobile home on the land cannot be supported in policy terms it is considered necessary to take enforcement action.

The Authority is aware that there are some very specific welfare considerations associated with this case. The mobile home is occupied by Miss Toms and her 17 year old son who has learning support needs and who suffers from acute anxiety resulting from small changes in circumstances. He is reliant on Miss Toms for housing and domestic care.

Due to these factors any enforcement action will have to be carefully managed to ensure sufficient time is given to allow alternative accommodation to be found.


The Town Council objects to the continued siting of the mobile home and supports enforcement action to ensure its removal.

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

RESOLVED:

That the appropriate legal action be taken to:

1. secure the removal of the mobile home from the land, and;
2. secure the cessation of the residential use of the land.

Signed 
Date 9-01-14

1540 Consultations by Neighbouring Local Authorities

Members received the report of the Director of Planning (NPA/DM/14/066)
An amendment was noted to the District to read South Hams not West Devon.

RESOLVED:

Members noted the content of the report.

1541 Appeals

Members received the report of the Director of Planning (NPA/DM/14/067)

RESOLVED:

Members noted the content of the report.

1542 Applications Determined Under Delegated Powers and Applications Withdrawn

Members received the report of the Director of Planning (NPA/DM/14/068).

RESOLVED:

Members noted the content of the report.

1543 Enforcement Action Taken Under Delegated Powers

Members received the report of the Director of Planning (NPA/DM/14/069).

RESOLVED:

Members noted the content of the report.


1544 Appointment of Site Inspection Panel and Arrangements for Site Visits

Application No 0498/14 – Walls and roof added to existing dwarf wall to extend kitchen - Long Barn, 4 Quarry Farm, South Tawton

Application 0606/14 – Creation of 12 affordable houses and associated access road and parking – Hammer Park, North Brentor

The Site Inspections are to take place on Friday 19 December 2014.

Members to attend are as follows: Mr Sanders, Ms Moyse, Mr Hockridge, Mr Shears, Mr Webber, Mr Jeffrey, Mr Hitchins and Mr McInnes.

Signed 
Date 9-01-14