

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

**Friday 2 February 2018**

Present: K Ball, W Cann, J Christophers, A Cooper, G Gribble, P Harper,  
S Hill, P Hitchins, M Jeffery, J McInnes, D Moyse, N Oakley,  
M Retallick, P Sanders, M Simpson, D Webber, P Woods

Apologies: S Barker, C Pannell

**1266 Minutes of the meeting held on 5 January 2018**

The minutes of the meeting held on 5 January 2018 were agreed and signed as a correct record.

**1267 Declarations of Interest and Contact**

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

Mrs Oakley declared a personal interest, due to knowing the landowner, in Item ENF/0230/17 – unauthorised residential use of land in a touring caravan, land lying to the west of Sunnymead, Postbridge. She advised that she would leave the meeting room for this item.

Miss Moyse declared a personal interest, due to knowing the applicant and having visited the site, in application 0001/18 – use of holiday barns as residential (retrospective), Downtown Farm, Lydford.

Mr Hill declared a personal interest, due to being related to the appellant, in Appeal W/17/3178017 – sub-division of dwelling to create two dwellings, Trevery, Chagford.

**1268 Items Requiring Urgent Attention**


None.

**1269 Site Inspections**

Members received the report of the Acting Head of Planning (NPA/DM/18/005).

**Item 1 – 0450/17 – Partial demolition of dwelling and erection of two-storey extension, Blackenstone Cottage, Bridford**

The Case Officer advised Members that Blackenstone Cottage is located on the edge of Blackenstone Quarry. It comprises a part stone, part timber framed

Signed  Date 16/3/18

dwelling, set in a large curtilage, much of which is wooded. The proposal is for the erection of a two storey linear extension on the south elevation of the building. The existing building has a floor area of approximately 94sqm. The application proposes the demolition of approximately 64sqm of the existing property. The total proposed floorspace once extended would be 164sqm. This would represent an increase of approximately 75% which is significantly greater than the 30% permitted under the Authority's policy DMD24. The Case Officer stated that whilst it was appreciated that the applicant wishes to create a better insulated, modern dwelling, it was considered that the scale and massing of the proposed extension would overwhelm the existing property.

The applicant has addressed concerns previously expressed by Members, including a reduction in the number of French windows; the removal of a door and replacement with a window; the removal of the external door and porch, and a reduction in the number of proposed roof lights. An additional door is proposed in the east elevation for the purpose of escape from a bedroom.

The Deputy Chairman advised Members that the view of Members who had attended the Site Inspection was unanimous. They understood the Officer's objections; however, the site is quite unique and it was felt that the proposal to extend the property would be beneficial. The site does not lend itself to the possibility of the construction of any affordable housing. He added that, in his opinion, Member concerns had been addressed.

Mr Sanders proposed that permission be GRANTED on the grounds that the proposed extension would not adversely affect the original building, nor would it affect the overall curtilage of the site; and the property would not be considered suitable for affordable housing due to its location. Mr Jeffery seconded the recommendation.

Members commented that the proposal would demolish the current extension which is of poor construction, replacing it with a more environmentally sound, better insulated building. In addition, the part of the cottage which has some historical value is to be retained and Members felt that the application put forward an acceptable compromise and balance.

The Case Officer advised that, should permission be granted, the following conditions should apply:

1. The development to be begun before the expiration of three years from the date of the permission;
2. The development to be completed in accordance with the approved drawings;
3. The materials to be used to match those of the existing building;
4. All external windows and doors to be of timber or metal construction, to be approved by the Local Planning Authority;
5. Roofing materials to be approved by the Local Planning Authority;
6. The rooflights to be of the 'conservation type' with a frame flush with the outer face of the roof slope;
7. No works to be commenced until a European Protected Species Licence (EPSL) has been obtained from Natural England;

Signed .....  ..... Date ..... 16/3/18 .....

8. Any contamination not previously identified to be addressed by a remediation strategy to be submitted and approved by the Local Planning Authority;
9. Solar panels to be fitted with black out frames;
10. All materials resulting from any demolition to be removed from with site within a six month period.

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

## **1270 Applications for Determination by the Committee**

Members received the report of the Acting Head of Planning (NPA/DM/18/006).

### **Item 1 – 0001/18 – Use of holiday barns as residential (retrospective) (Full Planning Permission , Downtown Farm, Lydford**

Speakers: Ms R Tainsh, Parish Council representative  
Ms G Makin, Agent for the Applicants

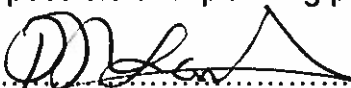
The Case Officer advised Members that Downtown Farm is located in the open countryside between Lydford and the A386, the holiday accommodation being situated in the farm yard adjacent to the farmhouse. The barn is split into two three bedroom cottages which are currently rented for full time occupation. The application proposes the cottages be used for residential use with no holiday or affordable housing restriction.

A total of 29 letters of support have been received, mostly from Lydford residents stating that there is a need for affordable rented accommodation within the village, and commenting on the contribution made by the existing tenants to the community. Rents currently being charged to tenants are between £55 and £150 more than the discounted rents that would be charged in accordance with the intermediate affordable housing model; this also sets out qualification criteria relating to housing need, affordability and local connections which can only be controlled through a legal agreement.

The application is in conflict with the Authority's policies. During the validation process the agent, having been asked whether her clients were willing to enter into a legal agreement, advised that they were not willing to enter into an agreement and wished the application to be determined as submitted.

Ms Tainsh advised Members that, when this application was considered at a Parish Council meeting, every member of the Parish Council was in support of the application. No objections have been received from villagers; rather, there is an overwhelming feeling of support as accommodation would be provided for local people, of which there are many who need short-term rented accommodation. The supply of holiday homes, however, is out-stripping demand in the area.

Ms Makin advised Members that her clients would be willing to enter into a legal agreement but was under the impression that, with regard to policy DMD9, this was not possible until planning permission had been granted. The application had been

Signed .....  ..... Date 16/3/18 .....

made as the two required tests had been met – demand for the accommodation had been proved and the marketing of the property for a 12 month period had been undertaken; no legal agreement was possible at this time as the properties were currently let to tenants.

In response to a Member query, the Case Officer advised that when applications are initially screened, should there be a clear conflict with policy the Officer will contact the applicant / agent at that time. This was done; the agent advised that her clients were not willing to enter into any legal agreement. It was upon this basis, therefore, that the application was considered and the recommendation for refusal made. If the agent had indicated that her clients would enter into a legal agreement controlling occupancy, the recommendation may have been different.

The Acting Head of Planning clarified that the current tenants are in breach of the holiday occupancy conditions. He recommended that the application be deferred to enable officers to hold discussions with the applicants regarding eligibility, rental, restrictive clauses etc; he added that the current tenants may not qualify to live in the accommodation.

Mr Retallick proposed that the application be DEFERRED in order that clarification may be sought regarding the possibility of the applicants agreeing to enter into a legal agreement. Mr Cann seconded the proposal.

**RESOLVED:** That permission be DEFERRED for the reasons as stated above.

**Item 2 - 0557/17 – Erection of agricultural building for rare breed chicken farming (9m x 5m) (Full Planning Permission), land at Ausewell Common, Ashburton**


Speaker: Miss V Siddell, Applicant

The Case Officer advised Members that the application site is located within Ausewell Common, approximately 2.5km north east of Ashburton, with access along a shared track. The application is for an agricultural building for the keeping of rare breed chickens/poultry. The applicant owns 1.5 hectares (3.7 acres) comprising two fields.

The proposed building would relate poorly to landscape features and other building groups in the area and be harmful to the character or the landscape.

In view of the size of the holding and the limited agricultural activity on the site, the development is considered to be contrary to policy DMD34 because there is no demonstrable need for the building. Additionally, the building is not of a scale or design that relates well to its proposed use.

Miss Siddell advised Members that she was sure that she could make a living from breeding rare chickens. Birds would be kept in separate pens to avoid cross-breeding. The business would be undertaken in Spring, Summer and Autumn with the building being used over the winter as a shelter for her horse and pony. She stated that, in her opinion, her fields cannot be seen from the A38 below or from the area around the 10 Commandments, Buckland-in-the-Moor. She added that there

Signed .....  ..... Date 16/3/18 .....

are a number of barns, agricultural buildings and poly tunnels nearby; there is water on site, and there would be no increase in traffic movements.

In response to a Member query, Miss Siddell advised that she had used a planning agent for her application; as far as she was aware, no discussions with planning officers had taken place prior to the application being submitted. There was currently no stock on site due to her previous application having been refused in October 2017.

Mr Christophers commented that the proposed building was substantially smaller than that originally proposed; there were a number of other buildings within the immediate vicinity. He felt that the applicant ought to be given a chance to start her business and that the economic benefit would outweigh the impact on the landscape. He proposed that permission be GRANTED. Mrs Oakley added that the Authority needed to consider the future and other possible land uses. The proposed business would be low impact; she seconded the proposal.

The Acting Head of Planning commented that one of the issues regarding this application was that there was little or no activity on the land. There are generous permitted rights. However, the application before Members is for a permanent building which is not suitable for the proposed use.

Should permission be granted, he suggested that three conditions be applied as follows:

1. the development to be begun before the expiration of three years from the date of the permission;
2. all materials and finishes to be approved by the Local Planning Authority;
3. upon redundancy, the building to be removed from the site and the site returned to its original state.

Some Members commented that the proposed building was not what they would expect to see considering the proposed business is at an embryonic stage. Such a small operation could not justify the need for a building which is 9m x 5m x 3m high.

The proposal to Grant planning permission was put to the vote but was not carried.

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

**RESOLVED:** That permission be REFUSED for the reasons as stated in the report.

Members encouraged the applicant to discuss her needs further with Officers in order to find a way forward.

**Item 3 - 0578/17 – Replacement of bungalow with two storey dwelling, summer house and garage (Full Planning Permission – Householder), Meadow Laws, Brentor Road, Mary Tavy**

The Chairman advised Members that the application had been WITHDRAWN.

Signed ..... 16/3/18 ..... Date .....  .....

Members requested that withdrawals be notified to them as soon as possible prior to committee meetings.

**Item 4 - 0612/17 – Removal of flat roof extension and erection of two storey extension and conservatory (Full Planning Permission – Householder), 4 Lewthorn Cottages, Ilstington**

Speaker: Mr J Ash, Applicant

The Case Officer advised Members that 4 Lewthorn Cottages is an end of terrace dwelling, accessed via a service track to the rear of the properties. It is a two storey dwelling with a flat roof extension to the front. The application proposes the removal of the flat roofed two storey extension, to be replaced with a three storey pitched roof extension on the east elevation. The extension would provide a utility and bathroom at ground floor level, open plan living accommodation on the first floor and a mezzanine at second floor level.


While the proposed extension complies with the floorspace requirements of DMD24, it is considered that the scale, bulk, massing and design of the extension would harm the character and appearance of the building and this part of the National Park.

Mr Ash advised Members that, as a stone mason, working in the local area, with a growing family, he has no option but to extend his property in order to remain in the area. He felt that the proposed extension was modest in size and that he had taken the best design factors from other approved planning applications in the locality. In addition, he would use local, sustainable building materials; the new extension would ensure thermal improvements to the whole property. The proposed extension is within the 30% rule, under policy DMD24, as it represents a 25% increase in floorspace. The Parish Council is in support of his application, citing reasons of visual improvement and the provision of additional family accommodation.

In response to a Member query, Mr Ash advised that he had not sought pre-application advice, preferring to take good design aspects from properties he has worked on locally and which have been granted planning permission.

In response to a Member query, the Case Officer advised that the proposed extension would be the dominant part of the dwelling; policy dictates that extensions need to be subservient to the main property. The amount of glazing proposed would be detrimental to the property and its surrounding area.

The Acting Head of Planning referred Members to the symmetry of the four cottages, the two storey extension element being set back from the row. The incongruous part is the flat roofed area. However, the proposal before Members is not the solution; the two storey glazed gable would dominate the simple cottage. The proposed size of the extension is acceptable but the design is not a suitable solution for the property.

Signed  Date 16/3/18

Mr Gribble proposed the recommendation, but asked that the applicant be encouraged to enter into discussions with Officers in order to find an acceptable solution. Mr Harper seconded the proposal.

**RESOLVED:** That permission be REFUSED for the reasons as stated in the report.

Mrs Oakley left the meeting room.

## **1271 Monitoring and Enforcement**

Members received the report of the Acting Head of Planning (NPA/DM/18/007).

### **Item 1 – ENF/0230/17 – Unauthorised residential use of land in a touring caravan, land lying to the west of Sunnymead, Postbridge**

The Case Officer advised Members that the proposed legal action relates to a caravan which is situated on agricultural land, approximately 1km east of Postbridge in an isolated position in open countryside. It is currently being used for residential purposes. The Parish Council is in support of the proposal. The caravan is currently occupied by a single, adult male. Welfare forms, issued to and completed by the landowner on behalf of her son, have been reviewed and it has been concluded that there is little prospect of a voluntary resolution to the breach.

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

**RESOLVED:** That the appropriate legal action be taken to:

- (i) secure the removal of the caravan from the land; and
- (ii) secure the cessation of the unauthorised residential use of the land.

Mrs Oakley returned to the meeting.

## **1272 Appeals**


Members received the report of the Acting Head of Planning (NPA/DM/18/008).

**RESOLVED:** Members NOTED the content of the report.

It was duly proposed and seconded that in accordance with s.100A of the Local Government Act 1972 as amended, that report NPA/DM/18/009 should be taken in absence of the Press and Public, on the grounds that exempt information with the meaning of Part I Paragraph 5 to Schedule 12A of the 1972 Act (as amended) will be discussed, namely;

*Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

**RESOLVED:** Members resolved to move into Part II private session.

Signed  Date 16/3/18

**1273 Proposed Enforcement Action**

Members received the report of the Planning Team Manager and the Chief Executive (National Park Officer) (NPA/DM/18/009)

**RESOLVED:** Members authorised legal action as set out in the report.

Signed .....  ..... Date ..16/3/18.....