

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

2 September 2022

**Applications to be Determined by the Committee**

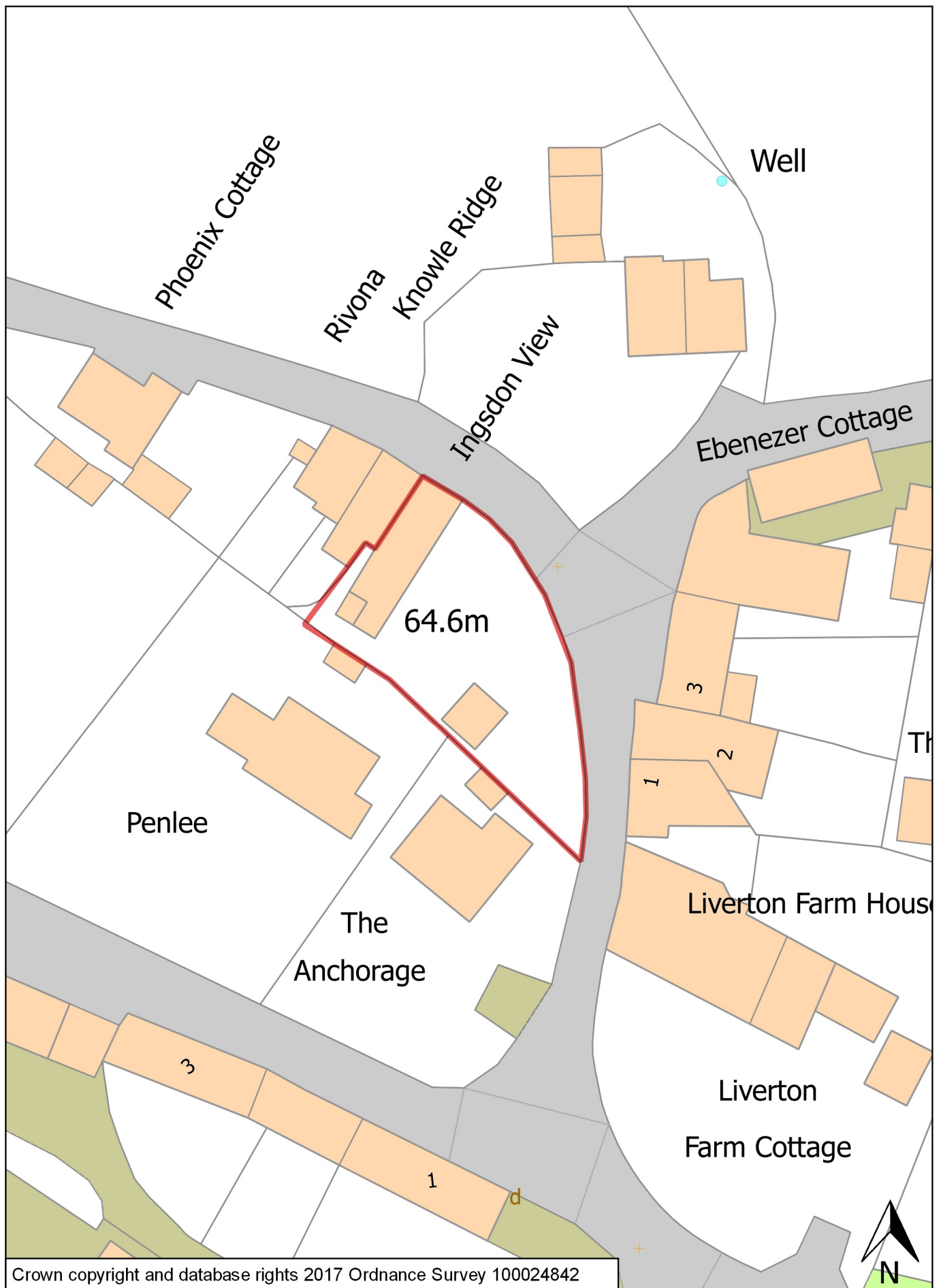
Report of the Head of Development Management

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# 0182/22 - Ingsdon View, Liverton

Scale 1:500



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Item 1

Application No: **0182/22** District/Borough: **Teignbridge District Council**

Application Type: **Full Planning Permission** Parish: **Ilminster**  
**Householder**

Grid Ref: **SX804751** Officer: **Nicola White**

Proposal: **Replacement extension and outbuildings**

Location: **Ingsdon View, Liverton**

Applicant: **Mr A Gandy & Mis W Couch**

Recommendation: **That permission be GRANTED**

**Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved Location Plan and drawings numbered PL342/2, PL342/5, PL342/6 and PL342/8, valid 06 May 2022.
3. Within twelve months of the substantial completion of the development hereby approved, the biodiversity enhancement measures described in the Design and Access Statement, received 06 May 2022 shall be completed, such that they comply with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain). Thereafter, the approved biodiversity enhancement measures shall be maintained in perpetuity.
4. No external lighting shall be installed or used in association with the development hereby approved.
5. No demolition or building works shall take place during the bird nesting season (01 March to 31 August) unless a suitably qualified ecologist has confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
6. Notwithstanding the drawings hereby approved, prior to their installation, details or samples of the roofing materials to be used on the outbuildings hereby approved, together with their means of fixing, shall be submitted to the Local Planning Authority for approval; thereafter, only the approved roofing materials shall be used in the development.
7. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel of stonework 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 in writing by, the Local Planning Authority. Thereafter, all new stonework shall be carried out in accordance with the approved detail.
8. Notwithstanding the drawings hereby approved, all external windows and doors in the development hereby permitted shall be of timber or aluminium construction and shall at all times thereafter be retained as timber or aluminium framed windows and doors.
9. The rooflights on the development hereby approved shall be flush fitting with their framing installed flush with the outer face of the roof slope.

10. The roof of the extension hereby approved shall be covered in natural slate, sample(s) of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.
11. The roof of the rear extension hereby approved shall be covered in natural slate which shall be fixed by nailing only.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 or any Order revoking and re-enacting that Order with or without modification, other than those expressly authorised by this permission, no extension to the existing dwelling or buildings hereby permitted shall be constructed and no windows or rooflights shall be installed, without the prior written authorisation of the Local Planning Authority.
13. Prior to their installation, samples of all proposed external facing materials shall be submitted to the Local Planning Authority for approval; thereafter only approved external facing materials shall be used in the development.

## **1 Introduction**

- 1.1 Ingsdon View is an end-terrace property sitting on a corner plot in the historic centre of Old Liverton, a Rural Settlement within Dartmoor National Park. Whilst not a designated conservation area, Old Liverton's centre is sensitive and characteristic of Dartmoor's quaint rural villages.
- 1.2 This proposal is for the removal of the lean to and connected outbuildings and replacement with a dual pitched kitchen/diner and linking two outbuildings. The driveway would be reconfigured to make it useable.
- 1.3 This application is being presented to committee as the Applicant is a member of staff.

## **2 Planning History**

- 2.1 0618/18      Replacement single storey extension  
Full Planning Permission - Grant Conditionally      20 December 2018  
Householder

## **3 Consultations**

- 3.1 Environment Agency:      Flood Zone 1 - Standing Advice
- 3.2 County EEC Directorate:      No highway implications
- 3.3 Teignbridge District Council: No objection

## **4 Parish/Town Council Comments**

- 4.1 Ilsington PC:      No objection

## **5 Relevant Development Plan Policies**

Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities.

Strategic Policy 1.2 Sustainable development in Dartmoor National Park.

Strategic Policy 1.3 Spatial Strategy.

Strategic Policy 1.5 Delivering good design.

Strategic Policy 1.6 Sustainable construction.

Policy 1.7 Protecting local amenity in Dartmoor National Park.

Strategic Policy 2.1 Protecting the character of Dartmoor's landscape.

Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity.

Strategic Policy 2.3 Biodiversity Net Gain.

Strategic Policy 2.6 Protecting tranquillity and dark night skies.

Policy 3.7 Residential alterations, extensions and outbuildings.

## **6 Representations**

6.1 None to date.

## **7 Observations**

### **THE SITE**

7.1 Ingsdon View is situated in Old Liverton.

7.2 It is a terraced traditional two up, two down cottage. It is of two-storeys with a single-storey lean to the rear of the terrace. The garage and outbuilding sit alongside this and into the garden. For the purposes of this report, the south west side of the property will be referred to as the rear.

7.3 The main garden lies to the front and side of the property with a garden gate giving access onto the lane. The property is well screened to the east by a substantial stone boundary wall and Devon bank facing onto the lane. The north west boundary is with the gardens on the rest of the terrace of cottages, and a drop in ground level to the south west to rear gardens.

### **THE PROPOSAL**

7.4 The proposal under consideration is for the single storey extension to the rear, and outbuildings to the rear and front of the dwelling to achieve a more functional and useable ground floor space to accommodate the applicant's needs. This will be achieved by construction of a dual pitched kitchen/diner which will link to two modest outbuildings, replacing the existing dilapidated garage. The new courtyard layout will be arranged around an excavated driveway and turning area, that will make the driveway usable.

7.5 The extension to the rear is a simple structure that sits in neatly between the rear wall of the house and the boundary of property.

- 7.6 The proposal will use a variety of natural materials that reference Dartmoor's vernacular, including corrugated metal, cedar shingles, slate roof and dry stone wall. Vertical tongue and groove shadow gap cladding and projecting bay window to the window provides a modern accent. Proportions of the replacement buildings are intentionally modest and fit with their historic surroundings.
- 7.7 A solar PV array is proposed to the south west outbuilding roof slope, not visible from the street.
- 7.8 In 2018 planning permission was granted for an extension similar to what is proposed here. These proposals are considered to represent a significant improvement on those already granted.

## POLICY

- 7.9 Policy 3.7 refers to residential alterations and extensions and permits such development where it reflects the design principles set out in the design guide, is subservient to the original dwelling and conserves or enhances its character and does not increase habitable floor space by more than 30%.
- 7.10 Strategic Policies 2.2 and 2.3 refer to the conservation and enhancement of Dartmoor's biodiversity and biodiversity net gain respectively.

## BIODIVERSITY

- 7.11 The Ecologist has no concerns regarding the proposal. As the proposal results in an increase in overall floor area, enhancement features are required under the provisions of Strategic Policy 2.7, and these (bird boxes, water butts and 15 m of dry ston walling) have been proposed.

## ASSESSMENT

- 7.12 Ingsdon View is a modest terraced cottage with an ad hoc selection of extensions and outbuildings to the front and rear. The proposal is for their replacement with a cohesive extension and set of outbuildings. Cumulatively these remain modest and visually subservient to the dwelling and are considered to fall within the criteria set by Policy P3.7. The increase in habitable floor space is 24%
- 7.13 The topography and constrained nature of the site significantly limits opportunities for much extension to the rear of the buildings, an approach generally more favoured and encouraged in the Dartmoor Design Guide.
- 7.14 The proposal is not considered to harm the character of the wider area. The proposed extensions follow the existing domestic scale of the original cottage and provides for more functional accommodation. The proposal is relatively discrete and unobtrusive being set back from the lane and very well screened by the substantial stone boundary wall.
- 7.15 The property has immediate neighbours and no objections have been received. The proposed western elevation of the development takes a similar line to that already on site.

## **8 Conclusion**

- 8.1 The proposal provides for the upgrading of the existing accommodation to make it more suitable for the needs of modern life, including the removal of an unattractive and poorly constructed set of ad hoc extensions. The general ethos of the upgrading of this property to secure a future proof design will continue through the design and layout of this proposal.
- 8.2 The proposal is undertaken in a sympathetic form and materials and as such reflects the expectations contained within Development Plan policies. It is recommended for approval subject to conditions regarding appropriate materials and detailing, and to secure biodiversity enhancement.

## **9 Update**

- 9.1 Members considered the above report at the Development Management Committee meeting in July 2022 resolving to grant permission subject to appropriate conditions.
- 9.2 Prior to issuing the required decision notice it has been considered that the conditions relating to the submission and approval of materials and timing of proposed biodiversity enhancement measures required further clarification. As a consequence it is considered appropriate for Members to endorse the revised conditions as set out at the beginning of this report before the decision is issued.

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CHRISTOPHER HART

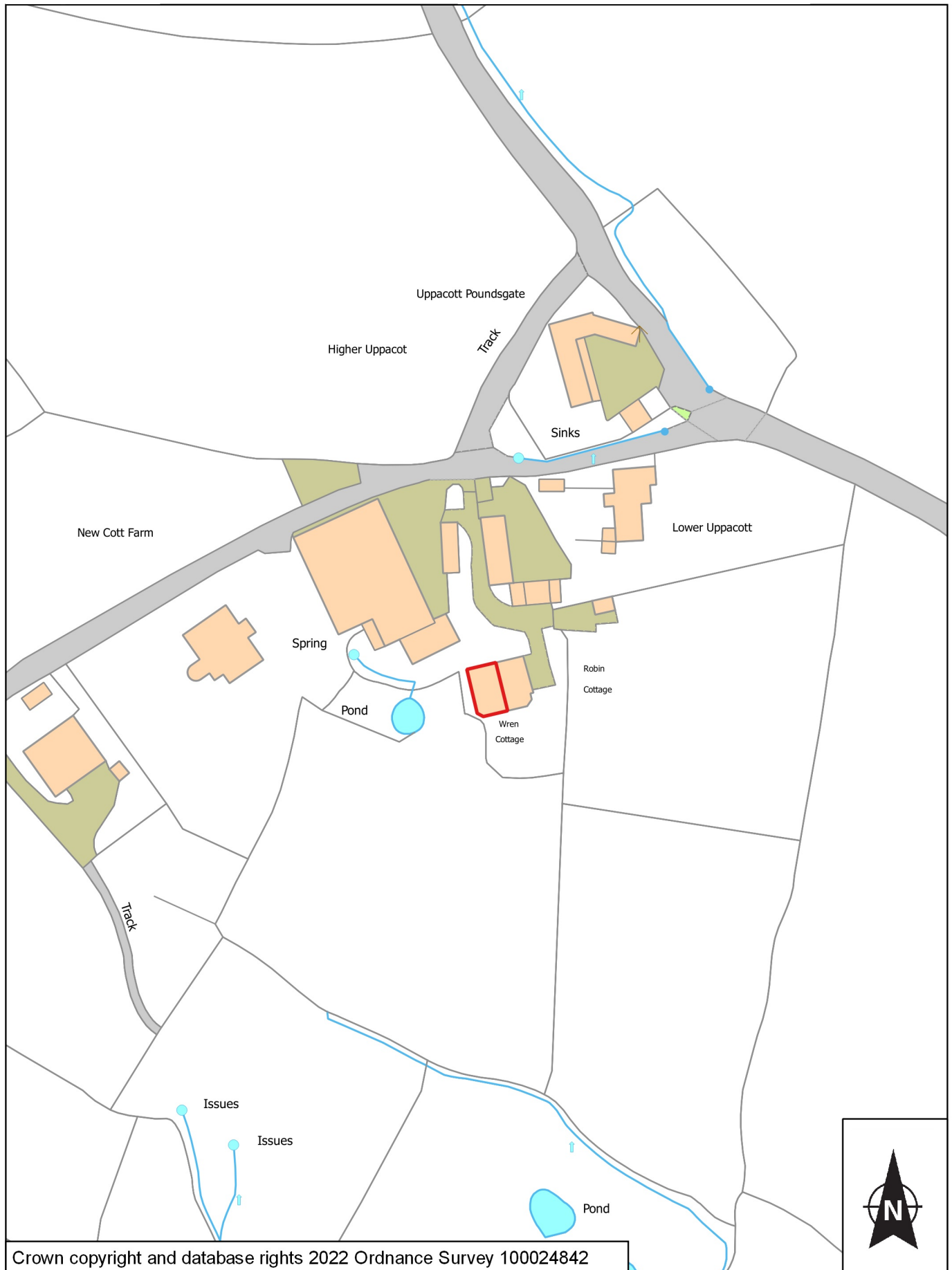
# Dartmoor National Park Authority

ENF/0033/22 Wren Cottage, Poundsgate, TQ13 7PD



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## Item 2

Enforcement Code: **ENF/0033/22** District/Borough: **Teignbridge District Council**  
Grid Ref: **SX7012 7281** Parish: **Widcombe-in-the-Moor**  
Officer: **Chris Booty**

Description: **Use of holiday let as open market dwellinghouse**

Location: **Wren Cottage, Newcott Farm, Poundsgate, TQ13 7PD**

Land Owner: **Mr and Mrs Weymouth**

Recommendation: **That subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to secure the cessation of the use of the building as an unrestricted dwellinghouse.**

### 1. Planning Policies

SP 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities

SP 1.2 Sustainable development in Dartmoor National Park

SP 2.1 Protecting the character of Dartmoor's landscape

SP 2.3 Biodiversity Net Gain

SP 3.1 Meeting housing need in Dartmoor National Park

SP 3.9 Rural Workers Housing

P 5.5 Tourist accommodation

### 2. Observations

#### INTRODUCTION

2.1 Robin and Wren Cottages are two adjoining holiday cottages created through the conversion of a single agricultural building positioned behind New Cott Farm, near Higher Uppacott, Poundsgate.

2.2 The two cottages are one planning unit. The owners of the property are presently residing in the part of the building known as Wren Cottage in breach of a holiday occupancy condition. Robin Cottage is presently advertised for holiday use. This ongoing breach of the holiday use condition has resulted in the creation of a separate, open market dwelling in the countryside, contrary to local and national planning policy.

2.3 The National Planning Policy Framework (NPPF) seeks to avoid the creation of new dwellings in the open countryside of the National Park and this aim is reflected in the policies of the Local Plan.

#### PLANNING HISTORY

- 2.4 0191/22 – Continued use of Wren and Robin Cottages in breach of condition (b) of 5/06/257/98/03 which prohibited the occupation of the cottages between 14 January and 14 March inclusive in any year. Certificate not issued.
- 2.5 5/06/257/98/03 – Proposed variation of condition 19(III) of planning appeal Ref: J9497/A/98/294594 attached to application Ref: 5/06/229/97/03 to read ‘the holiday accommodation occupation shall be limited to 10 months maximum per annum’. Grant conditionally
- 2.6 5/06/229/97/03 – Conversion of redundant agricultural building to disabled persons holiday accommodation. Refused then allowed on appeal.
- 2.7 05/06/0613/92 – Timber portal frame building to replace dilapidated Nissen hut for use as an agricultural workshop and carriage building. Grant conditionally.

#### POLICY

- 2.8 **SP1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities.** English National Parks were created with two purposes which are set out in law. These shape what the National Parks are, the reason for their designation and how they should be managed. First Purpose: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Second Purpose: To promote opportunities for the understanding and enjoyment of the Special Qualities of the National Park by the public. This development seeks to remove holiday let accommodation that is available to the public.
- 2.9 **SP1.2 Sustainable development in Dartmoor National Park** A key role of the Local Plan is to avoid development in places where it would cause harm to the National Park and direct it to places where there are the best opportunities for sustainable living in the National Park context. This means policy must direct development to more sustainable locations and avoid unnecessary development in unsustainable locations, such as where there are limited services and facilities, fewer connections, a greater reliance on private transport and important conservation objectives. The site is not in a sustainable location.
- 2.10 **SP1.3 Spatial Strategy.** The spatial strategy classifies the site as land in the open countryside. In exceptional circumstances, policy supports the creation of new dwellings in the countryside, such as for agricultural workers when there is sufficient agricultural justification for such a dwelling. However, to date no such application has been forthcoming and no agricultural justification has been provided to support the creation of a new dwelling.
- 2.11 **SP1.5 Delivering good design.** Traditional and natural building materials should be used in all new development to complement Dartmoor’s vernacular. The building does not use traditional and natural materials and does not complement Dartmoor’s vernacular.
- 2.12 **SP2.1 Protecting the character of Dartmoor’s landscape.** All new development in Dartmoor National Park should respect the natural and historic environment and demonstrate how the proposal will conserve or enhance it. The highest standards of environmental responsibility, sustainability and innovation will be sought in new development which will aim to minimise the impact on climate change and adapt to it. All new development must sustain and enhance Dartmoor’s designated and

priority habitats and species, and the ecological networks which support them. Dartmoor's geodiversity will be protected from harmful development. Development should conserve and/or enhance Dartmoor's landscape character, tranquillity, and dark night skies. The unauthorised change of use leads to an intensification of the site year-round which has the potential to cause landscape harm and a negative effect on tranquillity and the dark night skies.

- 2.13 **SP2.3 Biodiversity Net Gain.** Development will be required to contribute towards biodiversity enhancement. Development involving 2 homes, 100m<sup>2</sup> of non-residential floorspace or a site area of 0.2 Hectares, or more, will be required to deliver 10% biodiversity net gain. No biodiversity net gain has been demonstrated.
- 2.14 **SP3.1 Meeting housing need in Dartmoor National Park.** There is no current identified need for affordable housing demonstrated by an up-to-date housing needs assessment at this location.
- 2.15 **SP3.9 Rural Workers Housing.** This policy ensures rural workers' dwellings are only approved where there is an essential need, and not where need is artificially or unnecessarily created. The Authority will not approve a rural worker's dwelling if a need is created through recent sale of another dwelling separately from the land holding. The owners have provided information which engages with this policy.
- 2.16 **P5.5 Tourist accommodation.** In the open countryside removal of a holiday let occupancy condition will only be approved where: a) the proposal complies with Strategic Policy 2.8; or b) evidence demonstrates there is no demand for holiday accommodation in the area and the property has been offered on the open market for rent, sale or lease for not less than 12 months at a price which reflects the occupancy condition; and c) the applicant enters into a legal agreement ensuring the property is affordable housing. The building is not a historic residential building (SP 2.8), and no evidence has been provided to demonstrate there is no demand for holiday accommodation in the area.

## DISCUSSION

- 2.17 The case was reported to the planning enforcement team on 15 February 2022 and an investigation commenced.
- 2.18 A Planning Contravention Notice (PCN) was issued to the owners of the property. A PCN is issued under section 171C of the Town and Country Planning Act 1990. It allows the Authority to seek additional information to assist an enforcement investigation concerning any operations being carried out, any use of land, or any activities being carried out on the land.
- 2.19 The PCN was returned stating that Wren Cottage has been in full residential use since December 2018.
- 2.20 There was a requirement for some follow up questions to expand upon some of the answers provided in the PCN. The owners provided information which confirmed that a sale of a previous property negatively engaged with Local Plan policy 3.9.4.
- 2.21 Officers therefore consider that the use of the holiday let as a permanent dwelling is not capable of being regularised as it conflicts with Local Plan policy and the NPPF.

It is therefore considered lawful and expedient to take enforcement action against the unauthorised residential use of this building.

#### THE HUMAN RIGHTS ACT 1998

- 2.22 The courts will view any decision to take enforcement action as engaging their rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".
- 2.23 The courts have held that provided a balanced and proportionate approach is taken, having regard to all relevant considerations, and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.
- 2.24 Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.
- 2.25 There are not believed to be any overriding welfare considerations at this time. Members are therefore advised that enforcement action would appear to be:
- (i) in accordance with law – s.178(3) T&CPA 1990
  - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
  - (iii) proportionate to the harm
- and therefore, not incompatible with the Human Rights Act.

#### CONCLUSION

- 2.26 The unauthorised breach of planning condition has created an open market dwelling in an unsustainable location, harmful to the special qualities of the National Park. The development is considered contrary to the advice contained in the National Planning Policy Framework and the Dartmoor Local Plan policies. It is now considered appropriate to secure the cessation of the use of the building as a permanent dwelling.
- 2.27 Members are therefore advised that enforcement action would be:
- (i) in accordance with law – s.178(1) T&CPA 1990
  - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
  - (iii) proportionate to the harm and therefore not incompatible with the Human Rights Act.

- 2.28 The use of the land and associated building represent a serious breach of planning control. The landowners have indicated an intention to seek to regularise the use through the planning system, but it is considered necessary and proportionate to take legal action now to prevent potential immunity from enforcement action. Members are now asked to agree the recommendation to secure a cessation of the breach of condition that will require the building to return to use as holiday accommodation.

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CHRISTOPHER HART



NPA/DM/22/010

Dartmoor National Park Authority  
Development Management Committee

2 September 2022

Tree Preservation Orders, Section 211 Notifications (Works to  
Trees in Conservation Areas) and Hedgerow Removal Notices  
Determined Under Delegated Powers

Report of the Trees and Landscape Officer

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

TPO APPLICATIONS

West Devon

Ref: 22/0013                      2 Holt Close, Yelverton                      SX 5228 6810

Application to fell a horse chestnut tree. The tree is in very poor condition with multiple cavities. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. Replacement planting of one standard silver birch tree within the crown spread of the original during the first planting following felling.

Ref: 22/0015                      Chestnut Cottage, Walkhampton                      SX 5354 6981

Application to reduce low branches on two oak trees. The works will have minimal impact on the health and appearance of the trees. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work-Recommendations.

## South Hams

Ref: 22/0016

Highfield, South Brent

SX 6990 6033

Application to fell two cypress trees and a Monkey puzzle and reduce a low stem from a Monterey pine. The cypress and Monkey puzzle are in very poor condition and the works to the pine will help prevent branch failure. Consent was granted subject to conditions:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work-Recommendations.
3. Replacement planting of three half standard silver birch trees within the crown spread of the originals during the first planting following felling.

## SECTION 211 NOTICES

### Teignbridge

Ref: 22/0014

Greystones, Lustleigh

SX 7834 8110

Notification to fell a poplar and ash tree. The trees are in very poor condition.

A Tree Preservation Order has not been made.

### West Devon

Ref: 22/0017

Clearview, Lydford

SX 5110 8487

Notification to reduce branches overhanging a neighbouring property on a beech tree. The works will have minimal impact on the health or appearance of the tree.

A Tree Preservation Order has not been made.

BRIAN BEASLEY