

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 March 2018

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Acting Head of Planning

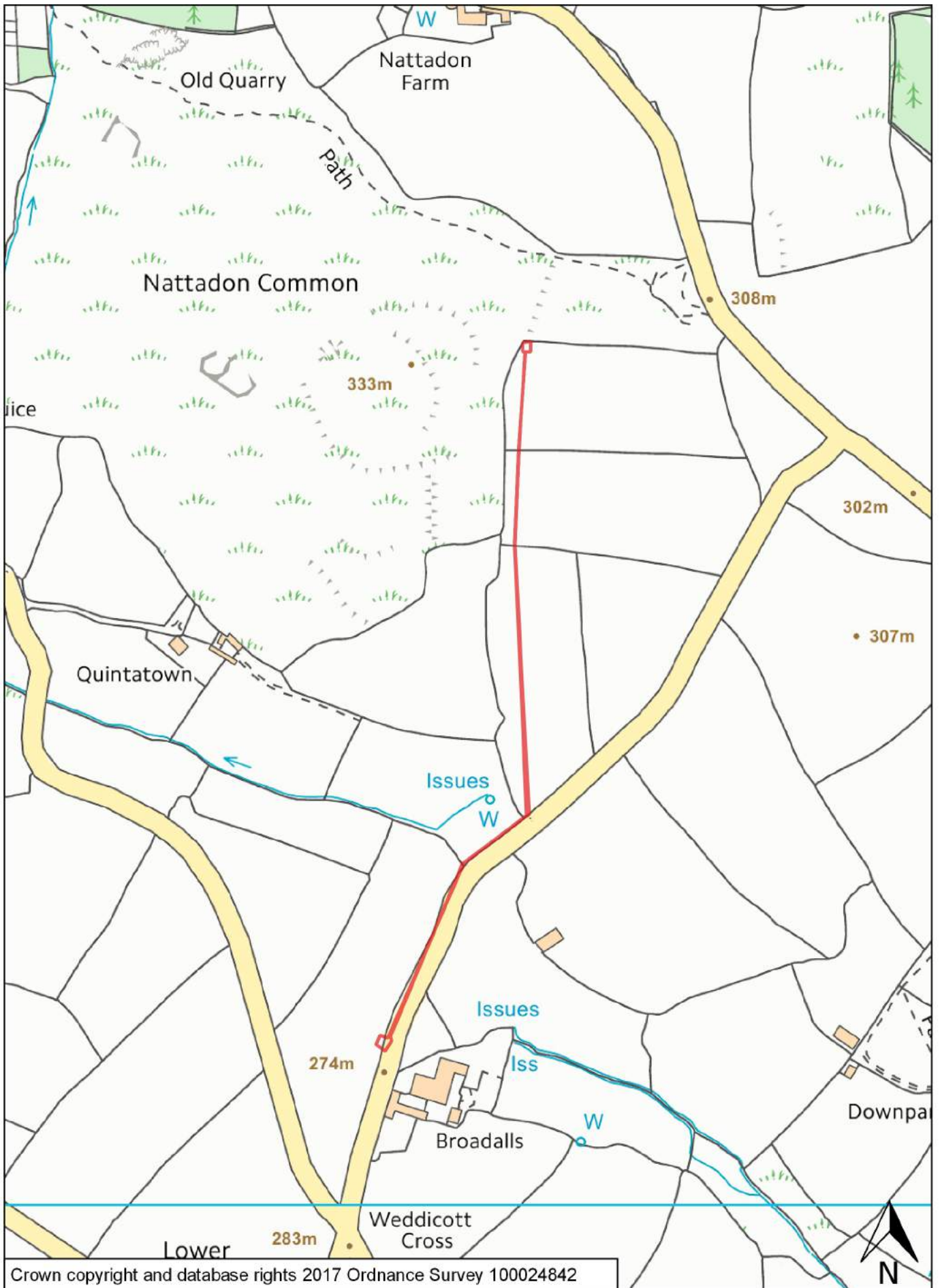
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0018/18 - Land east of Nattadon Common



Scale 1:4,000



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1. Application No: **0018/18** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Chagford**
Grid Ref: **SX705863** Officer: **Helen Maynard**

Proposal: **Installation of mobile telecommunications and ancillary equipment involving the erection of 8m high telegraph pole with four consumer antennae and two backhaul radio antennae and associated radio housing and trenching**

Location: **Land to the East of Nattadon Common, Chagford**

Applicant: **Airband Community Internet Ltd**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development by virtue of its adverse effect on the setting and thus the significance of an archaeological site of National importance is considered to be contrary to policies COR1, COR3 and COR6, DMD1b and DMD13 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 National Planning Policy Framework 2012.
2. The proposed mast and associated infrastructure by reason of its size and location would have a detrimental impact on the character and appearance of this part of the Dartmoor National Park. The proposal is therefore contrary to policies COR1, COR3 and COR4 of the Dartmoor National Park Authority Core Strategy Development Plan Document, policies DMD1, DMD3, DMD4, and DMD20 of the Dartmoor National Park Development Management and Delivery Development Plan Document, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.

Introduction

Nattadon Common is located approximately 1 kilometre south east of Chagford.

This application proposes the erection of a telecommunications mast for the provision of superfast broadband.

The application is presented to Members in view of the Parish Council support.

Consultations

Environment Agency: Flood zone 1. Standing advice applies.
West Devon Borough Council: Does not wish to comment.
County EEC Directorate: No highway implications
DNP - Archaeology: The proposed development fails to conserve or enhance the historic environment of the National Park and thus is directly contrary to policies COR3 and COR6. Accordingly, refusal is recommended.

If permission is granted for the proposed development, an archaeological watching brief is recommended (standard condition X03), according to policy DMD13, on the groundworks for the installation of the mast and its a power supply in the two fields immediately east of Nattadon Hillfort

DNP - Trees & Landscape:

The application should be refused. The proposed development will be visually intrusive and have a detrimental impact on the character of this historic landscape, which is contrary to policy COR1(h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is unsympathetic development that will harm the wider landscape. The development is contrary to policy DMD5 because it does not conserve and/or enhance the character and special qualities of Dartmoor's landscape by respecting the valued attributes of this landscape type, specifically the strong pattern of medieval fields with prominent Devon hedge banks and the pastoral character of fields which contrast with areas of heathy moorland.

Parish/Town Council Comments

Chagford PC: Support

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR6 - Protecting Dartmoor's Archaeology

DMD13 - Archaeology

DMD1a - Presumption in favour of sustainable development

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

DMD20 - Telecommunications development

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

Representations

1 letter of objection

This proposal would be better sited away from the common.

Observations

PROPOSAL

The proposed installation is part of a network of similar masts aimed at delivering superfast wireless broadband connectivity to those hard to reach areas of the National Park, which up

until now, have either been unattractive to conventional fixed line providers or where it is not possible to upgrade existing infrastructure. These are typically remote locations where the existing telephone exchange and fixed line connections provide poor quality internet access. It is part of the Connecting Dartmoor and Exmoor initiative which the Authority is actively endorsing.

The installation follows a standard approach already approved at a number of sites within the National Park – a wooden telegraph pole with telecommunications equipment at two heights for receiving and transmitting the necessary signals.

The receiving dishes on the pole require line of sight from similar installations, in this case linking with another site. The transmitting equipment corresponds with small scale receivers supplied to domestic subscribers which are attached to individual properties. Individuals enter into a contract with Airband to provide a range of internet access packages with vastly improved access speeds.

This application proposes the erection of an 8m (26.2ft) telecommunications mast with four consumer antennae and two backhaul radio antennae. A feeder pillar comprising a 70cm tall steel box; associated groundwork and approximately 600metres of trenching. The electricity supply will run underground across several field boundaries.

This application is presented to Members in view of the Parish Council's support.

PRE APPLICATION ADVICE

An alternative site at Weeke Down and a site within the same field (subject of this application) have been discussed during the pre-application process. The feedback given regarding this site is summarised below:

“This site does look problematic, again an exposed location with no tree cover and adjacent to common and PROW. If we could look at any other options when we meet, that would be good. A site away from the boundary of the common and linked to other vertical structures may be acceptable.”

POLICY

Paragraph 115 of the National Planning Policy Framework (NPPF) is explicit that “Great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation of landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and The Broads”.

The NPPF sets out the strategic approach to supporting high quality communications infrastructure to support sustainable economic growth. It is made expressly clear that “Local Planning Authorities should aim to keep the number of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate” (paragraph 43).

The English National Parks and Broads UK Government Vision Circular 2010 identifies that the Government continues to regard National Park designation as conferring the highest status

of protection as far as landscape and natural beauty is concerned. The Parks represent an important contribution to the cultural and natural heritage of the nation. The Parks are living and working landscapes and over the centuries their natural beauty has been influenced by human activity such as farming and land management activities. The Circular also sets a renewed vision for achieving park purposes and established the importance of applying the Sanford Principle.

DMD20 is most relevant Dartmoor National Park Development Plan policy to the specifics of this case. It states that telecommunications development will only be permitted where, amongst other matters, it meets the following criteria;

- the siting and external appearance of the apparatus would not damage the landscape character of the immediate vicinity or of the locality when viewed from publicly accessible land
- applicants have shown evidence that they have explored the options of erecting apparatus at alternative sites or on existing structures that are operationally suitable and less obtrusive, or have investigated the options of camouflage techniques or alternative methods that would minimise adverse visual impact

Also of relevance is policy DMD5 which aims to protect the landscape of Dartmoor. Development proposals should “conserve and/or enhance the character and special qualities of the Dartmoor landscape”.

The landscape character type for this location is 2D (Moorland Edge Slope). The valued landscape attributes for this landscape character type are:

- A rich and intricate landscape full of contrasts.
- Strong pattern of medieval fields with prominent Devon hedgebanks and dry stone walls.
- Pastoral character of fields contrasting with areas of heathy moorland.
- Strong local vernacular of granite, colourwash and slate.
- Spectacular views to the moorland core of Dartmoor as well as the surrounding countryside
- outside the National Park, including granite church towers as landmarks.
- Traditional orchards
- Features associated with the area’s mining heritage and historic land use

APPEARANCE

The application proposes the erection of an 8m (26.2ft) timber telecommunications mast with four consumer antennae and two backhaul radio; A feeder pillar comprising a 70cm tall steel box with associated groundwork and; approximately 600m of trenching. The mast is one of a standard design which has been used by Airband at other locations within the National Park.

The mast will be visually prominent and will be seen by those passing in close proximity and from a distance, particularly the higher portions of the mast significantly above the existing hedgebank. No camouflaging/shrouding of the antennas has been proposed. It does not attempt to blend with the surroundings and will be seen in isolation.

The additional cabinet is considered to be reasonably discrete and will have a minimal impact on the character of the area. No landscaping is proposed to minimise the impact of this infrastructure.

The appearance of the mast is considered acceptable in design terms and follows a standard

approach used by Airband at other locations within the National Park.

SITE CHARACTERISTICS; LANDSCAPE AND VISUAL IMPACT

The Authority recognises that the proposed development is infrastructure that would assist with the delivery of much improved broadband internet access in this location. Public benefit must be weighed against the identified harm.

While the site is located on a grazed field, the character of the surrounding landscape is open moorland with sweeping views on all sides. The field system is identified as mid to late medieval and is virtually complete. Open access land lies on all sides of the proposed site and a public right of way lies approximately 72m north of the site. Nattadon Common is heavily used for recreation, with many people visiting to experience the spectacular views of the surrounding landscape.

There is an absence of other buildings or vertical structures in this location. The mast's visual separation from any other manmade structures in this location would emphasise its effect on the landscape and have a detrimental impact on the character of this enclosed historic landscape.

The installation would be visually prominent to those passing through the common in close proximity to the site and from distant views. The site is located on a ridge and the higher portions, if not the majority, of the mast will be seen against the skyline with no backdrop from a number of vantage points and this area.

This would be an alien feature in the corner of an undeveloped field and would be visually intrusive. The impact of the proposal would harm the National Park and the sensitive landscape and as a result would have a harmful effect on the character and appearance of the area.

This permanent mast installation is considered to conflict with policies COR1(h), COR3, DMD5 and DMD20 as the siting of the apparatus would damage the landscape character of the immediate vicinity and of the locality. The development is considered an unsympathetic development that would harm the wider landscape. The siting of the mast does not conserve and/or enhance the character of Dartmoor's landscape and is not considered acceptable.

ARCHAEOLOGY

The proposed development is located 40m east of the eastern rampart of Nattadon Hillfort (MDV8261) which occupies the summit of Nattadon Common. This monument consists of two concentric rampart circuits and is most likely of Iron Age date. It possesses a high degree of evidential value, especially in a Dartmoor context given the relative lack of sites of this period within the Park. This grants it a national level of significance and it is included on the list of Nationally Important sites held by the DNPA Historic Environment Record.

The proposed development will have two impacts on the historic environment. The first and probably greatest is on the setting of Nattadon Hillfort. Setting is a technical term referring to the surroundings in which a heritage asset is experienced and can contribute to its archaeological significance in a positive, negative or neutral way. Inherently, the setting of a hillfort, and therefore its archaeological significance, is strongly linked to its location on the summit of a hill. The siting of modern vertical infrastructure within this, in such close proximity to the monument itself, cannot fail to have a deleterious impact on the historic character of the

setting of the hillfort and thus the significance of a nationally important monument.

A second potential impact on the historic environment arises from the trenching required to supply power to the proposed mast. This runs north-south across the two fields to the east of the hillfort and is in an area with the potential to contain buried heritage assets associated with Nattadon hillfort, the relict field system or the flint scatters which have been recorded in the vicinity. It is thus possible that the trenching could uncover and damage such currently unknown assets.

The proposed development fails to conserve or enhance the historic environment of the National Park and thus is directly contrary to policies COR3 and COR6. Accordingly, refusal is recommended.

CONCLUSION

Officers have carefully weighed up the desire of the community with the primary purpose of protecting the National Park landscape. Officers have concluded that the proposed installation would be an unacceptable intrusion in the open moorland landscape, historic landscape and the surrounding area. The proposal fails to meet the policy tests set out in DMD5, COR3, COR6 and DMD20.

It is considered that the public benefits of the proposal do not outweigh the significant harm to the landscape character of the open moorland, therefore the application is recommended for refusal.

2. Application No: **0017/18** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission - Householder** Parish: **Dartmoor Forest**
Grid Ref: **SX654775** Officer: **Oliver Dorrell**

Proposal: **Erection of first floor side extension, single storey front porch extension and installation of external wall insulation**

Location: **2 Forestry Houses, Bellever, Postbridge**

Applicant: **Mr A Chetan**

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 materials to be used in the finishing of the external walls of the development hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.
3. 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 windows, replacement 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.
4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented in strict accordance with the recommendations in Section 4 of the protected species survey report (Richard Green Ecology, January 2018), subject to any variation required by Natural England under any license issued.
5. The development hereby permitted shall be carried out in accordance with the following approved drawings: the site location plan received 8 January 2018 and two detail drawings numbered 296J-11 and 296J-12 received 9 February 2018.

Introduction

No2 Forestry Houses is a semi-detached house located on the edge of Bellever Forest. The house is set into the hillside and forms part of a group of houses constructed in the 1940s to accommodate workers in association with the Forestry Commission plantation at Bellever.

The house is brick construction which has been rendered and painted. The windows are uPVC framed and the roof is natural slate.

There is a shared parking area to the south-east with a track providing access onto the public highway.

This application is for a first floor extension above the existing single storey outshot to the eastern end and for an enlargement of the front porch. Both extensions would be externally clad with external wall insulation and rendered and painted to match the existing house.

Planning History

0522/16 Conversion and extension to form annexe
Full Planning Permission - Refused 21 November 2016
Householder
Appeal lodged: 30 January 17 Result: Dismissed

Consultations

West Devon Borough Council: Does not wish to comment
County EEC Directorate: No highway implications
Environment Agency: Standing advice - flood zone 1
DNP - Ecology & Wildlife Conservation: The proposed works would result in the loss and potential disturbance of a bat roost. A European Protected Species Licence will need to be obtained from Natural England prior to the commencement of works. Section 4 of the report outlines the mitigation required.

Works shall not proceed until a European Protected Species Licence (EPSL) for the development has been obtained from Natural England.

Works to proceed in strict accordance with the recommendations in Section 4 of the protected species survey report (Richard Green Ecology, January 2018), subject to any variation required by Natural England under any license issued.

Parish/Town Council Comments

Dartmoor Forest PC: Objects to this planning application on the following grounds:

- Unacceptable loss of privacy to neighbouring properties.
- Forestry Houses are an iconic image of Dartmoor and the proposed development would damage the symmetry, character and design of these well-known cottages.

In addition, it is understood that there may be restrictive covenants on these properties, limiting development of this nature. The council therefore request the planning authority to investigate the validity of these covenants and whether they permit such development.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
DMD14 - Biodiversity and geological conservation
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities

DMD24 - Extensions and alterations to dwellings

DMD7 - Dartmoor's built environment

Representations

5 letters of objection

The proposed development would:

- Erode the character of houses
- Lead to loss of symmetry between the properties
- Harm local landscape character
- Result in overlooking/be overbearing
- Contravene restrictive covenants in place

Observations

PLANNING HISTORY

Planning permission was refused in 2016 for extensions to the front, side and rear. The refused scheme contained a mix of traditional masonry extensions combined with contemporary glazed additions. The application included a self-contained annexe.

The application was refused on the grounds of design, harm to residential amenity and lack of justification for the annexe.

The Authority's refusal was upheld at appeal. In the Appeal Decision the Inspector agreed that the group of properties at Forestry Houses represented an iconic image of Bellever however he also indicated that although the upward extension of the flank outbuilding and alteration to the front porch would lead to loss of symmetry with No1 that they were acceptable in principle.

SITE AND SURROUNDINGS

No2 Forestry Houses forms part of a group of houses which straddle the hillside to the north of Bellever Forest. There are 8 houses arranged in four semi-detached blocks. There are two further semi-detached houses to the south of the road leading to Bellever Bridge. No2 is located in the main group to the western end close to the access road to/from Postbridge.

Together the houses form a unified design. Each house is a mirror of its attached neighbour and of the others in the group. The properties retain much of their original form and have seen little change since their original construction in the 1940's other than some minor variation in the design of the window frames and the change to uPVC.

The positioning of these properties along the hillside and their shared characteristics mean weight is attached to the impact of the proposed development both individually on No2 and to the group.

IMPACT ON No2 FORESTRY HOUSES

The proposed first floor extension to the eastern end would be above the existing single storey outshot. The extension would be subservient to the main house in that it would be set down from the main roof and set back from the front wall. The roof pitch would match the existing and the window design would be consistent with the size, design and positioning of windows in the main house. The exterior materials would be in sympathy with the exterior of the existing house.

The proposed extension is considered in accordance with DNPA design guidance and is within the 30% floorspace increase set out under policy DMD24.

The proposed porch extension would extend along the front face of the house. A new angled bay window would be formed with overhangs at both ends. Where the roof would be extended it would match the pitch of the existing porch. Having regard for the scale and design of the proposed front extension it is not considered to adversely effect the appearance of the property.

Both extensions would be externally clad with wall insulation. The insulation would have the same finish as the existing walls (render, painted). The windows would be adjusted so that they match positioning of the existing windows in the main house in terms of set back from the wall face. The effect of the insulation would be to extend all affected walls out by 200mm. This would be most apparent to the northern side of the building where the extension would be beyond the face of the external wall of the main house. It is proposed to soften the impact on this elevation by forming a tapered finish with the existing wall and re-positioning downpipes. The main face will still sit proud of the main walls and officers have some reservations over how successful the proposed mitigation techniques will be however being located to the rear of the property it is not considered the impact will be significant as to warrant refusal in its own right.

IMPACT ON CHARACTER AND APPEARANCE OF THE LOCALITY

Policy COR4 requires the scale and layout of development within the National Park to conserve the distinctiveness of the built environment and local landscape character. Policy DMD7 states that development proposals should conserve and enhance the local built environment and reinforce local distinctiveness through appropriate scale, design and materials.

There is no doubt that the Forestry Houses as a group of properties make a positive contribution to the appearance of the area, as discussed above. There are public views of the houses from all sides however principal in terms of their setting and placement as a group are those from the east where the staggered and stepped arrangement is most apparent. These come from the public road to Cator and from the common land, both of which rise to give uninterrupted views of the houses and their surroundings.

Several representations have been received, including an objection from the Parish Council, raising concerns that the proposed extension to No2 would damage the symmetry and simple character of this group of houses.

No2 is located to the western end of the group and on the higher ground. The house is visible from all views from the east however due to the staggered nature of the buildings and the rising ground the eastern gable of No2 only becomes fully visible from higher and more distant views from the road to the east, and from the common land further north. For example the proposed first floor extension would be unlikely to negatively impact on important views from Bellever Bridge and other close views from the road to the east. While it is acknowledged that the proposed first floor side addition would still have an impact on the group from certain viewpoints, given the orientation of these buildings it is considered that the important views of this building group would be maintained and therefore their integrity preserved.

There is little doubt that both the upward addition to the eastern flank and the front extension

would result in loss of symmetry with No1 however having regard for the subservient nature of the extensions and design improvements which have been submitted it is considered that the impact would not be materially harmful on this pair of properties.

RESIDENTIAL AMENITY

The proposed development is for additions to the south and east. No2 is elevated above the immediate neighbours to the east and set back behind their rear walls. These neighbouring properties are therefore sensitive to any change to the front or side.

The original proposal included the introduction of a new first floor window to the south elevation of the first floor extension and a rooflight to the north elevation however these have now been omitted.

The revised arrangement sees the introduction of a new ground floor window to porch on the south elevation and first floor window to the bedroom extension on the north elevation.

The proposed porch window is angled to the west however it is not considered that it would introduce a level of overlooking that would be significantly harmful to the amenities of No3 or No4. The proposed rear window will overlook the garden of the host dwelling and will not negatively affect the neighbouring properties on either side.

Having regard for the scale and height of the proposed extensions it is not considered they would be dominant or overbearing on neighbouring properties.

The proposed development is considered in accordance with policy DMD4.

PARKING

Policy DMD40 requires new residential development to provide off-street parking for two cars in the case of a semi-detached dwelling. This threshold is also relevant to existing dwellings. Parking is known to be a problem locally. There is a shared parking area to the front of the houses which operates on a 'first come first served' basis.

It is understood from the applicant that No2 has rights to park vehicles in the shared parking area. As the proposal is for a domestic extension it is considered that the development will be in accordance with DMD40.

OTHER MATTERS

Several of the representations received in respect of this application have cited the presence of restrictive covenants. This is a private matter and not a material planning consideration relevant to this application.

0016/18 - Cedar House, Bridford



Scale 1:2,000



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3. Application No: **0016/18** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission -** Parish: **Bridford**
Householder
Grid Ref: **SX828874** Officer: **Louise Barattini**

Proposal: **Standalone double garage**

Location: **Cedar House, Bridford**

Applicant: **Mr & Mrs Jenner**

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 in accordance with the following approved drawings: 0.01A, 1.01A, 1.02B and 1.03C.
3. The materials to be used in the finishing of the roof of the development hereby approved shall, unless otherwise agreed by the Local Planning Authority in writing, match with those used on the existing buildings on the site.
4. Use as a garage/domestic storage only.

Introduction

Cedar House is a large modern detached dwelling set in substantial grounds off the Teign Valley Road to the north east of Bridford in the open countryside.

The application proposes a double garage.

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

Planning History

0575/17	Stand alone double garage Full Planning Permission - Householder	Withdrawn	02 January 2018
0389/17	Erection of outbuilding to provide ancillary accommodation Full Planning Permission - Householder	Grant Conditionally	09 November 2017
0019/16	Erection of building (81 sq.m) for use as stables Full Planning Permission	Grant Conditionally	08 March 2016
0861/07	Erection of a three bedroom dwelling to replace the existing mobile home and part- built log cabin Full Planning Permission	Grant Conditionally	14 May 2008
0169/06	Dwelling to replace residential caravan Full Planning Permission	Refused	08 May 2006

Consultations

Teignbridge District Council: Does not wish to comment
County EEC Directorate: No highway implications
Environment Agency: No objection - low risk flood zone

Parish/Town Council Comments

Bridford PC: The Parish Council comments on the extensive history of developments on this site. It objects to the proposal to construct another double garage because the applicants have failed to demonstrate any need. "They have failed to explain the full objective of their recent outbuilding to provide ancillary accommodation but we have concluded that it was to force through a separation of the house from its former garage". This existing outbuilding, originally intended to be used as stables, offers storage space for any tools that might be required to manage the grounds. The Parish Council does not see justification for yet another building on this site.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD24 - Extensions and alterations to dwellings
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

PLANNING HISTORY

The site has a fairly extensive planning history.

A replacement dwelling was erected following a certificate of lawful use for a mobile home on the land. Following this, permission was granted for a substantial garage which was subsequently let as holiday accommodation; a certificate was then consequently issued for the established 'dwellinghouse' use which had become lawful. There are now two dwellings on the land.

Permission was approved for a large stable building between the two dwellings and a non-material amendment application granted for the approved stable building to be re-orientated including relocation of all openings and changing orientation of roof pitch. A subsequent application was then received and approved for an alternative building of similar design and siting as the stable building but for use as ancillary accommodation.

A recent application for a garage outbuilding was withdrawn. This submission is a revised application for this proposed building following concerns raised on the previous submission.

THE PROPOSAL & IMPACT ON THIS PART OF THE NATIONAL PARK

Bringing forward high quality, sympathetic and well informed design is vital to the achievement of National Park Purposes and the policies contained in the Local Plan. Planning policies COR1, COR4 and DMD7 set out the requirement for new development on Dartmoor to provide high quality locally distinctive design. Policies DMD1b, COR3 and COR4 are concerned with the conservation and enhancement of the National Park. Policy DMD7 requires new development to reflect the principles set out in the DNP Design Guide.

The proposal is for a 5.8m x 6m timber garage (measuring 3.9m to the ridge); the design, materials and detailing of which has been revised from the previously withdrawn application and in consultation with officers prior to this submission.

The pitch of the roof is now more consistent with the existing buildings on site and presents a 1m reduction in height from the previous submission. The proposed materials are now to match existing standing seam metal roofs on site. This complies with principles set out in the Design Guide. In addition, one side of the structure is now open-sided and the proposed building re-sited a further 3m from the dwelling.

These revisions combine to reduce the scale and impact of the outbuilding, making it more subservient to the host dwelling and sympathetic to the materials on adjacent buildings. The revised siting also avoids a cramped arrangement of buildings on the site.

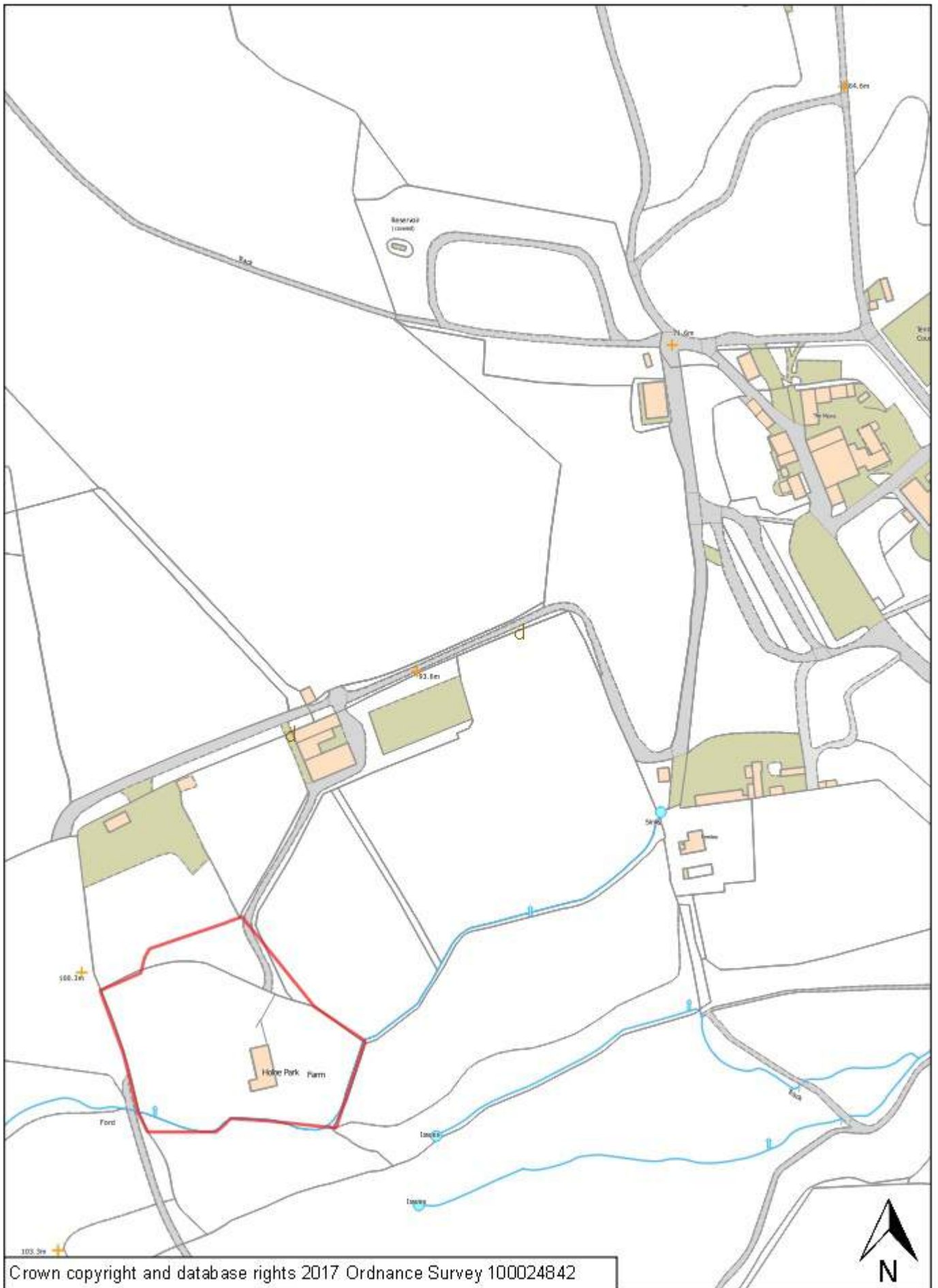
The concerns of the Parish Council are noted in respect of the incremental creep of development on this site. However, the application needs to be considered on its merits. Having regard to the changes made above, it would be difficult to resist the proposed outbuilding on this substantial plot or demonstrate harm to the character and appearance of this part of the Dartmoor National Park. The proposal will have no adverse impact on the residential amenities of neighbouring occupiers or protected species.

The application is recommended for approval.

Holne Park Farm - 0008/18



Scale 1:2,500



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4. Application No: **0008/18** District/Borough: **South Hams District**
Application Type: **Full Planning Permission** Parish: **Holne**
Grid Ref: **SX728698** Officer: **Jo Burgess**

Proposal: **Change of use and extension of former farmhouse to provide estate offices**

Location: **Holne Park Farm, Ashburton**

Applicant: **Mr & Mrs M Simpson**

Recommendation **That, subject to a Section 106 legal agreement in respect of the residential use of the existing farmhouse being permanently ceased, the new use of the extended former farmhouse commencing before the replacement dwelling is occupied and the removal of the existing cabin on completion of the development, planning 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 proposed development shall, in all respects, accord strictly with the site location plan and drawings numbered 217 19/41A and 42 received 2 January 2018 together with drawings numbered 217 19/11 B(2) received 29 January 2018.
3. The premises shall be used for estate offices in association with the Holne Park Estate only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
4. The development hereby permitted provides for the conversion and extension only of the part of the farmhouse building shown to be retained and no works amounting to its demolition or rebuilding are hereby approved.
5. The roof of the estate offices 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.
6. The roof of the estate offices hereby approved shall be covered in slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
7. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the amended protected species building assessment and bat survey report (Colmer Ecology, December 2017), subject to any variation required by Natural England under the terms of the European Species Licence.
8. Prior to the installation of any rooflight in the development hereby approved, details of the proposed rooflight(s) shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, only approved rooflight(s) shall be used in the development.

9. Prior to the commencement of the development hereby approved, samples of all proposed external facing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing only approved external facing shall be used in the development.
10. The development hereby permitted shall not be occupied until the office parking shown on the drawings hereby approved has been constructed and finished strictly in accordance details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the parking shall be made available for use and permanently retained for that use alone.

Introduction

Holne Park Farmhouse is located in open countryside to the south west of the River Dart Country Park within the Holne Park Estate. It is a historic farmstead that is recorded on the Historic Environment Record (HER).

The existing farmhouse is in a poor state and currently un-occupied. During works to extend the house in 2016, it was determined by a Structural Engineer that it would be dangerous and disruptive to underpin or rebuild failed walls.

This application proposes the change of use and extension of the farmhouse to provide estate offices and in association with part of the farmhouse is to be demolished and parking provided 30m to the north.

The application is presented to Committee because the applicant is a Member of the Authority.

Planning History

0354/17	Demolition of existing house and garage and replace with house and garage on adjacent site (replaces approval for ref: 0602/15)	Full Planning Permission	Withdrawn	09 October 2017
0602/15	Refurbishment of existing dwelling including slate hanging to failing stonework walls, Demolition of existing single storey extension and replacement with a new two-storey extension and new glazed canopy area	Full Planning Permission - Householder	Grant Conditionally	07 January 2016
0007/18	Replacement dwelling, demolition of existing and construction of new garage	Full Planning Permission	Not yet determined	

Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Ecology & Wildlife Conservation:	Works shall not proceed until a European Protected Species Licence (EPSL) for the development has been obtained from Natural England. Works to proceed in strict accordance with the recommendations in the amended protected species

building assessment and bat survey report, subject to any variation required by Natural England under any license issued.

DNP - Trees & Landscape: The provision of the parking bay away from the trees should be the subject of a condition.

DNP - Building Conservation Officer: No objections to the design of the proposed extension subject to conditions regarding samples/details of external materials and the rooflights to be flush-fitting conservation type.

Parish/Town Council Comments

Holne PC: Support this application

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR18 - Providing for sustainable economic growth

COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

DMD10 - Enabling development

DMD11 - Demolition of a listed building or local heritage asset

DMD14 - Biodiversity and geological conservation

DMD1a - Presumption in favour of sustainable development

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

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

INTRODUCTION

This application and planning application 0007/17 follow the withdrawal of planning application 0354/17 which was the subject of a site inspection in October 2017.

It is now proposed to demolish the north wing of the farmhouse and retain the south wing under 0007/18 and change the use to an estate office and provide a single storey extension partly on the site of the demolished wing to provide a meeting room under this application 0008/18. Parking is also proposed.

The farmhouse is on the Historic Environment Record and considered to be a non-designated heritage asset.

PLANNING HISTORY

0602/15 was an application to refurbish the existing farmhouse and included demolition of a single storey extension on the north end and replacement with a two-storey extension and glazed canopy.

0354/17 was an application for the demolition of the existing house and garage and erect a replacement house and garage on the adjacent site.

The design approved in 2015 was reflected in the 2017 proposal.

The application was withdrawn because officers were recommending that the application was refused on grounds that the development represented unjustified demolition of a building on the Historic Environment Record and thus constituted unsustainable development.

PLANNING POLICY

Policy DMD1a states that when considering development proposals the Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)

Policy DMD1b states that within the Dartmoor National Park, the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. The NPPF attributes great weight to these considerations within National Parks, emphasising the conservation of cultural heritage as an important consideration.

Policy COR2 states that development will be acceptable in principle in the countryside where it would sustain buildings or structures that contribute to the distinctive landscape or special qualities of the Dartmoor National Park, where those assets would otherwise be at risk and where development can be accomplished without adversely affecting the qualities of those buildings or structures.

Policy COR4 requires that development proposals demonstrate a scale and layout appropriate to the site and its surroundings and conserve the quality and distinctiveness of the built environment.

Policy COR18 states that outside classified settlements local employment and business opportunities will be sustained by amongst other categories of development, small scale development of existing businesses.

Policy DMD5 requires that development proposals should conserve and enhance the character and special qualities of the Dartmoor landscape.

Policy DMD7 requires that high standards of design and construction will be promoted to conserve or enhance the character of the local built environment and reflect the principles set out in the Design Guide. It also requires that the character of the local built environment including trees that contribute to the visual character are conserved and enhanced.

Policy DMD8 states that the change of use and extension of listed buildings and other heritage assets should be considered in the context of the significance of the building or the asset and whether on balance the proposed development would result in harm to the building or asset and the scale of that harm and whether that harm is outweighed by the public benefits the proposed development will bring.

Policy DMD10 allows for enabling development to secure the future conservation of a heritage asset where the public benefits of the proposed development decisively outweigh the disadvantages of departing from the development plan or national policies.

Policy DMD11 states that consent will only be granted for the whole or partial demolition of listed buildings and other heritage assets where (i) it is necessary for safety reasons; or (ii) the total loss of the heritage asset is necessary to achieve substantial public benefits that outweigh the loss of the building or asset having regard to its significance; or (iii) the total loss of the asset has been balanced against the significance of the asset and found to be convincing and justified.

PLANNING CONSIDERATIONS

The retention of part of the farmhouse, in the context of policies DMD1a (sustainable development) and DMD1b (National Park purposes) is welcome. In terms of DMD10 it enables the conservation of part of the heritage asset to be secured but to ensure that only the approved demolition takes place a condition is proposed.

DESIGN

The proposed single storey extension to the retained part of the farmhouse has to be assessed against policies COR4, DMD7, DMD8 and the advice in the Design Guide. The design is light weight with glazing in the gables, timber cladding and a slate roof. It is subservient to the historic farmhouse and is not considered to result in harm to the building (asset) and is therefore acceptable subject to appropriate conditions.

POLICY COR18

The Estate managed by the applicant includes Holne Park Farm with associated pasture, the River Dart Country Park, three tenanted farms, some 400 acres of woodland, a mile of fishing on the River Dart and a small shoot. The estate supports a large number of jobs and currently the offices are in the basement of Holne Park House which is used in association with the River Dart Country Park and for weddings and events. When events are taking place the rooms at the House cannot be used for meetings.

Current facilities are cramped and considered to be unsatisfactory in the long term given the current lease arrangements. The proposed estate office would provide for workstations, storage of estate records, accounts etc as well as a meeting room that would be available for use at all times.

In this context the proposed use of the part of the farmhouse which is structurally sound and the associated extension are considered to be in accordance with policy COR18. This would not be an appropriate location for offices or alternative uses which could be implemented under permitted development rights once the office has been in use so it is considered appropriate for the use of the building for offices to be tied to the management of the estate.

ECOLOGY

An ecological report has been submitted which identifies that the lofts in the existing building have day roosts used by various species, a small maternity roost for brown long-eared bats and that it is a winter hibernation site. The disturbance of the bat roost means that a European Protected Species Licence (EPSL) is required from Natural England. Mitigation is proposed in the retained part of the old house, the proposed new dwelling and the new garage (0007/18).

The Ecologist has recommended that works proceed in strict accordance with the recommendations in the amended protected species building assessment and bat survey report, subject to any variation required by Natural England under any license issued. Subject to these provisions the proposed development will be in accordance with policies COR7 and DMD14.

LEGAL AGREEMENT

In the context of the previous application where the whole farmhouse was proposed for demolition, the Authority's Lawyer drafted a legal agreement which in his opinion provided a legally enforceable mechanism for allowing a replacement dwelling to be constructed (0007/18) and ensuring that an additional dwelling was not created in the countryside.

Now in the context of this application, the agreement will have to include a requirement to ensure that the residential use of the existing farmhouse is permanently ceased, that the new use of the former farmhouse is commenced before the replacement dwelling is occupied and to ensure removal of the cabin shown to be used as a site office from the land on completion of the development.

This will ensure that the residential use of the farmhouse will cease in perpetuity and only one dwelling will remain on the land.

CONCLUSION

The dwelling is considered to be a non-designated heritage asset and appears on the Dartmoor National Park Historic Environment Record. The first National Park purpose is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and this is reflected in Policy DMD1b.

The design, size and impact of the extended building are considered to be acceptable and do not result in harm to the historic building in accordance with DMD8 and would conserve and enhance the building in accordance with policies COR4 and DMD7 and the advice in the Design Guide.

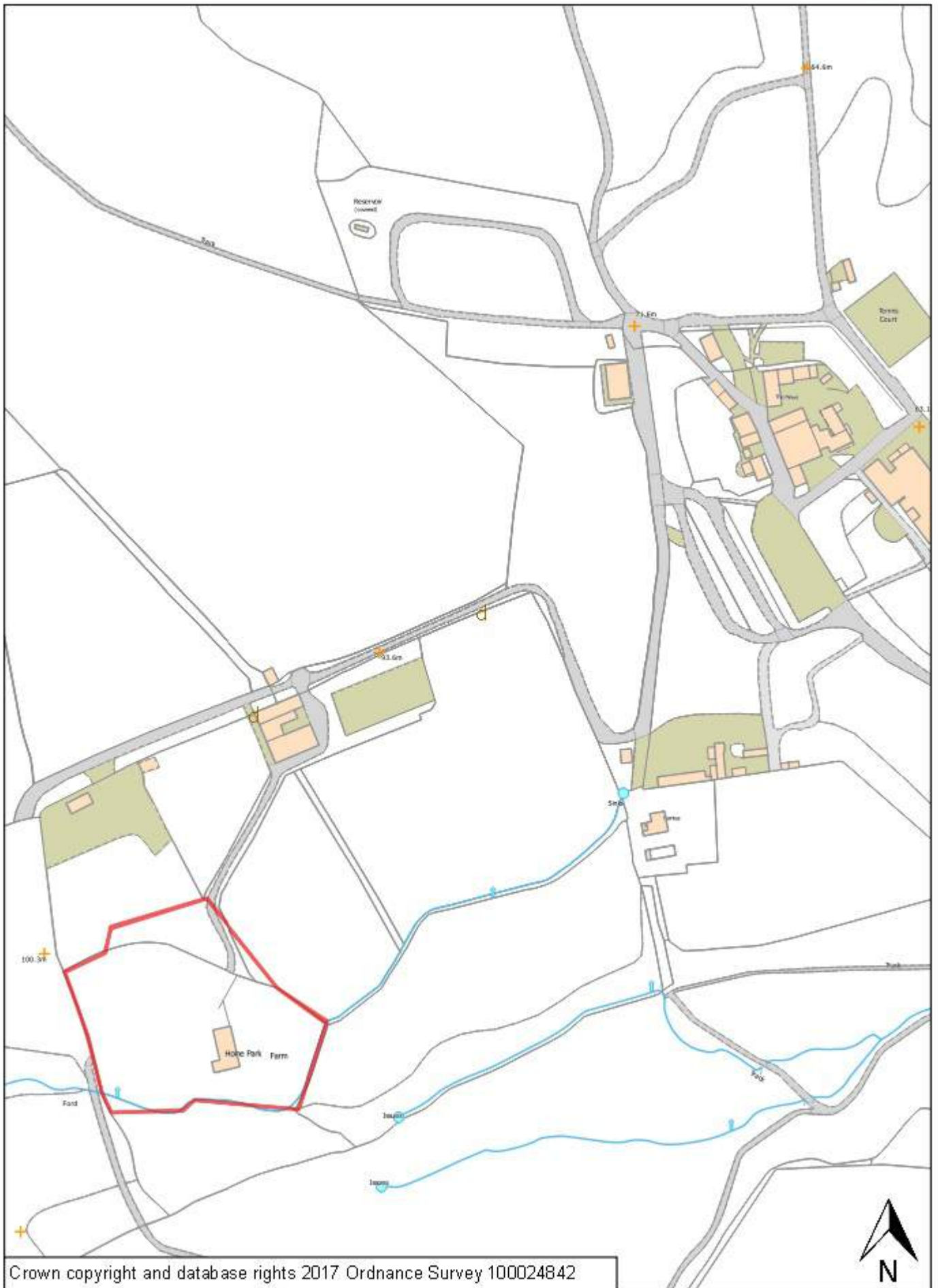
The ecological matters can be dealt with by condition and a legal agreement could address the mechanics of ensuring that the remaining part of the dwelling to be is not used as a dwelling in the future. If not, the development would amount to a new open market dwelling in the countryside, contrary to the Development Plan and advice in the NPPF.

In terms of Policy DMD1b and the NPPF, on balance it is considered that provided the historic farmhouse is limited to be used as offices in association with the management of the estate, the proposal is acceptable

Holne Park Farm - 0007/18



Scale 1:2,500



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5. Application No: **0007/18** District/Borough: **South Hams District**
Application Type: **Full Planning Permission** Parish: **Holne**
Grid Ref: **SX729698** Officer: **Jo Burgess**

Proposal: **Replacement dwelling, demolition of existing and construction of new garage**

Location: **Holne Park Farm, Ashburton**

Applicant: **Mr M Simpson**

Recommendation **That, subject to a Section 106 legal agreement in respect of the residential use of the existing farmhouse being permanently ceased, the new use of the extended former farmhouse commencing before the replacement dwelling is occupied and the removal of the existing cabin on completion of the development, planning 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 proposed development shall, in all respects, accord strictly with the site location plan and drawings numbered 217 19/42, 217 12/51B, 52 and 53 received 2 January 2018 together with drawings numbered 217 12/11 B2 and 38B received 29 January 2018.
3. 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 building(s) 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 dwelling 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.
4. The development hereby permitted provides for the conversion and extension only of the part of the farmhouse building shown to be retained and no works amounting to its demolition or rebuilding are hereby approved.
5. The roof covering and slate hanging on the replacement dwelling hereby approved shall be of 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 and cladding shall be maintained in the approved natural slate.
6. The roof of the dwelling hereby approved shall be covered in slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
7. Other than the front door, all new external joinery shall receive a painted finish within one month of its installation.
8. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the building shall be recessed at least 100mm in their openings.

9. Prior to the installation of any rooflight in the development hereby approved, details of the proposed rooflight(s) shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, only approved rooflight(s) shall be used in the development.
10. Prior to the commencement of stone cladding, a sample panel shall be prepared for inspection by the Local Planning Authority and no stone cladding shall be carried out until the sample panel has been inspected, and approved by, the Local Planning Authority.
11. The garage hereby permitted shall be used for the storage of private motor vehicles and incidental domestic storage only and for no other purpose.
12. The vehicular access doors of the garage hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, be of vertical timber boarded construction.
13. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the amended protected species building assessment and bat survey report (Colmer Ecology, December 2017), subject to any variation required by Natural England under the terms of the European Species Licence.
14. Notwithstanding the post and rail fence shown to enclose the eastern boundary, prior to the occupation of the dwelling hereby permitted, details of a mixed hedgerow to be planted along the eastern boundary together with its maintenance, shall be submitted to the Local Planning Authority for approval. The hedge shall be planted 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 not less than five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees that die or are removed.
15. No work shall commence on the development hereby permitted until a written scheme providing for an appropriately qualified historic building specialist to record the part of the building to be demolished has been submitted to and approved in writing by the Local Planning Authority. The scheme, which shall be written and implemented at the applicant's expense, shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority before the substantial completion of the development, unless otherwise agreed in writing by the Local Planning Authority.

Introduction

Holne Park Farmhouse is located in open countryside to the south west of the River Dart Country Park within the Holne Park Estate. It is a historic farmstead that is recorded on the Historic Environment Record (HER).

The existing farmhouse is in a poor state and currently un-occupied. During works to extend the house in 2016, it was determined by a Structural Engineer that it would be dangerous and disruptive to underpin or rebuild failed walls.

This application proposes the demolition of part of the existing house and garage and erection of a replacement dwelling and garage on a site 30m to the north.

The application is presented to Committee because the applicant is a Member of the Authority.

Planning History

0354/17	Demolition of existing house and garage and replace with house and garage on adjacent site (replaces approval for ref: 0602/15)	Full Planning Permission	Withdrawn	09 October 2017
0602/15	Refurbishment of existing dwelling including slate hanging to failing stonework walls, Demolition of existing single storey extension and replacement with a new two-storey extension and new glazed canopy area	Full Planning Permission - Householder	Grant Conditionally	07 January 2016
0008/18	Change of use and extension of former farmhouse to provide estate offices	Full Planning Permission	Not yet determined	

Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Ecology & Wildlife Conservation:	Works shall not proceed until a European Protected Species Licence (EPSL) for the development has been obtained from Natural England. Works to proceed in strict accordance with the recommendations in the amended protected species building assessment and bat survey report, subject to any variation required by Natural England under any license issued.
DNP - Trees & Landscape:	The application shows the site will be enclosed with a post and rail fence. To reduce the visual impact of the development in the wider landscape, it is suggested that a mixed hedgerow is planted along the eastern boundary.
DNP - Building Conservation Officer:	The north end of the farmhouse is clearly in very poor structural condition and, given its low heritage significance, I would not object to this element being removed provided detailed recording being carried out beforehand. No objections on building conservation grounds to the new dwelling and garage.

Parish/Town Council Comments

Holne PC: Supports this application

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR4 - Design and sustainable development principles
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD14 - Biodiversity and geological conservation
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD27 - Replacement dwellings in the countryside
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD4 - Protecting local amenity
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

INTRODUCTION

This application and planning application 0008/17 follow the withdrawal of planning application 0354/17 which was the subject of a Member site inspection in October 2017.

It is now proposed to erect the replacement dwelling orientated to face east and west with the gables facing north and south. It is proposed to re-align the drive to the west of the new dwelling with a new garage adjacent to it.

The farmhouse is on the Historic Environment Record and considered to be a non-designated heritage asset.

PLANNING HISTORY

0602/15 was an application to refurbish the existing farmhouse and included demolition of a single storey extension on the north end and replacement with a two storey extension and glazed canopy.

0354/17 was an application for the demolition of the existing house and garage and erect a replacement house and garage on the adjacent site.

The design approved in 2015 was reflected in the 2017 proposal.

That application was withdrawn because officers were recommending that the application was refused on grounds that the development represented unjustified demolition of a building on the Historic Environment Record and thus constituted unsustainable development.

PLANNING POLICY

Policy DMD1a states that when considering development proposals the Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)

Policy DMD1b states that within the Dartmoor National Park, the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. The NPPF attributes great weight to these considerations within National Parks, emphasising the conservation of cultural heritage as an important consideration.

Policy COR2 states that development will be acceptable in principle in the countryside where it would sustain buildings or structures that contribute to the distinctive landscape or special qualities of the Dartmoor National Park, where those assets would otherwise be at risk and where development can be accomplished without adversely affecting the qualities of those buildings or structures.

DMD11 states that consent will only be granted for the whole or partial demolition of listed buildings and other heritage assets where (i) it is necessary for safety reasons; or (ii) the total loss of the heritage asset is necessary to achieve substantial public benefits that outweigh the loss of the building or asset having regard to its significance; or (iii) the total loss of the asset has been balanced against the significance of the asset and found to be convincing and justified.

Policy DMD27 (replacement dwellings) states that in order to protect the distinctiveness of places and to conserve energy embodied in existing structures, dwelling houses should be retained. Replacement will be permitted where rebuilding would lead to (a) enhancement of the local environment and the removal of a structure in serious disrepair or which is a threat to public safety; or (b) a major additional improvement in energy efficiency; and the building is not on or would not be a candidate for inclusion in the Dartmoor National Park Historic Environment Record. If these criteria are met permission will be granted but the volume of the replacement dwelling should not exceed that of the existing structure plus an additional 15%.

PLANNING CONSIDERATIONS

SUSTAINABLE DEVELOPMENT

In the context of the sustainable settlement hierarchy set out in COR2, the critical policy is DMD27.

Policy DMD27 states that either the replacement building would lead to the enhancement of the local environment and the removal of a structure in serious repair or which is a threat to public safety OR a major additional improvement in energy efficiency which could not be achieved by modification or adaptation of the existing building.

Following a site inspection with the structural engineer employed by the applicant, the Building Conservation Officer has advised that the north end of the farmhouse is clearly in very poor structural condition and, given its low heritage significance, he would not object to this element being removed provided some detailed recording is carried out beforehand.

DMD27 also refers to the building being on the Historic Environment Record. Although as has been stated the existing farmhouse appears on the Historic Environment Record, the demolition of that part of the building which is now proposed has been agreed by the Building

Conservation Officer. On balance and in the context of policies DMD8 and DMD11 the partial loss of the Historic Farmhouse is no longer considered to be over-riding.

The retention of part of the farmhouse is clearly welcomed particularly in the context of policies DMD1a (sustainable development) and DMD1b (National Park purposes). However, the obvious question is whether with the agreed demolition of part of the building, the remaining section of the farmhouse could be modified or adapted to create a replacement dwelling that achieves a major additional improvement in energy efficiency: in a form that would meet the volume requirements, be on a scale sympathetic to its location.

With the conclusion that a part of the existing building could be retained, the applicant has taken the opportunity to make effective use of the retained part with a small extension to provide an office for the Holne Estate; rather than demolishing the whole building as was previously proposed.

There may be issues relating to rehousing of the colony of bats in the building if the remainder of the farmhouse were to be extended to form a new dwelling, however the Authority Ecologist has advised that there is likely to be an appropriate way of achieving the necessary mitigation in a revised scheme.

It is therefore a matter of cost and preference that the replacement dwelling is proposed away from the farmhouse. It is acknowledged that officers and Members accepted this principle when the total demolition of the farmhouse was being proposed, however given the fact that the applicant is now a Member of this Authority, it is considered by officers that in light of the applicant retaining part of the farmhouse, this should be explicit in this report and for this reason the application has been advertised as a Departure from the Development Plan.

SIZE AND SCALE OF THE PROPOSED DWELLING

In terms of the scale of the replacement being sympathetic to the location, the internal floor area of the existing dwelling is 327sqm and with a total volume of 1160m³. The internal floor area of the proposed dwelling is 394sqm and with a total volume of 1321m³. This amounts to an increase of 14% in volume from the existing house.

The existing single storey garage is 58.5sqm. The proposed garage has storage over and is 68.32sqm but this is not considered unreasonable given the needs of the estate.

The design of the house is based on the design approved when 0602/15 was granted for extensions and alterations to the original farmhouse, but has a slightly smaller floor area: with a two wing arrangement, slate roof, slate hanging to ground floor window height with a lower link clad in vertical timber and stone with a simple glazed canopy on the east side. The location of the chimney has been changed since the last submission and a stone clad chimney is now proposed on the ridge at the south end. The building will be highly energy efficient and all the timber to be used in the construction including the cladding will come from the estate.

Officers have concluded that the size and design of the house meets the tests of policies COR4, DMD7 and DMD27 in that it is on a scale that it is sympathetic to its location, given the size of the existing dwelling.

LANDSCAPE SETTING

The dwelling has been re-orientated so that the front door faces the new driveway to the west

with the garage opposite and a simple lawn to the east incorporating the existing driveway which is shown to be removed.

The Trees and Landscape Officer has suggested that a hedge rather than post and rail fence would reduce the visual impact. There are long views from various locations to the east and the house would be seen against the backdrop of existing trees and from the south in the context of the higher agricultural building to the north. In this context the dwelling is considered to enhance the local environment.

LEGAL AGREEMENT

In the context of the previous application where the whole farmhouse was proposed for demolition, the Authority's Lawyer drafted a legal agreement which in his opinion provided a legally enforceable mechanism for allowing a replacement dwelling to be constructed and ensuring that an additional dwelling was not created in the countryside.

Now, in the context of application 0008/18, whereby part of the dwelling is to be retained and the use changed to estate offices, the agreement will have to include a requirement to ensure that the residential use of the existing farmhouse is permanently ceased, that the new use of the former farmhouse is commenced before the replacement dwelling is occupied and to ensure removal of the cabin shown to be used as a site office from the land on completion of the development.

This will ensure that the residential use of the farmhouse will cease in perpetuity and only one dwelling will remain on the land.

ECOLOGY

An ecological report has been submitted which identifies that the lofts in the building have day roosts used by various species, a small maternity roost for brown long-eared bats and that it is a winter hibernation site. The disturbance of the bat roost means that a European Protected Species Licence (EPSL) is required from Natural England. Mitigation is proposed in the retained part of the old house, the proposed new dwelling and the proposed new garage. The report makes it clear that demolition of the north wing roost should only be permitted if the new buildings with their dedicated bat roosts have been constructed.

The Ecologist has recommended that works proceed in strict accordance with the recommendations in the amended protected species building assessment and bat survey report, subject to any variation required by Natural England under any license issued. Subject to these provisions the proposed development will be in accordance with policies COR7 and DMD14.

CONCLUSION

The design, size and impact of the proposed house on the wider landscape are considered to be acceptable, subject to the proposed conditions and would lead to enhancement of the local environment as required by policy DMD27.

The ecological matters can be dealt with by condition and a legal agreement could address the mechanics of ensuring that the remaining part of the existing dwelling, is not used as a dwelling in the future.

Without an appropriate legal agreement the development would amount to a new open market dwelling in the countryside, contrary to the Development Plan and advice in the NPPF.

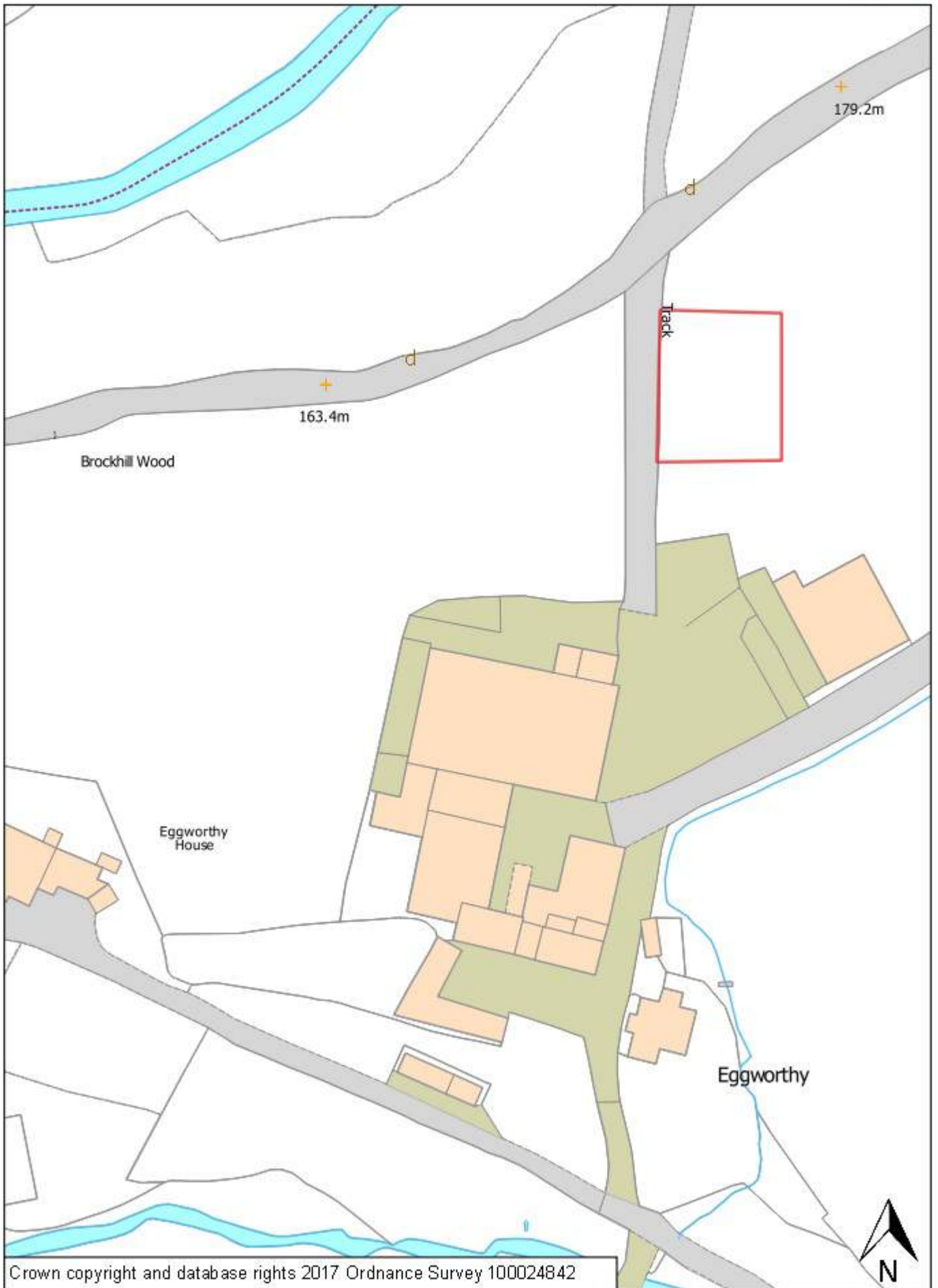
The dwelling to be partially demolished is considered to be a non-designated heritage asset and appears on the Dartmoor National Park Historic Environment Record. The first National Park purpose is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and this is reflected in Policy DMD1b. It has been accepted that the part of the building to be demolished is structurally unsound and the retention of part of the building is broadly welcomed.

In terms of Policy DMD1b and the NPPF, although the new dwelling will not bring benefits to the public beyond the improvements in energy efficiency achieved through a new construction, on balance it is considered that in association with the retention of part of the historic farmhouse for office use in association with the management of the estate (0008/17), the proposal is acceptable.

Eggworthy Farm 0592/17



Scale 1:1,000



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6. Application No: **0592/17** District/Borough: **West Devon Borough**
Application Type: **Outline Planning Permission** Parish: **Walkhampton**
Grid Ref: **SX544720** Officer: **Jo Burgess**

Proposal: **Erection of agricultural worker's dwelling**

Location: **Eggworthy Farm, Sampford
Spiney**

Applicant: **Mr B Landick**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposal is in an area where the Authority would only permit development which is necessary in the interests of agriculture or an established rural business. Having considered an assessment of the holding, the Authority is not satisfied that the functional test has been satisfied and that there is a need for a second worker to be readily available at most times. The proposal is contrary therefore to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23 and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The provision of a new building is premature in that it has not been demonstrated that an existing traditional building within the farmstead could not be converted to provide residential accommodation. The proposal is contrary therefore to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR5, COR15, DMD1a, DMD1b, DMD9 and DMD23 and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Eggworthy Farm is located in the Walkham Valley. The Farmstead consists of a C19th farmhouse, a series of stone buildings and later more recent agricultural buildings.

This outline application is to erect a new agricultural worker's dwelling to the north of the existing agricultural buildings. It is indicated that the building will be two storeys high and cut into the slope of the land.

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

Planning History

0647/99	General purpose agricultural building (18.3m x 18.3m)		
	Full Planning Permission	Grant Conditionally	15 November 1999
3/56/121/95/18	Pole Barn for storage of hay and straw		
		No objection	18 May 1995

Consultations

Environment Agency: Flood Risk Zone 1 - standing advice applies

West Devon Borough Council: Does not wish to comment
County EEC Directorate: No highway implications
DNP - Trees & Landscape: No objection - the site is visible from the minor road running along the northern boundary of the field but from this road, the building will be seen in association with the existing farmstead. The proposed development will have strong links to the existing farmstead and will have minimal impact on the character of the local landscape
Agricultural Consultant: The applicants own 172.4ha (426 acres) and rent an additional 54.2ha (134 acres) . There are a number of agricultural buildings within the farm. The proposed site of the dwelling is 40m from the nearest livestock building and 125m from the existing farmhouse. The sheep flock once lambs are born between mid March and mid June could be up to 2,675 animals. It is proposed to expand the flock. In addition the suckler herd calves from October through to the end of January and a further block in May and June. The cows are housed during calving in the buildings at Eggworthy Farm. To support the number of livestock being over wintered at Eggworthy Farm the applicants cut approximately 100 acres of grass which is baled and stored at the farm. The farm is currently within HLS (Higher Level Stewardship).

The application was accompanied by an agricultural appraisal and although the holding and current farm enterprises justify a total labour requirement in excess of two fulltime farm worker equivalent, there is no evidence that the demands of the business are such that the additional worker needs to be readily available at the site at most times, on hand day and night or to provide regular management input outside of normal working hours. For this reason it is concluded that the functional test is not met.

Based on the accounts supplied, there is no reason to doubt the financial viability of the business, therefore it is concluded that the financial test has been met on this occasion.

The traditional building (in the farmyard) appears to be underutilised and not fit for modern agricultural practices. It is centrally located to the existing farm buildings and would be a better location for an agricultural worker's dwelling. Away from the farm a search has revealed no suitable properties for an agricultural worker.

Parish/Town Council Comments

Burrator PC: Support

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR4 - Design and sustainable development principles
COR5 - Protecting the historic built environment
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD4 - Protecting local amenity
DMD5 - National Park Landscape
DMD9 - The re-use and adoption of historic buildings in the countryside

Representations

None to date.

Observations

INTRODUCTION

This is an outline application with details of access and scale being sought at this stage. Illustrative drawings showing a three bedroom two-storey building with an total internal measurement over both floors of 90sqm including a farm office have been provided. No pre-application planning advice has been sought.

THE HOLDING

Eggworthy Farm is a substantial farm holding centred around a C19th farmhouse and buildings with more modern farm buildings housing cattle and sheep as well as providing storage for fodder and machinery.

POLICY

In accordance with the principles of sustainable development as set out in the National Planning Policy Framework (NPPF) and DMD1a, policy COR2 proposes a settlement pattern for Dartmoor based on a planned approach to development. Outside the Local Centres and Rural Settlements of the National Park, Policy DMD23 states that a new dwelling will only be granted planning permission where it is required for an agricultural holding, a forestry enterprise or a rural based business.

COR5 reflects the need to protect the character, appearance, integrity and cultural associations that contribute to the special qualities and settings of the historic built environment.

DMD1b reflects National Park purposes including conserving and enhancing the cultural heritage of the National Park. Traditional farm buildings are important element of the historic built environment and sustaining uses for these buildings is therefore very important.

Policy DMD9 allows for the conversion of buildings outside classified settlements where the proposal relates to a historic building and where it will provide accommodation for agricultural,

forestry or rural enterprise workers.

Policy COR15 refers to serving proven needs and Policy DMD23 sets out the following criteria to be met:

i) There is no satisfactory existing building that could be converted to provide the accommodation. Traditional farm buildings form an important element of the cultural heritage of the National Park and policy DMD1b requires that this should be conserved and enhanced.

The conversion of an existing traditional building to a dwelling required for an agricultural holding is considered to be sustainable development in accordance with policies COR1, COR5 and DMD1a and subject to the details of the conversion being compliant with policy DMD9, the preferable way to provide such a dwelling. In this case there are historic stone buildings in the farm yard adjacent to the farm house. The nearest building to the house is used largely for domestic storage. The furthest section is used as stables and kennels on the ground floor and for secure storage of small agricultural machinery on the first floor. This is accessed from the working farm yard at the rear.

It is clear from an inspection of the buildings that the building nearest to the farmhouse (which has a total floor area of approximately 120sqm) is underused and is capable of conversion to residential use. Although there are some issues with damp and it is immediately adjacent to the modern agricultural buildings to the rear, the conversion of this building should be explored further before permission for a new dwelling can be granted.

ii) There should be a clearly established existing functional need for a worker to be readily available at most times.

In summary there are up to 2,675 sheep, 85 suckler cows and a further 150 cattle on the farm at any one time. The applicant and a stockman work full-time on the holding with further part time assistance at busy periods. The current standard man hour requirement equates to 3.25 full-time workers. The farm benefits from 561 Common Grazing Units on the adjoining Walkhampton Common and the farm is in HLS and has won an award for its work to improve the local landscape and habitat.

It is argued that two workers are required to reside on the holding at all times, however the agricultural consultant is not convinced that this is the case. His decision is based on the current capacity of the existing farm buildings, the stocking levels, the history of the holding and the fact that the farm has operated for many years on the basis of a single farmhouse. Appeal decisions elsewhere indicate that although a second dwelling on the farm can bring some benefits, the need for an additional dwelling should be proven with sufficient evidence. Where the functional need is not proven an additional dwelling should not be permitted. This is the case at Eggworthy.

iii) The accommodation relates to a full time worker. The application is made on this basis.

(iv) The holding or rural-based business enterprise has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so.

Accounts for 2014, 2015 and 2016 have been provided and it is clear that the business has been profitable for the three years that accounts have been provided for and that there is no reason to doubt the financial viability of the business.

(v) This requires that the need for permanent accommodation cannot be met by another suitable and available dwelling on the holding or unit or in the locality. This test is currently met.

(vi) This requires that the building should be on a scale appropriate to the functional requirement of the holding. The drawings indicate that the internal floor area excluding the farm office and WC and shower is 90sqm.

It should be noted that policy DMD26 in relation to the removal of agricultural occupancy conditions, requires the property to be reserved for occupation by local people as an affordable dwelling, and the advice in the adopted 'Affordable Housing SPD'. The proposed dwelling is indicated to be an appropriate size, however in accordance with similar applications it is considered that if the proposed dwelling was otherwise acceptable, the size should be controlled by means of a condition.

OTHER MATTERS

LANDSCAPE IMPACT

The site is located within a pastoral field but by virtue of the location and site adjacent to an existing access track, will have strong links to the adjacent farmstead and will therefore have a minimal impact on the character of the local landscape. It is therefore considered to be an acceptable location in terms of policy DMD5.

The submitted plans show an enclosure of 30m x 30m with the house set into the ground. If planning permission is granted mitigation would help integrate the development into the landscape. The curtilage should be enclosed with a traditional form of enclosure. Details of levels and drainage will be critical.

ECOLOGY

It has not been necessary to submit a bat and breeding bird survey but if the conversion of the stone barn is proposed, this will be a requirement.

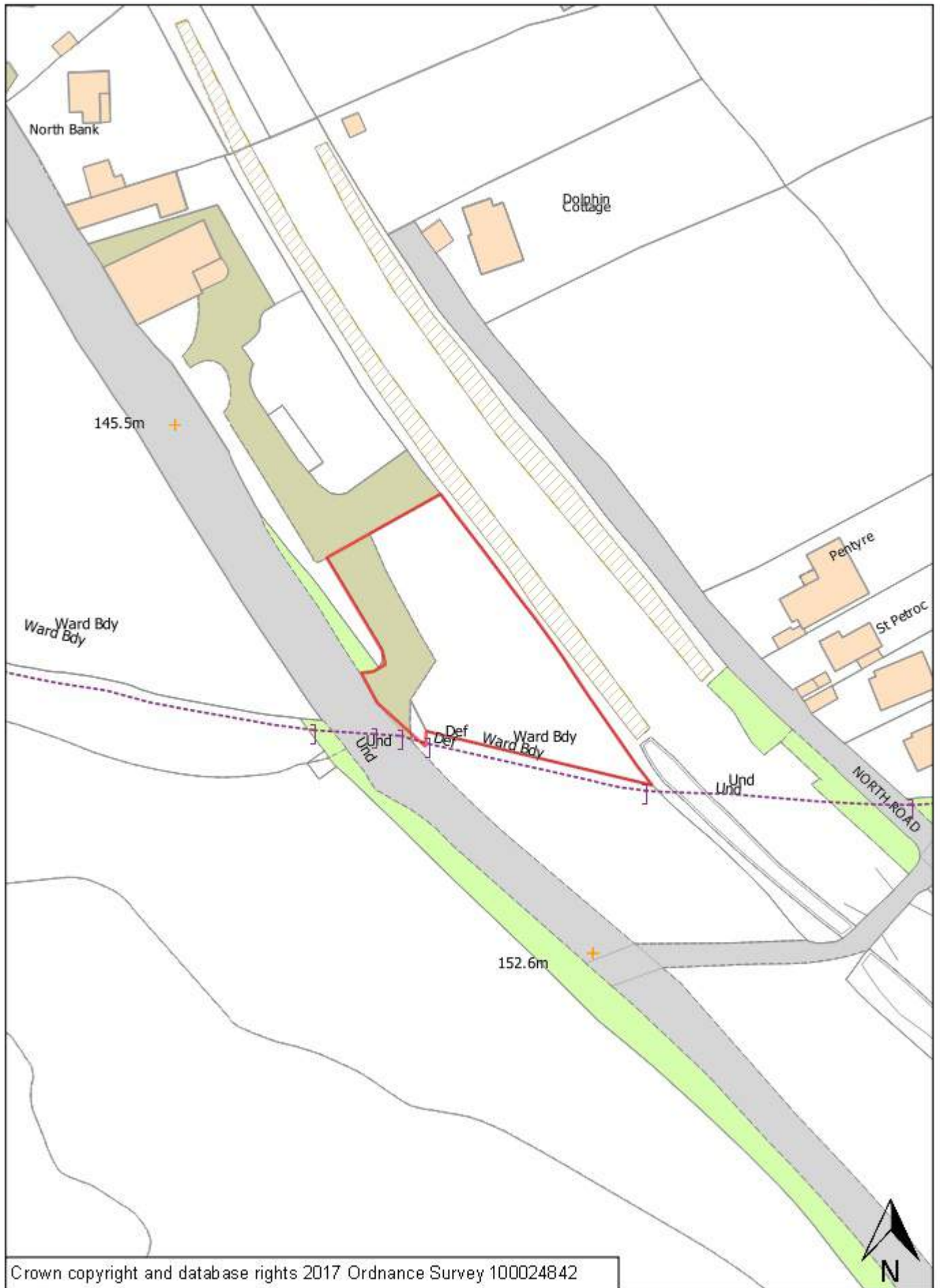
CONCLUSION

Although Eggworthy Farm is a substantial holding and is looking to grow, the assessment as to whether there is justification for an additional dwelling has to be based on current needs. The agricultural consultant is not convinced that the functional test is met and if it were to be met, policy DMD23 requires that where there is a satisfactory existing building that could be converted to provide the accommodation, this should be used rather than a new building being provided. Although the applicant has addressed this requirement in the application, it is considered that there is insufficient evidence that it is not feasible to convert the barn to a dwelling. This could only be proven by means of a further planning application.

Land adj The Manor - 0004/18



Scale 1:1,000



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7. Application No: **0004/18** District/Borough: **West Devon Borough**
Application Type: **Outline Planning Permission** Parish: **Horrabridge**
Grid Ref: **SX513688** Officer: **Jo Burgess**

Proposal: **Construction of open market dwelling**

Location: **Land to the south east of The
Manor, Plymouth Road,
Horrabridge**

Applicant: **Mr P Underhill**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed erection of a dwelling in a location outside a classified settlement is unsustainable development, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15, DMD1a, DMD1b and DMD23 of the Dartmoor National Park Development Plan and to advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The proposed development will result in the removal of a number of trees including at least one tree protected by a Tree Preservation Order. The loss of the trees will have a detrimental impact on the character and amenity of this part of the National Park contrary to policies COR1, COR3 and DMD7 of the Dartmoor National Park Development Plan and to advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

This is an outline planning application with approval being sought for an open market dwelling within the garden of The Manor.

The Manor (formerly The Saddlers Rest Hotel) is located within the Horrabridge Settlement Boundary, at its southern extreme, immediately adjacent to the A386 between Horrabridge and Yelverton. The application site (measuring 1.5ha) forms part of the residential curtilage but is outside the defined settlement boundary and thus is regarded as being in open countryside.

Access to The Manor and the application site is directly from the A386. To the rear of the site protected trees separate it from the disused railway.

The application is presented to Members in view of Parish Council support.

Planning History

0142/05	Change of use of hotel to single private residence		
	Change of Use	Grant Conditionally	18 April 2005
03/35/1011/88	Proposed erection of one dwellinghouse to provide living accommodation		

	for managers		
	Outline Planning Permission	Refused	23 February 1988
03/35/1353/87	Proposed Erection of two detached dwellings		
	Outline Planning Permission	Refused	12 August 1987
03/35/0553/85	Formation of new vehicular access		
	Full Planning Permission	Grant Conditionally	04 June 1985

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No objections
Environment Agency:	Flood Risk Zone 1 - standing advice applies
DNP - Ecology & Wildlife Conservation:	Works to proceed in strict accordance with the recommendations in the submitted ecology report.
DNP - Trees & Landscape:	Numerous trees are growing in and around the site including several mature trees along the old railway line which forms the north eastern boundary of the site which are protected by a Tree Protection Order (TPO).

A tree survey has been submitted with the application which identifies that a number of trees would have to be removed to allow the house to be built including one protected by the TPO. Building a dwelling on the site may also lead to increased pressure to fell or remove trees growing along the old railway line.

The removal of these trees will have a detrimental impact on the character and amenity of the area. The loss of trees is contrary to policies COR1, COR3 and DMD7.

Parish/Town Council Comments

Horrabridge PC:	The neighbours dispute access to the plot and there appear to be trees subject to TPOs which compromise the proposed dwelling. Nevertheless the Parish Council would support a single quality, open market dwelling on this site
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Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR15 - Providing for limited new housing to meet local needs
- COR2 - Settlement Strategies
- COR3 - Protection of Dartmoor's special environmental qualities
- COR4 - Design and sustainable development principles
- COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
- DMD14 - Biodiversity and geological conservation
- DMD1a - Presumption in favour of sustainable development

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

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

Representations

2 letters of objection

Neighbours have raised concerns regarding rights of access, loss of light, loss of privacy, impact on TPO trees, impact on wildlife, highway safety, the risk of joining up Horrabridge and Yelverton and health and safety matters regarding the proximity to the railway cutting.

Observations

THE PROPOSAL

It is proposed to erect one dwelling. It is indicated to be two storeys with a ground floor area of approx. 224sqm plus a linked double garage. The scale and position of the proposed dwelling is guided and determined by the requirements of the applicant and the relationship of the site to the trees and the neighbours.

POLICY

In accordance with the principles of sustainable development as set out in the National Planning Policy Framework (NPPF) and DMD1a, policy COR2 defines a settlement pattern for Dartmoor based on a planned approach to development. Outside the Local Centres and Rural Settlements of the National Park, DMD23 states that a new dwelling will only be granted planning permission where it is required for an agricultural holding, a forestry enterprise or a rural based business.

Part 3 of the Development Management and Delivery Plan Document sets out settlement boundaries for the Local Centres and policy DMD45 states that these define the built up area of settlements. Although The Manor is within the settlement boundary of Horrabridge the curtilage to the south is not. The site is therefore considered to be in open countryside where policy DMD23 applies.

PLANNING HISTORY

The 1987 and 1988 applications were refused on grounds of being sporadic development and lack of pedestrian facilities on the A386.

PLANNING CONSIDERATIONS

The applicant acknowledges that the site is outside the settlement boundary but argues that it is located within the context of the settlement of Horrabridge with existing housing adjacent.

In that context it is argued that there should be no requirement for the dwelling to be affordable as Policy DMD21 would normally dictate. This is not relevant however as it is not within the Local Centre.

The proposed dwelling is outside the settlement boundary and is therefore considered to be an inappropriate location for a new dwelling under the terms of policies COR2, COR15 and DMD23.

Although the area between Horrabridge and Yelverton is characterised by large detached dwellings in large plots. The site is an important open space on the edge of the settlement and being bounded by the trees separating it from the disused railway, the site makes a positive contribution to the visual character of the area.

Policy DMD7 states that development proposals should conserve the character of the local built environment including buildings, open spaces, trees and other important features that contribute to visual, historical or architectural character. As in the late 1980s when development was previously proposed on the site, it is considered that the proposed development in this location does not conserve and enhance the local built environment but instead would detract from the local environment, appearing as sporadic development outside of a recognised settlement. As such it is considered to be inappropriate in the National Park.

IMPACT ON TREES

Policies COR1 and COR3 require that development conserves and enhances the characteristic landscapes that contribute to Dartmoor's special qualities and in making that assessment particular regard will be made to woodlands, trees and orchards.

Policy DMD7 states that development proposals should conserve the character of the local built environment including buildings, open spaces, trees and other important features that contribute to visual, historical or architectural character.

Numerous trees are growing in and around the site including several mature trees along the old railway line which forms the north eastern boundary of the site which are protected by a Tree Protection Order (TPO). This forms an important element of the historic character of this part of the National Park.

A tree survey has been submitted with the application which identifies that a number of trees would have to be removed to allow the house to be built. These trees add to the character of the area and are important features in the landscape and their removal will have a detrimental impact on the amenity of the area. Building a dwelling on the site may also lead to increased pressure to fell or remove more trees growing along the old railway line. The loss of trees is therefore contrary to policies COR1, COR3 and DMD7.

IMPACT ON NEIGHBOURS

Issues regarding ownership and rights of way have been raised by neighbours. The appropriate certificates have been served so these issues are for the applicants to resolve.

Policy DMD4 requires that residential amenity is protected. The nearest neighbours are some 40m away on the other side of the disused railway line. Although that railway line may be in the ownership of others, it is in a deep cutting. Although residents to the east side of the disused railway have raised concerns regarding privacy and light, the site is well separated and well screened from those properties and it is not considered that there are sufficient grounds to object to the proposal on amenity grounds.

IMPACT ON WILDLIFE

An Ecological survey has been submitted and a neighbour has raised issues regarding wildlife in the railway cutting including dormice and badgers.

The Ecologist has recommended that if approved, works proceed in strict accordance with the recommendations in the ecology report and this will ensure that the proposal complies with policies COR7 and DMD14.

CONCLUSION

The application site is not within the defined boundary of Horrabridge and residential development in this location would be inappropriate, out of character and compromise protected trees.

The application is recommended for refusal.

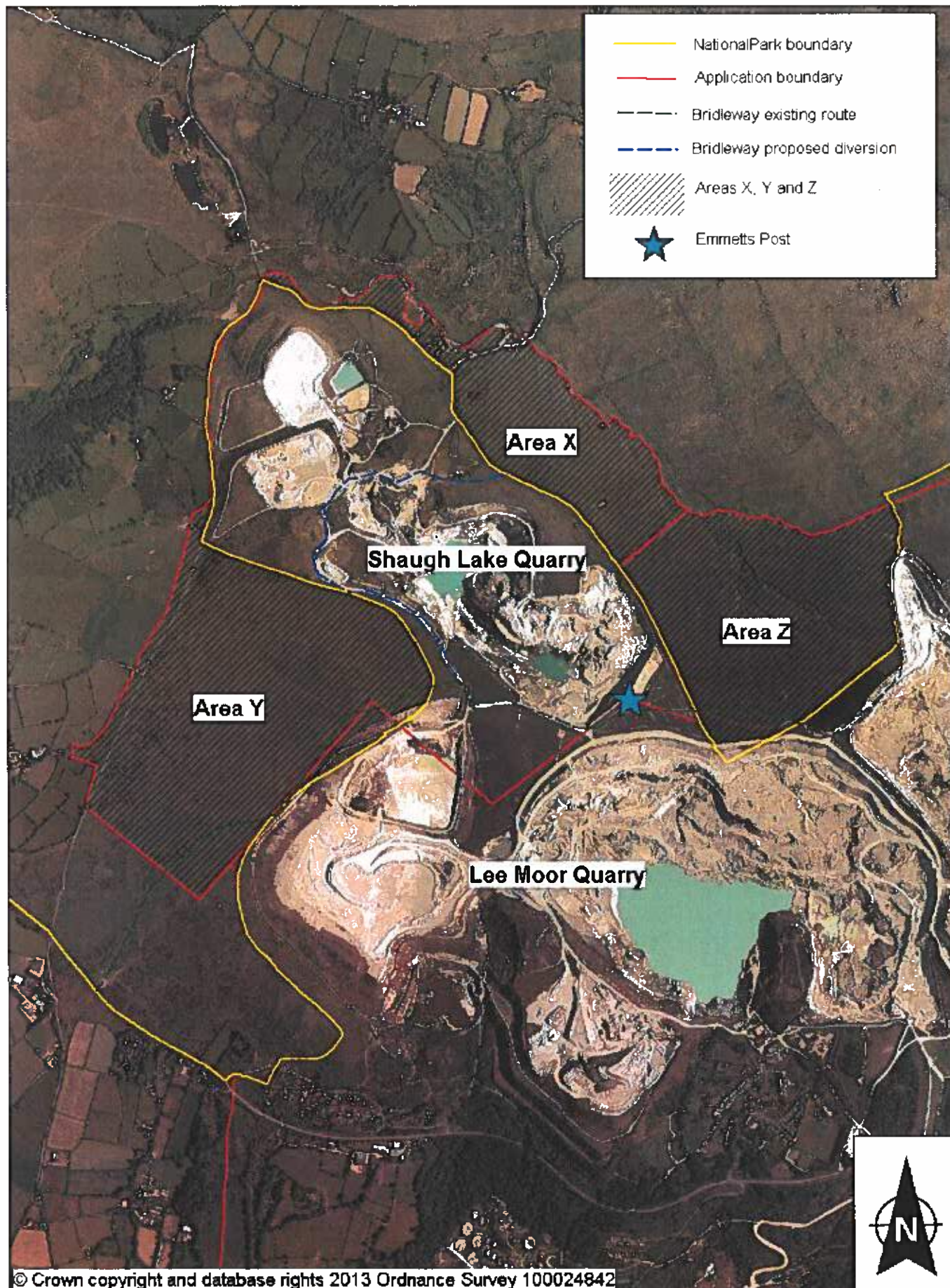
Dartmoor National Park Authority

Lee Moor Quarry Complex

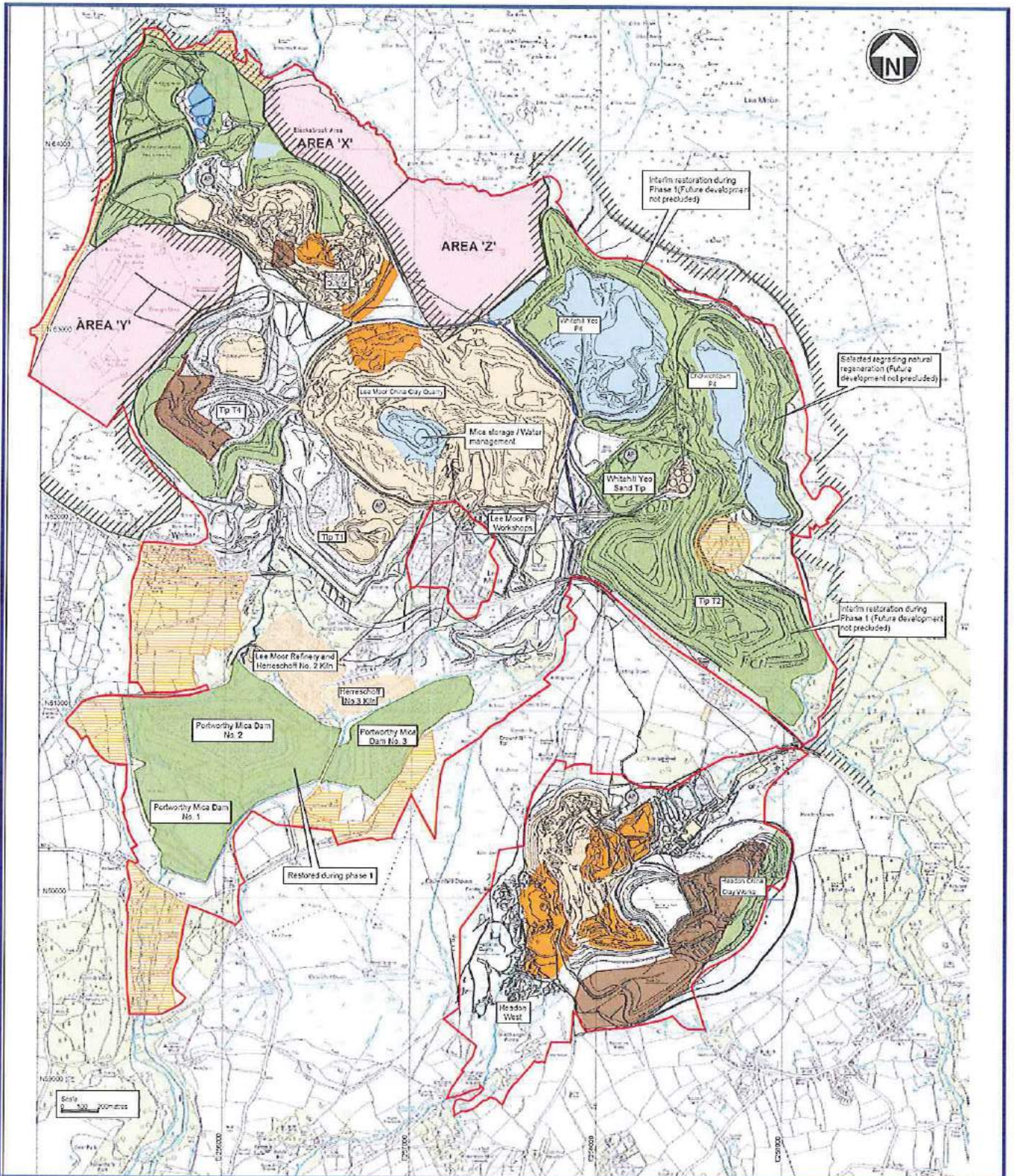


Scale 1:18000

Compiled by djanota on 20 March 2013



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Sibelco UK / Imerys Application Areas	General Development Areas	Project Title Lee Moor ROMP	
Dartmoor National Park Boundary	Restoration Areas	Drawing Title Programme of Working and Restoration Phase 1	
Areas subject to Planning Agreements not to win and work minerals	Concentrated Activity Areas	Scale 1:20,000 @A3	Date 10.11.2009
Aggregate Plant	Water Bodies	Drawn By D.J.S.	Checked By P.N.H.
Areas X,Y and Z	Tipping Areas	Drawing Number D05/P02/006A	Figure 3.1

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8. Application No: **0045/99** District/Borough: **South Hams District**
Application Type: **Other** Parish: **Shaugh Prior**
Grid Ref: **SX572634** Officer: **Dan Janota**

Proposal: **Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))**

Location: **Lee Moor Quarry, Shaugh Prior**

Applicant: **Imerys**

Recommendation **That the new workings conditions be approved subject to a legal agreement under S106 of the Town and Country Planning Act not to oppose a Modification Order to permanently remove areas X, Y, Z within Dartmoor National Park from the planning permission area. That the applicant be advised that the Authority considers that the amended conditions are not such so as to prejudice to an unreasonable degree the economic viability of operating the site or the asset value of the site.**

Condition(s)

1. The Development to which this Permission relates shall be limited to the Mining Operations on the Site as permitted by the extant permissions, the indicative working programme as set out in the current application and Environmental Statement and the indicative Restoration and Aftercare of those parts of the Site affected by Mining Operations as indicated on the approved drawings.
2. The winning and working of minerals or the deposit of mineral waste on the site shall cease on or before 22 February 2042; all buildings, structures, roads, plant and machinery associated with the Mining Operations (except those roads required for Restoration and Aftercare) shall be removed from the site by 22 February 2044 and all Restoration shall be completed (except for the Aftercare period) by 22 February 2047.
3. The Mining Operations and the Restoration & Aftercare of the Site shall be carried out in accordance with Section 3, Section 5, and Section 6, and Figures 3.1 to 3.4, 3.8 to 3.12, 3.17, and Figures 5.33 of the Environmental Statement.
4. The phased interim and permanent restoration and aftercare of the Site shall be carried out in accordance with the outline programme set out in Figures 3.17 (Whitehill Yeo, Cholwichtown and Lee Moor Quarries); 5.33 (Tip T4) in so far as they relate to land under the control of the Authority.
5. Upon completion of Mining and Tipping Operations, the Operators within any of the working areas identified in the ES, the Operators shall notify the Authority. Restoration shall be completed within 5 years of that date and the Site area shall be subject to aftercare for a further 5 years starting from the completion of the restoration.

6. In the event of a cessation of Mining Operations prior to the achievement of the approved working programme which, in the opinion of the Authority constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, the Operators shall within 12 months of the notification by the Authority (or such longer period as may be agreed in writing by the Authority) submit a revised scheme for Restoration and Aftercare to the Authority for its written approval. Thereafter, restoration and aftercare shall be carried out on the Site in strict accordance with the scheme as approved
7. All buildings, structures, roads, plant and machinery, erected as part of the Development, shall be removed from the site within two years of the date Mining Operations have permanently ceased.

Introduction

This application is linked with application 0046/99.

Active permissions for the winning and working of minerals require periodic review under the Environment Act 1995. Working together, site operators Sibelco and Imerys submitted a ROMP application and accompanying Environmental Impact Assessment (EIA) covering the china clay complex comprising Lee Moor, Headon and Shaugh Lake Quarries. The quarries are mainly within South Hams district (where Devon County Council is the Minerals Planning Authority), however small parts lie within Dartmoor National Park and Plymouth City Council areas.

This determination covers the part of the site within the Dartmoor National Park relating to Lee Moor Quarry, a second determination will cover the part of the site within Dartmoor National Park relating to Shaugh Lake Quarry. Outside of the National Park Devon County Council will be determining the application for the rest of the quarry complex, which comprise the principal operational workings.

Members are referred to the report to the Development Management Committee of the 5 April 2013. The application went before committee at that time due to its scale and complexity, and because ROMP applications fall outside of the Authority's delegation scheme. It is now possible to agree the S106 Agreements, issue the decision, and issue the Modification Orders. This report is now before Members in order to ensure the robustness of the decision given the period of time which has elapsed between Members decision of 2013 and the issuing of the decision notice and s.106.

Planning History

0046/99	Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))
Other	Not yet determined

Consultations

South Hams District Council:	No comments relevant to the South Hams District Council: DNPA determination
English Heritage:	Notes the overall strategic gain that would be achieved by the removal of Areas X, Y and Z from the permitted area as these areas form part of the overall landscape supporting the area of the National Park and are rich in archaeology and cultural heritage features including a number of

Scheduled Monuments and Listed Buildings. They observe that the securing of these areas from the direct impact of minerals working is a “significant and positive achievement”. The necessary removal of Emmets Post barrow will require separate Scheduled Monument Consent and conditions can be applied to this.

The Ramblers' Association:

Note that a diversion will be sought for the bridleway between Lee Moor and Shaugh Lake Quarry and they ask that the proposal is properly published and made available for public comment and that diversions are clearly signed. (This is being done as a separate process by the Devon County Council Public Rights of Way Team). The RA is concerned about the environmental impacts of the continuation of the China Clay works but acknowledges that the mitigation measures proposed will reduce the landscape and visual impacts. They raise a “significant concern” that the proposal does not clarify the means of surrender of mineral working rights on Areas X, Y and Z and that as they are to be used for offsetting the environmental impacts elsewhere on the site for the relocation of protected species this needs to be secured.

Dartmoor Preservation Association:

Express regret for the negative impacts of the continued operation but welcome the restoration work to be done at Shaugh Quarry, on Tips T2 and T4 and the interim works for restoration within Whitehall Yeo and Cholwichtown. Their main concern is the lack of a clear commitment to surrender working rights on areas X, Y and Z and they ask that a clear and implementable agreement is secured through the ROMP process.

Open Spaces Society:

Express concern that the surrender of rights on areas X, Y and Z is seen as an exchange for environmental damage when the surrender of working rights was announced in 2001 and should be definite and non negotiable. OSS require that the development rights on XYZ will be abandoned regardless of anything else which happens as they are extremely sensitive areas on the boundary of the National Park, rich in archaeological features and of immense landscape value.

South West Water:

No comment

Natural England Consultation Service:

The Environmental Statement is comprehensive of the issues of concern to Natural England, the proposals set out in the ES should be secured by planning condition and planning obligations and that this would minimise the extent of the environmental impact reasonably possible given the extant planning permissions.

Environment Agency:

Comments relate mainly to the operation of the site (in the DCC planning area). However it is also noted the EA would like to see broad principles agreed for a “landscape and restoration” strategy and detailed management schemes for identified geographical areas within the site. Such schemes could then be submitted at identified trigger points

and conditions to protect and enhance water quality and biodiversity need to be tightened.

DNP - Archaeology:

In order to implement the scheme it will be necessary to remove a prehistoric bowl barrow known as Emmets Post (within the DCC planning area). The justification for the removal of Emmets Post is that it will enable the cessation of current planning permission for the three areas known as "X, Y and Z" totalling 160 ha of common land in the National Park. Area Y covers Shaugh Moor and contains one of the richest and extensive collection of archaeological sites on the whole of Dartmoor which together form a well defined and preserved archaeological landscape dating back some 4,000 years. Although areas X and Z contain far fewer archaeological remains, nevertheless within these areas are the remains of ancient tin working, boundary stones, military trenches and remains of turf cutting.

DNP - Ecology & Wildlife Conservation:

Input has been provided to the working scheme of the ROMP, the ES and the Habitat Regulations Assessment. Specific comments relating to the value of areas X, Y and Z are set out in the report.

DNP - Trees & Landscape:

Strongly supportive of the removal of working rights relating to areas X, Y and Z within the National Park. Engaged early on in the process (together with the Devon County Council Landscape Officer) to contribute to discussions around the restoration and interim restoration in the DCC planning area, and support the current proposals in principle.

DNP - Recreation, Access & Estates:

Officers are currently engaged in the bridleway diversion (although the Order is served by Devon County Council). Officers are supportive of the alternative route proposed by the operators, and strongly supportive of the protection of access over common land at areas X, Y and Z.

Parish/Town Council Comments

Shaugh Prior PC:

Consulted by Devon County Council on 2 February 2010 – no comments received

Cornwood PC:

Consulted by Devon County Council on 2 February 2010 – no comments received

Representations

The Maristow Estate owns the surface land (not the mineral beneath) for part of this site, which it currently leases to the operators. The Estate has expressed strong concerns regarding the ability both in practical and legal terms to merge Shaugh Lake and Lee Moor pits. Devon County Council has taken specialist legal advice on this matter and is confident of its position. The Maristow Estate has also submitted an objection to English Heritage regarding the Scheduled Monument Consent application, and expressed concerns to Devon County Council regarding the Bridleway Diversion Order (See comments of DNP Archaeologist and Recreation, Access and Estates Officers above).

Observations

SUMMARY

Members are referred to the appended report of April 2013 for the complete background relating to this application. From that report, it is evident the issues which remained at that point in time which were likely to delay the issuing of a decision. However, as noted in that report the resolution of the Committee at that point in time was intended to aid discussions and provided confidence, in particular with regard to Historic England in unlocking other decisions which were required under different (non-planning) legislation.

In the time since the resolution by committee three key matters have been resolved which now make the completion of the s.106 and the issuing of the decision notice and Modification Order possible.

Firstly the schedule monument consent relating to Emmet's Post proceeded. This was the first step in enabling the merging of tips in line with the proposed working scheme.

Secondly the Diversion Order for bridleway 44 was issued. This was the other matter which prevented the merging of tips and therefore allowed for the proposed working scheme to be achievable.

Finally, information updating and further to the Environmental Statement was prepared by the operators pursuant to Regulation 22. This addendum or 'request for further information' ensures the Authorities have appropriate information in support of the proposed working scheme in order to issue the permission. No comments have been received by DNPA relating to the Regulation 22 addendum.

Members are reminded of the gravity of this application, and its importance in the protection of a significant area of the National Park from minerals operations. This proposal has been many years in negotiation, and process, and the successful outcome of this is testimony to the partnership working with Devon County Council and the minerals Operators.

Members are asked to ratify the decision made in 2013, through agreement with the above recommendation and associated conditions.

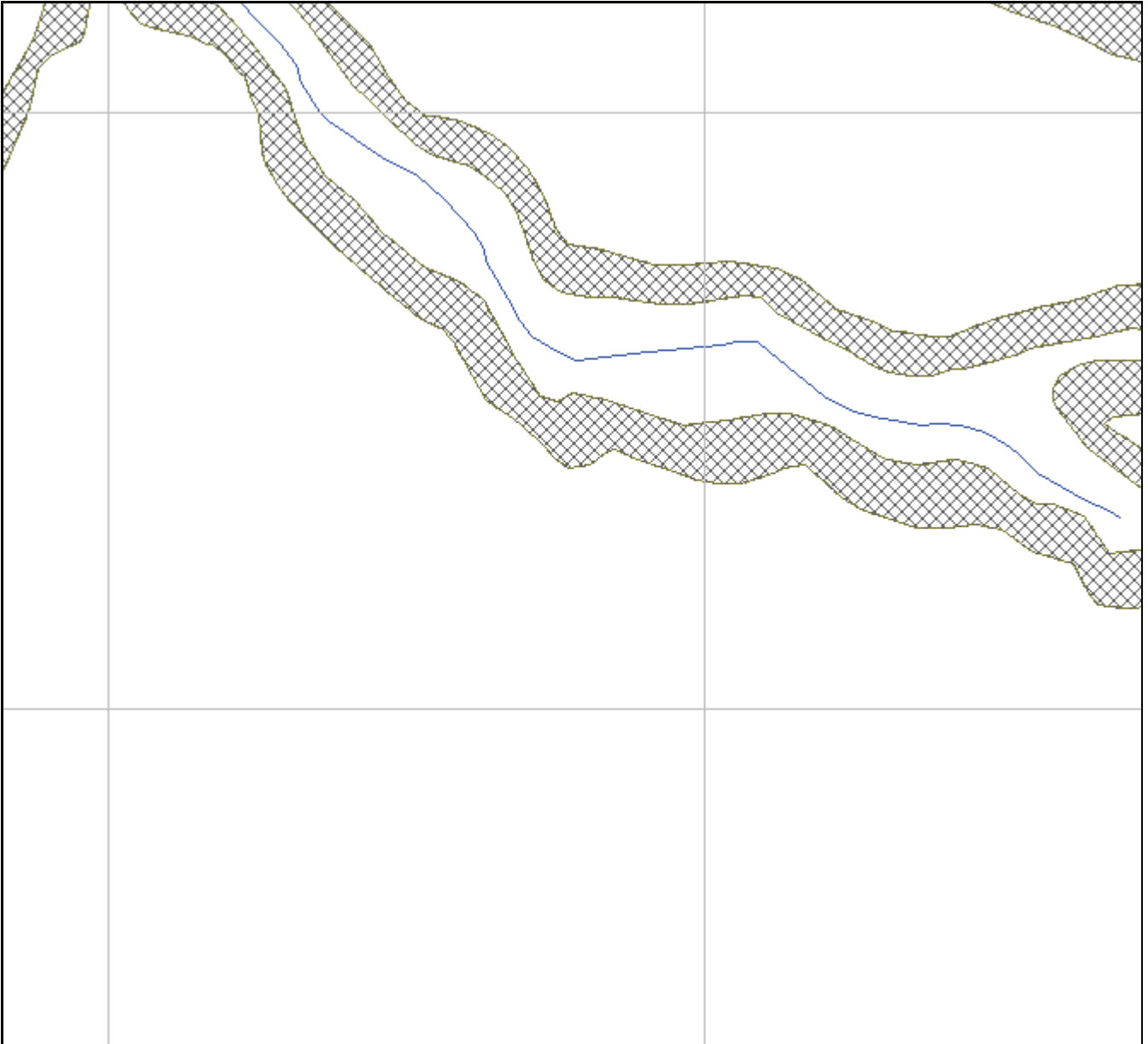
ORIGINAL REPORT

1. Application No: **0045/99** District/Borough: **South Hams District**
Application Type: **Other** Parish: **Shaugh Prior**
Grid Ref: **SX572634** Officer: **Dan Janota**

Proposal: **Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))**

Location: **Lee Moor Quarry, Shaugh Prior**

Applicant: **Imerys**



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50m
Scale 1:1250 @ A4

Recommendation **(1) That the new working conditions be approved subject to a legal agreement under s.106 of the Town and Country Planning Act not to oppose a Modification Order to permanently remove areas X, Y and Z within the Dartmoor National Park from the planning permission area.**
(2) That the applicant be advised that the Authority considers that the amended conditions are not such so as to prejudice to an unreasonable degree the economic viability of operating the site or the asset value of the site.
(3) That the Authority write jointly with Devon County Council to the Secretary of State setting out the importance of the protection of Areas XYZ and the relationship of this protection to the long-intended and permitted merging of the Lee Moor and Shaugh Lake pits.

Condition(s)

1. The Development to which this Permission relates shall be limited to the Mining Operations on the Site as permitted by the extant permissions, the indicative working programme as set out in the current application and Environmental Statement and the indicative Restoration and Aftercare of those parts of the Site affected by Mining Operations as indicated on the approved drawings.
2. Mining Operations on the Site shall cease on or before 21 February 2042; all buildings, structures, roads, plant and machinery associated with the Mining Operations (except those roads required for Restoration and Aftercare) shall be removed from the Site by 21 February 2044 and all Restoration shall be completed (except for the Aftercare period) by 21 February 2047.
3. The Mining Operations and the Restoration & Aftercare of the Site shall be carried out in accordance with Section 3, Section 5, and Section 6, and Figures 3.1 to 3.4, 3.8 to 3.12, 3.17, and Figures 5.33 of the Environmental Statement.
4. The phased interim and permanent restoration and aftercare of the Site shall be carried out in accordance with the outline programme set out in Figures 3.17 (Whitehill Yeo, Cholwichtown and Lee Moor Quarries); 5.33 (Tip T4) in so far as they relate to land under the control of the Authority.
5. Upon completion of Mining and Tipping Operations, the Operators within any of the working areas identified in the ES, the Operators shall notify the Authority. Restoration shall be completed within 5 years of that date and the Site area shall be subject to aftercare for a further 5 years starting from the completion of the restoration.
6. In the event of a cessation of Mining Operations prior to the achievement of the approved working programme which, in the opinion of the Authority constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, the Operators shall within 12 months of the notification by the Authority (or such longer period as may be agreed in writing by the Authority) submit a revised scheme for Restoration and Aftercare to the Authority for its written approval. Thereafter, restoration and aftercare shall be carried out on the Site in strict accordance with the scheme as approved
7. All buildings, structures, roads, plant and machinery, erected as part of the Development, shall be removed from the Site on completion of Mining Operations

Introduction

This application is linked with application 0046/99. Members are referred to the plans appended to this report which will assist in understanding the issues raised.

Active permissions for the winning and working of minerals require periodic review under the Environment Act 1995. Working together, site operators Sibelco and Imerys have submitted a ROMP application and accompanying Environmental Impact Assessment (EIA) covering the china clay complex comprising Lee Moor, Headon and Shaugh Lake Quarries. The quarries are mainly within South Hams district (where Devon County Council is the Minerals Planning Authority), however small parts lie within Dartmoor National Park and Plymouth City Council areas.

This application is being determined at this time in order to progress the ROMP and subsequent Section 106 legal agreement and Modification Order. This determination covers the part of the site within the Dartmoor National Park relating to Lee Moor Quarry, a second determination will cover the part of the site within Dartmoor National Park relating to Shaugh Lake Quarry. Outside of the National Park Devon County Council will be determining the application for the rest of the quarry complex, which comprise the principal operational workings.

The application is before committee due to its scale and complexity, and because ROMP applications fall outside of the Authority's delegation scheme.

Planning History

0046/99	Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))
Other	Other

Consultations

South Hams District Council:	No comments relevant to the South Hams District Council: DNPA determination
English Heritage:	Notes the overall strategic gain that would be achieved by the removal of Areas X, Y and Z from the permitted area as these areas form part of the overall landscape supporting the area of the National Park and are rich in archaeology and cultural heritage features including a number of Scheduled Monuments and Listed Buildings. They observe that the securing of these areas from the direct impact of minerals working is a "significant and positive achievement". The necessary removal of Emmets Post barrow will require separate Scheduled Monument Consent and conditions can be applied to this.
The Ramblers' Association:	Note that a diversion will be sought for the bridleway between Lee Moor and Shaugh Lake Quarry and they ask that the proposal is properly published and made available for public comment and that diversions are clearly signed. (This is being done as a separate process by the Devon County Council Public Rights of Way Team). The RA is concerned about the environmental impacts of the continuation of the China Clay works but acknowledges that

Dartmoor Preservation Association:	<p>the mitigation measures proposed will reduce the landscape and visual impacts. They raise a “significant concern” that the proposal does not clarify the means of surrender of mineral working rights on Areas X, Y and Z and that as they are to be used for offsetting the environmental impacts elsewhere on the site for the relocation of protected species this needs to be secured.</p> <p>Express regret for the negative impacts of the continued operation but welcome the restoration work to be done at Shaugh Quarry, on Tips T2 and T4 and the interim works for restoration within Whitehall Yeo and Cholwichtown. Their main concern is the lack of a clear commitment to surrender working rights on areas X, Y and Z and they ask that a clear and implementable agreement is secured through the ROMP process.</p>
Open Spaces Society:	<p>Express concern that the surrender of rights on areas X, Y and Z is seen as an exchange for environmental damage when the surrender of working rights was announced in 2001 and should be definite and non negotiable. OSS require that the development rights on XYZ will be abandoned regardless of anything else which happens as they are extremely sensitive areas on the boundary of the National Park, rich in archaeological features and of immense landscape value.</p>
South West Water:	No comment
Natural England Consultation Service:	<p>The Environmental Statement is comprehensive of the issues of concern to Natural England, the proposals set out in the ES should be secured by planning condition and planning obligations and that this would minimise the extent of the environmental impact reasonably possible given the extant planning permissions.</p>
Environment Agency:	<p>Comments relate mainly to the operation of the site (in the DCC planning area). However it is also noted the EA would like to see broad principles agreed for a “landscape and restoration” strategy and detailed management schemes for identified geographical areas within the site. Such schemes could then be submitted at identified trigger points and conditions to protect and enhance water quality and biodiversity need to be tightened.</p>
DNP - Archaeology:	<p>In order to implement the scheme it will be necessary to remove a prehistoric bowl barrow known as Emmets Post (within the DCC planning area). The justification for the removal of Emmets Post is that it will enable the cessation of current planning permission for the three areas known as “X, Y and Z” totalling 160 ha of common land in the National Park. Area Y covers Shaugh Moor and contains one of the richest and extensive collection of archaeological sites on the whole of Dartmoor which together form a well defined and preserved archaeological landscape dating back some 4,000 years. Although areas X and Z contain far fewer archaeological remains, nevertheless within these</p>

DNP - Ecology & Wildlife Conservation:	areas are the remains of ancient tin working, boundary stones, military trenches and remains of turf cutting. Input has been provided to the working scheme of the ROMP, the ES and the Habitat Regulations Assessment. Specific comments relating to the value of areas X, Y and Z are set out in the report.
DNP - Trees & Landscape:	Strongly supportive of the removal of working rights relating to areas X, Y and Z within the National Park. Engaged early on in the process (together with the Devon County Council Landscape Officer) to contribute to discussions around the restoration and interim restoration in the DCC planning area, and support the current proposals in principle.
DNP - Recreation, Access & Estates:	Officers are currently engaged in the bridleway diversion (although the Order is served by Devon County Council). Officers are supportive of the alternative route proposed by the operators, and strongly supportive of the protection of access over common land at areas X, Y and Z.

Parish/Town Council Comments

Shaugh Prior PC:	Consulted by Devon County Council on 2 February 2010 – no comments received
Cornwood PC:	Consulted by Devon County Council on 2 February 2010 – no comments received

Representations

The Maristow Estate owns the surface land (not the mineral beneath) for part of this site, which it currently leases to the operators. The Estate has expressed strong concerns regarding the ability both in practical and legal terms to merge Shaugh Lake and Lee Moor pits. Devon County Council has taken specialist legal advice on this matter and is confident of its position. The Maristow Estate has also submitted an objection to English Heritage regarding the Scheduled Monument Consent application, and expressed concerns to Devon County Council regarding the Bridleway Diversion Order (See comments of DNP Archaeologist and Recreation, Access and Estates Officers above).

Observations

BACKGROUND

Permissions at this site date back to the 1950s, with numerous subsequent permissions relating to the expansion of works and details of tips. This area was closely examined as part of the review of the National Park boundary in 1994. It is important to note that this is an active permission and that the periodic ROMP process exists to enable conditions and agreements to be brought up to modern standards; conditions cannot be imposed which would restrict current working rights.

Two separate ROMP applications were originally submitted to this Authority (and two to Devon County Council) in October 1998 as a result of the requirements of the Environment Act 1995. Shortly after the applications were accepted, new case law indicated that although the ROMP reviews were not new planning applications, they needed to be accompanied by Environmental

Statements and the applicants were requested to submit additional environmental information in this format to support the applications. It was subsequently agreed that one Environmental Statement could support both applications and this work was commissioned jointly by the companies.

The delay in receiving the Environmental Statement was the consequence of a number of contributing factors, principally ECC International's purchase by French company Imerys and WBB Minerals' purchase by Belgian firm Sibelco. Once both new companies had become established, they decided to carry out a joint operational review of the whole area following the decision by Imerys to pull back from the production of China Clay in its Lee Moor pit.

As a result of these delays, there has been a considerable passage of time since first submission of the applications and the receipt of the Environmental Statement.

The Environmental Statement now reflects current proposals for joint working and restoration during the 15 year period before a further review is required, and a proposed revised scheme of conditions is consistent across the working area. A comprehensive scheme of conditions relating to the operation of the quarry will apply in the Devon County Council mineral planning area; from this relevant conditions relating to the area within the Dartmoor National Park will be applied to this determination.

It is important to recognise that whilst this determination forms part of a large scheme, and the Authority should take a balanced view, the operational area for continued working lies almost entirely within the Devon County Council planning area, outside the National Park. The proposal within the National Park is for the surrender of the extant mineral planning permissions covering areas X, Y and Z (effectively 'in exchange' for the continued working outside the National Park) and conditions which will apply to two small residual operational areas which cross the boundary into the National Park.

THE PROPOSAL

The ROMP submission sets a programme of working and restoration at the site over 3 phases. In respect of National Park interests there are four main issues:

1) Areas X, Y and Z; these 3 areas sit within the National Park boundary covering Shaugh Moor and the Blackbrook Valley totalling 160 hectares of common land. Areas X and Y currently have extant permission for tipping (not taken up due to joint tipping agreements) and area Z has permission for mineral extraction. The Operators have committed in their application to enter into an agreement to formally relinquish the permissions in these areas. The surrender of working rights is a key aspect of the ES in mitigation and compensation for the ongoing operations outside the National Park. The process of this agreement is set out in more detail below.

2) The phased restoration of Shaugh Quarry (in the DCC planning area). Through phases 1 and 2 operations will move south east from Cadover Bridge, enabling the landscape in the area to undergo restoration and aftercare. As well as landscape and habitat improvements, opportunities for recreational benefit may exist in this area as the bridleway is diverted north through the restored landscape.

3) Areas of Whitehill Yeo and Colwichtown Pits (in the DCC planning area) will undergo interim restoration. Whilst this will not comprise a final restoration scheme opportunities exist to reduce the visual impact of these works from the adjacent access land at Lee Moor.

4)The wider landscape impact of the quarry complex. Tips T2 and T4 in particular (in the DCC planning area) are imposing forms where this is opportunity for improved landforms.

DISCUSSION

The Authority has a history of successful negotiation with the companies which have worked this quarry complex, to secure environmental benefits and preserve the natural beauty of the National Park. The scale of working rights proposed to be surrendered by the operators is significant, and should not be underestimated. The importance of these areas, which currently have extant permissions for mineral working, is highlighted below.

-Access: The areas are all common land open to public access and crossed by public rights of way popular with local people and visitors. Cadover Bridge and the area around it is of major recreational significance.

-Wildlife and landscape: All of the areas are identified by the Authority under Section 3 of the 1985 Wildlife and Countryside (Amendment) Act as moorland of conservation importance. Area Z adjoins Trowlesworthy Warren, which forms part of the Dartmoor Special Area of Conservation (a 'European site'). The area is designated for its internationally important areas of heathland and blanket bog. Area Z itself is noted for its rare dragonflies and damselflies and species such as marsh clubmoss and fairy shrimp. Areas X and Z (the Blackabrook Valley) are also of importance in the local hydrological regime. The ongoing land management of all of these areas is important not just for biodiversity and landscape benefits, but also to maintain archaeological features in good condition.

-Archaeological heritage: Area Y covers Shaugh Moor and contains one of the richest and extensive collection of archaeological sites on the whole of Dartmoor which together form a well defined and preserved archaeological landscape dating back some 4,000 years. The sites include prehistoric dwelling and enclosures, burial cairns, stone row, part of a great boundary work known as Saddlesborough Reave, and a systematically laid out field system with parallel boundaries. Although areas X and Z contain far fewer archaeological remains, nevertheless within these areas are the remains of ancient tin working, boundary stones, military trenches and remains of turf cutting.

THE MERGING OF SHAUGH LAKE AND LEE MOOR PITS

Whilst the benefits of the removal of working rights on area X, Y and Z are clear, these must be weighed up against other elements of the working scheme which, in isolation, are negative aspects of the proposal; these aspects lie principally in the Devon County Council planning area.

The implementation of the working scheme requires the realisation of the merging of the Shaugh Lake and Lee Moor pits, as originally envisaged in earlier determinations (it is clear from the documentation from the 1972 Inquiry that the merging of these pits was intended and the Inspector did not place any conditions on the new permission that would preclude this). This requires the removal of a land bridge between Saddlesborough Down and the Blackabrook Valley, which currently separates the quarries, and the exploitation of the clay resource below.

This area of land is however, crossed by a bridleway and contains a scheduled monument (Emmets Post), the removal of which (via other non-planning consents) is necessary to

implement the scheme.

OTHER CONSENTS

- Public Right of Way Diversion

Bridleway 44 crosses a narrow neck of land between the Lee Moor and Shaugh Lake Pits; this forms a north/south connection between the open moorland to the north and the settlements of Lee Moor and Wotter to the south. There are two possibilities for this Right of Way if the pits are to be merged; firstly (and preferably), that the bridleway is diverted or secondly that it is stopped up. The current route proposed for diversion, and the proposed new route lie within the Devon County Council planning area, however this stretch links to areas of common within the National Park. The Devon County Council Public Rights of Way Officer has been working with the operator, National Park Authority officers, path users and those who hold commoners rights to secure an acceptable alternative route through the worked out parts of Shaugh Lake Quarry which are currently being restored. The County Council's Public Rights of Way Committee agreed on 28 February 2012 that the bridleway be diverted along a route agreed with the operator rather than it being stopped up. This is in the interests of protecting Area Z from working, and because the proposed alternative will be an attractive route through a restored site, rather than the current narrow and unattractive route between two working quarries.

- Scheduled Monument Consent

Emmets Post includes a bowl barrow of Late Neolithic to Bronze Age date. The feature has seen partial early excavation and slight damage to its north west side by the clayworks road; it's setting has been significantly affected by the adjoining quarry. This feature lies in the DCC planning area and outside the National Park.

The Operators applied to English Heritage in January 2012 for Scheduled Monument Consent to remove the monument but no decision has been made, despite correspondence between the two Mineral Planning Authorities and the Chief Executive of EH in which the public interest case for merging the two pits (and therefore safeguarding X, Y and Z from working) is made. The Maristow Estate has objected to this application; this objection is likely to delay the decision making process.

THE LEGAL AGREEMENT AND MODIFICATION ORDER

Officers have considered a range of mechanisms to secure the removal of working rights in areas X, Y and Z. At the April 2011 meeting National Park Authority Members made clear that a robust approach to permanently remove working rights was essential.

It is important to note that a ROMP is a process for reviewing current working conditions and ensuring the quarry meets modern operational and environmental standards. The Authority should not determine conditions which would impact upon the asset value of the operation, for example by removing working rights. The surrender of the permissions covering areas X, Y and Z is however an essential component of the environmental statement; the protection of these areas serves as compensation for the continued working elsewhere at the quarry, thus it is agreed with the operator that the determination will not impact upon asset value for which they could otherwise seek compensation.

The Authority, working with Devon County Council and with the benefit of expert advice has

agreed with the operators that the most appropriate way to secure the cessation of working rights for areas X, Y and Z is through a Modification Order. This approach is necessary as, there will remain two small operational areas (the edge of the Wotter Tip, and the edge of Lee Moor Quarry) within the National Park - it is therefore not possible to simply extinguish the permissions within the National Park. The Modification Order will effectively modify the existing planning permission which apply to the areas, removing working rights. This process cannot be reversed or overturned as a condition, or legal agreement might, but would instead require a new planning application (and Environmental Statement) if this area were in future considered by the operators for exploitation.

The Modification Order will remove working rights; given this the Authority would wish to protect its position (from challenge or compensation), by requiring the operators and landowners to first enter into a S106 legal agreement. This agreement will state that the signatories will not challenge the serving of the Modification Order, nor will they seek compensation for the loss of working rights. Both of the Operators, and the National Trust (one landowner) has agreed in principle to sign this agreement; the second landowner, the Maristow Estate, has not agreed to sign. Given that the Operators own the mineral rights and a long term surface lease from the Maristow Estate, the Authorities are confident that Maristow's interests are not such as to pose a risk to the serving of the Modification Order.

There remains a likely delay in the signing of the S106 agreement, and the serving of the Modification Order given that the Operators will wish to await the outcome of the other consent applications, in order to reserve their position. The Authority's have recognised this to be the case, and this is a key reason for determining conditions at this point; it is anticipated that this determination will provide English Heritage with increased confidence in the secure removal of working rights for Area X, Y and Z, and enable them to determine the outstanding Scheduled Monument Consent application.

SUMMARY

This is a complex proposal with an extensive history and has been subject of a significant amount of negotiation and officer time at both the National Park Authority and Devon County Council.

China clay working will continue adjacent to the National Park, however the scheme presents clear and significant benefits in respect of the removal of current mineral working rights for an extensive area of the National Park. The conclusion of the process is dependent on the positive conclusion of the bridleway diversion and scheduled monument consent; both consents which fall outside of the planning process and over which the Authority may have limited influence. Only once these matters are resolved will the Authority be able to proceed with the Section 106 agreement, and subsequently the Modification Order, permanently removing working rights.

It is recognised that it may still be some time before this process is concluded. It is however considered that this determination will send a clear message that the Authority considers the proposals acceptable and recognises that commitment to securing the removal of working rights for area X, Y and Z may enable other non-planning consents to progress with a greater degree of certainty.

Reason for Recommendation

Subject to the completion of a Section 106 Legal Agreement, the development is consistent

with the provisions of the Development Plan and government advice and material considerations do not indicate otherwise, in particular;
The National Planning Policy Framework; English National Parks and the Broads UK Government Vision and Circular 2010; Policies CO2, MN2, MN3 and MN4 of the Devon Structure Plan 2001 to 2016; Policies COR1, COR3, COR7, COR21 and COR22 of the Dartmoor National Park Authority Core Strategy Development Plan Document and Policy M2 of the Dartmoor Local Plan First Review.

The development complies with the adopted Dartmoor National Park Authority Core Strategy Development Plan Document, the Dartmoor National Park Development Management and Delivery DPD and the Dartmoor National Park Minerals Local Plan for the following reasons;

- COR1 – it conserves biodiversity, the historic features and landscape quality
- COR3 – it conserves Dartmoor’s landscape
- COR7 – it protects biodiversity
- COR22 – it allows continuation of mineral working whilst conserving landscape, wildlife and cultural heritage.
- M2 – it reduces adverse environmental effects of existing working
- DMD10 - it allow development which is necessary to enable the protection of heritage, ecological and landscape resources which outweigh the loss of the single heritage asset.

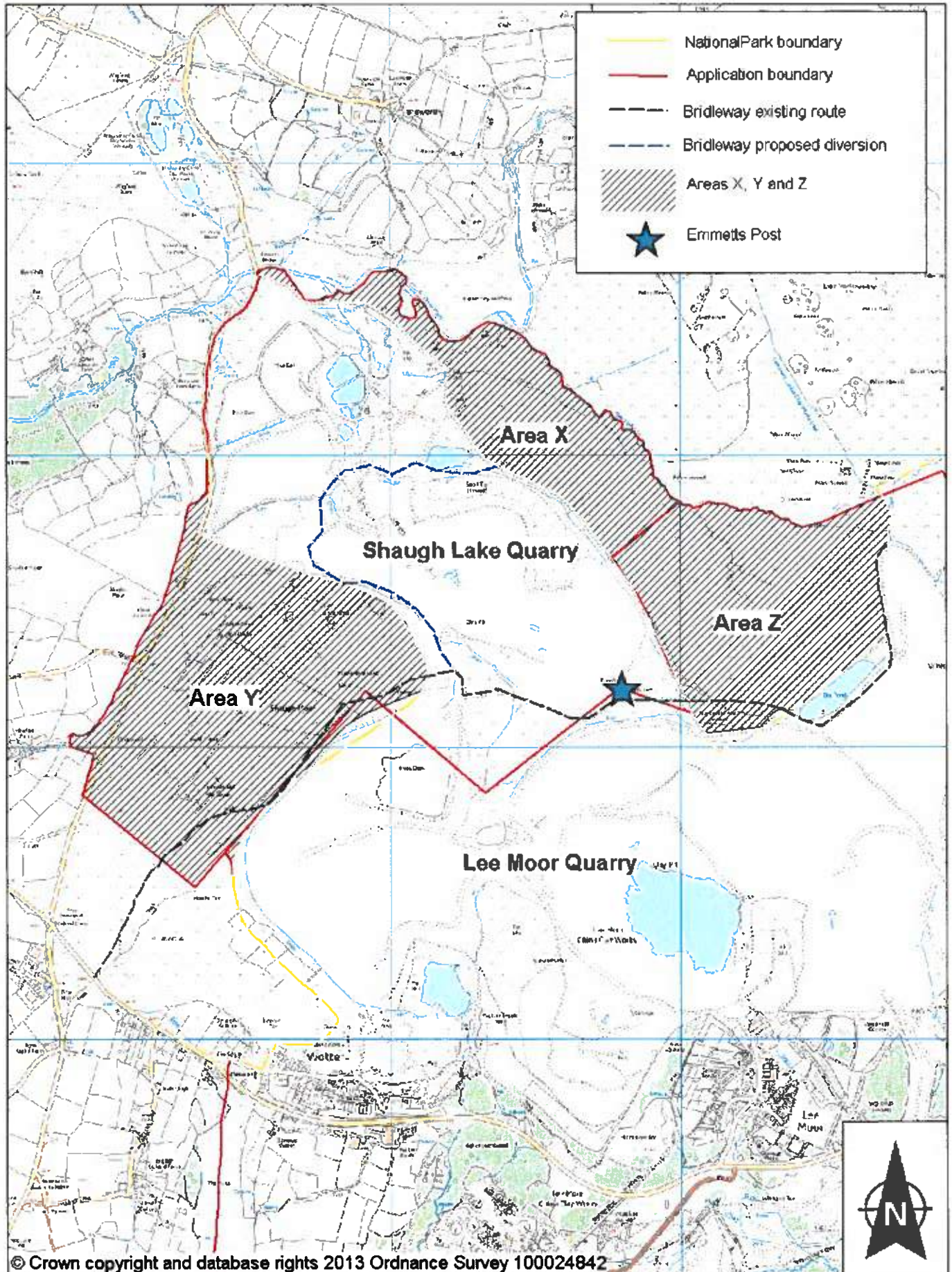
Dartmoor National Park Authority

Lee Moor Quarry Complex



Scale 1:18000

Compiled by djanota on 20 March 2013



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9. Application No: **0046/99** District/Borough: **South Hams District**
Application Type: **Other** Parish: **Shaugh Prior**
Grid Ref: **SX559635** Officer: **Dan Janota**

Proposal: **Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))**

Location: **Shaugh Lake China Clay Works, Shaugh Moor, Shaugh Prior**

Applicant: **Sibelco UK Ltd**

Recommendation **That the new workings conditions be approved subject to a legal agreement under S106 of the Town and Country Planning Act not to oppose a Modification Order to permanently remove areas X, Y, Z within Dartmoor National Park from the planning permission area. That the applicant be advised that the Authority considers that the amended conditions are not such so as to prejudice to an unreasonable degree the economic viability of operating the site or the asset value of the site.**

Condition(s)

1. The Development to which this Permission relates shall be limited to the Mining Operations on the Site as permitted by the extant permissions, the indicative working programme as set out in the current application and Environmental Statement and the indicative Restoration and Aftercare of those parts of the Site affected by Mining Operations as indicated on the approved drawings.
2. The winning and working of minerals or the deposit of mineral waste on the site shall cease on or before 22 February 2042; all buildings, structures, roads, plant and machinery associated with the Mining Operations (except those roads required for Restoration and Aftercare) shall be removed from the site by 22 February 2044 and all Restoration shall be completed (except for the Aftercare period) by 22 February 2047.
3. The Mining Operations and the Restoration & Aftercare of the Site shall be carried out in accordance with Section 3, Section 5, and Section 6, and Figures 3.1 to 3.4, 3.8 to 3.12, 3.17, and Figures 5.33 of the Environmental Statement.
4. The phased interim and permanent restoration and aftercare of the Site shall be carried out in accordance with the outline programme set out in Figure 3.12 (Shaugh Quarry) in so far as it relates to land under the control of the Authority.
5. Upon completion of Mining and Tipping Operations, the Operators within any of the working areas identified in the Environmental Statement, the Operators shall notify the Authority. Restoration shall be completed within 5 years of that date and the Site area shall be subject to aftercare for a further 5 years starting from the completion of the restoration.

6. In the event of a cessation of Mining Operations prior to the achievement of the approved working programme which, in the opinion of the Authority constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, the Operators shall within 12 months of the notification by the Authority (or such longer period as may be agreed in writing by the Authority) submit a revised scheme for Restoration and Aftercare to the Authority for its written approval. Thereafter, restoration and aftercare shall be carried out on the Site in strict accordance with the scheme as approved.
7. All buildings, structures, roads, plant and machinery, erected as part of the Development, shall be removed from the site within two years of the date Mining Operations have permanently ceased.

Introduction

This application is linked with application 0045/99.

Active permissions for the winning and working of minerals require periodic review under the Environment Act 1995. Working together, site operators Sibelco and Imerys submitted a ROMP application and accompanying Environmental Impact Assessment (EIA) covering the china clay complex comprising Lee Moor, Headon and Shaugh Lake Quarries. The quarries are mainly within South Hams district (where Devon County Council is the Minerals Planning Authority), however small parts lie within Dartmoor National Park and Plymouth City Council areas.

This determination covers the part of the site within Dartmoor National Park relating to Shaugh Lake Quarry. Outside of the National Park Devon County Council will be determining the application for the rest of the quarry complex, which comprise the principal operational workings.

Members are referred to the report to the Development Management Committee of the 5 April 2013. The application went before committee at that time due to its scale and complexity, and because ROMP applications fall outside of the Authority's delegation scheme. It is now possible to agree the S106 Agreements, issue the decision, and issue the Modification Orders. This report is now before Members in order to ensure the robustness of the decision given the period of time which has elapsed between Members decision of 2013 and the issuing of the decision notice and s.106.

Planning History

0045/99	Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))
Other	Not yet determined

Consultations

South Hams District Council:	No comments relevant to the DNPA determination
English Heritage:	Notes the overall strategic gain that would be achieved by the removal of Areas X, Y and Z from the permitted area as these areas form part of the overall landscape supporting the area of the National Park and are rich in archaeology and cultural heritage features including a number of Scheduled Monuments and Listed Buildings. They observe

that the securing of these areas from the direct impact of minerals working is a “significant and positive achievement”. The necessary removal of Emmets Post barrow will require separate Scheduled Monument Consent and conditions can be applied to this.

The Ramblers' Association:

Note that a diversion will be sought for the bridleway between Lee Moor and Shaugh Lake Quarry and they ask that the proposal is properly published and made available for public comment and that diversions are clearly signed. (This is being done as a separate process by the Devon County Council Public Rights of Way Team). The RA is concerned about the environmental impacts of the continuation of the China Clay works but acknowledges that the mitigation measures proposed will reduce the landscape and visual impacts. They raise a “significant concern” that the proposal does not clarify the means of surrender of mineral working rights on Areas X, Y and Z and that as they are to be used for offsetting the environmental impacts elsewhere on the site for the relocation of protected species this needs to be secured

Dartmoor Preservation Association:

Express regret for the negative impacts of the continued operation but welcome the restoration work to be done at Shaugh Quarry, on Tips T2 and T4 and the interim works for restoration within Whitehall Yeo and Cholwichtown. Their main concern is the lack of a clear commitment to surrender working rights on areas X, Y and Z and they ask that a clear and implementable agreement is secured through the ROMP process.

Open Spaces Society:

Express concern that the surrender of rights on areas X, Y and Z is seen as an exchange for environmental damage when the surrender of working rights was announced in 2001 and should be definite and non negotiable. OSS require that the development rights on XYZ will be abandoned regardless of anything else which happens as they are extremely sensitive areas on the boundary of the National Park, rich in archaeological features and of immense landscape value.

South West Water:

No comment

Natural England Consultation Service:

The Environmental Statement is comprehensive of the issues of concern to Natural England, the proposals set out in the ES should be secured by planning condition and planning obligations and that this would minimise the extent of the environmental impact reasonably possible given the extant planning permissions.

Environment Agency:

Comments relate mainly to the operation of the site (in the DCC planning area). However it is also noted the EA would like to see broad principles agreed for a “landscape and restoration” strategy and detailed management schemes for identified geographical areas within the site. Such schemes could then be submitted at identified trigger points and conditions to protect and enhance water quality

DNP - Archaeology:	and biodiversity need to be tightened. In order to implement the scheme it will be necessary to remove a prehistoric bowl barrow known as Emmets Post (within the DCC planning area). The justification for the removal of Emmets Post is that it will enable the cessation of current planning permission for the three areas known as “X, Y and Z” totalling 160ha of common land in the National Park. Area Y covers Shaugh Moor and contains one of the richest and extensive collection of archaeological sites on the whole of Dartmoor which together form a well defined and preserved archaeological landscape dating back some 4,000 years. Although areas X and Z contain far fewer archaeological remains, nevertheless within these areas are the remains of ancient tin working, boundary stones, military trenches and remains of turf cutting.
DNP - Ecology & Wildlife Conservation:	Input has been provided to the working scheme of the ROMP, the ES and the Habitat Regulations Assessment. Specific comments relating to the value of areas X, Y and Z are set out in the report.
DNP - Trees & Landscape:	Strongly supportive of the removal of working rights relating to areas X, Y and Z within the National Park. Engaged early on in the process (together with the Devon County Council Landscape Officer) to contribute to discussions around the restoration and interim restoration in the DCC planning area, and support the current proposals in principle.
DNP - Recreation, Access & Estates:	Officers are currently engaged in the bridleway diversion (although the Order is served by Devon County Council). Officers are supportive of the alternative route proposed by the operators, and strongly supportive of the protection of access over common land at areas X, Y and Z.

Parish/Town Council Comments

Shaugh Prior PC:	Consulted by Devon County Council on 2 February 2010 – no comments received
Cornwood PC:	Consulted by Devon County Council on 2 February 2010 – no comments received

Relevant Structure Plan Policies

CO2 - National Parks
 MN2 - Environmental Effects of Mineral Working
 MN3 - Mineral Development in National Parks and Areas of Outstanding Natural Beauty

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
 COR22 - Provision for minerals development
 COR3 - Protection of Dartmoor’s special environmental qualities
 COR7 - Providing for the conservation of Dartmoor’s varied plant and animal life and geology

DMD10 - Enabling development
DMD5 - National Park Landscape
DMD6 - Dartmoor's moorland and woodland
M2 - Environmental impact of mineral workings

Representations

The Maristow Estate owns the surface land (not the mineral beneath) for part of this site, which it currently leases to the operators. The Estate has expressed strong concerns regarding the ability both in practical and legal terms to merge Shaugh Lake and Lee Moor pits. Devon County Council has taken specialist legal advice on this matter and is confident of its position. The Maristow Estate has also submitted an objection to English Heritage regarding the Scheduled Monument Consent application, and expressed concerns to Devon County Council regarding the Bridleway Diversion Order.

Observations

SUMMARY

Members are referred to the appended report of April 2013 for the complete background relating to this application. From that report, it is evident the issues which remained at that point in time which were likely to delay the issuing of a decision. However, as noted in that report the resolution of the Committee at that point in time was intended to aid discussions and provided confidence, in particular with regard to Historic England in unlocking other decisions which were required under different (non-planning) legislation.

In the time since the resolution by committee three key matters have been resolved which now make the completion of the s.106 and the issuing of the decision notice and Modification Order possible.

Firstly the schedule monument consent relating to Emmet's Post proceeded. This was the first step in enabling the merging of tips in line with the proposed working scheme.

Secondly the Diversion Order for bridleway 44 was issued. This was the other matter which prevented the merging of tips and therefore allowed for the proposed working scheme to be achievable.

Finally, information updating and further to the Environmental Statement was prepared by the operators pursuant to Regulation 22. This addendum or 'request for further information' ensures the Authorities have appropriate information in support of the proposed working scheme in order to issue the permission. No comments have been received by DNPA relating to the Regulation 22 addendum.

Members are reminded of the gravity of this application, and its importance in the protection of a significant area of the National Park from minerals operations. This proposal has been many years in negotiation, and process, and the successful outcome of this is testimony to the partnership working with Devon County Council and the minerals Operators.

Members are asked to ratify the decision made in 2013, through agreement with the above recommendation and associated conditions.

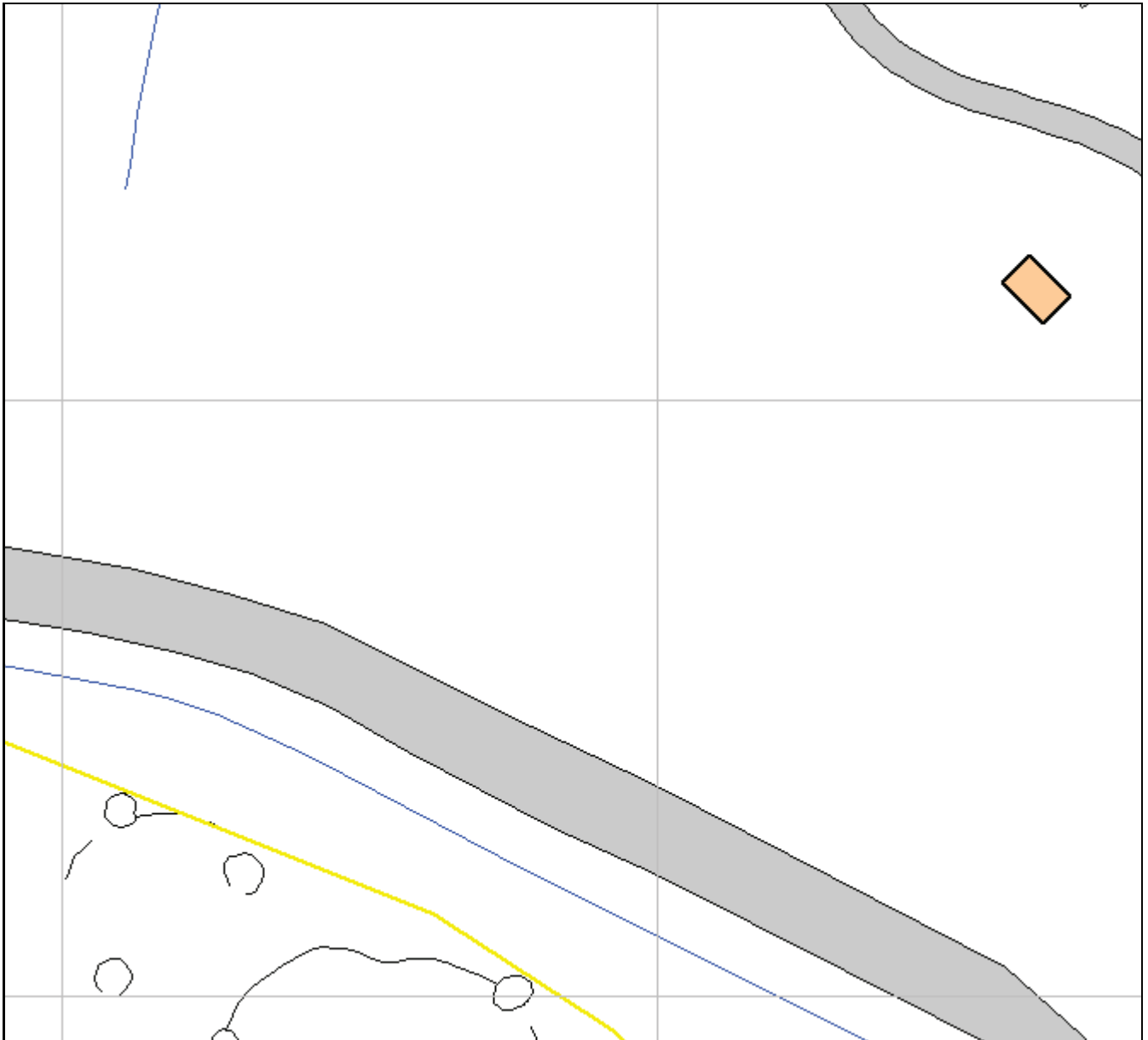
ORIGINAL REPORT

2. Application No: **0046/99** District/Borough: **South Hams District**
Application Type: **Other** Parish: **Shaugh Prior**
Grid Ref: **SX559635** Officer: **Dan Janota**

Proposal: **Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))**

Location: **Shaugh Lake China Clay Works, Shaugh Moor, Shaugh Prior**

Applicant: **Sibelco UK Ltd**



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50m
Scale 1:1250 @ A4

Recommendation **(1) That the new working conditions be approved subject to a legal agreement under s.106 of the Town and Country Planning Act not to oppose a Modification Order to permanently remove areas X, Y and Z within the Dartmoor National Park from the planning permission area.**
(2) That the applicant be advised that the Authority considers that the amended conditions are not such so as to prejudice to an unreasonable degree the economic viability of operating the site or the asset value of the site.
(3) That the Authority write jointly with Devon County Council to the Secretary of State setting out the importance of the protection of Areas XYZ and the relationship of this protection to the long-intended and permitted merging of the Lee Moor and Shaugh Lake pits.

Condition(s)

1. The Development to which this Permission relates shall be limited to the Mining Operations on the Site as permitted by the extant permissions, the indicative working programme as set out in the current application and Environmental Statement and the indicative Restoration and Aftercare of those parts of the Site affected by Mining Operations as indicated on the approved drawings.
2. Mining Operations on the Site shall cease on or before 21 February 2042; all buildings, structures, roads, plant and machinery associated with the Mining Operations (except those roads required for Restoration and Aftercare) shall be removed from the Site by 21 February 2044 and all Restoration shall be completed (except for the Aftercare period) by 21 February 2047.
3. The Mining Operations and the Restoration & Aftercare of the Site shall be carried out in accordance with Section 3, Section 5, and Section 6, and Figures 3.1 to 3.4, 3.8 to 3.12, 3.17, and Figures 5.33 of the Environmental Statement.
4. The phased interim and permanent restoration and aftercare of the Site shall be carried out in accordance with the outline programme set out in Figure 3.12 (Shaugh Quarry) in so far as it relates to land under the control of the Authority.
5. Upon completion of Mining and Tipping Operations, the Operators within any of the working areas identified in the Environmental Statement, the Operators shall notify the Authority. Restoration shall be completed within 5 years of that date and the Site area shall be subject to aftercare for a further 5 years starting from the completion of the restoration.
6. In the event of a cessation of Mining Operations prior to the achievement of the approved working programme which, in the opinion of the Authority constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, the Operators shall within 12 months of the notification by the Authority (or such longer period as may be agreed in writing by the Authority) submit a revised scheme for Restoration and Aftercare to the Authority for its written approval. Thereafter, restoration and aftercare shall be carried out on the Site in strict accordance with the scheme as approved.
7. All buildings, structures, roads, plant and machinery, erected as part of the Development, shall be removed from the Site on completion of Mining Operations.

Introduction

This application is linked with application 0045/99. Within the National Park part of the Lee Moor Quarry complex there are two main permissions; one relating to the Shaugh Lake quarry site (0045/99) and another relating to the Lee Moor quarry site (0046/99). These applications are being addressed from the same single set of planning conditions and have been informed by the same Environmental Statement, however the Authority will be required to make two separate decisions; one relating to each permission.

Active permissions for the winning and working of minerals require periodic review under the Environment Act 1995. Working together, site operators Sibelco and Imerys have submitted a ROMP application and accompanying Environmental Impact Assessment (EIA) covering the china clay complex comprising Lee Moor, Headon and Shaugh Lake Quarries. The quarries are mainly within South Hams district (where Devon County Council is the Minerals Planning Authority), however small parts lie within Dartmoor National Park and Plymouth City Council areas.

This application is being determined at this time in order to progress the ROMP and subsequent Section 106 legal agreement and Modification Order. This determination covers the part of the site within the Dartmoor National Park relating to Shaugh Quarry, a second determination will cover the part of the site within Dartmoor National Park relating to Lee Moor Quarry. Outside of the National Park Devon County Council will be determining the application for the rest of the quarry complex, which comprise the principal operational workings.

The application is before committee due to its scale and complexity, and because ROMP applications fall outside of the Authority's delegation scheme.

Planning History

0045/99	Determination of new operating conditions (Environment Act 1995 - 'Stalled' Schedule 13 Reviews of Old Mineral Permissions (ROMP))
Other	Other

Consultations

South Hams District Council:	No comments relevant to the DNPA determination
English Heritage:	Notes the overall strategic gain that would be achieved by the removal of Areas X, Y and Z from the permitted area as these areas form part of the overall landscape supporting the area of the National Park and are rich in archaeology and cultural heritage features including a number of Scheduled Monuments and Listed Buildings. They observe that the securing of these areas from the direct impact of minerals working is a "significant and positive achievement". The necessary removal of Emmets Post barrow will require separate Scheduled Monument Consent and conditions can be applied to this.
The Ramblers' Association:	Note that a diversion will be sought for the bridleway between Lee Moor and Shaugh Lake Quarry and they ask that the proposal is properly published and made available for public comment and that diversions are clearly signed. (This is being done as a separate process by the Devon

Dartmoor Preservation Association:	County Council Public Rights of Way Team). The RA is concerned about the environmental impacts of the continuation of the China Clay works but acknowledges that the mitigation measures proposed will reduce the landscape and visual impacts. They raise a “significant concern” that the proposal does not clarify the means of surrender of mineral working rights on Areas X, Y and Z and that as they are to be used for offsetting the environmental impacts elsewhere on the site for the relocation of protected species this needs to be secured. Express regret for the negative impacts of the continued operation but welcome the restoration work to be done at Shaugh Quarry, on Tips T2 and T4 and the interim works for restoration within Whitehall Yeo and Cholwichtown. Their main concern is the lack of a clear commitment to surrender working rights on areas X, Y and Z and they ask that a clear and implementable agreement is secured through the ROMP process.
Open Spaces Society:	Express concern that the surrender of rights on areas X, Y and Z is seen as an exchange for environmental damage when the surrender of working rights was announced in 2001 and should be definite and non negotiable. OSS require that the development rights on XYZ will be abandoned regardless of anything else which happens as they are extremely sensitive areas on the boundary of the National Park, rich in archaeological features and of immense landscape value.
South West Water:	No comment
Natural England Consultation Service:	The Environmental Statement is comprehensive of the issues of concern to Natural England, the proposals set out in the ES should be secured by planning condition and planning obligations and that this would minimise the extent of the environmental impact reasonably possible given the extant planning permissions.
Environment Agency:	Comments relate mainly to the operation of the site (in the DCC planning area). However it is also noted the EA would like to see broad principles agreed for a “landscape and restoration” strategy and detailed management schemes for identified geographical areas within the site. Such schemes could then be submitted at identified trigger points and conditions to protect and enhance water quality and biodiversity need to be tightened.
DNP - Archaeology:	In order to implement the scheme it will be necessary to remove a prehistoric bowl barrow known as Emmets Post (within the DCC planning area). The justification for the removal of Emmets Post is that it will enable the cessation of current planning permission for the three areas known as “X, Y and Z” totalling 160ha of common land in the National Park. Area Y covers Shaugh Moor and contains one of the richest and extensive collection of archaeological sites on the whole of Dartmoor which together form a well defined

and preserved archaeological landscape dating back some 4,000 years. Although areas X and Z contain far fewer archaeological remains, nevertheless within these areas are the remains of ancient tin working, boundary stones, military trenches and remains of turf cutting.

DNP - Ecology & Wildlife Conservation:

Input has been provided to the working scheme of the ROMP, the ES and the Habitat Regulations Assessment. Specific comments relating to the value of areas X, Y and Z are set out in the report.

DNP - Trees & Landscape:

Strongly supportive of the removal of working rights relating to areas X, Y and Z within the National Park. Engaged early on in the process (together with the Devon County Council Landscape Officer) to contribute to discussions around the restoration and interim restoration in the DCC planning area, and support the current proposals in principle.

DNP - Recreation, Access & Estates:

Officers are currently engaged in the bridleway diversion (although the Order is served by Devon County Council). Officers are supportive of the alternative route proposed by the operators, and strongly supportive of the protection of access over common land at areas X, Y and Z.

Parish/Town Council Comments

Shaugh Prior PC:

Consulted by Devon County Council on 2 February 2010 – no comments received

Cornwood PC:

Consulted by Devon County Council on 2 February 2010 – no comments received

Relevant Structure Plan Policies

CO2 - National Parks

MN2 - Environmental Effects of Mineral Working

MN3 - Mineral Development in National Parks and Areas of Outstanding Natural Beauty

Relevant Development Management and Delivery Development Plan Document Policies

COR1 - Sustainable Development Principles

COR22 - Provision for minerals development

COR3 - Protection of Dartmoor's special environmental qualities

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

DMD10 - Enabling development

DMD5 - National Park Landscape

DMD6 - Dartmoor's moorland and woodland

M2 - Environmental impact of mineral workings

Representations

The Maristow Estate owns the surface land (not the mineral beneath) for part of this site, which it currently leases to the operators. The Estate has expressed strong concerns

regarding the ability both in practical and legal terms to merge Shaugh Lake and Lee Moor pits. Devon County Council has taken specialist legal advice on this matter and is confident of its position. The Maristow Estate has also submitted an objection to English Heritage regarding the Scheduled Monument Consent application, and expressed concerns to Devon County Council regarding the Bridleway Diversion Order.

Observations

BACKGROUND

The issues and discussion relating to this determination is the same as that for application 0045/99. They are therefore not repeated here, but may be found under the report relating to application 0045/99.

SUMMARY

This is a complex proposal with an extensive history and has been subject of a significant amount of negotiation and officer time at both the National Park Authority and Devon County Council.

China clay working will continue adjacent to the National Park, however the scheme presents clear and significant benefits in respect of the removal of current mineral working rights for an extensive area of the National Park. The conclusion of the process is dependent on the positive conclusion of the bridleway diversion and scheduled monument consent; both consents which fall outside of the planning process and over which the Authority may have limited influence. Only once these matters are resolved will the Authority be able to proceed with the Section 106 agreement, and subsequently the Modification Order, permanently removing working rights.

It is recognised that it may still be some time before this process is concluded. It is however considered that this determination will send a clear message that the Authority considers the proposals acceptable and recognises that commitment to securing the removal of working rights for area X, Y and Z may enable other non-planning consents to progress with a greater degree of certainty.

Reason for Recommendation

Subject to the completion of a Section 106 Legal Agreement, the development is consistent with the provisions of the Development Plan and government advice and material considerations do not indicate otherwise, in particular;

The National Planning Policy Framework; English National Parks and the Broads UK Government Vision and Circular 2010; Policies CO2, MN2, MN3 and MN4 of the Devon Structure Plan 2001 to 2016; Policies COR1, COR3, COR7, COR21 and COR22 of the Dartmoor National Park Authority Core Strategy Development Plan Document and Policy M2 of the Dartmoor Local Plan First Review.

The development complies with the adopted Dartmoor National Park Authority Core Strategy Development Plan Document, the Dartmoor National Park Development Management and Delivery DPD and the Dartmoor National Park Minerals Local Plan for the following reasons;

- COR1 – it conserves biodiversity, the historic features and landscape quality
- COR3 – it conserves Dartmoor’s landscape
- COR7 – it protects biodiversity

COR22 – it allows continuation of mineral working whilst conserving landscape, wildlife and cultural heritage.

M2 – it reduces adverse environmental effects of existing working

DMD10 - it allow development which is necessary to enable the protection of heritage, ecological and landscape resources which outweigh the loss of the single heritage asset.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 March 2018

MONITORING AND ENFORCEMENT

Report of the Head of Planning

INDEX

Item No. **Description**

1. ENF/0171/17 - Unauthorised residential use of mobile home/caravan in a barn, The Kennels, Sampford Spiney, Yelverton

ENF/0171/17 - The Kennels, Sampford Spiney



Scale 1:1,000



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1 Enforcement Code: **ENF/0171/17** District/Borough: **West Devon Borough**
Grid Ref: **SX531727** Parish: **Sampford Spiney**
Officer: **Alex Lawrey**

Description: **Unauthorised residential use of mobile home/caravan in a barn**

Location: **The Kennels, Sampford Spiney, Yelverton**

Land owner: **Spooners and West Dartmoor Hunt**

Recommendation **That, subject to the consideration of any comments from the Parish Council, appropriate legal action be authorised to secure the removal of the caravan and the cessation of the unauthorised residential use of the land.**

Relevant Development Plan Policies

COR1 - Sustainable Development
COR3 - Environment and Heritage
COR4 - Built Environment
DMD1 - National Park Purposes
DMD3 - Sustaining the Quality of Place
DMD5 - Landscape Character
DMD23 - Residential Development outside Local centres and Rural Settlements
DMD28 - Residential Caravans

Representations & Parish/Town Council Comments

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

Observations

THE SITE

The caravan is sited inside a barn which is part of the Kennels complex to the north of Sampford Spiney. The Kennels are leased for use by the Spooners and West Dartmoor Hunt ('the Hunt'), and the site has been used to kennel the foxhounds for many years. The barn is also used for the storage of hay, vehicles and other items.

HISTORY AND BREACH OF PLANNING CONTROL

A visit by an officer from the Authority to the Kennels in July 2017 confirmed a report of a residential caravan being sited within a barn at the Kennels complex. The caravan was partially visible from outside of the site and a TV aerial was attached to the barn so officers concluded there was a reasonable likelihood of unauthorised residential use of the caravan. A Planning Contravention Notice was issued which confirmed that the caravan had been sited inside the barn since 2017 and was in residential use by at least one of the employees of the Hunt. A site inspection and meeting with representatives of the Hunt and their agent was conducted in January 2018.

POLICY CONSIDERATIONS

Development Plan Policy COR1 seeks to ensure that all development in the National Park is undertaken in a sustainable manner with consideration given to, amongst other things, the need to make efficient use of land and respect for and enhancement of the character, quality and

tranquillity of local landscapes and the wider countryside. The development is contrary to policy COR1 as the caravan, although not significantly visible outside of the barn, is not of a high quality design, nor does its use respect or enhance the character and tranquillity of local landscapes and the wider countryside. If allowed to remain without the necessary controls in place, the barn could be removed leaving the caravan exposed and visible in the landscape.

Policy COR4 states that proposals should conform to a number of design principles, which include the need to demonstrate a scale and layout appropriate to the site and its surroundings. Development must also use external materials appropriate to the local environment. The caravan is not appropriate to the local environment, and does not accord with this policy.

Policy DMD1b seeks to protect the special qualities of the National Park. The development does not accord with this policy as the use of a barn to site a caravan fails to protect the special qualities of the National Park and is therefore contrary to that policy. An unauthorised dwelling in an open countryside location could lead to an intensification of the use of the site and domestication of the surrounding area over which the Authority would not have proper controls in place. The special qualities of the National Park in regards to its rural character, tranquillity and moorland landscape would be at risk if unauthorised dwellings were allowed without any enforceable planning controls.

Policy DMD3 states that development proposals should help to sustain good quality places in the National Park by reflecting the principles set out in the Design Guide. Furthermore the development should conserve and enhance the character and special qualities of the Dartmoor landscape by ensuring that location, site layout, scale and design conserves and enhances what is special or locally distinctive about landscape character. Although partially hidden by its siting inside of a barn, the design of any new dwelling should be in accordance with the principles set out in the design guide, either through the use of vernacular and traditional styles, or by adopting more contemporary designs. Designs should respect the existing built form and topography, and make the best use of the site, they also should be sustainable and make good use of natural light for passive solar gain. The siting of a caravan in barn does not allow for any substantial access to natural light. The development is therefore considered contrary to this policy.

Policy DMD5 seeks to conserve and/or enhance the character and special landscape and qualities that contribute to Dartmoor's distinctiveness. Whilst the visual impact of the caravan may be limited as it is currently concealed within a barn, in regards to landscape character it is considered to be an alien feature and out of keeping with the regular usage of rural buildings. The impact of the caravan and its use is therefore considered detrimental to the landscape character that contributes to Dartmoor's special qualities.

Policy DMD23 seeks to restrict the erection of new dwellings outside Local Centres or Rural Settlements, except where a proven need for an essential rural worker has been established. Although the Hunt may claim a functional requirement for a new dwelling on this land to serve an established need for a dedicated kennel worker, the type of accommodation in the form of a caravan sited inside of a barn does not meet design criteria as set out in Local Plan policies.

DMD23 allows for the development of a rural worker's dwelling if a proven functional need exists to house a rural worker at the site of their employment. In this instance, whilst the need for a worker to be housed on the site may be claimed, some accommodation is provided at the adjoining house which is occupied by the master of the hounds.

DMD23 (v) asks when a new building (dwelling) is proposed whether the 'need for permanent accommodation cannot be met by another suitable and available dwelling on the holding or unit'. Whilst a functional need may be claimed to provide close care to the dogs and address security

concerns, this has yet to be established through a planning application and supporting documentation. Even if the policy tests to provide a dwelling for a rural worker onsite were to be met the Authority would not support a touring caravan sited in a barn, with no external lighting or ventilation and extremely limited facilities, as a permanent place of residence.

Policy DMD28 considers residential caravans in circumstances where a rural business is being first established, endeavouring to demonstrate that the functional and financial tests for the construction of an agricultural workers dwelling are being met, or where it is to be sited on land during the construction of a new dwellinghouse. As the Hunt is a long established entity the Authority would not support the provision of a caravan as temporary housing as the criteria for a new rural enterprise is not met, and therefore the siting of the caravan inside of a barn is contrary to this policy. The Authority may consider an application for a permanent dwelling to house a rural worker in this location but as yet no such application has been submitted.

The HUMAN RIGHTS ACT 1998

The Hunt has confirmed (through the Planning Contravention Notice) that two of their employees have, or are currently, using the caravan as their home, one of their employees also gave a separate residential address indicating that the caravan at the Kennels may be their second home. As such, the courts will view any decision to take enforcement action as engaging the occupiers' rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".

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

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

The Hunt has been asked to provide answers to a series of questions in regards to any current welfare issues that the occupiers of the caravan may have and any further information will be reported at the committee meeting.

CONCLUSION

It is now considered appropriate to seek authorisation from Members to initiate appropriate legal action to secure the removal of the caravan and the cessation of the use of the land for residential use.

The Hunt has indicated that it is considering submitting a planning application for additional accommodation at the Kennels and, in the circumstances, should enforcement action be taken, it is proposed to allow sufficient time for the occupiers of the caravan to find alternative accommodation, and/or for the planning application to be determined.

CHRISTOPHER HART

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

02 March 2018

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the Acting Head of Planning

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

(For further information please contact James Aven)

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

1 Enforcement Code:	ENF/0018/18	District/Borough:	South Hams District
Grid Ref :	SX669575	Parish :	Ugborough
Breach :	extension to garage and re-roofed, stable to side of house re-roofed, stable further up road has been extended		
Location :	Edgcumbe, Moorhaven Village, Ivybridge, PL21 0EX		
Action taken / Notice served	No further action taken		

2 Enforcement Code:	ENF/0216/16	District/Borough:	West Devon Borough
Grid Ref :	SX700874	Parish :	Chagford
Breach :	Unauthorised signs on a listed building		
Location :	Whiddons Bistro (Eatery), Chagford		
Action taken / Notice served	No further action taken		

CHRISTOPHER HART