

# Dartmoor National Park Authority

## Development Management Committee

### Public Minutes of Friday 6 September 2024

**Present:** Caroline Mott, Mark Renders, Dan Thomas, Will Dracup, Gay Hill, Mike Jeffery, Sally Morgan, John Nutley, Mark Owen, Guy Pannell, Lois Samuel, Philip Sanders, Peter Smerdon, Mark Williams, Pamela Woods, Corinne Farrell (Independent Person)

**Apologies:** Peter Harper, Mary Seddon, James McInnes

**Non Attendance:** Jerry Brook

**Officers in attendance:** Dean Kinsella (Director of Spatial Planning), Penny Bailey (Minute Taker)

The Chair welcomed Corinne Farrell (Independent Person), Liz Payne, Senior Planning Policy Officer and welcomed back Hazel Union, Principal Lawyer (Litigation & Planning), Devon County Council and the Authority's legal advisor.

The Chair reminded Members on the use of microphones in order to ensure a clear recording for any members of the public listening to the broadcast.

#### **1587 Declarations of Interest and Contact**

Peter Smerdon, Guy Pannell, Mark Renders, Will Dracup and Caroline Mott declared a personal interest in item 1 – 0051/24 Dunsford Reservoir, Fulford Lane, Dunsford, due to having received email correspondence from the applicant's agent.

The Chair advised that he was aware of the email but had not received a copy himself, as was the case for other Members.

#### **1588 Minutes of the meeting held on 26 July 2024**

Save for one amendment detailed as follows:

**Minute 1581 Declarations of Interest and Contact** ... should read that Mark Williams declared an interest, rather than Mark Owen.

the public minutes of the meeting held on 26 July 2024, having been printed and circulated, were taken as read, confirmed and signed by the Chair as a correct record.

#### **1589 Items Requiring Urgent Attention**

None.

## 1590 Applications to be Determined by the Committee

### Item 1 – 0051/24 – Dunsford Reservoir, Fulford Lane, Dunsford

Considered:

The Report of the Director of Spatial Planning / Planning Officer (NPA/DM/24/008).

Recommendation:

That consent be refused for the following reason:

1. The proposed development would result in the creation of an open market dwelling in the open countryside of the National Park or a size significantly in excess of nationally prescribed technical housing standards. In the absence of any overriding public benefits being identified, such a development would be contrary to Dartmoor's strategic housing policies SP1.3, SP3.1 and SP3.2 of the Dartmoor Local Plan, the guidance contained in the Housing SPD and to the advice contained in the National Planning Policy Framework 2023.

The Chair advised the committee that, although Mr Rowe – the applicant and speaker – had put in a late application to address Members, he had decided to use his Chair's discretion and permit Mr Rowe to speak.

The Chair advised that a correction should be noted when considering the Case Officer's report. Paragraph 6.15 refers to the proposed development being for a four-bedroomed two storey property; this is correct. Further on, in paragraph 6.65, the report refers to a three-bedroomed dwelling – this is incorrect and should have been amended to reflect the description in paragraph 6.15.

The Director of Spatial Planning updated Members regarding the Authority's Ecologist's concerns regarding Cirl Buntings. Further advice was sought from Devon County Council's Ecology Department; no objection was raised to the proposal subject to conditions.

Clarification was provided regarding the 'Permission in Principle' process, which was explained as being an alternative way of obtaining planning permission for housing development which separates the considerations of matters of principle for proposed development from the technical detail of the development. There are two stages: the first stage, which was completed by the applicants and permission awarded in May 2023 via a planning appeal, is to establish whether a site is suitable in principle. Consideration is limited in this instance to matters of location, land use and the amount of development. The second stage is the application for the grant of technical detail consent. This has the effect of granting planning permission for the development. Other statute requirements are considered at this stage such as those relating to protected species or listed buildings. An application for technical details consent must also be in accordance with the permission in principle, as well as the relevant policies within the development plan, unless there are material considerations such as those in the National Planning Policy Framework (NPPF) and National guidance which indicate otherwise.

Vacant Building Credits were introduced by the government to incentivise brownfield development and regeneration.

Certain criteria need to be met to permit developers to reduce their affordable housing obligation. The NPPF states that where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit. Where there is an overall increase in floor space in the proposed development, the Local Planning Authority should calculate the affordable housing contributions required from the development as set out in the Local Plan. The Authority has a Supplementary Planning Document (SPD) that sets out the use of vacant building credits.

Under the Community Infrastructure Levy regulations, officers do not consider that the underground reservoir building constitutes a building into which people normally go or into which people go only intermittently for the purpose of maintaining or inspecting machinery and, therefore, vacant building credit is not considered applicable and is liable for the full Financial contribution as set out in table 4.2 of the SPD

The Director of Spatial Planning advised Members that the application was for Technical Details Consent (TDC); Permission in Principle having been refused on 28 June 2022, but allowed under appeal on 25 March 2023. The application was for the conversion of the existing redundant reservoir to a single dwelling. The Case Officer's recommendation was to refuse the technical detail consent application.

The application must meet the housing strategy within the Local Plan. The applicant has failed to secure affordable housing by way of a section 106 agreement or through a financial contribution in lieu of onsite affordable housing. He has also declined to accept a condition restricting the occupation of any dwelling to a local person.

The reservoir structure has an overall area of 182 square metres; the proposed dwelling would have a total area of 261 square metres. The floor space would therefore be 66% larger than housing standards requirements permitted.

Mr Rowe stated to Members that after the previous Technical Details Consent (TDC) application, the Chief Executive (National Park Officer) had invited further discussions regarding scale, form and design of the proposed dwelling and had advised that he was happy for officers to engage in further pre-application discussions to overcome the concerns. However, the reason for refusal related to the principle of development. He added that two of the policies that officers have relied upon (SP1.3 and SP3.1) are policies that the inspector dealing with the Planning in Principle (PIP) determined that the application failed to comply with. However, the inspector accepted that material considerations (namely the National Planning Policy Framework (NPPF)) allowed the PIP to be granted. In addition, officers referred to policy SP3.2 and argued that the proposed dwelling exceeded 'technical housing standards'. This had not previously been outlined in earlier discussions. Mr Rowe stated that no satisfactory explanation had been received from officers in response to his, and his planning solicitor's request for justification for the use of technical housing standards.

In response to a Member's question Mr Rowe advised that it was his intention to live in the proposed dwelling on the site which he purchased in 2009.

The Director of Spatial Planning and Mrs Union advised that they had nothing further to add in response to the issues raised by Mr Rowe but were happy to address any questions from Members.

The Chair advised Members that paragraph 1.4 on page 8 of their committee papers relating to recent excavations should not be taken into account when determining the application today.

In response to Member questions and concerns, the Director of Spatial Planning responded as follows:

- Lower ground floor windows: the proposal was for 3-3.5m depth to be excavated which would be sufficient for lower ground floor windows.
- Permission in Principle establishes permission for a dwelling in terms of location, amount of development etc. With regard to the TDC, Local Plan policies would be taken into account at this stage.
- Elevations / above ground element of the building – subject to housing space standards; this part of the proposed dwelling would have a negative impact on the local landscape.
- A contribution to offset local needs requirements would not override the officer's recommendation.
- The Local Plan contains policies which deal with proposed new dwellings in the open countryside. However, in this instance the PIP has already been established.
- The excavations that have taken place so far total 3-3.5m; it was felt that minimal additional excavation would be required to accommodate lower ground floor windows.

Mr Dracup proposed the recommendation which was seconded by Mr Sanders.

**RESOLVED:** That consent be refused for the following reason:

1. The proposed development would result in the creation of an open market dwelling in the open countryside of the National Park or a size significantly in excess of nationally prescribed technical housing standards. In the absence of any overriding public benefits being identified, such a development would be contrary to Dartmoor's strategic housing policies SP1.3, SP3.1 and SP3.2 of the Dartmoor Local Plan, the guidance contained in the Housing SPD and to the advice contained in the National Planning Policy Framework 2023.

#### **1591 Appointment of Site Inspection Panel and Arrangements for Site Visits**

No Site Visit required.