

**DARTMOOR NATIONAL PARK AUTHORITY**

**DEVELOPMENT MANAGEMENT COMMITTEE**

**6 January 2017**

Present: K Ball, S Barker, W Cann, J Christophers, A Cooper, G Gribble, S Hill,  
P Hitchins, M Jeffery, D Lloyd, J McInnes, I Mortimer, D Moyse, N Oakley,  
C Pannell, M Retallick, P Sanders, D Webber, P Woods

Apologies: None

**1188 Minutes of the meeting held on Friday 2 December 2017**

The minutes of the meeting held on 2 December 2016 were agreed and signed as a correct record.

**1189 Declarations of Interest and Contact**

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

A number of Members declared receipt of email correspondence with regard to Items 0315/16 – Peter Tavy Garage, Peter Tavy, 0491/16 – Foxlands, Willey Lane, Sticklepath and 0619/16 – Estrayer Park, Okehampton.

Mr McInnes declared a personal interest, due to knowing the family, in item 0619/16 – Estrayer Park, Okehampton.

Mr Sanders declared a personal interest, due to contact, in item 0533/16 - Wortleigh, Meavy Lane, Yelverton, and a personal interest, having attended a Parish Council meeting when the matter was discussed and objectors were present, in item 0606/16 – The Villa, Plymouth Hill, Princetown.

Mr Barker declared a personal interest, due to email contact and receipt of photographs, in item 0315/16 – Peter Tavy Garage, Peter Tavy.

Mr Webber declared a personal interest, due to knowing the family, in item 0619/16 – Estrayer Park, Okehampton.

Mr Ball declared a personal interest, due to communication with an objector, in item 0315/16 – Peter Tavy Garage, Peter Tavy, and a personal interest, due to knowing the applicant, in item 0619/16 – Estrayer Park, Okehampton.

Miss Moyse declared a personal interest, due to contact, in item 0533/16 - Wortleigh, Meavy Lane, Yelverton, and a personal interest, having attended a Parish Council meeting when the matter was discussed and objectors were present, in item 0606/16 – The Villa, Plymouth Hill, Princetown.

Signed James Ricketts Date 03-02-17

Mr Retallick declared a personal interest, due to knowing the family, in item 0619/16 – Estrayer Park, Okehampton.

**1190 Items requiring urgent attention**

None.

**1191 Site inspections**

Members received the report of the Head of Planning (NPA/DM/017/001).

**Item 1 - 0315/16 – New dwelling (revised re-design of existing planning consent 0270/14) – Peter Tavy Garage, Peter Tavy**

Speakers: Cllr Bill Lane, Parish Council Representative  
Barbara Mortimer, Objector  
Graham Goddard, Applicant

The Case Officer reminded Members that the proposal is to erect an open market dwelling on the site of the former garage in the centre of Peter Tavy. A stream runs to the south of the site and a leat to the north. Due to the fact that the proposal would mean the creation of an open market dwelling in a Rural Settlement the application has been advertised as a departure from the Development Plan.

Revised plans showing a reduction in the proposed ridge height and other changes were presented to Members. Three neighbours had reiterated their objections and concerns regarding the proposed glazed roof and rendering.

With regard to the flooding issues, Mr John Pask from the Environment Agency was in attendance at the meeting to answer any technical questions that Members may have. The Case Officer confirmed Mr Pask's advice that the impact of the proposed dwelling on flood storage and the risk to others downstream is not significant.

Cllr Lane stated that the site was in the heart of the historic village. A garage had stood on the site since 1925, which is within 60 yards of two Grade II listed houses, the listed church and nearby bridge. The existing houses and cottages have small windows with multi paned glass, pebble dash, stone and painted cream. The proposed dwelling would be out of keeping with the surrounding area.

Mrs Mortimer stated that, in her view, the land should never have been built on in 1925. There are significant issues regarding building upon this site as it is seen from all directions. It was her understanding that there should be compelling reasons for refusal of planning permission but, as the brook flooded only last year, overwhelming the culvert, she questioned how a building upon the site would not displace water elsewhere and put other dwellings at risk of flooding.

Mr Goddard reiterated the points made by the Case Officer. In response to some of the comments made he stated that the stonework would be exactly the same as that on the extant planning permission. He added that he had taken on board comments regarding the large window overlooking the brook and this had now been reduced. It was his opinion that the revised design was better than that previously granted.

Signed James R. NCT Date 03 - 02 - 17

A Member commented that, in their opinion, the proposed design was better than that which had previously been granted permission, and has great merit. There would indeed be an impact on the surrounding listed buildings, however, out of the 10, only four could actually be considered to be 'in keeping' with the rest of the village.

The Head of Legal and Democratic Services advised Members that the correct approach to take when the proximity of listed buildings needs to be considered is to ask the questions below, taking into account that 'great weight' must be given to the desirability of preserving the setting of listed buildings:

1. Would there be any adverse impact on the listed buildings, or their setting?
2. Is any adverse impact outweighed by public benefit arising from the development?

In response to Member queries, Mr Pask advised that in his opinion there would be no issues downstream of the site. The finished floor level of the proposed dwelling would be 500mm higher than the floods in February 2016. With regard to flood flow, the revised design would have much less effect than the design approved in 2014.

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

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

**Item 2 – 0533/16 – Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages – Wortleigh, Meavy Lane, Yelverton**

Speaker: Mike Hope, for the Applicant

The Case Officer reminded Members that the site currently houses a dormer bungalow in a large plot with a narrow frontage, set back from the road. The proposal is to demolish the bungalow and replace it with two two-storey dwellings, together with two garages in the front garden. It is also proposed to relocate the access to a more central location.

Although the site is outside YEL2 the character of Meavy Lane is one of large houses set back from the boundary in long linear plots. The sub division of the plot to facilitate the proposed two dwellings would significantly change the character of the area.

The Case Officer advised Members that although great effort had been made to obtain information on affordable housing requirements within Yelverton, unfortunately this information had not been forthcoming.

The application has considerable support; however, the site is considered to be of inadequate width to accommodate the two dwellings in the form set out, without having an adverse impact on the character and appearance of this part of Yelverton.

Signed ..... *James R M Jones* ..... Date ..... 03-02-17 .....

Mr Hope advised Members that his client wishes to demolish the current bungalow and rebuild his own home plus another dwelling; both would be more affordable. The properties would be set back 20m from the road, ensuring no loss of privacy. He stated that, to his knowledge, exceptions have been made to the affordable housing policy over the past three years. The last housing needs survey was undertaken in 2013. The application before Members are for two modest sized houses on the plot.

The Chairman reminded Members that personal circumstances of the applicant could not be taken into account. He advised that the Members who had attended the site inspection did not have an issue with massing, rather the issue was regarding affordability. Clarification on this issue would have been welcomed.

The Head of Legal and Democratic Services reminded Members that, within the National Park, the Development Plan only allows for new open market housing to bring forward and cross-subsidise affordable housing. This proposal is for one open market dwelling to be demolished and replaced with two open market properties; this type of scheme has not previously been approved.

Dr Mortimer recommended caution in the absence of local needs housing information and proposed that the application be deferred until this information becomes available. The Head of Planning advised Members that it would be unlikely that this information would be forthcoming in the near future.

A Member stated that Members should adhere to policy, as detailed by the Head of Legal and Democratic Services; if policy is to be put aside then Members should only do this if they felt that the proposal would enhance the National Park.

In the light of these comments Dr Mortimer withdrew his proposal to defer and proposed the recommendation as set out, which was seconded by Mr Lloyd.


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

## **1192 Applications for Determination by the Committee**

### **Item 1 – 0478/16 – Demolition of existing redundant building and replacement with park home – Ashburton Caravan Park, Waterleat, Ashburton**

Speaker: Dr Murdock, Agent for the Applicant

The Case Officer advised Members that it is proposed to remove a building which is now redundant. Residents have advised that until recently it was used as an office and a venue for social functions. It is to be replaced with a new park home, to be situated on exactly the same site. Although the application is for an additional residential unit in the open countryside, planning permission exists for an additional unit on the caravan park and officers consider this to be sustainable development given the site's history and location. The flooding issues have been dealt with.

Signed ...  Date ... 03 - 02 - 17

Dr Murdock stated that there were no remaining objections to this application and it had full officer support. He added that there is an extant planning permission for 41 home units on the site; currently there are 39. The building to be replaced is redundant, having been originally built as an ablutions block when the site was a holiday park. The proposed new park home is in keeping with those currently on site.

In response to Member queries, the Head of Legal and Democratic Services advised that it would be advisable to include an additional condition removing householder permitted development rights.

Mr Lloyd proposed the recommendation, subject to an additional condition removing permitted development rights, which was seconded by Dr Mortimer.

**RESOLVED:** That, subject to the conditions as set in the report and the additional condition as set out above, permission be GRANTED.

**Item 2 – 0606/16 – New open market dwelling – land to the south west of The Villa, Plymouth Hill, Princetown**


Speaker: Mrs Maddock, Agent for the Applicant

The Case Officer advised Members that the proposal is to erect a single open market dwelling on the land which is set back to the line of The Villa. It is designed to reflect the characteristics of the neighbouring property, with a detached garage to the rear. The application is advertised as a departure from the Development Plan due to the creation of an additional unit of open market residential accommodation.

One of the neighbouring objectors was unable to attend but has provided a letter which the Case Officer summarised for Members as follows:

- There is no agreed right to visibility to the north east across the frontage of The Villa and there are general concerns regarding highway safety as a result of the development;
- The advice of the Highways officer in respect of visibility to the south west is disputed;
- It is stated that there should be a formal and independent evaluation of water and contamination on the site;
- It is stated that the previous assessment was wrong in respect of the impact on privacy and light and that it has not been adequately evaluated;
- It is also stated that in this location the building will be visually dominating on entering the village.

By means of update two additional letters of support have been received since the completion of the report. With respect to highway matters the highways officer, Mr Townsend, was present to answer any technical questions from Members. The proposed dwelling would be set back slightly from The Villa and in front of Babbs Cottages. With regard to neighbouring amenity the assessment concludes that

Signed .....  ..... Date ..... 03-02-17 .....

although the dwelling projects in front of Babbs Cottages, the orientation of the houses and distance is such that there will not be a material impact on daylight or sunlight to the main habitable room windows in Babbs Cottages. In addition, only small windows are proposed on the west elevation, all with obscure glazing, thus having no impact on loss of privacy.

Since taking the photographs a fence has been erected across the site which has been measured and is one metre high and, therefore, permitted development.

Mrs Maddock stated that Stephens and Scown had now provided the evidence needed to enable the issues of the visibility splay to be settled. She added that it was not acceptable to recommend refusal of the application on the grounds of highways only, as the Highways Officer has no issues. In her view visibility issues can be dealt with by condition. The covenant relating to the piece of land at the front of The Villa, and which secures the visibility needed, is in place 'in perpetuity'.

The Head of Legal and Democratic Services advised that the question for Members to determine is whether a consent can be issued that does not risk highway safety. Conditions are only enforceable on land which is owned or controlled by the applicant. He advised that, having seen the information provided by Stephens and Scown, the owner and applicant has no control over the visibility splay and, therefore, the Authority would need to ask the neighbour to enter into a S106 agreement which would be legally binding. Members are effectively being asked to grant permission without the ability to secure highway safety.

In response to Member queries, Mr Townsend advised that in order to achieve highway safety, the visibility is needed and must be maintained as such.

The Head of Legal and Democratic Services advised Members that, in his opinion, the restrictive covenants over the land required to form the visibility splay are not sufficient guarantee of highway safety. The Authority would be unable to enforce the covenants and there is no certainty that any future owner /occupier of the application site would take the necessary legal action to enforce the restrictive covenants in the event of an obstruction of the visibility splay, for example by planting leylandii along the boundary of the property.


The Head of Legal and Democratic Services advised Members that he had considered whether a Grampian condition could be imposed to prevent development commencing without resolving the issue, but in his view such a condition would not be reasonable as it appears incapable of compliance.

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

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

**Item 3 – 0491/16 – Construction of extension and associated works –  
Foxlands, Willey Lane, Sticklepath**

Speaker: Stephen Blakeman, Agent for the Applicant

Signed .....  ..... Date ..... 03 - 02 - 17 .....

The Planning Team Manager reminded Members that the application had been deferred at the Development Management Committee meeting on 2 December 2016 in order to clarify what could be constructed under permitted development rights and to obtain further information in respect of the farm holding. The application is for an extension to the northern end of the building to provide a living room and farm office.

The House is subject of an agricultural tie and is therefore subject to policy DMD24 which states that extensions to dwellings limited by condition for agricultural workers should not be permitted where the habitable floorspace of the existing building, combined with the extension, would exceed 120sqm. The floorspace of the house currently stands at 149sqm; this includes a large part of the loft space having been converted, without the need for planning permission. With the proposed extension the floorspace would be 192sqm.

Under permitted development rights it would be possible for the applicants to extend the ground floor accommodation to the rear of the property to a maximum floor area of 62sqm, an area approximately 50% larger than that proposed under the application.

The holding consists of 35 hectares and Foxlands is the only dwelling serving the holding. Members were advised that the proposed office is less than 25% of the overall size of the proposed extension.

Mr Blakeman advised Members that he had designed the original dwelling 15 years ago. He had considered the possibility of using the permitted development rights but had come to the conclusion that there were better ways of extending the property. He added that he was aware of Policy DMD24 but the proposal before Members was, in his opinion, of better design being situated at the side of the building and smaller in floorspace. His clients would be happy for permitted development rights to be removed.


Mr Cann advised that he, and the Parish Council, would prefer to see the construction of the proposed extension before committee today, rather than what may be constructed under permitted development rights as it was a more appropriate design. He proposed that permission be granted on those grounds, which was seconded by Mr Hill.

The Planning Team Manager advised that conditions would be as follows:

1. Standard commencement of works within three years of the planning consent;
2. The removal of permitted development rights; and
3. Materials to be used to match those already in use on the existing dwelling and no further roof lights to be introduced to the property, notwithstanding those shown on the proposed extension plans.

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

Mr Barker and Mr Cann left the meeting room.

Signed .....  ..... Date ..... 03-02-17 .....

**Item 4 – 0583/16 – 11.5m x 5.5m extension to barn for car garage – Elliots Farm, Buckland in the Moor**

Speaker: Malcolm Rogers, Agent for the Applicant

The Case Officer advised Members that the application proposed the extension of an existing building in order to house a domestic garage. When compared to the size of the dwelling, the proposed garage is not considered to be excessive, contrary to the views of the Parish Council. In addition, it is not felt that the extension would harm the look of the area.

Mr Rogers advised Members that with regard to drainage from the area of land in question, it sits considerably lower than the adjacent property. In addition, for this reason, there would be no issues of overshadowing or shading of the adjacent property. He added that the proposed extension would not represent 'overdevelopment' of the site as all of the works so far undertaken represent less than 50% of the buildings on site.

Mr Barker and Mr Cann returned to the meeting room.

Mr Christophers proposed the recommendation, which was seconded by Mr Hitchins.

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

(Mr Barker and Mr Cann did not vote).

**Item 5 – 0619/16 - Conversion of three redundant barns to three holiday lets – Estrayer Park, Okehampton**

Speaker: John Pettit, for the Applicant

The Case Officer advised Members that Estrayer Park comprises a traditional farmhouse and range of barns which are registered on the Historic Environment Record. The traditional barns are now surplus to requirements. Barns 2 and 3 would need to be reconstructed internally to create two-storey accommodation; however, there are a number of existing openings which would minimise the need for additional external alterations. Barn 1 is a simple linhay style, open fronted building which is identified within the Dartmoor Design Guide as the type of building that may not be possible to convert. The proposed scheme would retain the open courtyard to the front of the barns.

With regard to internal works, the existing hay loft platform would require raising in tandem with alterations to the roof carcass in order to accommodate a useable first floor. Headroom would remain low but as the application is for holiday accommodation, rather than permanent dwellings, it is of a lesser concern.

The recommendation for refusal of the application relates to Barn 1. The proposed introduction of new windows and alterations are inconsistent with the function and

Signed James R N James Date 02-03-17



character of the building and would harm the special interest and contribution that it makes to the group. Officers have asked the applicants to consider a lesser scheme for two holiday units, with Barn 1 to be incorporated into the scheme for low key ancillary use, eg, bike store/games room. However, the applicants have stated that a lesser scheme would not be viable.

Mr Pettit advised Members that, following a site visit with Officers of the Authority, revised drawings had been submitted following what had been agreed. Alterations to Barns 2 and 3 are considered acceptable and the applicants would happy to adhere to any proposed conditions. However, Barn 1 is very conspicuous on the approach to the complex. The building is in need of repair; he added that the English Heritage design guide did not preclude the insertion of new windows into this type of building. The only proposed change to the roof is for the insertion of a new flue. Windows are needed in order to provide much needed light into the upstairs room. It is proposed that Barn 1 would be used for physio and massage, as well as provide a unit of holiday accommodation.

Dr Mortimer stated that should Barn 1 be left as it is there would be a negative impact on the whole complex. It is also the building in most need of preservation. He proposed that permission be granted on the grounds of improved visual impact, and the promotion of business in the open countryside, which was seconded by Mr Ball. The Head of Planning requested that the application be deferred in order for Officers to prepare any conditions to be attached to any planning permission, as well as to consider other policy matters such as the issues surrounding the management of the holiday units and how this fits with the Authority's farm diversification policies.

Following further discussion, Dr Mortimer withdrew his proposal.


Mr Gribble proposed that the matter be deferred for officers to consider possible conditions should permission be granted, which was seconded by Mr Barker.

**RESOLVED:** That the application be DEFERRED for a period of one month.

**Item 6 – 0556/16 – Enlargement and insertion of French doors to existing south elevation ground floor kitchen window – Mardle Wood House, Higher Combe, Buckfastleigh (Listed Building Consent)**

The Building Conservation Officer (BCO) advised Members that Mardle Wood House is part of an 18<sup>th</sup> century mill complex in the small hamlet of Higher Combe. The application seeks consent to remove the existing ground floor window and wall below and replace with a new French door of the same width. With regard to loss of historic fabric, the window to be replaced is modern with no historic value. The masonry below is original but is not thought to have any features of high historic interest.

The Parish Council has objected to this application on the grounds that the French doors would not be in keeping with the appearance of the building; the glazing panels on the proposed doors being too large. In addition, the new opening would

Signed .....  ..... Date ..... 03-02-17 .....

potentially impede the enjoyment and free access of others using the permitted path which skirts the building.

Dr Mortimer was in agreement with the views of the Parish Council and proposed that consent be refused on the ground that the opening should remain a window and the installation of French doors would damage the integrity of the listed building. The proposal was seconded by Miss Moyse.

**RESOLVED:** That consent be REFUSED.

### **1193 Monitoring and Enforcement**

#### **Item 1 – ENF/0230/15 – Twin unit mobile home sited on agricultural land – Beacon View Farm, Drewsteignton**

The Planning Team Manager advised Members that Beacon View Farm, operating as 'Dunns Dairy' is situated some 650m south east of Whiddon Down. Outline planning permission for the construction of an agricultural worker's dwelling was refused in December 2016, as there was no existing functional need for a third agricultural dwelling to be sited on the farm. It follows, therefore, that is no justification for the mobile home in this location. The landowner was advised in writing to remove the mobile home but despite further meetings it remains in place. The proposed action is supported by the Parish Council.

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

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

- (i) Secure the removal of the mobile home from the land, and
- (ii) secure the cessation of the residential use of the land.

### **1194 Appeals**

Members received the report of the Head of Planning (NPA/DM/17/004).


**RESOLVED:**

Members NOTED the content of the report.

### **1195 Site Inspections**

The Chairman advised Members that a pre-committee site inspection is proposed to be held on Friday 27 January 2017, regarding:

Application No. **0627/16** - Construction of new primary school on existing school playing field and demolition of existing school buildings, Chagford C of E Primary School, Chagford.

Signed .....  ..... Date ..... 02.03.17 .....

The following Members were appointed to the Site Inspection Panel : Mr McInnes,  
Mr Sanders, Miss Moyse, Mr Hitchins, Mr Hill, Mr Webber, Mr Christophers,  
Mr Jeffery and Mr Cann.

Signed ..... *James R MCT* ..... Date ..... 03-02-17 .....