

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 August 2015

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Head of Planning

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1. Application No: **0216/15**
Application Type: **Full Planning Permission**
Grid Ref: **SX756699**

District/Borough: **Teignbridge District**
Parish: **Ashburton**
Officer: **Louise Barattini**

Proposal: **Change of use from storage to two residential flats and associated works (both open-market)**

Location: **Unit 1, 31A East Street,
Ashburton**

Applicant: **Mr & Miss S Bantock**



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50m
Scale 1:1250 @ A4

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. 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.
3. A sample of the natural slate to be used in the slate hanging and porch roof hereby approved shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing or slate hanging work. At all times thereafter the porch roof and slate hanging shall be maintained in the approved natural slate.
4. All new slate work shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
5. Large scale section drawings of all new external joinery (windows and doors), to include details of exterior finish, shall be submitted to the Local Planning Authority for approval prior to their installation. Thereafter the development shall be carried out and maintained in accordance with the approved details.
6. The first floor landing window in the south east elevation of the development hereby permitted shall be glazed in obscure glass and non-opening and thereafter obscure glass and non-opening casement shall be retained at all times.
7. 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.
8. Full details of the proposed porch canopy and kitchen and bathroom vents shall be submitted to the Local Planning Authority for approval prior to their installation. Thereafter the development shall be carried out and maintained in accordance with the approved details.
9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

Introduction

The application relates to a two-storey building situated to the rear of properties along East Street, Ashburton, within the Conservation Area. The building is separated into 3 individual units, comprising business and residential premises. The application relates to the end unit which was formally used as a storage unit but is now vacant.

The application proposes conversion into 2 residential flats.

The application is presented to Members as the application presents a departure from the Development Plan.

Planning History

0469/14	Conversion of storage building into two flats (one open market and one affordable)			
	Full Planning Permission	Withdrawn		14 April 2015
5/31/236/94/03	Change of use to offices from light industrial			
	Full Planning Permission	Grant Conditionally		13 September 1994

Consultations

Teignbridge District Council:	Economic Development Officer - no objection - the site is not closely related to other commercial space and access for larger vehicles is limited and this prohibits use for some potential tenants. There are other more appropriate sites in Ashburton for commercial storage.
County EEC Directorate:	No objection - The proposal will generate a similar trip generation to the existing use. A cycle store would be beneficial at this location.
Environment Agency:	No objection - flood zone 1 standing advice only

Parish/Town Council Comments

Ashburton TC:	The Town Council acknowledges the planning history on this site. Their original comments object to the proposal on the basis of the roof mounted solar panel array which would not be in keeping with the conservation area as they will intrude on neighbours' views and will be clearly seen from the Church Tower and be high profile in the townscape.
	The Town Council has not provided any further comments on the revised plans showing the solar array omitted from
Ashburton TC:	Objection to solar panels on roof (see full report in file)

Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR15 - Providing for limited new housing to meet local needs
- COR18 - Providing for sustainable economic growth
- COR2 - Settlement Strategies
- COR21 - Dealing with development and transport issues in a sustainable way

COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR5 - Protecting the historic built environment
DMD12 - Conservation Areas
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD21 - Residential development in Local Centres
DMD4 - Protecting local amenity
DMD40 - Parking provision - Residential
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

2 letters of objection

The letters of objection raise issues regarding overlooking and loss of privacy, kitchen/bathroom venting details, highway safety, sewerage capacity, covenants on access drive and the level of local need for 1 bedroom housing units.

Observations

BACKGROUND

The building itself has limited value within the Conservation Area. Evidence on site suggests possible survival of some earlier building fabric but this is of limited significance.

Permission was granted in March 2013, for the conversion of the adjoining workshop unit into 2 flats (ref: 0522/12).

Application 0469/14 for conversion of the application building into two dwellings (one affordable, one market dwelling) was withdrawn in April 2014; the applicant was unwilling to sign the s106 agreement in light of the recent Ministerial Statement on s106 and affordable housing.

This application for 2 market dwellings follows, complete with statement setting out sustainability arguments for allowing a departure on this site.

PRINCIPLE OF RESIDENTIAL CONVERSION

This business premises has been marketed for rent between March 2010 and March 2014 by commercial agents with limited success and only very short letting periods being achieved, despite the rental price being successively reduced. The property has been vacant for some time now and it is appropriate to see if there is an alternative viable use for the building. The Economic Development Officer at Teignbridge District Council has been consulted and states that the site is not closely related to other commercial space and access for larger vehicles is limited and this prohibits use for some potential tenants. She considers there to be other more appropriate sites in Ashburton for commercial storage and raises no objection to the change of use to residential.

The loss of this employment space is not considered to prejudice the economic offer in the

town and presents an opportunity to enhance the character and appearance of the Conservation Area. In addition, the existing commercial use does not present an ideal relationship with the surrounding residential units and the narrow access onto East Street is not ideal for commercial traffic.

The proposal would therefore not conflict with the objectives of the Development Plan as a whole and in particular policy COR18.

Policies COR15 and DMD21 require proposals for new residential units, whether they are new-build or conversion, to provide a minimum of 50% affordable housing within Local Centres.

A recent Ministerial Statement has established that affordable housing and tariff style contributions should not be sought on developments of 5 houses or less in the case of National Parks. The Authority has adopted interim guidelines on how to approach such matters, thereafter guidance will be provided in a Supplementary Planning Document. The Authority will determine such applications for housing development in line with adopted policies in the Development Plan and the presumption in favour of sustainable development. Proposals which do not offer affordable housing consistent with adopted policies will need to provide clear evidence on how they constitute sustainable development as the provision of affordable housing remains the most appropriate use of development land in the National Park and is a key element of sustainable development for the National Park and a fundamental principal of the plan.

The detailed merits of the proposal are considered in the paragraphs below. The scheme proposed will make use of an existing vacant building giving it a new viable use, will help to enhance the character and appearance of this part of the Ashburton Conservation Area. It is located within a local centre with good access to facilities/services and public transport links, is a compatible with the surrounding land use and will have no adverse impact on residential amenity or highway safety.

The proposed residential units will have a floor space of 52sqm and 70sqm (respectively). Whilst the occupancy of these properties is not proposed to be restricted to local persons, they will nonetheless provide two small, more affordable, dwellings in the Ashburton housing market.

In these respects, this proposal will provide a sustainable development and the principle of a market dwelling is accepted in this case.

CONSERVATION AREA AND SETTING OF LISTED BUILDINGS

The site is set back behind the main building line within the conservation area and makes limited contribution to the character and appearance of the area. The proposed scheme incorporates improvements to the external appearance of the building by introducing natural slate cladding and alterations to window design.

The flat roof solar panels have been omitted from the scheme in response to the Town Council objection. This revised proposal is now not significantly different from the previous application which was recommended for approval.

The proposal will enhance the character and appearance of the conservation area and have a neutral impact on the setting of listed buildings in line with policies COR1, COR3, DMD7 and DMD12.

RESIDENTIAL AMENITY

Two local residents have expressed concerns with the scheme and commented that the proposal will result in overlooking of neighbouring dwellings. Revisions to the scheme were received during the course of the previous application (and reflected in this current application) in response to these concerns, notably the omission of the first floor dining room window on the end elevation and the positioning of kitchen and bathroom vents through the roof.

The site lies within a tight knit residential area, there are existing windows at first floor level in the side elevation of the existing building which overlook the rear gardens of properties along East Street. Given the distances involved, the oblique relationship presented with neighbouring windows and the existing overlooking relationship, it is considered that the proposed development would not undermine residential amenity in this respect. Only one fixed obscure glazed window is proposed on the end elevation now. The proposal will therefore not conflict with policy DMD4.

HIGHWAY SAFETY

Local residents have referred to covenants which preclude any parking on the access road and a restriction on the weight of the vehicles. The proposal makes provision for 2 off-road parking spaces which are within the ownership of the applicant and this has been clearly indicated on the plans. The site is also within a sustainable town centre location with good access to public transport.

The Highway Authority raises no objection to the proposed development which has a comparable trip generation to the existing authorised uses. Undercover cycle storage within the site would be beneficial but difficult to achieve given the space constraints.

OTHER ISSUES RAISED BY CONSULTATION PROCESS

Local residents have stated that the need is for 2-bedroom, rather than 1-bedroom, properties in Ashburton. The Housing Needs Assessment makes reference to a need for both 1 and 2-bedroom properties and the proposed intermediate flat would be too small to accommodate a two bedroom unit. The proposal is also now for market dwellings.

CONCLUSIONS

The loss of this employment space is not considered to prejudice the economic offer in the town and presents an opportunity to enhance the character and appearance of the Conservation Area. In addition, the existing commercial use does not present an ideal relationship with the surrounding residential units and the narrow access onto East Street is not ideal for commercial traffic. The proposal will enable the delivery of two small more affordable dwellings and there are clear sustainability grounds for departing from policy COR15 and DMD21.

The application is therefore recommended for approval.

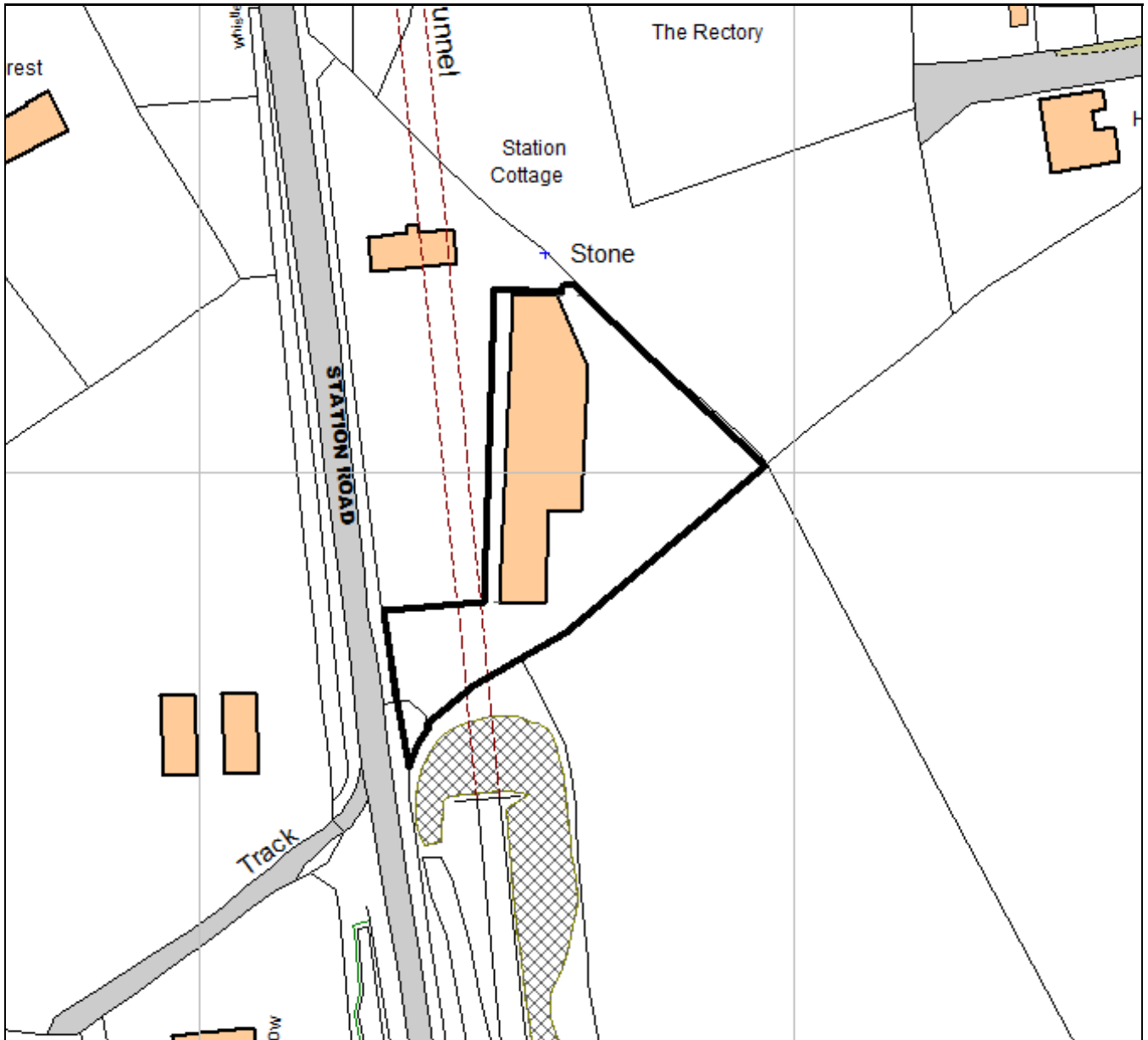
2. Application No: **0271/15**
Application Type: **Full Planning Permission**
Grid Ref: **SX520675**

District/Borough: **West Devon Borough**
Parish: **Buckland Monachorum**
Officer: **Jo Burgess**

Proposal: **New dwelling (traditional design)**

Location: **land adjacent to Station
Cottage, Station Road,**

Applicant: **Mrs J Perryman**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development would result in an unjustified open market dwelling in a Local Centre contrary to policies COR2, COR15 and DMD21 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 the National Planning Policy Framework 2012.
2. The proposed development by virtue of its size, scale, form and design would be detrimental to the character and appearance of the site and its surroundings contrary to policies COR1, COR4, DMD7 and DMD21 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 the National Planning Policy Framework 2012.

Introduction

Station Cottage is located on a private road within the Local Centre of Yelverton. The site is separated from Station Cottage by a fence and in separate ownership.

This application is one of two on this agenda seeking permission to erect a new dwelling on the site. This application is for a detached single two-storey dwelling of a traditional design.

The application is presented to Members at the discretion of the Director of Planning in view of the policy concerns and previous history associated with this site.

Planning History

0437/13	Single dwelling to replace 500sqm metal swimming pool building (Traditional Design) Full Planning Permission	Grant Conditionally	10 October 2013
0438/13	Single dwelling to replace 500sqm metal swimming pool building (Contemporary Design) Full Planning Permission	Refused	10 October 2013
	Appeal lodged: 31 October 13	Result: Allowed	
0316/12	Demolition of existing building with consent for conversion into two holiday cottages (ref 0483/11) and erection of new dwelling Outline Planning Permission	Refused	11 September 2012
0483/11	Amendment to existing planning permission 0333/09 for change of use and conversion of existing swimming pool into two holiday cottages Full Planning Permission	Grant Conditionally	07 December 2011
0392/10	Demolition of existing building with permission for change of use to holiday units and erection of two holiday cottages Full Planning Permission	Refused	06 October 2010
	Appeal lodged: 03 December 10	Result: Dismissed	
0333/09	Change of use of existing swimming pool to two holiday cottages Full Planning Permission	Refused	14 October 2009

	Appeal lodged: 09 December 09	Result: Allowed	
0116/09	Change of use of training swimming pool and training pool to swimming academy (resubmission of 0673/08)	Full Planning Permission	Refused 06 May 2009
0673/08	Change of use of residential swimming pool to swimming teaching academy	Change of Use	Refused 09 December 2008
0857/06	Variation of condition No2 on planning permission ref. 0041/05 (domestic use) to allow limited access to elite athletes	Full Planning Permission	Grant Conditionally 18 May 2007
0041/05	Erection of 50m training swimming pool and weight training room	Full Planning Permission	Grant Conditionally 10 March 2005
0270/15	New dwelling (contemporary design)	Full Planning Permission	Not yet determined

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	Flood risk zone 1 - standing advice applies
DNP - Trees & Landscape:	The proposed development will have minimal impact on the trees. The shading and oppressive nature of the trees was not considered to be an issue by Members. No objection subject to a condition requiring the applicants to submit a method statement showing how the trees will be protected during development

Parish/Town Council Comments

Buckland Monachorum PC: Object - the scale is too large for the site and the area

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
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD21 - Residential development in Local Centres
DMD7 - Dartmoor's built environment

Representations

1 letter of objection

The neighbour at Station Cottage and neighbour to the south have objected

Observations

INTRODUCTION

This application proposes the erection of a two-storey four bedroom dwelling of a traditional design. It is to be constructed of rendered blockwork elevations with a natural slate roof. The first floor bedrooms are accommodated within the roofspace lit by gable dormers. Timber joinery and fascias together with metal rainwater goods follow a simple design approach. The principle elevation of the property faces southwards, away from the neighbouring Station Cottage. A two bay garage is to be attached to its western side.

PLANNING HISTORY

Planning permission was granted in 2005 for the erection of a 50m swimming pool and weight training room for private or domestic use only, in association with Station Cottage. At that time, the pool was used as a training facility for the applicant's son.

In 2006 planning permission was subsequently granted for use of the pool by elite athletes subject to conditions and a Section 106 Agreement with various restrictions to ensure that the pool should not be used for commercial purposes. This enabled the pool to be used by athletes who were not family or friends.

Two further applications for variations to the conditions imposed in 2006 were refused on the grounds that they represented unjustified commercial use of the building detrimental to the amenity of neighbouring residents contrary to policies COR4 and COR18.

Having ceased to be used as pool, permission was granted, on appeal, for a change of use to form two holiday cottages. That permission expired in May 2013.

An application submitted in 2010 (ref 0392/10) for demolition of the building and the erection of two new holiday cottages was refused and the appeal dismissed.

Following an assessment of the appeal decision, a new application (ref 0483/11) for a lesser scheme of conversion was approved. Work commenced in April 2013 to implement this permission.

An application (ref 0316/12) for demolition of the existing building and erection of a new dwelling was refused in September 2012. That application was refused on two counts; (i) the proposal would result in an unjustified open market dwelling in a Local Centre and (ii) the proposal by virtue of the poor relationship between the dwelling and mature trees growing around the site, would lead to increased pressure to remove or reduce the size of the boundary trees which are a distinctive local semi natural feature that contribute to the special environmental qualities of the landscape.

Planning permission was granted, by members, in 2013 for a single storey dwelling of a traditional design seeking to replace the former pool building. At the same committee members resolved to refuse permission for an alternative dwelling of a more contemporary design. That permission was successfully appealed.

The planning history is therefore a material planning consideration in so much as the principle of redeveloping this site for residential development is well established. The swimming pool building has been demolished leaving a clear site. The two permissions from 2013 represent the fall back position.

POLICY

The site lies within the settlement boundary shown in the adopted Development Management and Delivery Development Plan Document (DMD). Core Strategy Policies COR2 and COR15 state that new dwellings in Local Centres should be affordable housing for local people limited to 80sqm. This application is for an open market dwelling with a total floor area of 286.5sqm therefore it has been advertised as a departure from the Core Strategy. An affordable dwelling would not only deliver the visual, amenity and traffic benefits the neighbours seek but enable a family that meets the criteria set out, to rent or buy accommodation within the village.

DMD Policy DMD21 also makes affordable housing a requirement and categorises situations in which housing will be permitted one of which is that development would facilitate significant environmental improvement.

In accordance with the Interim Statement on Section 106 obligations agreed by Members in January, the Environmental, Economic and Social aspects of sustainability fall to be considered with each application that does not provide affordable housing in accordance with DMD21.

IMPACT ON RESIDENTIAL AMENITY

The Dartmoor National Park Design Guide states that privacy can be maintained by retaining an appropriate distance between the main habitable rooms of facing properties - usually 21m of separation.

The ridge height of the traditional dwelling previously approved was 5.5m. The ridge height of the proposed dwelling is 7.5m. The house is re-orientated so that the rear elevation is not facing directly towards Station Cottage. The sections confirm that the roof of the approved dwelling would only just have been visible above the intervening fence. The proposed dwelling will be more visible and clearly more bulky and there will be windows on the north elevation, however the height of the intervening fence and the distance to the fence (15m) and the rear elevation of the main house (20m) and side conservatory (22m) are such that there will be no significant loss of privacy. The levels are such that the windows in Station Cottage will be looking down into the windows on the north elevation of the new dwelling at an oblique angle. The only window at first floor level on the west elevation facing the bottom half of the garden is obscure glazed and can be conditioned to remain so.

The configuration of the proposed dwelling and levels are such that although the dwelling will be more visible than the single storey dwelling approved, it is not considered that the dwelling would be overbearing or dominant to the extent that planning permission could be refused on residential amenity grounds as set out in DMD4.

DESIGN

This is a full application for a two-storey four bedroom 'traditional' dwelling. It is a dwelling with a render finish, slate roof, timber joinery and metal rainwater goods. For comparison, the approved traditional dwelling had a total floor area of 183.8sqm. No garage was included.

The proposed dwelling would have a total floor area, including the first floor, of 286.5sqm. It is significantly (59%) larger in terms of the internal floor area. However, it is acknowledged that the footprint reduces from 229sqm to 213.4sqm (including a garage) so is smaller in terms of

the site coverage.

The proposed dwelling is of a similar design to that previously approved with the additional living accommodation at first floor level. The section drawings and comparative site plans confirm that only the top 2.5m of the pitched roof and the top of the gable on the rear elevation will be visible from Station Cottage facing towards the side of Station Cottage and the scout field beside it. The ground floor will only project marginally beyond the line of the approved dwelling when viewed from Station Road through the highway gate. The projecting gable and substantial chimney will be the most prominent element of the south elevation.

While the site coverage of the proposed dwelling is less than previously proposed and the orientation of the house is slightly different, the dwelling is 59% larger in terms of floor area than that previously approved. In the context of Core Strategy policy COR4 and DMD policy DMD7 the proposed dwelling will be more visible from outside the site and visible from Station Cottage behind the existing fence. When compared with the approved dwelling, this proposal would not facilitate significant environmental improvements as required by DMD21.

TREES

The site has large trees on the north eastern and southern boundaries which are protected by a Tree Preservation Order. The dwelling is sited to avoid the root protection area. Although the dwelling would have no direct impact on the trees, they are oppressive and shade the site for large parts of the day. This was not a factor in relation to the swimming pool. As holiday accommodation is an intermittent use, in terms of the British Standard, the trees were perceived as having a low risk.

The Trees and Landscape Officer has acknowledged that the Authority did not consider the shading and oppressive nature of the trees to be an issue when previously granting permission and, as a consequence, raises no objection subject to tree protection during development.

PARISH COUNCIL VIEWS

The Parish Council has objected to the application because it considers that the scale is too large for the site.

CONCLUSION

The main issue for Members to determine is that of size of dwelling. The principle of residential redevelopment of this site has been established by the previous, extant permissions. This is a material consideration and provides the fall back position for the site.

The comments of neighbouring residents and the Parish Council are acknowledged however, it is considered that amenity issues are not sufficient to warrant a recommendation of refusal. The site is capable of accommodating a modest size dwelling without undue impact on the immediate or local surroundings. Impact on protected trees has also been assessed as acceptable.

The main concern is that of adhering to policy requirements, in particular how a dwelling of the proposed size fits with the stated Development Plan intention to pursue affordable housing in Local Centres – a stated objective of the plan as a whole.

It is acknowledged that following the Interim Statement on Section 106 obligations agreed by

Members in January, the Authority cannot now insist that single dwelling is an affordable dwelling in this otherwise sustainable location. However, this proposal undermines the thrust of policy that seeks to limit the scale of dwellings to those which may be more affordable. The present proposal clearly tests that principle and is one which officers feel cannot be supported in this instance. There is no reasoned justification to suggest that the submitted design would lead to any significant environmental improvements (DMD21), over and above the fall back position, which would lead to a more sympathetic view.

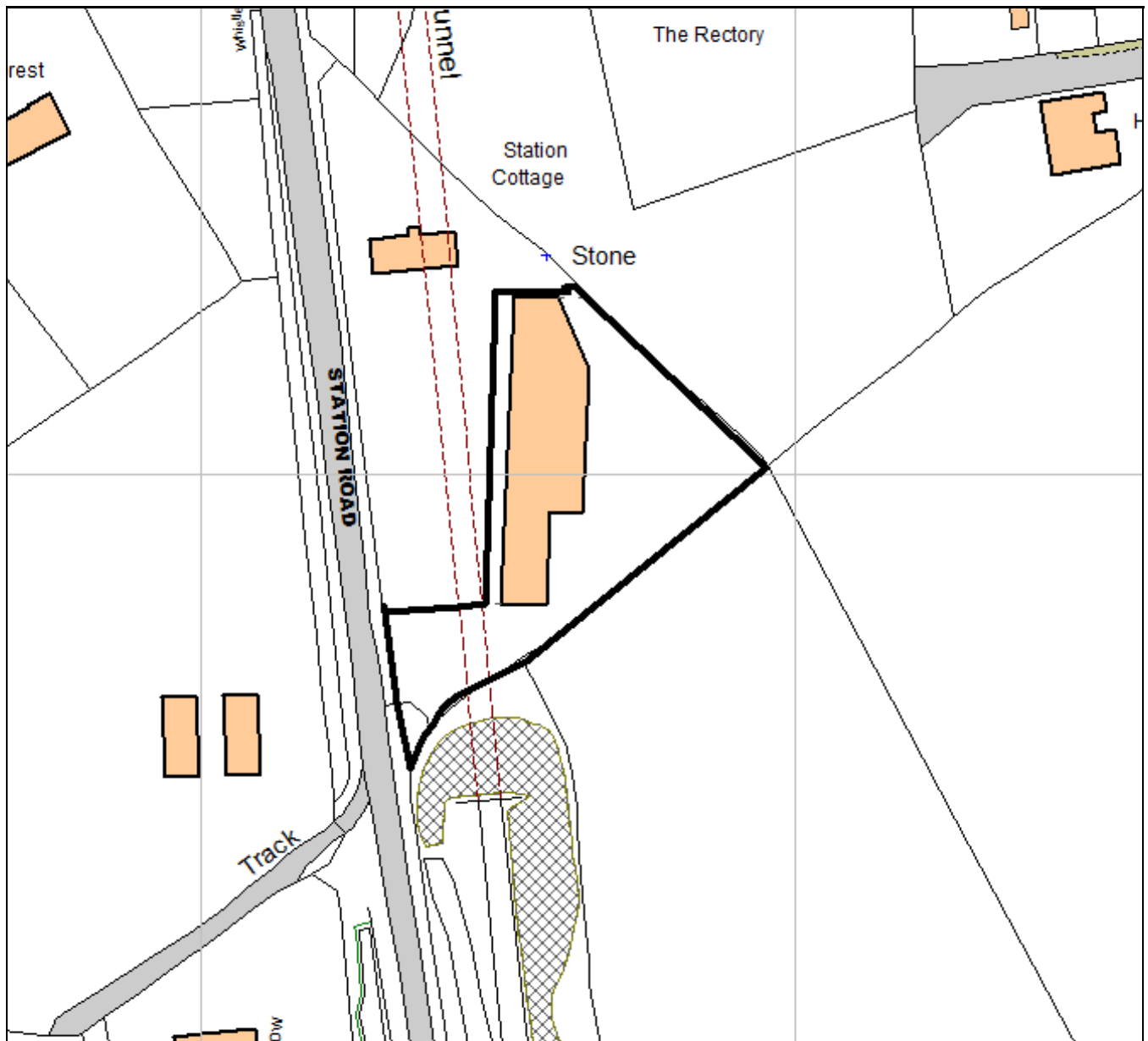
3. Application No: **0270/15**
Application Type: **Full Planning Permission**
Grid Ref: **SX520675**

District/Borough: **West Devon Borough**
Parish: **Buckland Monachorum**
Officer: **Jo Burgess**

Proposal: **New dwelling (contemporary design)**

Location: **land adjacent to Station
Cottage, Station Road,**

Applicant: **Mrs J Perryman**



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50m
Scale 1:1250 @ A4

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development would result in an unjustified open market dwelling in a Local Centre contrary to policies COR2, COR15 and DMD21 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 the National Planning Policy Framework 2012.
2. The proposed development by virtue of its size, scale, form and design would be detrimental to the character and appearance of the site and its surroundings contrary to policies COR1, COR4, DMD7 and DMD21 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 the National Planning Policy Framework 2012.

Introduction

Station Cottage is located on a private road within the Local Centre of Yelverton. The site is separated from Station Cottage by a fence and in separate ownership.

This application is one of two on this agenda seeking permission to erect a new dwelling on the site. This application is for a detached single two-storey dwelling of a contemporary design.

The application is presented to Members at the discretion of the Director of Planning in view of the policy concerns and previous history associated with this site.

Planning History

0437/13	Single dwelling to replace 500sqm metal swimming pool building (Traditional Design)	Full Planning Permission	Grant Conditionally	10 October 2013
0438/13	Single dwelling to replace 500sqm metal swimming pool building (Contemporary Design)	Full Planning Permission	Refused	10 October 2013
	Appeal lodged: 31 October 13	Result:	Allowed	
0348/13	Amendment to approved plans for extension to provide granny annex (ref 0104/13) to alter fenestration and add conservatory	Full Planning Permission - Householder	Grant Conditionally	30 August 2013
0104/13	First floor extension to provide two-storey granny annex	Full Planning Permission - Householder	Grant Conditionally	17 April 2013
0316/12	Demolition of existing building with consent for conversion into two holiday cottages (ref 0483/11) and erection of new dwelling	Outline Planning Permission	Refused	11 September 2012
0483/11	Amendment to existing planning permission 0333/09 for change of use and conversion of existing swimming pool into two holiday cottages	Full Planning Permission	Grant Conditionally	07 December 2011
0392/10	Demolition of existing building with permission for change of use to			

	holiday units and erection of two holiday cottages		
	Full Planning Permission	Refused	06 October 2010
	Appeal lodged: 03 December	Result: Dismissed	10
0333/09	Change of use of existing swimming pool to two holiday cottages		
	Full Planning Permission	Refused	14 October 2009
	Appeal lodged: 09 December	Result: Allowed	09
0116/09	Change of use of training swimming pool and training pool to swimming academy (resubmission of 0673/08)		
	Full Planning Permission	Refused	06 May 2009
0673/08	Change of use of residential swimming pool to swimming teaching academy		
	Change of Use	Refused	09 December 2008
0857/06	Variation of condition No2 on planning permission ref. 0041/05 (domestic use) to allow limited access to elite athletes		
	Full Planning Permission	Grant Conditionally	18 May 2007
0041/05	Erection of 50m training swimming pool and weight training room		
	Full Planning Permission	Grant Conditionally	10 March 2005
0829/04	Erection of garages		
	Full Planning Permission	Grant Conditionally	07 December 2004
0713/04	Single storey extension to provide conservatory games room and study		
	Full Planning Permission	Grant Conditionally	27 October 2004
0241/04	Extension to dwelling		
	Full Planning Permission	Grant Conditionally	14 May 2004
0173/04	Extension and alteration to dwelling		
	Full Planning Permission	Grant Conditionally	26 April 2004
03/32/0556/83	Extension to kitchen, conversion of existing garage to lounge extension and erection of detached double garage		
	Full Planning Permission	Grant Unconditionally	20 May 1983
0271/15	New dwelling (traditional design)		
	Full Planning Permission	Not yet determined	

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highway implications

Environment Agency: Flood Risk Zone 1 - standing advice applies

DNP - Trees & Landscape: The proposed development will have minimal impact on the trees. The shading and oppressive nature of the trees was not considered to be an issue by Members. No objection subject to a condition requiring the applicants to submit a method statement showing how the trees will be protected during development

Parish/Town Council Comments

Buckland Monachorum PC: Object - the scale of the proposal is too large for site and area and the contemporary design would be out of character and inappropriate for the area. Comments on additional plans will be reported at the meeting

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

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

DMD21 - Residential development in Local Centres

DMD7 - Dartmoor's built environment

Representations

1 letter of objection

The neighbour at Station Cottage and neighbour to the south have objected

Observations

INTRODUCTION

This application proposes the erection of a two-storey five bedroom dwelling of modern design. It is to be constructed of smooth rendered blockwork elevations with a planted flat roof with large overhangs. Frameless metal windows and doors are a feature of the design along with brise soleil. The principle elevation of the property faces southwards, away from the neighbouring Station Cottage. A two bay garage is to be attached to its western side.

PLANNING HISTORY

Planning permission was granted in 2005 for the erection of a 50m swimming pool and weight training room for private or domestic use only, in association with Station Cottage. At that time, the pool was used as a training facility for the applicant's son.

In 2006 planning permission was subsequently granted for use of the pool by elite athletes subject to conditions and a Section 106 Agreement with various restrictions to ensure that the pool should not be used for commercial purposes. This enabled the pool to be used by athletes who were not family or friends.

Two further applications for variations to the conditions imposed in 2006 were refused on the grounds that they represented unjustified commercial use of the building detrimental to the amenity of neighbouring residents contrary to policies COR4 and COR18.

Having ceased to be used as pool, permission was granted, on appeal, for a change of use to form two holiday cottages. That permission expired in May 2013.

An application submitted in 2010 (ref 0392/10) for demolition of the building and the erection of

two new holiday cottages was refused and the appeal dismissed.

Following an assessment of the appeal decision, a new application (ref 0483/11) for a lesser scheme of conversion was approved last year. Work commenced in April 2013 to implement this permission.

An application (ref 0316/12) for demolition of the existing building and erection of a new dwelling was refused in September 2012. That application was refused on two counts; (i) the proposal would result in an unjustified open market dwelling in a Local Centre and (ii) the proposal by virtue of the poor relationship between the dwelling and mature trees growing around the site, would lead to increased pressure to remove or reduce the size of the boundary trees which are a distinctive local semi natural feature that contribute to the special environmental qualities of the landscape.

Planning permission was granted, by members, in 2013 for a single storey dwelling of a traditional design seeking to replace the former pool building. At the same committee members resolved to refuse permission for an alternative dwelling of a more contemporary design. That permission was successfully appealed.

The planning history is therefore a material planning consideration in so much as the principle of redeveloping this site for residential development is well established. The swimming pool building has been demolished leaving a clear site. The two permissions from 2013 represent the fall back position.

POLICY

The site lies within the settlement boundary shown in the adopted Development Management and Delivery Development Plan Document (DMD). Core Strategy Policies COR2 and COR15 state that new dwellings in Local Centres should be affordable housing for local people limited to 80sqm. This application is for an open market dwelling with a total floor area of 362sqm therefore it has been advertised as a departure from the Core Strategy. An affordable dwelling would not only deliver the visual, amenity and traffic benefits the neighbours seek but enable a family that meets the criteria set out, to rent or buy accommodation within the village.

DMD Policy DMD21 also makes affordable housing a requirement and categorises situations in which housing will be permitted one of which is that development would facilitate significant environmental improvement.

In accordance with the Interim Statement on Section 106 obligations agreed by Members in January, the Environmental, Economic and Social aspects of sustainability fall to be considered with each application that does not provide affordable housing in accordance with DMD21.

IMPACT ON RESIDENTIAL AMENITY

The Dartmoor National Park Design Guide states that privacy can be maintained by retaining an appropriate distance between the main habitable rooms of facing properties - usually 21m of separation.

The dwelling approved contemporary dwelling (ref 0438/13) included a roof garden in a similar location to that now being proposed, but 4.5m closer to the western boundary of the site and a similar height above ground level. The proposed roof garden on the south elevation of the

proposed dwelling is over 6m from the boundary fence and instead of being open to the north, the roof garden is screened by the new first floor limiting the additional overlooking to the bottom half of the rear garden of Station Cottage which is over 50 metres long. A roof garden is proposed on the north side of the proposed dwelling, however no access is shown to this element of the roof which would look directly into the conservatory at the side of Station Cottage and the garden to the side and rear of that conservatory. The plans confirm that the distance between the conservatory and the rear of the North Elevation is over 22m and from the edge of the roof garden 17m.

There is an intervening fence and the conservatory at Station Cottage is slightly higher than the roof garden so it is not considered that the loss of amenity will be significant.

There is no glazing on the north elevation and the only glazing at first floor level on the west elevation facing the garden is obscure glazed and permitted development rights can be removed by condition to ensure that this remains so. The configuration of the proposed dwelling and levels are such that although the dwelling will be more visible than the single storey dwelling approved, it is not considered that the dwelling would be overbearing or dominant to the extent that planning permission could be refused on residential amenity grounds as set out in DMD4.

ENVIRONMENTAL ASPECTS - DESIGN

This is a full application for a two-storey five bedroom contemporary family home. The applicant states that the proposed dwelling respectfully compliments many of the positive building features found around Dartmoor in a modern minimalist way with quality materials, high specification in terms of insulation, siting, orientation, details of frameless and slim line aluminium framed glazed areas and a ground source heat pump. A garden roof is proposed, designed to have large overhangs to provide shade to the windows in the summer and a brise soleil to prevent excessive heat gain in the summer. A large chimney is proposed to serve a wood burning stove. Thermal mass is incorporated into the dwelling to reduce the total energy demand. The approved contemporary dwelling was an open market dwelling with a total internal floor area of 187.16sqm excluding the garage. The proposed dwelling would have a total internal floor area including the first floor of 362sqm. It is significantly (93.5%) larger in terms of internal floor area. The footprint increases from 114sqm to 207sqm (excluding the garage).

When considering the previous contemporary dwelling the Inspector commented that the proposed design may not be to everyone's taste, however concluded that the site represents an opportunity to build something different, especially given the nature of the swimming pool and the fact that Station Cottage is set at a much higher level. On balance it was concluded that the proposal would not harm the character and appearance of the site or its surroundings.

The proposed dwelling is of a similar design with the additional living accommodation at first floor level. The section drawings and comparative site plans confirm that only a small element of the roof will be visible from Station Cottage and the scout field beside it and the ground floor will only project marginally beyond the line of the approved dwelling when viewed from Station Road through the gate. The roof garden balcony will be the most prominent element of the south elevation.

The dwelling is nearly 100% larger than the approved contemporary dwelling. In the context of Core Strategy policy COR4 and DMD policy DMD7, the proposed dwelling will be more visible from outside the site and from Station Cottage behind the existing fence. When compared with

the approved dwelling, this proposal would not facilitate significant environmental improvements as required by DMD21 and the fact that there has not been demand for the approved dwelling is not a material planning consideration.

TREES

The site has large trees on the north eastern and southern boundaries which are protected by a Tree Preservation Order. The dwelling is sited to avoid the root protection area. Although the dwelling would have no direct impact on the trees, they are oppressive and shade the site for large parts of the day. This was not a factor in relation to the swimming pool. As holiday accommodation is an intermittent use, in terms of the British Standard, the trees were perceived as having a low risk.

The Trees and Landscape Officer has acknowledged that the Authority did not consider the shading and oppressive nature of the trees to be an issue when previously granting permission and, as a consequence, raises no objection subject to tree protection during development.

PARISH COUNCIL VIEWS

The Parish Council has objected to the application because it considers that the scale is too large for the site.

CONCLUSION

The main issue for Members to determine is that of size of dwelling. The principle of residential redevelopment of this site has been established by the previous, extant permissions. This is a material consideration and provides the fall back position for the site.

The comments of neighbouring residents and the Parish Council are acknowledged however, it is considered that amenity issues are not sufficient to warrant a recommendation of refusal. The site is capable of accommodating a modest size dwelling without undue impact on the immediate or more local surroundings. Impact on protected trees has also been assessed as acceptable.

The main concern is that of adhering to policy requirements, in particular how a dwelling of the proposed size fits with the stated Development Plan intention to pursue affordable housing in Local Centres – a stated objective of the plan as a whole.

It is acknowledged that following the Interim Statement on Section 106 obligations agreed by Members in January, the Authority cannot now insist that single dwelling is an affordable dwelling in this otherwise sustainable location. However, this proposal undermines the thrust of policy that seeks to limit the scale of dwellings to those which may be more affordable. The present proposal clearly tests that principle and is one which officers feel cannot be supported in this instance. There is no reasoned justification to suggest that the submitted design would lead to any significant environmental improvements (DMD21), over and above the fall back position, which would lead to a more sympathetic view.

4. Application No: **0302/15**
Application Type: **Full Planning Permission**
Grid Ref: **SX520679**

District/Borough: **West Devon Borough**
Parish: **Buckland Monachorum**
Officer: **Jo Burgess**

Proposal: **Creation of two additional residential apartments**

Location: **The Beeches, Harrowbeer Lane,
Yelverton**

Applicant: **Berkeley Leisure Group Ltd**



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50m
Scale 1:1250 @ A4

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 additional parking space shown on the drawings hereby approved shall be delineated in accordance with the approved details before either of the new units of accommodation are brought into occupation. The parking space shall be kept permanently available for the parking of motor vehicles.
3. The occupancy of the residential apartments hereby approved shall be restricted to persons over the age of 55 years, unless otherwise agreed in writing by the Local Planning Authority.

Introduction

The Beeches is on the site of a former nursing home which was redeveloped as 18 flats within the Local Centre of Yelverton.

The original development was described as being for occupation by persons over the age of 55 and included warden accommodation and communal facilities. This application seeks to convert these facilities into two additional flats.

The application is presented to the Committee in view of the departure from the Development Plan in respect of affordable housing

Planning History

0373/04	Demolition of existing residential home and outbuildings and construction of 18 over-55s flats with warden accommodation and communal facilities	Full Planning Permission	Grant Conditionally	26 January 2006
0571/01	Demolition of nursing home and erection of dwellings	Outline Planning Permission	Grant Outline Conditionally	28 April 2004

Consultations

West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No objection
Environment Agency:	Flood Risk Zone 1 - standing advice
DNP - Trees & Landscape:	No objection - the proposed development will have no impact on the protected trees

Parish/Town Council Comments

Buckland Monachorum PC: Neutral view

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

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

DMD21 - Residential development in Local Centres

DMD40 - Parking provision - Residential

DMD7 - Dartmoor's built environment

Representations

1 letter of objection

One resident has objected on grounds of inadequate parking provision

Observations

INTRODUCTION

The Beeches is a development of 18 flats within Yelverton and close to public transport and community facilities. Yelverton is a Local Centre and is therefore considered to be a sustainable location for new housing.

It should be noted that although the development was described as being for over 55s and was considered on that basis, there was no condition or requirement within a legal agreement for the flats to be occupied by over 55s. The applicant is the largest owner and operator of mobile home parks for retired people in the United Kingdom and has confirmed that all the flats within the development are currently occupied by persons over 55 and the applicants are willing to accept a condition requiring the two additional units to be restricted to over 55s if the Authority considers it to be necessary.

The original concept of 'The Beeches' was that of a part time warden assisted facility for residents over 55. The apartments were therefore provided with a warden's office with toilets and a communal room for use by resident owners, who under the terms of their leases paid towards these facilities. These had never been used so the resident owners have signed a legal variation to remove them from the responsibility of the cost of maintenance of the facilities.

The applicants who have acquired the development in the last year or so have a nearby office to provide regular maintenance and cleaning support as well as an emergency 24/7 telephone response.

There was no policy reason for restricting occupation to over 55s. The Beeches was the redevelopment of a former residential home so it was put forward for elderly persons to restrict the impact on nearby residents.

PLANNING POLICY

The proposal will result in two additional dwellings. Yelverton is defined as a Local Centre where Development Plan policies COR2, COR15 and DMD21 allow for new dwellings to be permitted where they will be provided through the conversion or subdivision of an existing residential or non-residential building. The principle of development is therefore acceptable.

Local Centres are also where the Authority targets the provision of affordable housing. On a site such as this the above policies require not less than 50% of housing to be affordable

unless a higher proportion of open market housing can be shown to be essential to secure the overall viability of the development or the delivery of significant local infrastructure provision of clear benefit to the local community. In addition, it should be noted that Policy YEL1 allocates the Briar Tor site where not less than 50% of any new housing should be affordable housing to meet local needs.

No viability assessment has been submitted and no local infrastructure is proposed. However the applicant argues that the development will provide small units of more affordable housing and is sustainable development.

PLANNING HISTORY

When permission was granted in 2004 it was subject to a planning obligation agreement made under section 106 of the Town and Country Planning Act. The agreement related to the payment of a financial contribution of £120,000 to be paid by the then owner to the Local Housing Authority for the provision of affordable housing for local people in housing need, in lieu of the provision of affordable housing within the Development.

That payment has been made and a recent Deed of Modification to the agreement has ensured there is a residual liability to make an overage payment if the gross development value exceeds £3million. The planning obligation is registered as a Local Land Charge, and although the development is described in the application and in the Section 106 agreement as 'to be occupied by people over the age of 55', the only planning reason for restricting occupancy to over 55s would be to protect the amenity of existing occupants. This could be controlled by the management company but as the applicants have indicated their willingness to accept a condition restricting occupancy, it is considered appropriate to impose one.

PLANNING CONSIDERATIONS

In accordance with the Interim Statement on Section 106 obligations agreed by Members in January, the Environmental, Economic and Social aspects of sustainability fall to be considered with each application that does not provide affordable housing in accordance with DMD21.

SOCIAL ASPECTS – IMPACT ON RESIDENTIAL AMENITY

The Dartmoor National Park Design Guide and policies COR4 and DMD4 require the likely impact of the development on adjoining residents to be considered. There is no additional overlooking or loss of privacy as a result of the warden's office or communal lounge being used for residential accommodation.

The new flats are one bedroom apartments with a floor area of 47sqm and 48sqm. They will therefore be at the affordable end of the market. The two bed flats are let at £550pcm and one has recently been sold for £120,000. The additional apartments will be of a size and configuration which will be appropriate for modern living and complementary to the existing apartments. They make use of an existing building and being within the Local Centre meet the sustainability tests within policies COR1 and DMD1a.

ENVIRONMENTAL ASPECTS

There is no alteration to the appearance of the building and the Trees Officer is satisfied that there will be no impact on the protected trees as a result of the development.

IMPACT ON PARKING AND HIGHWAY SAFETY

One additional parking space is being provided in an area that is already paved. DMD40 requires a minimum of one and a half spaces per flat, however the highways officer has inspected the site and commented that it appears under-used and can accommodate any extra cars arising from the development. One of the residents has objected on grounds that there is insufficient parking provision and that the additional space shown is 'creative use of the existing area rather than by genuinely creating extra physical space'. It is also understood that three of the flats are currently empty. It should be noted that the provision of additional parking within the site is likely to have an impact on the protected trees so is likely to be resisted.

The existing access does not comply with contemporary design guidance but is judged by the highways officer to be adequate to accommodate the small increase.

CONCLUSION

The proposed development is considered to be sustainable development in that it will cause no harm and is consistent with National Park purposes. (There is no planning reason to restrict occupation because any neighbouring amenity issues can be dealt with by the applicants but as they have indicated their willingness to accept a condition one is recommended)

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 August 2015

CONSULTATIONS BY NEIGHBOURING LOCAL AUTHORITIES (PRE/0596/15)

Report of the Head of Planning

DCC Planning Application ref. DCC/3784/2015 - Variation of Condition 10 attached to Planning Permission 2013/3520/COU (Change of Use to allow existing buildings on site for general office and workshop use and part of site for storage at Whitecleaves Quarry, Buckfastleigh)

Planning permission was granted by Devon County Council in July 2014 for the 'change of use to allow existing buildings on site for general office and workshop use and part of site for storage' at Whitecleaves Quarry, Buckfastleigh. The National Park Authority did not object to this earlier application.

This decision was subject to a number of conditions, one of which (condition no.10) required, amongst other things, that in designated areas SA1 and SA2, no plant and equipment shall be stored which exceeds 3m in height.

The current application seeks a variation of condition no.10 to allow for the storage of plant and equipment, associated with the applicant's demolition business, up to 4m in height within the previously approved designated storage areas.

This, the applicants point out, accords with the advice contained within section 3.2 of the submitted 'Ecological Mitigation and Monitoring Plan' dated May 2014 and, it states, has been designed to avoid any physical obstruction to commuting greater horseshoe bats.

On this basis, and subject to the proposed storage areas being restricted to those areas previously approved, the Authority raised NO OBJECTION to the proposed variation of condition.

Since commenting on this application, the Authority has received correspondence from the Town Council, Buckfastleigh Community Forum and several local residents expressing their concerns over the potential impact of development within the former quarry and over the Authority's response to the County Council's latest consultation.

The concerns raised are acknowledged, but neither Devon County Council nor the National Park Authority is able to rescind the permission granted in 2014 through the current application.

The 2014 permission remains extant and, as such, the National Park Authority has had to confine its considerations and comments to what is now being applied for, i.e. a variation to one of the conditions. Increasing the height of plant and machinery by one metre was not considered to have such an impact on the National Park or its residents as to warrant an objection to this proposal by the Authority.

If, as already alleged, there are any breaches of the planning permission or any impact upon protected species as a result of the development, that would be an enforcement matter for Devon County Council to deal with as the relevant Authority. It should be noted that Natural England does not raise an objection to the application.

In the circumstances, the Authority's response to this consultation was considered to be appropriate.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 August 2015

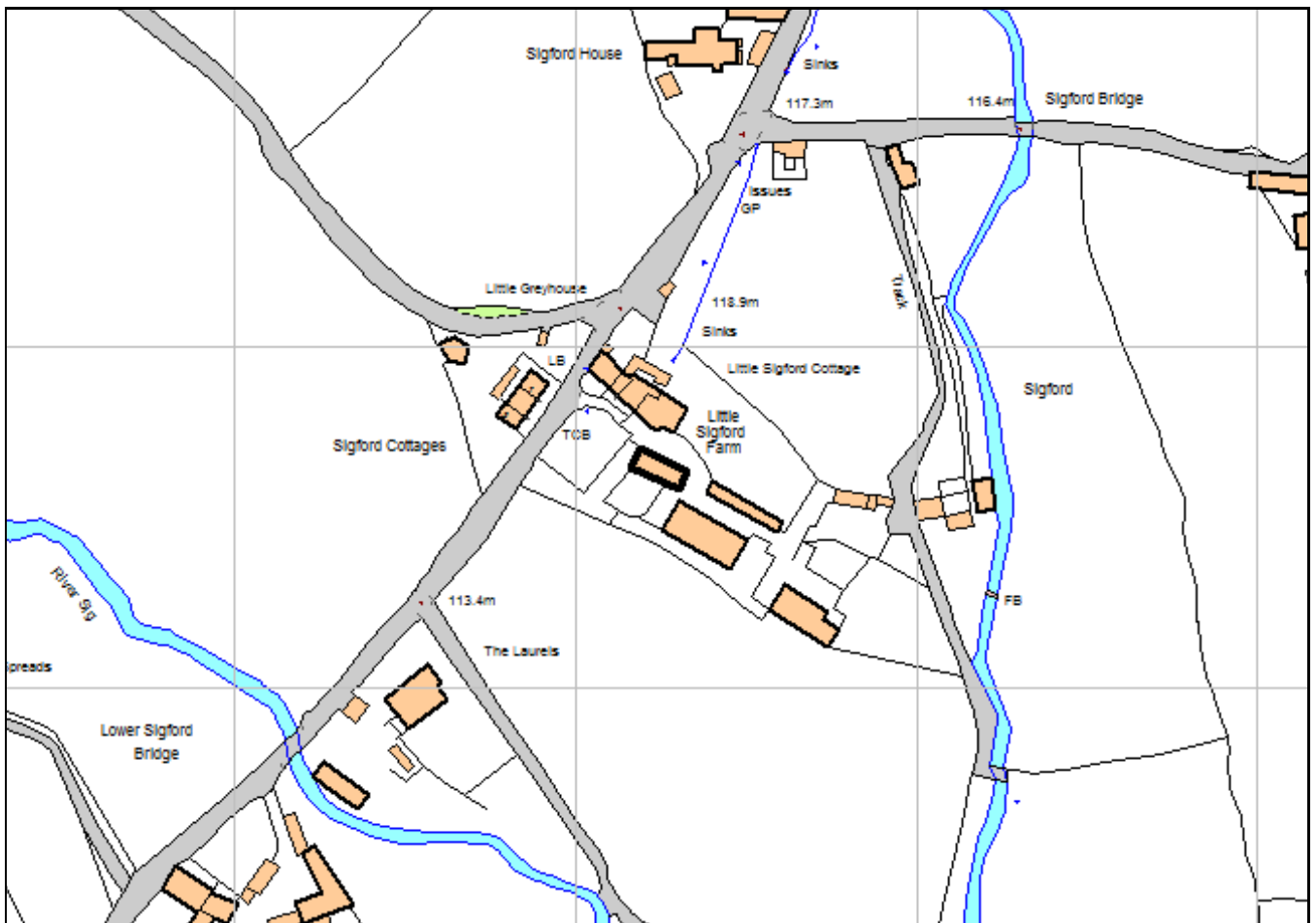
APPEALS

Report of the Head of Planning

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

The following appeal decision(s) have been received since the last meeting.

- | | | | |
|-------------------|---|-------------------|----------------------|
| 1 Application No: | C/14/2224557 | District/Borough: | Teignbridge District |
| Appeal Type: | Enforcement Notice | Parish: | Ilington |
| Proposal: | Conversion and use of former agricultural building as residential accommodation | | |
| Location: | Building at Little Sigford Farm, Sigford | | |
| Appellant: | Mr J Prior | | |
| Decision: | DISMISSED AND NOTICE UPHELD | | |



This is one of four appeals made by four individual members of the same family against enforcement notices issued by the Authority.

The breach of planning control alleged in the notice is the change of use of a former agricultural building to use as a single dwellinghouse without the necessary planning permission. The requirement of the notice was to permanently cease the use of the building as a single dwellinghouse. The period for compliance was 6 months.

The Inspector considered there to be two main issues; whether the enforcement notice was issued too late to take enforcement action, by reference to section 171B(2) of the 1990 Act (the 4 year rule) and if so, whether there had been conduct which should disentitle the appellants from benefiting from the section 171B(2) provisions.

The appeal concerns a former single storey barn. Planning permission was granted in 2006 for the conversion of one third of the building to be used as ancillary accommodation to the existing farmhouse. The permission included the enlargement of the barn including the addition of a pitched roof to enable accommodation to be provided on two floors.

It should be noted that pre-application advice from the Authority had stated that a proposed conversion of the whole building to self-contained accommodation would be unlikely to be supported as it would be tantamount to the creation of a separate dwelling and contrary to development plan policies.

Evidence was presented at the Inquiry to satisfy the Inspector that the works of conversion were substantially complete by about August 2008. It was occupied as ancillary accommodation by the appellants son until early December 2009 when his partner moved in. The Inspector agreed that the barn from that date was and continues to be used as a single family dwellinghouse.

Section 171B(2) of the 1990 Act provides that no enforcement action may be taken for a breach of planning control consisting of the change of use of a building to a single dwellinghouse after the expiration of four years commencing with the date of the breach. The Enforcement Notice was issued on 10 August 2014 and more than 4 years after the date of the breach.

It has been established by a series of court judgements that positive deception which seeks to and succeeds in frustrating the normal course of the planning regime should invoke the loss of immunity provided in section 171B of the 1990 Act on grounds of public policy.

In this case, one of the appellants is a retired architect with some knowledge of planning legislation. He gained a permission which he did not attempt to implement but went ahead in 2007 to build what he had initially contemplated and been advised in writing was unlikely to be acceptable because it would be contrary to policy. The 2006 permission enabled him to carry out considerable works of conversion and alteration, including raising the walls and altering the roof shape as permitted, without detection by the Authority.

The unauthorised works did not come to the attention of the Authority until 2013 when an application was submitted to incorporate the unconverted car port/storage area into the living accommodation. In the application the building was described as an annex and a supporting letter stated that the barn was ancillary to the main house and would remain so.

The site visit confirmed the unauthorised works and in a subsequent application that sought to regularise the unauthorised works, the use of the building was again described as ancillary

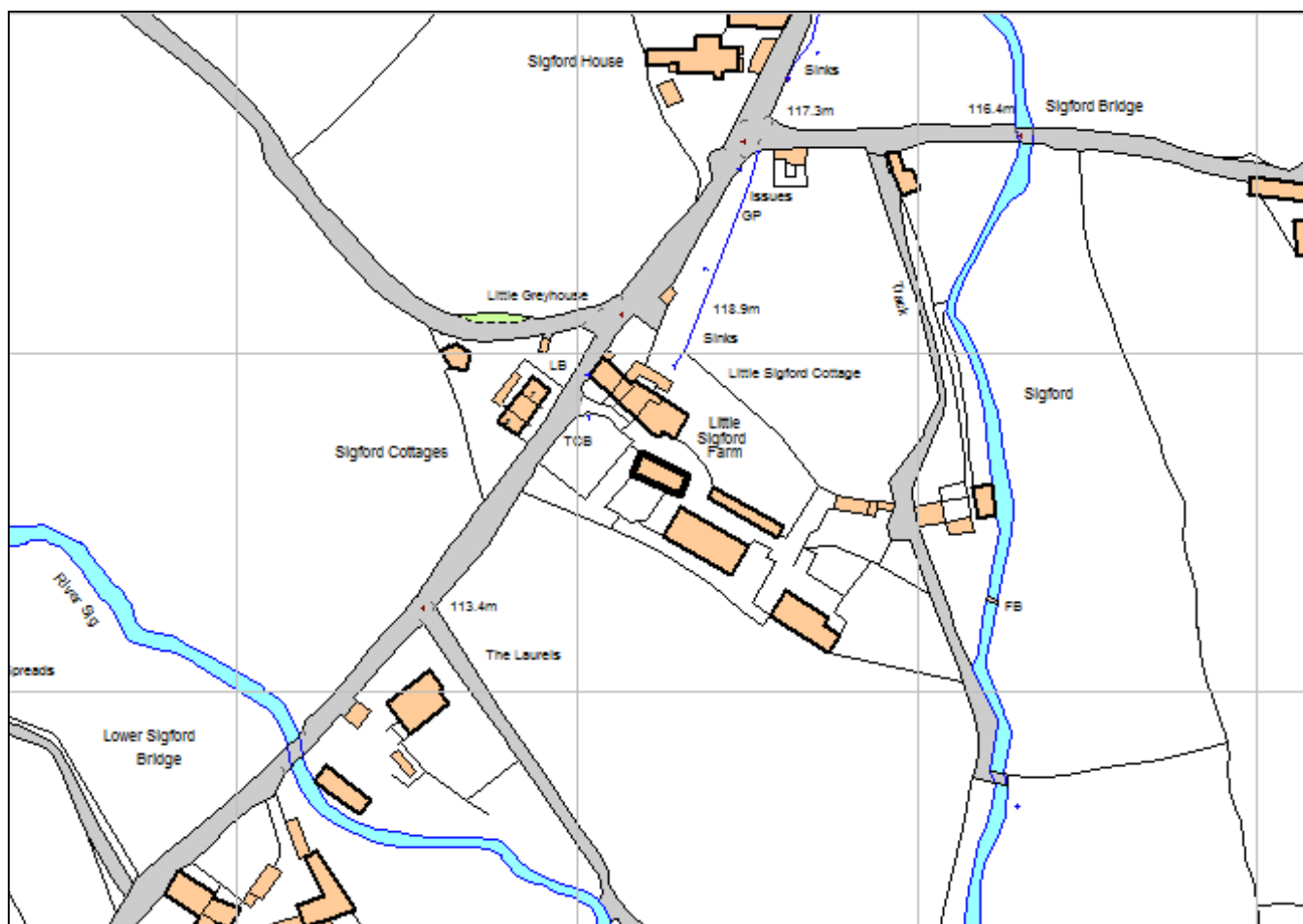
accommodation.

That application was refused and a meeting was held with the Enforcement Officer in November 2013. The Inspector accepted that the notes of the meeting confirmed that at no time did the appellants state that the barn was being occupied as a separate dwelling from early December 2009. If they had done so there would have been time to take enforcement action before it was too late, i.e. before December 2013.

The failure of the appellant amongst other things to register for Council Tax were described by the Inspector as 'laying low' rather than positive steps taken to conceal the use from the Authority. However, the Inspector concluded that whether or not it was actually contemplated when the 2006 application was made, that permission was used to conceal the conversion of the barn to a three bedroom house and also provided cover for the unauthorised use of the building for residential purposes. Viewed as a whole, he considered that it amounted to deliberate and positive conduct intended to conceal from the Authority something which the appellants knew to be a breach of planning control. Had the Enforcement Officer been given an accurate account in November 2013, enforcement action could have been taken before the use became immune.

The Inspector concluded that on the balance of probabilities, the appellants deliberately set out to deceive the Authority, that they succeeded to the extent that the use of the barn stood to benefit from the four year rule of immunity, thereby undermining the planning process, and that they stood to profit directly from their actions. He concluded that such conduct took the case outside the scope of the section 171B(2) time limit in the interests of public policy and the appeals were dismissed.

2 Application No: C/14/2224558 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Ilsington
Proposal: Conversion and use of former agricultural building as residential accommodation
Location: **Building at Little Sigford Farm, Sigford**
Appellant: **Mrs J Prior**
Decision: **DISMISSED AND NOTICE UPHELD**



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Scale 1:2500 @ A4

See previous report

3 Application No: C/14/2224559 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Ilsington
Proposal: Conversion and use of former agricultural building as residential accommodation
Location: **Building at Little Sigford Farm, Sigford**
Appellant: **Mr P Prior**
Decision: **DISMISSED AND NOTICE UPHELD**



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100m
Scale 1:2500 @ A4

See previous report

4 Application No: C/14/2224560 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Ilsington
Proposal: Conversion and use of former agricultural building as residential accommodation
Location: **Building at Little Sigford Farm, Sigford**
Appellant: **Mrs K Prior**
Decision: **DISMISSED AND NOTICE UPHELD**

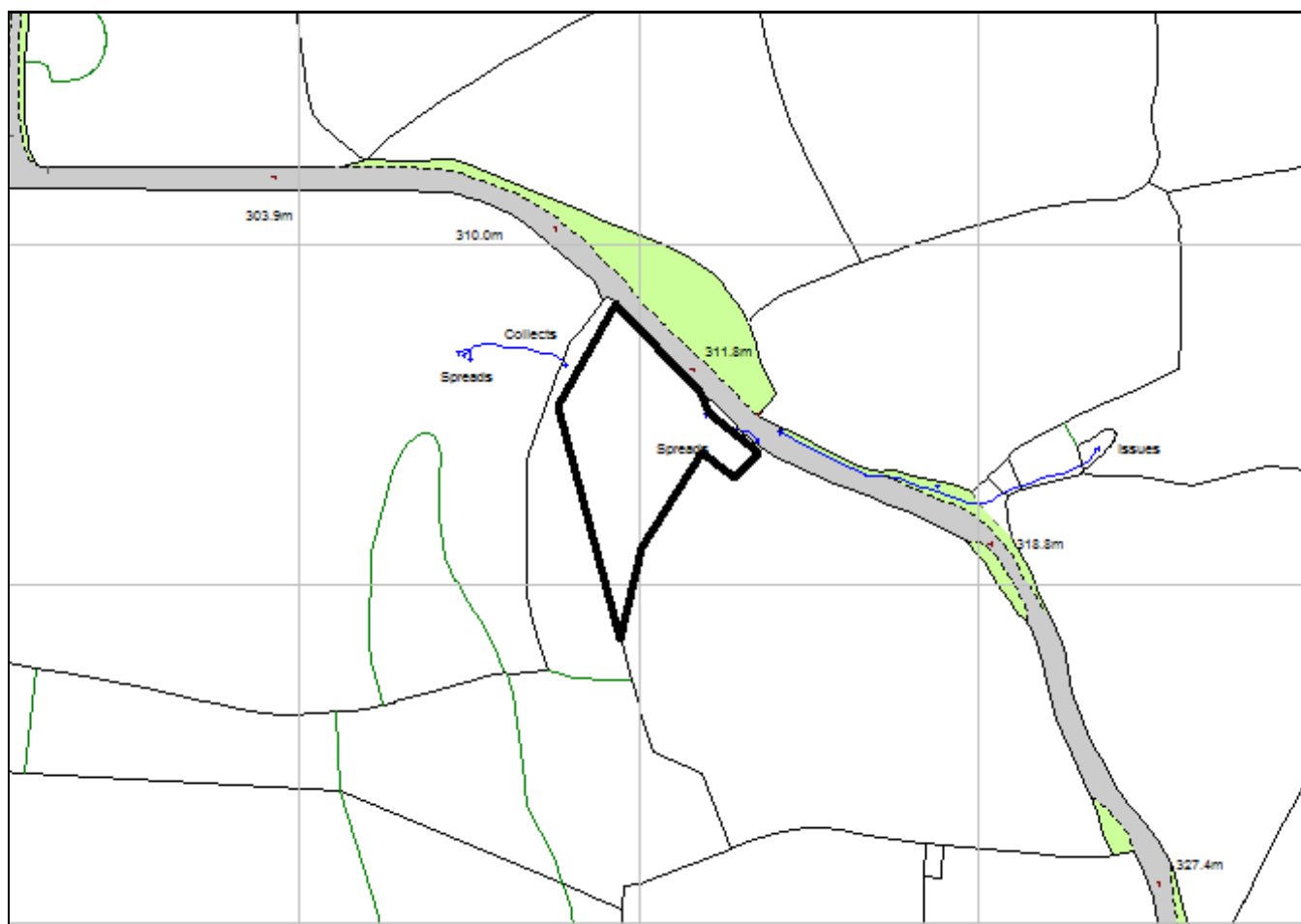


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See previous report

5 Application No: W/15/3004706 District/Borough: Teignbridge District
Appeal Type: Refusal of Full Planning Permission Parish: Widecombe-in-the-Moor
Proposal: Construction of a new stock manager's dwellinghouse
Location: **Blackdown Piper Farm, Widecombe-in-the-Moor**
Appellant: **Cator Blackaton Farming Ltd**
Decision: **DISMISSED**



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100m
Scale 1:2500 @ A4

The Inspector considered there to be two main issues: whether the submitted financial information provided sufficient certainty regarding the financial soundness of the agricultural holding. Secondly, whether the proposed dwelling, by reason of its design and size, would have a detrimental effect of the character and appearance on DNP landscape.

The Inspector reviewed the financial information and considered that overall, sufficient evidence had been provided to demonstrate that the business is financially sound and had a reasonable prospect of remaining so, therefore according with Policy DMD23.

A report was provided at the end of the application process meaning the information could not be assessed by DNPA's appointed Agricultural Consultant. Information was allowed to be presented during the appeal process which was assessed by the Agricultural Consultant and Inspector who both considered financial viability had been demonstrated.

During the hearing the Inspector heard from Officers who stated that the field in which the proposed dwelling would be located represented a transition from an open field system of farming to a strip system. This landscape type is unique in Dartmoor. The Inspector observed that the proposed dwelling would be located within a field of high sensitivity and value in both landscape and heritage terms.

The Inspector also commented on the significant size of the property given the guidelines set out within the Affordable Housing Supplementary Planning Document (SPD). A typical 3 bedroom (5 person) affordable dwelling is 85sqm however the proposed dwelling would have an overall gross internal area of 172sqm plus a garage and store. The inspector considered the scale in excess with the guideline figures set out in the SPD.

The Inspector also noted the proposed residential use would also include domestic paraphernalia, which would be visible from higher ground. The size of the building would also be exacerbated by the linear design, with a long unbroken ridge line which would add bulk to the building. In addition to the size and scale, the Inspector commented on the use of a double height ceiling and substantial glazing would not be in keeping with the character of rural dwelling and would give rise to significant harm to the character and appearance of the area.

The Inspector discounted other examples buildings in the locality, as they differed from the proposal before him. He also considered that they would not necessarily set a precedent for the proposal.

The functional need for the stock manager's dwelling had been established and the financial viability had been demonstrated. However, the Inspector concluded that the overall design and size of the proposal had an unacceptable impact on the character and appearance on the historically and visually significant landscape. The Inspector stated that the need issues did not outweigh the priority that must be accorded to protecting the landscape of DNP to which he attached great weight.

The appeal was therefore dismissed.

The following appeal(s) have been lodged with the Secretary of State since the last meeting.

1 Application No:	W/15/3089711	District/Borough:	West Devon Borough
Appeal Type:	Refusal of Full Planning Permission	Parish:	Burrator
Proposal:	New dwelling		
Location:	corner site between Huccaby and Byeways, Sheepstor		
Appellant:	Dr S & Mr D Sheppard		

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 August 2015

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS
AND APPLICATIONS WITHDRAWN**

Report of the 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 Stephen Belli)

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

1	Application No: 0239/15 Application Type: Full Planning Permission - Householder Proposal: Installation of two velux windows on roof Location: The Shippen, 3 Sherrell Barns, Ivybridge Decision: Grant Conditionally	District/Borough: South Hams District Parish: Cornwood
2	Application No: 0250/15 Application Type: Listed Building Consent Proposal: Retention of lighting scheme previously installed Location: The Drewe Arms, The Square, Drewsteignton Decision: Refused	District/Borough: West Devon Borough Parish: Drewsteignton
3	Application No: 0246/15 Application Type: Listed Building Consent Proposal: Installation of bathroom on first floor Location: Ruddyleave Farm, Buckland-in-the-Moor Decision: Grant Unconditionally	District/Borough: Teignbridge District Parish: Buckland-in-the-Moor
4	Application No: 0247/15 Application Type: Full Planning Permission Proposal: Replacement dwelling Location: Little Reddaford, Bovey Tracey Decision: Grant Conditionally	District/Borough: Teignbridge District Parish: Bovey Tracey

5 **Application No:** 0237/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Peter Tavy
Proposal: Installation of plasterboard lining, wood burning stove and works to roof of domestic storage barn (retrospective)
Location: Wisdom House, Peter Tavy
Decision: Grant Unconditionally

6 **Application No:** 0230/15 **District/Borough:** South Hams District
Application Type: Full Planning Permission - Householder **Parish:** South Brent
Proposal: Replacement conservatory
Location: Saddlers, 5 Glazebrook Court, South Brent
Decision: Grant Unconditionally

7 **Application No:** 0238/15 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Peter Tavy
Proposal: Installation of plasterboard lining, wood burning stove and works to roof of domestic storage barn (retrospective)
Location: Wisdom House, Peter Tavy
Decision: Grant Unconditionally

8 **Application No:** 0215/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Burrator
Proposal: Extension to stable block to provide additional storage for feed and tack
Location: land r/o 4 Myrtle Close, Dousland
Decision: Grant Conditionally

9 **Application No:** 0220/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Lydford
Proposal: Extension to temporary building sited within existing farm building including its retention for a further three years
Location: Hall Farm, Lydford
Decision: Grant Conditionally

10 **Application No:** 0084/15 **District/Borough:** West Devon Borough
Application Type: Prior Approval **Parish:** South Tawton
Proposal: Agricultural livestock building (24m x 19m)
Location: Gooseford Farm, Whiddon Down
Decision: Prior Approval Refused

11	Application No: 0244/15	District/Borough: West Devon Borough
	Application Type: Advertisement Consent	Parish: Drewsteignton
	Proposal: Displaying of 10 photographic images on canvas around garden and woodland	
	Location: Castle Drogo, Drewsteignton	
	Decision: Grant Conditionally	
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12	Application No: 0210/15	District/Borough: South Hams District
	Application Type: Advertisement Consent	Parish: Shaugh Prior
	Proposal: Two free-standing information signs	
	Location: Dewerstone Car Park, Shaugh Prior	
	Decision: Grant Conditionally	
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13	Application No: 0213/15	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Christow
	Proposal: Single storey extension to front of dwelling	
	Location: Teignside Cottage, Lower Town, Christow	
	Decision: Grant Conditionally	
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14	Application No: 0256/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Horrabridge
	Proposal: Extension to dwelling plus new vehicle access and parking area	
	Location: Rosebank, Manor Estate, Horrabridge	
	Decision: Withdrawn	
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15	Application No: 0205/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Horrabridge
	Proposal: Alterations to approved scheme ref. 0632/14 namely facing materials, window details and rooflights	
	Location: 4 Bedford Place, Horrabridge	
	Decision: Grant Conditionally	
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16	Application No: 0254/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Buckland Monachorum
	Proposal: Re-slate existing pitched roof, replace existing flat roof with pitched roof and add single storey extension to rear	
	Location: Clevedon, Kirkella Road, Yelverton	
	Decision: Grant Conditionally	
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- 17 **Application No:** 0235/15 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckfastleigh
Proposal: Increase size of existing ground floor extension to the rear and create first floor extension
Location: 32 Oaklands Park, Buckfastleigh
Decision: Grant Conditionally
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- 18 **Application No:** 0221/15 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Moretonhampstead
Proposal: General purpose agricultural building (343sqm)
Location: Coombe Court, Moretonhampstead
Decision: Grant Conditionally
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- 19 **Application No:** 0209/15 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission **Parish:** Widecombe-in-the-Moor
Proposal: Alteration to existing outbuilding to form home office
Location: Mollys Cottage, Jordan, Widecombe-in-the-Moor
Decision: Grant Conditionally
-
- 20 **Application No:** 0207/15 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Hennock
Proposal: Car port with secure storage and log store
Location: Higher Netton Farm, Bovey Tracey
Decision: Grant Unconditionally
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- 21 **Application No:** 0265/15 **District/Borough:** West Devon Borough
Application Type: Outline Planning Permission **Parish:** Buckland Monachorum
Proposal: Attic extension and internal alterations to provide four additional residential rooms and single storey rear extension to provide lounge space
Location: Yelverton Nursing and Residential Home, Greenbank Terrace
Decision: Withdrawn
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- 22 **Application No:** 0214/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Lydford
Proposal: Addition of garage/store outbuilding
Location: Cross Cottage, Lydford
Decision: Grant Conditionally
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23 **Application No:** 0206/15 **District/Borough:** Teignbridge District
Application Type: Certificate of Lawfulness **Parish:** Dunsford
for a proposed
development
Proposal: Certificate of lawfulness in relation to the erection of a single storey
timber frame garage and studio
Location: Square Bookhams, Dunsford
Decision: Certificate issued

24 **Application No:** 0223/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Sampford Spiney
Proposal: Change of use of land to horse-keeping and erection of building for use
as stables and agricultural storage
Location: Huckworthy Lodge, Sampford Spiney
Decision: Withdrawn

25 **Application No:** 0248/15 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Bovey Tracey
Permission - Householder
Proposal: Replacement garage and outbuildings
Location: Little Reddaford, Bovey Tracey
Decision: Grant Conditionally

26 **Application No:** 0219/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Dartmoor Forest
Proposal: The provision of a composting toilet constructed as an extension to the
existing farmhouse
Location: Nun's Cross Farm, Princetown
Decision: Grant Conditionally

27 **Application No:** 0232/15 **District/Borough:** South Hams District
Application Type: Full Planning **Parish:** South Brent
Permission - Householder
Proposal: First floor rear extension
Location: 2 Lutton Cottages, South Brent
Decision: Grant Conditionally

28 **Application No:** 0228/15 **District/Borough:** Teignbridge District
Application Type: Full Planning **Parish:** Ilsington
Permission - Householder
Proposal: Retention of part of building to be used as a garden bothy/shed
Location: Violet House, Haytor
Decision: Grant Conditionally

29	Application No: 0241/15	District/Borough: West Devon Borough
	Application Type: Listed Building Consent	Parish: Drewsteignton
	Proposal: Internal alterations to improve fire safety	
	Location: The Drewe Arms, Drewsteignton	
	Decision: Grant Unconditionally	
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30	Application No: 0252/15	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Moretonhampstead
	Proposal: Single storey extension and detached timber garage/store	
	Location: Little Pinmoor Farm, Moretonhampstead	
	Decision: Grant Conditionally	
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31	Application No: 0204/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission	Parish: Drewsteignton
	Proposal: Extension to barn to accommodate additional storage	
	Location: Tordown Storage, Venton, Drewsteignton	
	Decision: Grant Conditionally	
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32	Application No: 0224/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Buckland Monachorum
	Proposal: Two-storey extension to rear and single storey extension to side of dwelling	
	Location: Moorlands, 16 Binkham Hill, Yelverton	
	Decision: Withdrawn	
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33	Application No: 0261/15	District/Borough: South Hams District
	Application Type: Full Planning Permission	Parish: Holne
	Proposal: Erection of mono-pitch barn with three open sides (137sqm)	
	Location: Holne Park Farm, Ashburton	
	Decision: Grant Conditionally	
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34	Application No: 0222/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Horrabridge
	Proposal: Alteration and extension of existing annexe, plus demolition of two-storey outbuilding	
	Location: Park Farm, Horrabridge	
	Decision: Grant Conditionally	
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35	Application No: 0255/15	District/Borough: West Devon Borough
	Application Type: Listed Building Consent	Parish: Sticklepath
	Proposal: Replace cement rendering on front of property with white lime-based mortar	
	Location: Tawleat, Sticklepath	
	Decision: Grant Conditionally	
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36	Application No: 0226/15	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Buckfastleigh
	Proposal: Rear extension to enlarge kitchen diner, new side extension above the existing garage to create fourth bedroom, porch extension and enlargement of the garage	
	Location: 6 Holne Road, Buckfastleigh	
	Decision: Grant Conditionally	
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37	Application No: 0240/15	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Ashburton
	Proposal: Replacement of two existing garages with one double garage	
	Location: Dart Vale, Hele, Ashburton	
	Decision: Grant Conditionally	
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38	Application No: 0243/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission	Parish: Buckland Monachorum
	Proposal: Proposed extension and alterations to Club House	
	Location: Memorial Hall, Meavy Lane, Yelverton	
	Decision: Grant Unconditionally	
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39	Application No: 0234/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission	Parish: Mary Tavy
	Proposal: Change of use of redundant chapel to holiday unit with associated works	
	Location: Zoar Methodist Church, Horndon	
	Decision: Grant Conditionally	
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40	Application No: 0260/15	District/Borough: Teignbridge District
	Application Type: Full Planning Permission - Householder	Parish: Dunsford
	Proposal: Enlargement of existing window to second floor on side gable wall	
	Location: 6 The Court, Dunsford	
	Decision: Grant Unconditionally	
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41 **Application No:** 0229/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** Mary Tavy
Proposal: Construction of timber clad implement store and workshop in corner of field
Location: Eastlands, Mary Tavy
Decision: Grant Conditionally

42 **Application No:** 0259/15 **District/Borough:** South Hams District
Application Type: Prior Notification **Parish:** Dean Prior
Proposal: Erection of two barns (14.3m x 13.6m and 24.6m x 7.9m)
Location: Hillyfield Plantation & Tom's Brake, Harbournford, South Brent
Decision: Planning Permission Required

43 **Application No:** 0231/15 **District/Borough:** Teignbridge District
Application Type: Full Planning Permission - Householder **Parish:** Buckland-in-the-Moor
Proposal: Single storey rear extension
Location: Challamoore Farm, Elliots Hill, Buckland-in-the-Moor
Decision: Grant Conditionally

44 **Application No:** 0236/15 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Drewsteignton
Proposal: Addition of restraint straps to outbuilding
Location: The Bunk House, The Drewe Arms, Drewsteignton
Decision: Grant Unconditionally

45 **Application No:** 0249/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** Horrabridge
Proposal: Construction of 'L' shaped double glazed conservatory on north-east corner of property
Location: Overdale Cottage, Tavistock Road, Yelverton
Decision: Grant Conditionally

46 **Application No:** 0251/15 **District/Borough:** West Devon Borough
Application Type: Listed Building Consent **Parish:** Drewsteignton
Proposal: Replacement lighting scheme
Location: The Drewe Arms, The Square, Drewsteignton
Decision: Grant Conditionally

47	Application No: 0257/15	District/Borough: West Devon Borough
	Application Type: Certificate of Lawfulness for a proposed development	Parish: South Tawton
	Proposal: Formation of room in roof space	
	Location: Sylvan Brook, Sticklepath	
	Decision: Certificate issued	
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48	Application No: 0300/15	District/Borough: Teignbridge District
	Application Type: Prior Notification	Parish: North Bovey
	Proposal: Access track for woodland improvement and timber harvesting extraction	
	Location: North Bovey Woodlands, North Bovey	
	Decision: Prior Approval not required	
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49	Application No: 0258/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Dartmoor Forest
	Proposal: Single storey side extensions, construction of two roof dormers and extension to existing outbuilding to form carport (replacement of approved scheme 0719/14)	
	Location: Dartlands, Hexworthy, Princetown	
	Decision: Grant Conditionally	
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50	Application No: 0269/15	District/Borough: Teignbridge District
	Application Type: Full Planning Permission	Parish: Buckfastleigh
	Proposal: Replacement of existing dwelling	
	Location: Arima, 4a Northwood Lane, Buckfast	
	Decision: Withdrawn	
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51	Application No: 0264/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission - Householder	Parish: Lydford
	Proposal: Loft conversion to provide carer's accommodation	
	Location: Springers, Vale Down, Lydford	
	Decision: Grant Conditionally	
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52	Application No: 0266/15	District/Borough: West Devon Borough
	Application Type: Full Planning Permission	Parish: Burrator
	Proposal: Agricultural building (102sqm) for storage of cattle, hay and tractors	
	Location: Welltown Farm, Walkhampton	
	Decision: Withdrawn	
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53 **Application No:** 0268/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission - Householder **Parish:** South Tawton
Proposal: Extension to form garage
Location: 17 The Croft, South Zeal
Decision: Grant Conditionally

54 **Application No:** 0262/15 **District/Borough:** West Devon Borough
Application Type: Full Planning Permission **Parish:** South Tawton
Proposal: Replacement of existing flat roof with pitched roof
Location: The Rising Sun, Ramsley Hill, South Zeal
Decision: Grant Conditionally

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 August 2015

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the 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/0127/15	District/Borough: West Devon Borough
Grid Ref : SX514776	Parish : Peter Tavy
Breach : Building not as approved (chicken shed!) and new workshop doors	
Location : Midhurst Cottage, Peter Tavy	
Action taken / Notice served	No further action taken

2 Enforcement Code: ENF/0213/14	District/Borough: South Hams District
Grid Ref : SX704597	Parish : South Brent
Breach : Erection of conservatory	
Location : 62 Crowder Park, South Brent	
Action taken / Notice served	No further action taken

STEPHEN BELLI