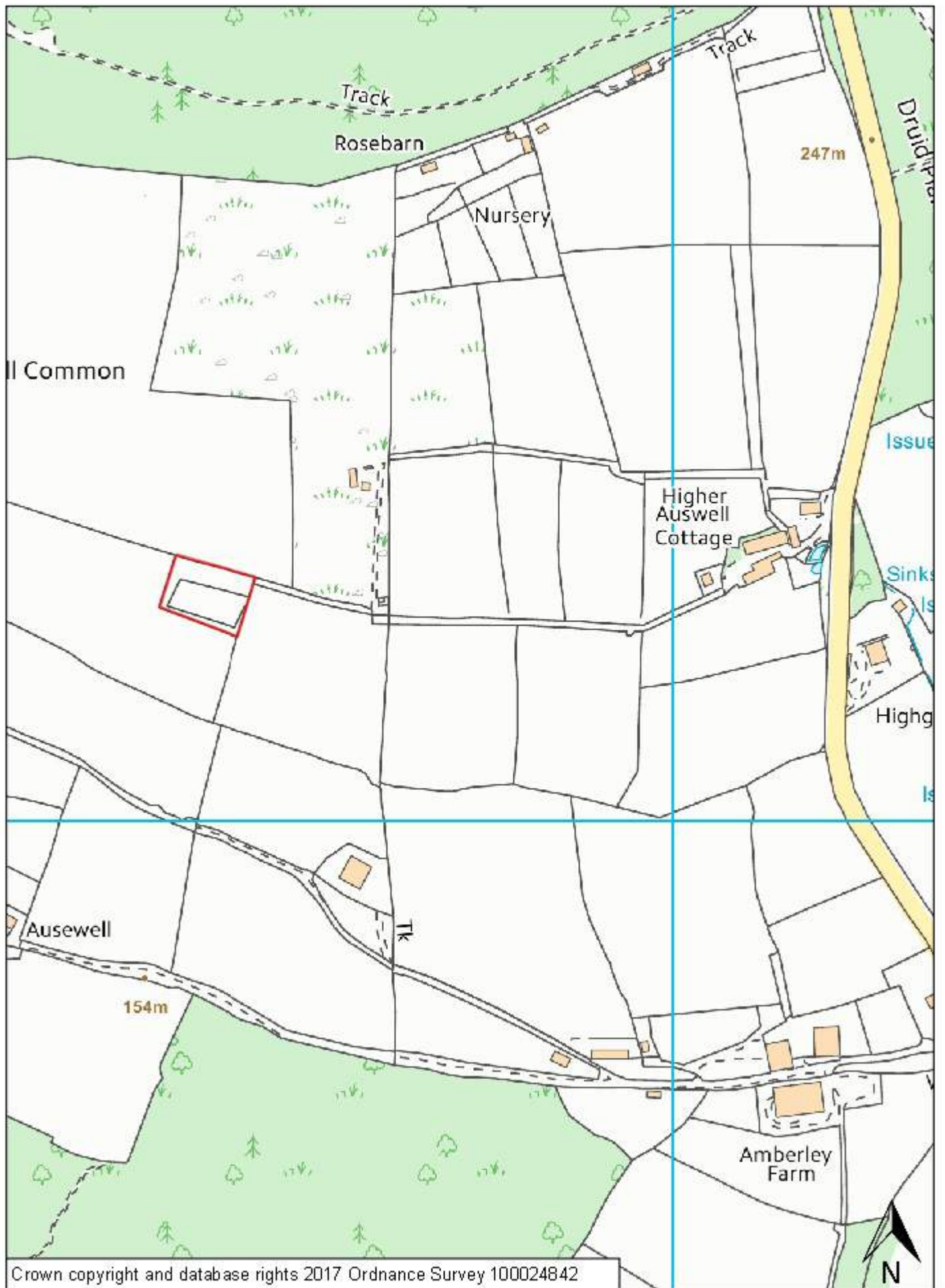


# Land at Ausewell Common, Ashburton - 0326/17



Scale 1:4,000



DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

06 October 2017

**SITE INSPECTIONS**

Report of the Acting Head of Planning

1 Application No: **0326/17** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Ashburton**  
Grid Ref: **SX736711** Officer: **Helen Herriott**

Proposal: **Erection of agricultural building (13.5m x 9m)**

Location: **Land at Ausewell Common, Ashburton**

Applicant: **Ms V Siddell**

Recommendation: **That permission be REFUSED**

**Reason(s) for Refusal**

1. The proposed development would comprise the introduction of a large agricultural building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park. The development would therefore be contrary to policies COR1, COR3, COR4, DMD1, DMD3, DMD5, DMD7 and DMD34 of the Dartmoor National Park Authority Development Plan and to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.
2. With no demonstrable agricultural need for the proposed development, the proposed building is considered to be contrary to policies COR2, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Authority Development Plan, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and to the National Planning Policy Framework 2012.

The panel convened at the site where the applicant had 'pegged out' the proposal.

The Officer explained the proposal, identified the proposed location and size of the building, described the proposed design using the elevation drawings and identified the unauthorised stable building. The Officer clarified the policy position and reiterated that the proposal conflicts with policies DMD7 and DMD34.

The Officer asked the applicant to confirm the location and amount of land in their ownership

(3.10ha).

The applicant was asked by Members if they had any stock other than the 49 chickens. The applicant advised they also had some ducks and 2 horses. The applicant was also asked what the barn was to be used for. They confirmed that the barn was to be used for the incubation of rare breed chickens and the storage of hay and implements including a tractor.

The panel walked the around the edge of the site to locate the closest building/structure.

There were no representatives from either the District or Town Councils present at the meeting.

The acting Head of Planning advised the applicant that she would have the opportunity to speak at the next Planning Committee Meeting if she so wished.

The Members unanimously agreed with the Officer recommendation. The panel considered that the building was not well related to a farm/agricultural enterprise, it was very isolated and highly visible from a variety of viewpoints. Some members also had concerns regarding the design of the building.

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7. Application No: **0326/17** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Ashburton**  
Grid Ref: **SX736711** Officer: **Helen Herriott**

Proposal: **Erection of agricultural building (13.5m x 9m)**

Location: **Land at Ausewell Common,  
Ashburton**

Applicant: **Ms V Siddell**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed development would comprise the introduction of a large agricultural building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park. The development would therefore be contrary to policies COR1, COR3 and COR4 of the Dartmoor National Park Authority Core Strategy Development Plan Document, policies DMD1, DMD3, DMD5, DMD7 and DMD34 of the Dartmoor National Park Development Management and Delivery Development Plan Document, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.
2. With no demonstrable agricultural need for the proposed development, the proposed building is considered to be contrary to policies COR2 and COR3 of the Dartmoor National Park Authority Core Strategy Development Plan Document, to the Development Management and Delivery Development Plan Document and in particular policies DMD1b, DMD5 and DMD34, to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and to the National Planning Policy Framework 2012.

### **Introduction**

The application site is located within Ausewell Common approximate 2.5km north east of Ashburton. The site is on an existing (redundant) sand school. The site comprises an unauthorised stable building, currently used for furniture storage and the keeping of chickens.

The proposed building is 122sqm and is 13.5 x 9 x 4.2m in height. The proposed materials are Gorse Green profile roof sheeting and vertical, locally sourced, timber boarding. The ventilation louvres are to be of timber construction. 3m x 4m brown metal double door openings are to be located on three sides of the building.

The access to the site is along a private shared track from Higher Ausewell Cottage, at the end of this track, there is no formal existing access track across the field to the sand school.

This application is presented to Members due to the Parish Council support of the proposal.

### **Consultations**

Environment Agency: Flood Risk Zone 1 - Standing advice applies

Teignbridge District Council: Does not wish to comment  
County EEC Directorate: No highways implications  
DNP - Archaeology: No comment received  
DNP - Trees & Landscape: The proposed building is an isolated structure that will not conserve or enhance the character of the local landscape.

The development will also have an adverse impact on the character of the local landscape. The development will be contrary to policy COR1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is also contrary to DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape.

Considering the size of the holding and the lack of agricultural activity on the land, development will be contrary to DMD34 because there is no demonstrable need for a building, it is poorly related to landscape features and other building groups and the building is not of a scale that is well related to its function.

#### Recommendation

The application should be refused because the development will be contrary to policy COR 1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR 3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is contrary to DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape. It is also contrary to DMD34 because there is no demonstrable need for a building, it is poorly related to landscape features and other building groups and the building is not of a scale that is well related to its function.

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

Ashburton TC: Supports the application.

#### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR6 - Protecting Dartmoor's Archaeology

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

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

DMD34 - Agricultural and forestry

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD6 - Dartmoor's moorland and woodland

DMD7 - Dartmoor's built environment

### **Representations**

2 letters of objection 1 other letter

Two objections and a general observation have been received, these relate to the suitability of the access for a business premises on this site (increased traffic); the design and scale of the building; the legitimacy of the agricultural holding and noise/odour concerns.

### **Observations**

#### PROPOSAL

The proposed building is 122sqm and is 13.5 x 9 x 4.2m in height. The proposed materials are Gorse Green profile roof sheeting and vertical, locally sourced, timber boarding. The ventilation louvres are to be of timber construction. 3m x 4m brown metal double door openings are to be located on three sides of the building.

#### PLANNING HISTORY

An unauthorised stable building, pole barn and caravan on site were investigated by the enforcement team in December 2016. The applicant was invited to submit a planning application or remove the buildings/structures. The pole barn and caravan have been removed from the site however the stable building remains.

#### AGRICULTURAL HOLDING

The applicant states that the building will be used for the farming of laying chickens and rare breed chickens to be sold over the internet together with the sale of the more common breeds of chicken for eggs and meat.

They also state that the purpose of the building is to house the stock, food and bedding together with a tractor and ground equipment. It is advised that the tractor is required for raking over the sand school and ground/hedge maintenance of the adjoining field.

The existing stock numbers are stated as 49 chickens with the intention to increase the numbers (to 100 or 200) if/when the farm is Certified/Registered.

#### POLICY CONTEXT

The National Planning Policy Framework states that great weight should be given to

conserving the landscape and scenic beauty, cultural heritage and wildlife of National Parks which have the highest status of protection. The importance of delivering these Park purposes is reiterated in the objectives of local policy DMD1b, which stipulates that these considerations will be given priority over other considerations in the determination of planning applications.

Policies COR1 and COR3 require all new development proposals to respect and enhance the character and quality of local landscapes and to sustain local distinctiveness and Dartmoor's special environmental qualities. Policy COR4 requires development proposals to demonstrate a scale and layout appropriate to the site, conserving and enhancing the quality and distinctiveness of the local landscape and built environment.

The importance of understanding landscape character is fundamental to a consideration of these issues and this is embedded in policy DMD5. This policy explicitly states that development proposals should respect the valued attributes of landscape character types, ensuring that location, layout, scale and design conserves or enhances the special qualities of the local landscape, avoiding unsympathetic development that will harm the wider landscape.

Policy DMD34 requires new agricultural development to demonstrate a need proportionate to the use of the land, a scale and form related to its function, relate well to local landscape features and other building groups and be located and orientated to respect local topography.

The Dartmoor National Park Design Guide explains that new agricultural buildings need to be carefully sited in the landscape. Development should aim to fit into and be sympathetic to, existing farmsteads and the landscape, avoiding visually intrusive new buildings and reference being made to trees and folds in the landscape providing opportunities for sensitive, unobtrusive siting.

## LANDSCAPE CHARACTER

The site is within the landscape character type 'Upper Farmed and Wooded Valley Slopes' The land immediately around the site is undulating agricultural land comprising small to medium sized field enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Large mixed woodlands area a feature of this landscape. The well-treed character results in an enclosed and unified landscape with constantly changing colours and textures. There is a sparse settlement pattern with small hamlets, villages and isolated farmsteads. Winding lanes bounded by high hedges thread across the landscape. The landscape has strong pastoral character.

The proposed development will have an impact on the local landscape character. The building is poorly related to other structures and will be an isolated structure within this landscape.

Policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognised that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape.

The policy is very clear that development should conserve and/or enhance the character of Dartmoor's landscape. The development does not conserve and/or enhance the character of the landscape and is clearly contrary to policy.

The impact of agricultural development on local landscape character is an important consideration under policy DMD34 which states that development will only be permitted where it relates well to local landscape features and building groups. The building proposed here

contrasts strongly with this requirement.

## DESIGN

The design of the building does not accord with the strong local vernacular of stone reflected in farmsteads, stone-faced banks, walls and barns. The use of traditional materials and methods of construction is encouraged within the DNPA Design Guide.

The proposed building is dominant in this open sand school location and the applicant has done little to reduce the visual and landscape impact of the building. No screening has been proposed to reduce the prominent views of the buildings, however in this location screening is unlikely to be appropriate or adequate to reduce the impact of the isolated barn. In terms of landscape character the proposed building does not relate well to the local landscape.

The Design Guide states that dual pitched roofs are usually preferred for larger agricultural buildings. The proposed material for the roof is goose green metal profile sheeting. A merlin grey or anthracite grey roof would be more appropriate as identified in the DNPA Design Guide. In addition, the large door openings on the building appear unnecessary for the function.

Officers also note that formalisation of an agricultural use on this site is likely to lead to increased traffic and the requirement for a formalised track across the field. No details of a track have been submitted with this application. There is an "existing stone track" identified on the application documents, however this was not observable by Officers on site.

## DEMONSTRABLE NEED

DMD34 states that agricultural development will be permitted if there is a demonstrable need that is proportionate to the use of the land, it relates well to the landscape features and other building groups and it demonstrates a scale that is well related to its function.

The proposed building of approximately 121sqm and 4.2m in height is considered to be excessive in size for the chicken stock levels identified. The design of the building does not relate well to the proposed function for the keeping of chickens. A chicken ark or product designed for the keeping of chickens may be more appropriate. Furthermore, the requirement of raking the sand school is not considered to be an agricultural use of the land and maintenance of the hedges is not in itself justification for a building of this scale and design in this location.

The building does not appear to be proportionate to the agricultural use, the scale is not well related to its function and it is poorly related to the landscape features and other buildings.

## PARISH COUNCIL COMMENTS

The Parish Council supports the application.

Their comments note that this agricultural building is to replace the existing stable block for the housing of 49 birds with the intention to increase stock levels. They note that the recent bird flu epidemic meant that the applicant had to 'get rid of' her rare breed chickens as the stable block was too small to house the birds. They also state that the applicant proposed to turn the sand school into a free range poultry unit.



It should be noted that the existing stable block is unauthorised and that the bird flu epidemic required chickens to be brought inside; a temporary shelter could have been used for this purpose.

There is no supporting information on the application advising that the sand school will be turned into a free range poultry unit.

## CONCLUSION

The building is poorly related to landscape features and other building groups. The proposed building is contrary to policy COR1, COR3 and DMD5 because it does not conserve or enhance the character and special qualities of the Dartmoor landscape.

The introduction of an isolated building in this location would fail to reflect the building pattern associated with this landscape type and would therefore be harmful to landscape character.

Considering the size of the holding and limited agricultural activity on the site, the development is considered to be contrary to policy DMD34 because there is no demonstrable need for a building. The building is not of a scale that relates well to its function. The proposal therefore fails to meet the requirements of the Local Development Plan.

The application is recommended for refusal.

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DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

06 October 2017

**APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Report of the Acting Head of Planning

INDEX

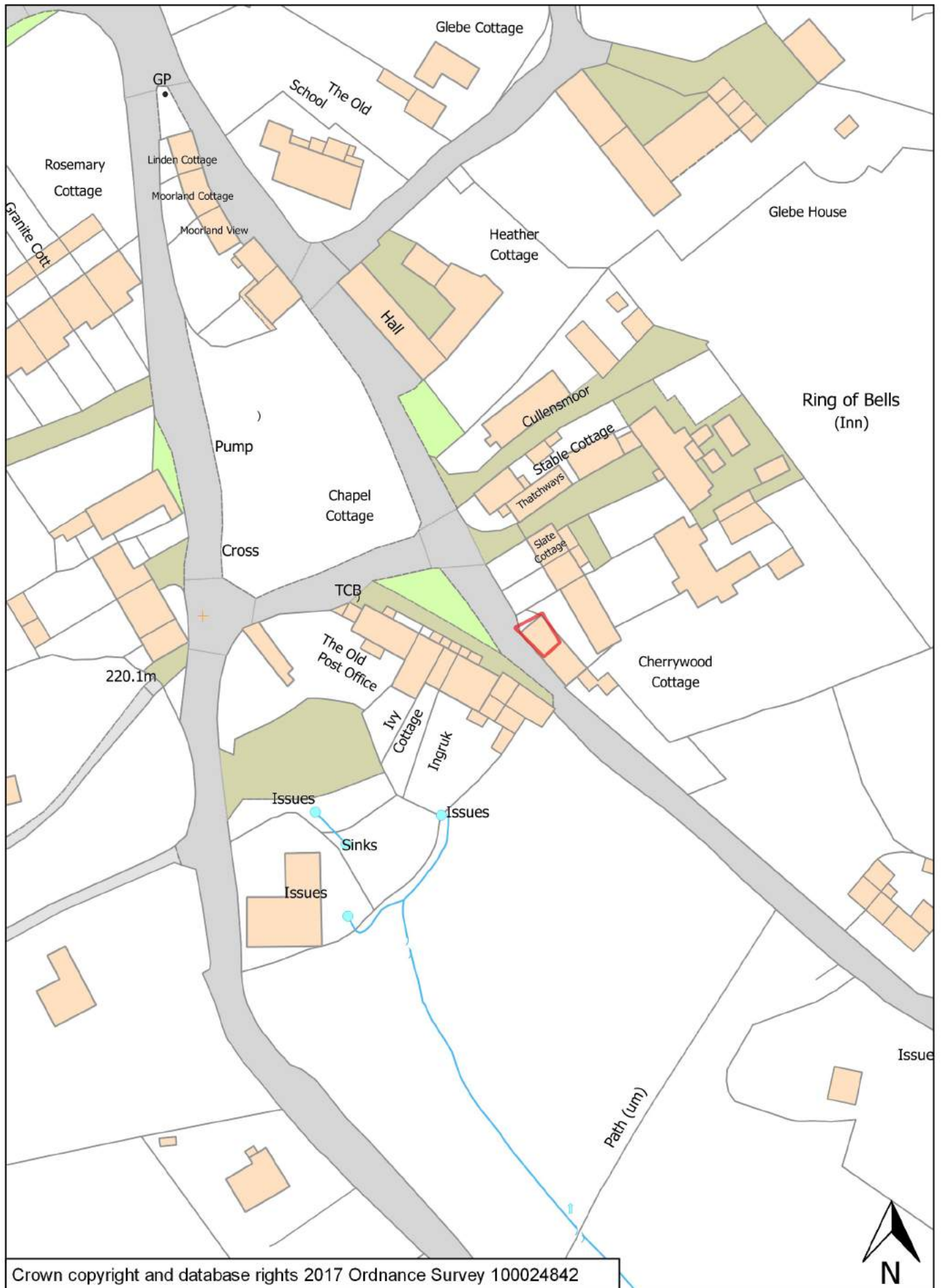
**Item No.** **Description**

1. 0381/17 - Construction of canopy and replacement door (Listed Building Consent), Cherrywood Cottage, The Village, North Bovey
2. 0380/17 - Construction of canopy and replacement door (Full Planning Permission), Cherrywood Cottage, The Village, North Bovey
3. 0373/17 - Conversion of part of an existing barn to residential accommodation as a stand alone dwelling (Full Planning Permission), Woodlands Farm, Murchington, Chagford
4. 0404/17 - New dwelling and improved access to the highway (Full Planning Permission), Braemar, Court Street, Moretonhampstead
5. 0389/17 - Erection of outbuilding to provide ancillary accommodation (Full Planning Permission - Householder), Cedar House, Bridford
6. 0394/17 - Erection of agricultural worker's dwelling (Outline Planning Permission), Venton Farm, Drewsteignton
7. 0348/15 - Extension of the working plan area of the existing active quarry (Full Planning Permission), Yennadon Quarry, Iron Mine Lane, Dousland

# Cherrywood, North Bovey - 0381/17



Scale 1:1,000



1. Application No: **0381/17** District/Borough: **Teignbridge District**  
Application Type: **Listed Building Consent** Parish: **North Bovey**  
Grid Ref: **SX740838** Officer: **Nigel Pratt**

Proposal: **Construction of canopy and replacement door**

Location: **Cherrywood Cottage, The  
Village, North Bovey**

Applicant: **Mr & Mrs Williams**

Recommendation **That consent be REFUSED**

### **Reason(s) for Refusal**

1. The porch canopy by reason of its design and impact on the designated heritage asset harms the significance of this grade II listed building and there are no public benefits to outweigh this harm. The works are therefore contrary to policies COR1, COR3, COR4, COR5, DMD1b, DMD7, DMD8 and DMD24 of the Dartmoor National Park Authority Development Plan and to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

### **Introduction**

Cherrywood, and the attached Littlegate Cottage to the south, are situated approximately 30m south-east of the village green in the centre of North Bovey. The cottages are understood to date to the late-seventeenth century. The distinctive double entrance porch shared between the cottages is clearly shown on the c.1840 Tithe Map. The additional single door to Cherrywood, which is the subject of this application, is likely to date to an early twentieth century phase when the building appears to have been split into three cottages. Cherrywood and Littlegate were listed at Grade II in 1955 and are situated within North Bovey Conservation Area.

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

### **Consultations**

Environment Agency: Flood Zone 1 - standing advice applies  
Teignbridge District Council: No objection  
County EEC Directorate: No highway implications.

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

North Bovey PC: Supports - no reasons given.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR2 - Settlement Strategies  
COR3 - Protection of Dartmoor's special environmental qualities  
COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

DMD12 - Conservation Areas

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

DMD24 - Extensions and alterations to dwellings

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

### **Representations**

1 letter of objection

The porch damages the historic importance of the building within the context of the Village and adversely affects the Conservation Area as a whole and this and the adjoining property in particular.

### **Observations**

#### PROPOSAL

The application seeks retrospective Listed Building Consent for a canopy porch over a new replacement door to an existing door opening on the front elevation of this Grade II listed building.

#### PRE-APPLICATION ADVICE

The current applicants, Mr and Mrs Williams, were informed by Dartmoor National Park Authority of the requirement for Listed Building Consent for the replacement of external doors on 5 March 2012. No application was subsequently submitted and the works, which included the erection of the canopy porch, were completed in February 2017 without Listed Building Consent. This retrospective application to regularise the works was received following the opening of an enforcement case by DNPA.

#### POLICY AND GUIDANCE

Policy COR1 ensures that development within Dartmoor National Park is undertaken in a sustainable manner. Of particular relevance is COR1(j) which states the importance of conserving and enhancing historic and cultural features. This is underlined by COR4, which sets out the need for good design and COR5 which deals with the conservation and enhancement of the historic built environment. Policy DMD24 states that alterations should conform to guidance as set out in the Dartmoor Design Guide and that they conserve the special qualities of the Dartmoor landscape, which are set out in DMD1b, and do not adversely affect the appearance of the dwelling or its surroundings. Policy DMD8 deals specifically with changes to heritage assets, which are also set out in Section 12 of the National Planning Policy Framework. Policy DMD12 is concerned with development affecting a Conservation Area.

#### JUSTIFICATION

Paragraph 132 of the NPPF states that 'any harm or loss should require clear and convincing

justification'. In this case the applicants wish to protect the doorway from the elements. A postcard submitted in the Design and Heritage Statement dated to c.1920 shows a rough open trellis structure in place over the door. This appears to have been absent at the date of listing. The new porch is of a very different design to the former trellis. It is argued that the design compliments the cottage, would protect the new door, is reversible and should be seen in terms of the cottage's long evolution which would remain legible. It is stated that the former door that was replaced was in a poor condition. It should be noted that the cottage already has a covered external doorway to the front, through the historic porch shared with Littlegate.

## IMPACT ON THE LISTED BUILDING

In terms of loss of historic fabric, it is unknown whether the current door replaced a door of heritage significance and what condition this was in, but given that the existing doorway appears to have been created in the early-twentieth century the door is not likely to have been of special interest. Assuming an earlier door was not reused here (which does happen on occasion) the impact of this is likely to be low.

The historic double entrance porch to the cottages is a key element contributing to the significance of the listed building and the most important feature on this front elevation. While it is accepted that an additional external door serving Cherrywood has been present for some time, this new porch on the front elevation draws undue attention to itself. Its presence introduces a discordant element that is considered to visually detract from the historic shared double entrance. It also skews the understanding of how the cottages originally functioned with their shared entrance reflecting a more communal less private period of village life.

More specifically, in terms of Historic England's 'Conservation Principles Policies and Guidance', the new porch harms: the evidential, illustrative historical and communal values of the cottages, by visually detracting from the existing porch, which is a physical remnant of its important earlier phase and is crucial to the understanding of this past use; and also its aesthetic value by introducing a new a prominent element which does not enhance this main elevation.

While this harm is less than substantial, it is harm nonetheless. Paragraph 134 of the NPPF and DMD8 allow for less than substantial harm to be weighed against public benefits. However, in this case the cottage already has a covered entrance and any benefits should be regarded as private and therefore should not be taken into consideration. There is also no evidence to suggest that the addition of this porch is necessary to maintain the cottage's optimum viable use as a dwelling.

## DESIGN CONSIDERATIONS

The porch canopy roof connects to the cottage higher than the sill level of the first floor window. This is clearly contrary to advice given in the Dartmoor National Park Design Guide (p. 80) which states that 'the porch roof should not project higher than the underside of the first floor window sills'. The porch is also higher than the double entrance porch to the south. This unbalances the appearance of the cottage and the new porch becomes the dominating feature on this elevation.

## SUMMARY

The retrospective nature of this application has made a proper assessment of the former door impossible but the balance of probability is that this door was of low heritage significance and there is no objection to this part of the application.

The canopy porch, however, has a detrimental impact on the heritage significance of Cherrywood and Littlegate cottages and the contribution they make to the Conservation Area and is therefore contrary to DNPA and national policy guidance. By extending beyond first floor sill level the design is also contrary to advice set out in the DNPA Design Guide. Overall, the harm caused cannot be outweighed by any public benefit and on these grounds, and for the reasons above, it is recommended that the application be refused.

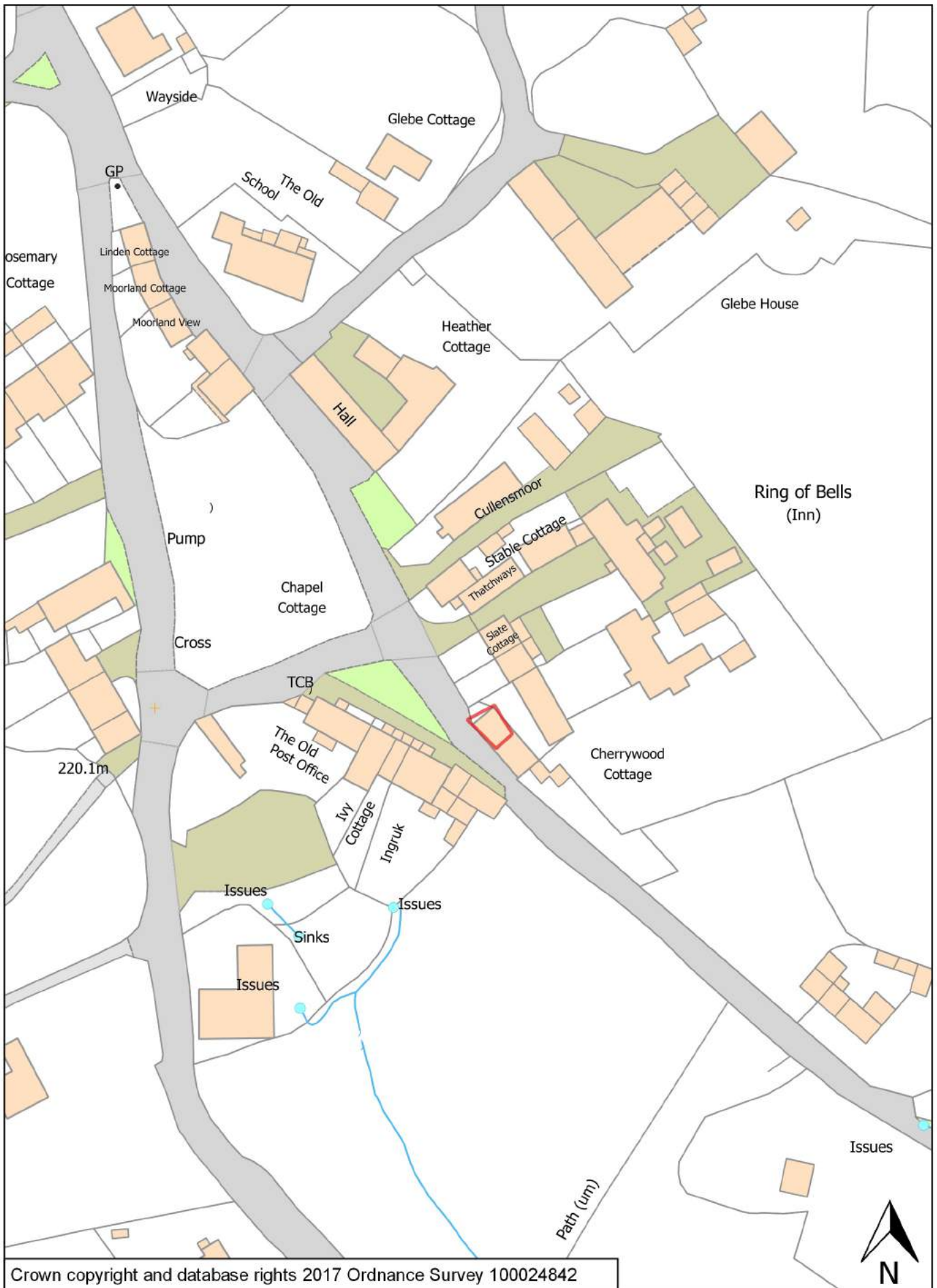
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# Cherrywood, North Bovey - 0380/17



Scale 1:1,000





2. Application No: **0380/17** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **North Bovey**  
Grid Ref: **SX740838** Officer: **Nigel Pratt**

Proposal: **Construction of canopy and replacement door**

Location: **Cherrywood Cottage, The  
Village, North Bovey**

Applicant: **Mr & Mrs Williams**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The porch canopy by reason of its design and impact on the designated heritage asset harms the significance of this grade II listed building and the character of the North Bovey Conservation Area, and there are no public benefits to outweigh this harm. The works are therefore contrary to policies COR1, COR3, COR4, COR5, DMD1b, DMD7, DMD8, DMD12 and DMD24 of the Dartmoor National Park Authority Development Plan and to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

### **Introduction**

Cherrywood, and the attached Littlegate Cottage to the south, are situated approximately 30m south-east of the village green in the centre of North Bovey. The cottages are understood to date to the late-seventeenth century. The distinctive double entrance porch shared between the cottages is clearly shown on the c.1840 Tithe Map. The additional single door to Cherrywood, which is the subject of this application, is likely to date to an early twentieth century phase when the building appears to have been split into three cottages. Cherrywood and Littlegate were listed at Grade II in 1955 and are situated within North Bovey Conservation Area.

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

### **Consultations**

Environment Agency: Flood Zone 1 - standing advice applies  
Teignbridge District Council: No objection  
County EEC Directorate: No highway implications.

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

North Bovey PC: Supports - no reasons given.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

COR5 - Protecting the historic built environment

DMD12 - Conservation Areas

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

DMD24 - Extensions and alterations to dwellings

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

### **Representations**

12 letters of support

- Porches are a characteristic of North Bovey.
- A porch has been present in the past.
- The porch does not impede traffic.
- The porch is in keeping with the cottage.

### **Observations**

#### PROPOSAL

The application seeks retrospective planning permission for a canopy porch over a new replacement door to an existing door opening on the front elevation of this Grade II listed building.

#### PRE-APPLICATION ADVICE

The current applicants, Mr and Mrs Williams, were informed by Dartmoor National Park Authority of the requirement for Listed Building Consent for the replacement of external doors on 5 March 2012. No application was subsequently submitted and the works, which included the canopy porch, were completed in February 2017 without Listed Building Consent or planning permission in place. This retrospective application to regularise the works was received following the opening of an enforcement case by DNPA.

#### POLICY AND GUIDANCE

Policy COR1 ensures that development within Dartmoor National Park is undertaken in a sustainable manner. Of particular relevance is COR1(j) which states the importance of conserving and enhancing historic and cultural features. This is underlined by COR4 which sets out the need for good design and COR5 which deals with the conservation and enhancement of the historic built environment. Policy DMD24 states that alterations should conform to guidance as set out in the Dartmoor Design Guide and that they conserve the special qualities of the Dartmoor landscape, which are set out in DMD1b, and do not adversely affect the appearance of the dwelling or its surroundings. Policy DMD8 deals specifically with changes to heritage assets, which are also set out in Section 12 of the National Planning Policy Framework. Policy DMD12 deals with development affecting a Conservation Area.

#### JUSTIFICATION

Paragraph 132 of the NPPF states that 'any harm or loss should require clear and convincing

justification'. In this case the applicants wish to protect the doorway from the elements. A postcard submitted in the Design and Heritage Statement dated to c.1920 shows a rough open trellis structure in place over the door. This appears to have been absent at the date of listing. The new porch is of a very different design to the former trellis. It is argued that the design compliments the cottage, would protect the new door, is reversible and should be seen in terms of the cottage's long evolution which would remain legible. It is stated that the former door that was replaced was in a poor condition. It should be noted that the cottage already has a covered external doorway to the front, through the historic porch shared with Littlegate.

## IMPACT ON THE LISTED BUILDING

In terms of loss of historic fabric, it is unknown whether the current door replaced a door of heritage significance and what condition this was in, but given that the existing doorway appears to have been created in the early-twentieth century the door is not likely to have been of special interest. Assuming an earlier door was not reused here (which does happen on occasion) the impact of this is likely to be low.

The historic double entrance porch to the cottages is a key element contributing to the significance of the listed building and the most important feature on this front elevation. While it is accepted that an additional external door serving Cherrywood has been present for some time, this new porch on the front elevation draws undue attention to itself. Its presence introduces a discordant element that is considered to visually detract from the historic shared double entrance. It also skews the understanding of how the cottages originally functioned with their shared entrance reflecting a more communal, less private, period of the village's history.

More specifically, in terms of Historic England's 'Conservation Principles Policies and Guidance', the new porch harms: the evidential, illustrative historical and communal values of the cottages, by visually detracting from the existing porch, which is a physical remnant of its important earlier phase and is crucial to the understanding of this past use; and also its aesthetic value by introducing a new a prominent element which does not enhance this main elevation.

While this harm is less than substantial, it is harm nonetheless. Paragraph 134 of the NPPF and DMD8 allow for less than substantial harm to be weighed against public benefits. However, in this case the cottage already has a covered entrance and any benefits should be regarded as private and therefore should not be taken into consideration. There is also no evidence to suggest that the addition of this porch is necessary to maintain the cottage's optimum viable use as a dwelling.

## DESIGN CONSIDERATIONS

The porch canopy roof connects to the cottage higher than the sill level of the first floor window. This is clearly contrary to advice given in the Dartmoor National Park Design Guide (p. 80) which states that 'the porch roof should not project higher than the underside of the first floor window sills'. The porch is also higher than the double entrance porch to the south (which is well below first floor sill level). This unbalances the appearance of the cottage and the new porch becomes the dominating feature on this elevation.

## RESIDENTIAL AMENITY CONSIDERATIONS

No neighbour impact is identified. No response was received from the occupant of the neighbouring Littlegate Cottage. There were 12 representations supporting the approval received from addresses in the surrounding area.

## FLOOD RISK CONSIDERATIONS

Cherrywood is located in Flood Risk Zone 1 and is not considered to be at risk.

## HIGHWAY CONSIDERATIONS

No highway implications are identified.

## SUMMARY

The retrospective nature of this application has made a proper assessment of the former door impossible but the balance of probability is that this door was of low heritage significance and there is no objection to this part of the application.

The canopy porch, however, has a detrimental impact on the heritage significance of Cherrywood and Littlegate cottages and the contribution they make to the Conservation Area and is therefore contrary to DNPA and national policy guidance. By extending beyond first floor sill level the design also goes against advice explicitly set out in the DNPA Design Guide. Overall, the harm caused cannot be outweighed by any public benefit and on these grounds, and for the reasons above, it is recommended that the application be refused.

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# Woodlands Barn, Murchington - 0373/17



Scale 1:2,000



3. Application No: **0373/17** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Throwleigh**  
Grid Ref: **SX688883** Officer: **Helen Herriott**

Proposal: **Conversion of part of an existing barn to dwelling**

Location: **Woodlands Farm, Murchington,  
Chagford**

Applicant: **Mr A Walker**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The evidence submitted in support of the application is insufficiently robust to demonstrate that the proposed development will deliver an affordable dwelling in the open countryside in line with the Authority's intermediate model for affordable housing delivery. In the absence of any overriding reasons, the proposal would therefore be contrary to policies COR2 and COR15, and DMD23 of the Dartmoor National Park Development Plan and the advice contained in the National Planning Policy Framework 2012.

### **Introduction**

Woodlands Farm is located on the edge of Murchington on the junction of the roads to Chagford and to Waye Down. The barn, subject of this application, is attached to Woodlands Farmhouse. The walls of the barn are of granite construction and the roof is of corrugated metal sheeting with timber trusses.

The barn is within the Murchington Conservation Area and is listed on the Historic Environment Record (HER). As such it is considered to be a non-designated heritage asset.

The applicant states that the farm is no longer a working farm, the majority of the land having been given up and what remains is now rented out to local farmers. The barn is therefore redundant in terms of farming. It was previously used as a threshing barn/cart store and part of the barn contains the remains of an animal holding barn with hayloft above.

The applicant states that the barn is in "good condition" however this is not supported by a structural report.

This application is presented to members due to the Parish Council support of the scheme.

### **Planning History**

0301/17	Conversion of part of an existing barn to residential accommodation		
	Full Planning Permission	Withdrawn	21 June 2017

### **Consultations**

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highways implications

Environment Agency: Flood zone 1. Standing advice applies.

DNP - Ecology & Wildlife A preliminary ecological appraisal report has been

Conservation: submitted with the application (Green Lane Ecology, Feb 2017). The survey methods, presentation of results and recommendations are satisfactory. The survey found no evidence of bats but past evidence of nesting swallows and other unidentified bird species. The report concludes that there are potential bat roost features and recommended a bat activity (emergence) survey.

The report provides recommendations about timing of work to protect nesting birds.

The results of this survey are presented in a bat emergence/activity survey report (Green Lane Ecology, May 2017). No bats were seen emerging and the report concludes that the barn is not a bat roost.

The report provides recommendations about general precautions in case bats are encountered.

There is no requirement for further survey or the need for any protected species licence. The recommendations of the reports should be a condition of approval.

Consultee recommendation:

Works to proceed in strict accordance with the recommendations in the preliminary ecological appraisal report (Green Lane Ecology, Feb 2017) and bat emergence / activity survey report (Green Lane Ecology, May 2017).

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

Throwleigh PC: Strongly support in terms of design and provision of affordable housing for local people.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR15 - Providing for limited new housing to meet local needs  
COR2 - Settlement Strategies  
COR4 - Design and sustainable development principles  
COR5 - Protecting the historic built environment  
DMD11 - Demolition of a listed building or local heritage asset  
DMD12 - Conservation Areas  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD23 - Residential development outside Local Centres and Rural Settlements  
DMD38 - Access onto the highway  
DMD40 - Parking provision - Residential  
DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

DMD9 - The re-use and adoption of historic buildings in the countryside

### **Representations**

28 letters of support

Neighbours and residents from further afield support the applicant, his contribution to the local community and his proposal to sympathetically convert the barn adjacent to Woodlands Farm.

### **Observations**

#### PROPOSAL

This application proposes the conversion of the barn into an affordable 2 bedroom dwelling to provide accommodation for a local worker following the intended sale of Woodlands Farmhouse. The application proposes the living accommodation on the first floor and the two bedrooms and a bathroom on the ground floor.

The applicant states that the proposed dwelling will be 85sqm. The application drawing submitted shows a floorspace of 95sqm.

A new pedestrian access comprising a granite staircase from the road is proposed to the north east of the property. This requires removal of some of the existing hedgebank. No car parking is proposed as part of this application.

No new openings or extensions are proposed as part of the conversion, rooflights are proposed on the north-west (rear) elevation.

The proposed materials include oak windows and doors, natural slate roof and repointing of the granite walling with lime mortar.

#### HISTORY

An application for the same development was submitted and subsequently withdrawn following discussions relating to the viability of the project (ref: 0301/17).

This application is a resubmission.

#### POLICY

Murchington is not designated as a settlement in the Dartmoor National Park Core Strategy. For planning purposes it falls under policies applying to development in the open countryside.

Housing development in the open countryside of Dartmoor is limited to a very narrow set of circumstances.

DMD23 states that outside the Local Centres and Rural Settlements, planning permission for a dwelling will only be granted where:

- a) It is required for an agricultural holding, a forestry enterprise or a rural based business; or
- b) The proposal comprises the conversion of an existing building to an affordable dwelling and the conversion is compliant with Policy DMD9



c)The proposal comprises low impact residential development and is compliant with Policy DMD30

Conserving and enhancing the built heritage of the National Park depends in great part on sustaining the use of historic buildings. The sympathetic conversion and re-use plays a part in protecting the distinctive character and appearance of the National Park's countryside. Historic farm buildings, re-use related to agriculture, forestry, farm diversification or other countryside based business activities would be most appropriate. Re-use involving light industry, offices, community related development and recreation or tourism are other uses that are likely to gain support, being most likely to contribute positively to the socio-economic wellbeing of Dartmoor residents.

Policy DMD9 relates to the conversion or re-use of non-residential buildings outside classified settlements.

The conversion or re-use of buildings outside classified settlements as defined by Policy COR2 will only be permitted where the proposal:

- Relates to a historic building
- Comprises business uses and short stay tourist accommodation; or
- Will provide local community facilities; or
- In cases where a business or community use has been shown to be not viable or feasible, will provide affordable housing for local persons or accommodation for agricultural, forestry or rural enterprise workers.

The policy goes on to state that, in all cases:

- i)The building should be sited where there is reasonable access to local services and facilities preferably by a variety of means of transport,
- ii)The building should demonstrate a form, structure or history that is traditional within the context of Dartmoor's built heritage.
- iii)The building should be:
  - Structurally sound
  - Appropriately sized for the proposed new use
  - Capable of conversion without the need for substantial extension, alteration or reconstruction of the existing structure
  - Capable of conversion without requiring significant changes in the relationship with existing ground levels
- iv)The proposed conversion work should be in keeping with local building styles and materials, not adversely affecting the rural character and appearance of the locality or significant public views;
- v)Existing significant historic or architectural elements or other special features should be incorporated into the design;
- vi)The overall setting of the building and site should be sustained.

Permitted development rights will be removed in order to control the character and appearance of any subsequent extensions or alteration to the converted building. Power and telephone cables supplying the development should be placed underground.

Planning decisions must be made in accordance with the local Development Plan unless material considerations indicate otherwise.

The Affordable Housing Supplementary Planning Document is a material consideration in determining planning applications. When considering potential affordable housing sites and

assessing proposals the following must be considered:

- The size of the property (indicative size of a 2 bed flat is 62sqm). Properties which exceed this guideline may not be of a sale value such as to be truly affordable for an eligible household;
- Garages will not normally be acceptable
- The property should have a modest amount of garden space
- The finish of the property must be carefully considered. Whilst the Authority will seek a high standard of design, high internal specification is not appropriate for this type of housing and could make the property unaffordable for an eligible household.
- Permitted development rights will be removed.

Where the conversion of a dwelling would be acceptable in respect of policy, but conversion to an affordable dwelling may not be appropriate, The Authority may consider the possibility of permitting an open market dwelling. This being the case we would seek the affordable housing contribution via a commuted sum.

Other relevant policies include:

DMD4 aims to protect the residential amenity of existing and future residents.

DMD12 relates to development in or affecting the conservation area. Development will only be permitted where the character or appearance of the conservation area is preserved or enhanced

DMD40 sets out the required off street parking provision for new residential development. This should be provided within the curtilage of the property or allocated elsewhere. For detached and semi-detached dwellings a minimum of two spaces per dwelling is required. Car free development will be considered favourably where reasonable alternative parking provision exists.

## CONVERSION OF NON-DESIGNATED HERITAGE ASSET

Policies COR1, COR3, DMD8 and DMD1b establish the requirement for the conservation and enhancement of Dartmoor's cultural heritage.

The National Planning Policy Framework (NPPF) is explicit that great weight should be given to the conservation of cultural heritage within National Parks and the need to sustain and enhance the special interest and significance of heritage assets. This is emphasised in policy DMD1b of the Local Plan.

Policy DMD8 of the Local Plan is concerned with the conservation and enhancement of designated and non-designated heritage assets. It requires an assessment of the impact of development proposals on the significance (special heritage interest) of heritage assets to be made, taking into account to what extent the works will detract from the original scale, significance, form, quality and setting of the building and impact on its architectural or historic interest. The policy requires a balanced judgement having regard to the scale of any harm or loss and the significance of the building or asset.

The NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal

on their significance. As a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Notwithstanding the above, the Dartmoor National Park Authority Design Guide states that most traditional farm buildings are heritage assets and their setting is often an essential part of the building's character. Assessment of their significance will be required as part of the Design and Access Statement accompanying a planning application.

This building is no later than the mid-nineteenth century in date and is depicted on the Tithe Map of c.1840. It is recorded on the HER as an historic farmstead and makes a positive contribution to the Conservation Area.

The Building Conservation Officer states that the building is aligned NE-SW and comprises a dwelling to the SW end attached to a barn with no internal opening evident between the two. The rear elevation is exposed stone and it appears that the building was of a single build phase, with the exception of the NE end which is a later addition and the SW end, which might have been a separate cottage as the building is divided into four parts on the 1st edition OS map. The scheme would introduce another partition to the barn area by dividing this off from the cross passage entrance, but overall it is fairly sympathetic as such things go. Externally, from the roadside elevation there would be little change. On the NW elevation the roof has a mixture of patent glazing and rooflight – it might be better if one or the other of these were chosen.

He has no objections on historic built environment grounds providing appropriate conditions are attached to any consent.

Overall, the submitted scheme is sympathetic and relatively low-impact. There are no new external openings and the use of the interior space is not overly intensive. It is considered to be a scheme which would conserve and enhance the special qualities of the building.

## AFFORDABLE HOUSING

The proposed dwelling falls within the DNPA Intermediate housing model. Intermediate housing is more affordable and aims to meet a need between affordable rent and market housing where the household is not able to afford market prices. The Authority normally limits the size of new two bedroom intermediate dwellings to 62sqm to sustain their affordability.

The applicant states that the proposal is for an affordable dwelling for local person following the sale of Woodlands Farmhouse.

The Design and Access Statement states that the conversion costs are likely to be about £1250 per sqm. The barn will have a floor area of 85sqm and the projected costs will therefore be in the region of £106,000. However the project will be managed as a self-build to reduce the cost. Labour costs will be reduced by about 50% because of this and as labour costs tend to be about 50% of the cost of construction it is estimated that the overall cost will be in the region of £106,000 x 75% or £84,000 (VAT needs to be added to this).

It further states that without a restriction of a section 106 agreement, the value would probably be in the region of £275,000. A letter from Fowlers Estate Agent has been submitted to confirm the approximate full open market value. It states that the Section 106 agreement will reduce the value by at least 30% resulting in a likely value of less than. £195,000.

It is Officer's view that these costs are unrealistic and that the property is unlikely to be deliverable as an affordable unit in perpetuity. These issues were raised with the applicant's agent at an early stage in the application process.

The proposed development has a floor area of 95sqm. This has not been taken into account in the above calculations. Notwithstanding this, the estimated cost of £1250 per sqm is more akin to a new build cost. It is Officers' understanding that, in this location, costs of conversion are more likely to be nearer £1920 per sqm (DNPA - Standard Commuted Sum Contribution Report – Three Dragons - December 2013).

In all cases, the sale price should be discounted by not less than 20% from its open market level having already taken into account the occupancy condition attached to the property (which is typically a discount of around 15%).

Based on this above information, the resulting value of the property is likely to be £187,000 and the estimated costs of the project are likely to be £182,400.

A full costed schedule of works is required to enable Officers to fully understand the costs involved in the conversion of this property. The indicative costings provided are not a substantial and robust evidence base to allow Officer's to confidently recommend a departure from adopted policy in this case.

Notwithstanding the above, due to the excessively large garden, proposed high quality finishes, this proposed large two bedroom property is not considered to be deliverable as an affordable unit. The property is not sited in a sustainable location with access to local services and facilities which also further impedes its affordability.

Personal circumstance is not a material consideration in determining this application. It is not clear whether the applicant fits the eligibility criteria as they are selling an existing property. Officers have requested that the applicant submits an eligible persons form to ensure that they are proposing a scheme they are able to live in. This has been returned and is being assessed by the Forward Planning Team.

On the basis of the evidence before Officers at this time, the proposed development fails to meet the affordable housing policy requirements and there are no substantiated reasons to deviate from this position.

## AMENITY

Policies COR4 and DMD4 address the need to protect residential amenity. No new windows are being proposed as part of this development. The property is attached to Woodlands Farmhouse, it is considered that there will be some overlooking/loss of privacy from the proposed rear rooflight into the garden of this adjoining property, however this is slight and not a reason for concern.

## ECOLOGY

An ecological survey report was submitted and no bats or evidence of nesting bird activity was found. A standard precautionary condition would be considered to be appropriate in accordance with policies COR7 and DMD14 if the proposal were to be supported.

## PARKING

No parking is being provided in association with the conversion. The parking standards set out in policy DMD40 would normally require a minimum of two spaces. The Highways Officer has not objected to the application given the location of the property.

## SUMMARY

The provision of an affordable dwelling could be acceptable where it meets the criteria set out in policies COR2 and COR15. The adopted supplementary planning guidance gives clarity on how an intermediate affordable dwelling can be delivered.

Officers have assessed the information provided and consider that this is insufficient to confidently support the delivery of an affordable unit for occupation by a local person in genuine housing need. There are sufficient concerns to question whether this property could genuinely provide an affordable dwelling in this location.

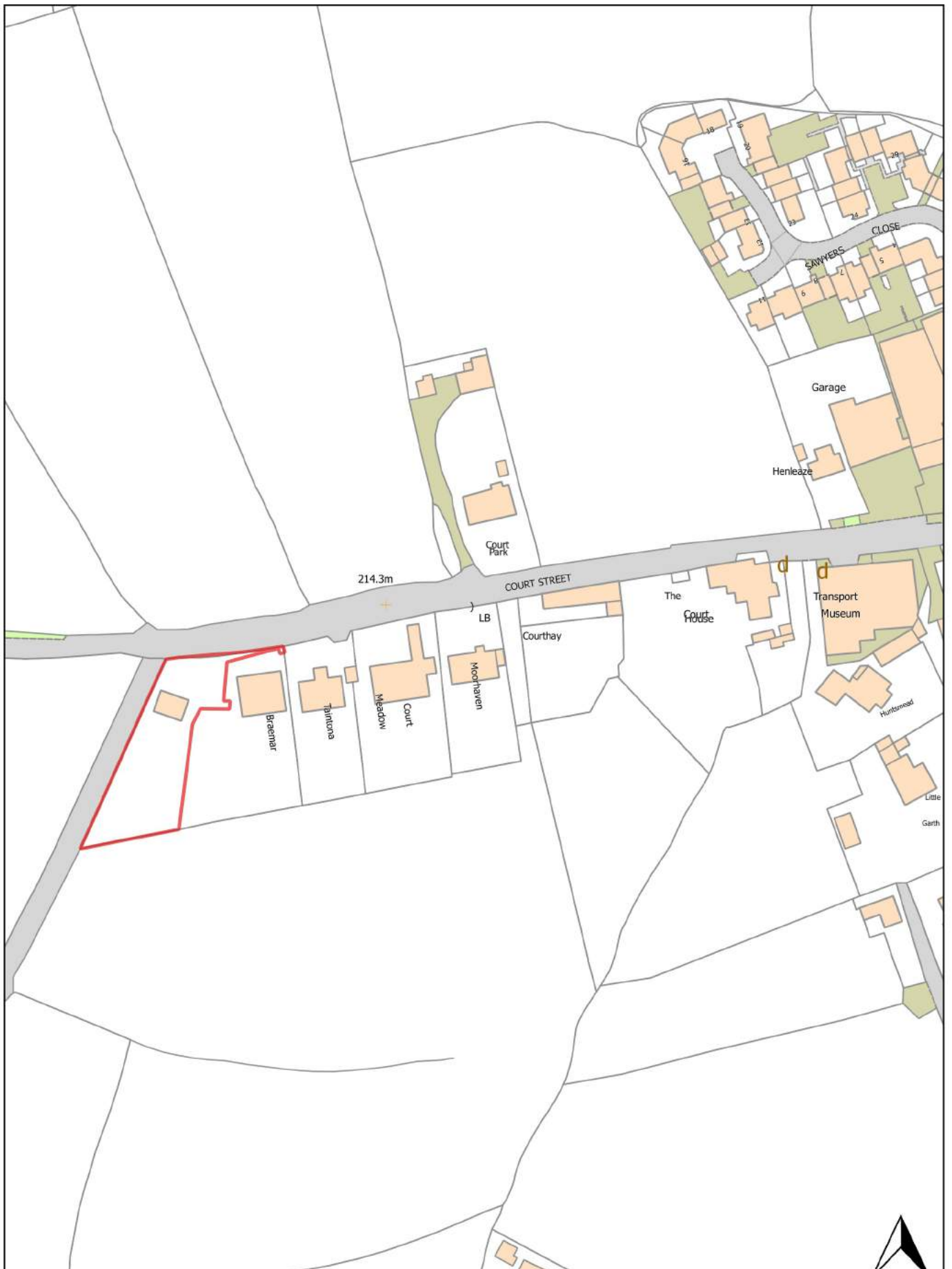
The application is therefore recommended for REFUSAL.

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# Braemar, Mortonhampstead - 0404/17



Scale 1:1,500



4. Application No: **0404/17** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Moretonhampstead**  
Grid Ref: **SX747859** Officer: **Helen Maynard**

Proposal: **New dwelling and improved access to the highway**

Location: **Braemar, Court Street,  
Moretonhampstead**

Applicant: **Mr & Mrs M Woolner**

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 without significant positive environmental improvement, contrary to policies COR2, COR15 and DMD21 of the Dartmoor National Park Authority 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 Authority 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**

Braemar is an existing dwelling on Court Street, Moretonhampstead. The Moretonhampstead settlement boundary runs along the western boundary of the site. The site is therefore within but on the edge of the Local Centre of Moretonhampstead. There is an existing outbuilding to the west of Braemar.

The property is accessed by a stone gravel driveway and a gateway to the northwest of the existing dwelling.

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. This application is for an open market dwelling with a total floor area of approximately 197sqm therefore it has been advertised as a departure from the Development Plan.

This application is presented to Members due to the Parish Council support of the proposal.

### **Planning History**

0116/98	Alterations to existing dwelling to include re-roofing, gable ends and new dormer windows		
	Full Planning Permission	Grant Conditionally	14 July 1999
0115/98	Demolition of existing shed/garage and construction of three bedroomed bungalow and integral garage		
	Outline Planning Permission	Withdrawn	04 February 1999

## Consultations

- Teignbridge District Council: Does not wish to comment
- County EEC Directorate: There are no objections in principle from a highway point of view to the proposals as the access, in its modestly improved form, is acceptable to serve as the access to the site with the additional house. The highway authority would expect, however, that all parking spaces had the facility to turn within the curtilage of the site so that they may enter and exit in forward gear. Although the proposed layout seems to provide suitable turning facility for the two spaces associated with the existing plot, vehicles from the spaces for the new building cannot easily turn.
- Please could this detail be amended and then the highway authority will be able to recommend that appropriate conditions are imposed on any planning permission granted.
- Further observations following receipt of amended plan 598/PR/001B:-  
The internal layout now provides suitable turning on-site for both properties, therefore suitable properties are now recommended to be imposed on any planning permission.
- No part of the development hereby approved shall be brought into its intended use until the improved access, parking facilities, visibility splays and turning area have been provided and maintained in accordance with the application drawings and retained for that purpose at all times
- Environment Agency: REASON: To ensure that adequate facilities are available  
Flood zone 1. Standing advice applies.

## Parish/Town Council Comments

- Moretonhampstead PC: The Council strongly supports the application. The house is of a pleasing modern design which fits within the envelope of the village. The improved vehicular access enhances provision of parking and safe access.

## Representations

None to date.

## Observations

### PROPOSAL

This application proposes a 1.5 storey, three bedroom, open market dwelling with a pitched roof with a floorspace of approximately 197sqm. The access will be shared with the existing



dwelling at Braemar. The location of the access will be east of the existing access, some hedgbank will be removed to form an adequate visibility splay.

In order to accommodate the proposed dwelling, the existing outbuilding will need to be removed, however this does not form part of the application and does not in itself require planning permission.

The proposed layout shows the subdivision of the southern garden of the site to erect a dwelling tight to the west boundary of the plot and set back from the building pattern along Court Street.

## PLANNING HISTORY

In 1998 (Ref: 0115/98) an application was made for the demolition of the existing shed/garage and construction of three bedroomed bungalow and integral garage. This was withdrawn.

Pre-application advice was sought prior to the submission of this application for a single dwelling. The advice identified the planning history, affordable housing requirements, and the need for a sympathetic design to reflect the character of the area.

## PRINCIPLE OF HOUSING AND IMPACT ON THE CHARACTER OF THE BUILT ENVIRONMENT

Moretonhampstead is identified as one of the larger settlements within the Park and defined as a Local Centre. Local policies COR15 and DMD21 make provision for the development of market housing where this will facilitate the delivery of affordable dwellings for local persons. The policy requires the proportion of affordable housing to be not less than 50% of the units provided. This means that for new housing development, the first unit proposed will need to be an affordable dwelling for a local person.

Policy DMD21 sets out the circumstances in which new housing will be permitted within Local Centres. It permits the principle of development of small infill plots within an existing built frontage.

A recent Ministerial Statement sets out that affordable housing and tariff style contributions should not be sought on development of 10 houses or less. The Authority has adopted the lower threshold of 5 houses or less in the National Park. 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 unless other material considerations indicate otherwise. 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.

This proposal does not offer any affordable housing provision or any justification or viability study to suggest an open market dwelling is justified in this location. The proposal is therefore contrary to policies COR15 and DMD21.

## IMPACT ON CHARACTER AND APPEARANCE OF THE NATIONAL PARK

The site does not strictly conform to an 'infill plot within an existing built frontage'. The proposal

is considered to be development within garden land. The Authority recognises the importance of garden land to the townscape and amenity of communities and adopts a cautious approach to proposals for this type of development.

Planning permission will only be granted where the scale and type of development and the layout of the site permits a development that is sympathetic to the character and appearance of the site and its surroundings, and the quality of the local environment and local amenity is not compromised.

The existing building line comprises large detached dwellings which are slightly set back from the road and form part of the character of this section of Court Street.

The proposed dwelling itself is to be located tight up to a boundary line with a public footpath to the west; a distance of 1 metre from the proposed new dwelling boundary (which is most likely to be demarked by fencing) and 5m from the dwelling itself.

Whilst the proposal is for a development of only one dwelling, the layout proposed would be inconsistent with the spacious context of dwellings which defines this part of Court Street. The orientation of the property does not reflect the grain and pattern of the existing dwellings along Court Street which are predominantly parallel to the road with large rear gardens and small gaps between each detached property. Furthermore the monolithic, elongated rectangular form of the building does not reflect the character of dwellings within Moretonhampstead.

The conservation of the National Park's special qualities and the social wellbeing of its communities is set out in the statutory purposes for National Parks and is reflected in the policies within the Local Plan. Sustainable development is about positive growth and needs to demonstrate an appropriate balance of environmental, social and economic benefit. Para. 10 of the National Planning Policy Framework (NPPF) states that "plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas". The environmental role of the sustainable development agenda is a key consideration for development decisions within National Parks and this is clearly set out in Para.115 of the NPPF. Great weight is given to conserving and enhancing the special qualities of the National Park and making the best use of a limited land resource by providing for appropriate development in the right location within the sustainability agenda for this protected landscape.

Based on the above assessment, the proposal is contrary to policies DMD7 and DMD21.

## DESIGN

As above, the form of the building does not reflect the grain of development along Court Street. Notwithstanding this, the design scale and massing of the proposal are also not considered to be of the high quality required for development within the National Park. The Dartmoor National Park Design Guide supplementary planning document seeks to encourage innovative, high quality design, including contemporary solutions.

The north elevation which may be seen from the road is weak and does not provide visual interest or a high quality design.

The traditional roof on Dartmoor is pitched with a gable end. The height of the eaves and roof pitch on the proposed dwelling provide a large expanse of solid rendered wall above the ground floor windows, particularly on the east and west elevations. This is amplified by the

rectangular form of the building.

The low eaves also provides a poor southern elevation as the first floor windows are extremely close to the eaves. Reducing the bulk of the first floor could be achieved by bringing the eaves down, and providing a more traditional pitch on the roof. Additionally, the proposed wood burner flue is located on the ridge. Flues, should penetrate the least publicly visible slope of the roof.

In this modern style dwelling, the cottage style casement windows shown on the ground floor and the first floor (north and south elevation) are not considered appropriate. Windows and door design are obviously different within traditional and contemporary buildings. The Design Guide states that buildings should avoid a mix of contemporary and traditional window/door design to avoid a confused identity for the new building. Care also needs to be taken that the appearance of the roof is not compromised by the introduction of rooflights. This can happen if the rooflights are too numerous, too large or too prominent on an elevation. The initial proposal had a significant number of large rooflights on the east and west elevations. Amended drawings have been submitted and the rooflights reduced in number following Officer comments. The remaining rooflights are still considered overly large.

The proposed dwelling will fail to preserve the character and appearance of the area, in accordance with policies COR1, COR4 and DMD7.

#### LANDSCAPE FEATURES

The application proposes a new access (replacing the existing accesses) and the removal of a section of hedgerow to the front of the site to accommodate this. The proposed dwelling is set away from the protected trees on the site but close to the root protection zone of these trees.

#### 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 proposed dwelling would be located close to the boundary hedge adjacent to the public footpath. There is approximately 19m between the proposed dwelling and Braemar, however the closest room on the east elevation of the property is a bathroom which is not considered a main habitable room and does not directly face the neighbouring property. It is considered that there will be no detrimental impact on residential amenity. The main habitable rooms are approximately 21m from Braemar and set at an oblique angle to the property which will limit the opportunity for overlooking.

#### HIGHWAY SAFETY

Following some minor alterations to the parking arrangements, the highway officer raises no objection to the proposed new access and traffic levels; the application will not be harmful to highway safety and will not conflict with the objectives of policies COR21 and DMD38.

#### OTHER ISSUES

Whilst concerns of precedent have been raised regarding garden development, it should be noted that individual planning applications have to be considered on their own merits.

## RECOMMENDATION

The proposal presents a departure from policy as it would not provide an affordable dwelling for a local person in line with strategic objectives of the Development Plan for the National Park, but it would also harm the character and appearance of this part of the Dartmoor National Park. The proposal would conflict with policies COR1, COR2, COR4, DMD1b and DMD7 which require new development to conserve and enhance the character and distinctiveness of the local environment. Specifically, policy COR4 requires new development to demonstrate a scale and layout appropriate to the site and its surroundings. The Design Guide advises that infill development plots require careful consideration, specifically taking into account the width, spacing and relationship of existing dwellings.

The proposal for an unjustified market dwelling on this site presents a development that would be harmful to the character and appearance of this part of the National Park and is therefore recommended for refusal.

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# 0389/17 Cedar House Bridford



Scale 1:1,250



5. Application No: **0389/17** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission - Householder** Parish: **Bridford**  
Grid Ref: **SX828874** Officer: **Claire Boobier**  
Proposal: **Erection of outbuilding to provide ancillary accommodation**  
Location: **Cedar House, Bridford**  
Applicant: **Mr & Mrs J Jenner**  
Recommendation **That subject to the completion of a S106 legal agreement tying the ancillary accommodation to the main dwelling, permission be GRANTED**

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings: 0.01 (Location Plan - as existing); 1.01 (Block Plan as proposed); 1.03 Rev A (Plan/Elevations - as proposed) received 1 August 2017.

### **Introduction**

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

The application is for a detached building between the house and a building known as 'The Hide' (formerly a garage serving Cedar House which in recent years has been converted into a holiday let).

At the time of the case officers site visit the footings were being constructed to enable the construction of this approved stable building (application ref. 0019/16).

A non-material amendment application to 0019/16 granted permission for the approved stable to be re-orientated including relocation of all openings and changing orientation of roof pitch to provide a stable building in form and orientation the same as that proposed under this application for the outbuilding albeit with some minor alterations to replace the stable doors with glazing to the east elevation of the building.

The application is presented to members in view of the concerns raised by the Parish Council.

### **Planning History**

0019/16	Erection of building (81 sq.m) for use as stables		
	Full Planning Permission	Grant Conditionally	08 March 2016
0861/07	Erection of a three bedroom dwelling to replace the existing mobile home and part- built log cabin		
	Full Planning Permission	Grant Conditionally	14 May 2008

### **Consultations**

Environment Agency: Flood Zone 1 - standing advice applies

Teignbridge District Council: No objection  
County EEC Directorate: The details have been inspected and it is considered that there are no highway implications.

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

Bridford PC: Object to application because it would block access to the accommodation in the garage, it would be visually intrusive from both of the existing buildings, the site would be too closely packed and it would be detrimental to the enjoyment of what is currently a very desirable family home.

### **Representations**

No representations received.

### **Observations**

The building takes the form of a single rectangular structure clad with timber boarding and under a zinc roof. The building is to be located in the access yard between the main house and more recent garage building which has since been converted to a holiday let. The building would run perpendicular with the line of the house cutting across the driveway and forming an enclosed yard area.

The building with the exception of the replacement of the stable doors and insertion of glazing to the east elevation is the same location, scale and massing, roof profile, orientation and materials as the approved stable building (0019/16). The only difference therefore between the stable building and that proposed under this application is the use of glazing in replacement of the stable doors and the proposed ancillary accommodation instead of its use as stables.

Under application reference. 0019/16 it was concluded that the design, form and materials of the proposed building would compliment the existing buildings on site and that given the secluded nature of the site and the expected quality of materials to be used in the construction, that the proposed building would not have any adverse visual or landscape impact being very well screened from public view.

As the building proposed under this application is identical to the stable building with the exception of the replacement of the stable doors with glazing, the design, form and materials are acceptable in design terms and due to the location of the building with no immediate residential neighbours other than the applicants property and holiday let, the proposal would also have no adverse impact on residential amenity.

Given that the building form and location has been established by the granting of the stable building, the remaining issue is whether the proposed use is acceptable.

The key policy consideration is therefore policy DMD25 (Ancillary Residential Accommodation) of the Development Management and Delivery Development Plan Document which permits ancillary accommodation where it can be demonstrated that the existing dwelling or an extension is functionally capable of hosting the proposed use.

It is considered that the outbuilding is functionally capable of hosting the proposed ancillary

accommodation and it well related to the host property known as Cedar House.

As the ancillary accommodation is to be provided in a separate outbuilding structure to the host property Cedar House in accordance with policy DMD25, the applicant has agreed to enter into a legal agreement to ensure that the use of the accommodation remains ancillary to the principal dwelling.

With a legal agreement in place there is no objection is proposed to the change of use of the building to be used as ancillary accommodation to Cedar House. It is considered that the use is in accordance with policy DMD25.

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# Venton Farm - 0394/17

Scale 1:1,250



6. Application No: **0394/17** District/Borough: **West Devon Borough**  
Application Type: **Outline Planning Permission** Parish: **Drewsteignton**  
Grid Ref: **SX692910** Officer: **Jo Burgess**

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

Location: **Venton Farm, Drewsteignton**

Applicant: **Mr J Lightfoot**

Recommendation **That permission be GRANTED**

### **Condition(s)**

1. The development hereby permitted shall be begun either (i) before the expiration of one year from the date of this permission, or (ii) before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
3. Development shall not begin until detailed drawings have been submitted to, and approved by, the Local Planning Authority showing the design and external appearance of the proposed dwelling, the materials of which it is to be constructed, the arrangements for the disposal of foul and surface water, areas for vehicle parking, surfacing and lighting, landscaping including details of the hedgebank along the eastern side of the new access track and all other works including walls, fences and other means of enclosure and screening. The location and species of all trees existing on the site shall be indicated on the plans. At all times thereafter the development shall be implemented strictly in accordance with the approved details.
4. The occupation of the accommodation hereby permitted shall be limited to a person (together with their spouse or partner, children and dependents) solely or mainly working, or last having worked, in the locality in agriculture or forestry, as defined in Section 336(1) of the Town & Country Planning Act 1990 (as amended).
5. Notwithstanding the application submission and plans hereby approved, the total internal floor area of the dwelling hereby approved shall not exceed 120 sqm including a farm office.
6. 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 dwelling 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.

### **Introduction**

Venton Farm is accessed directly off the A382 and located in the west of Drewsteignton parish. The land extends to approximately 53.96ha (133 acres) which includes a Woolaway style bungalow together with a range of modern farm buildings. The businesses operated

from this base include a suckler cow herd and an equine breeding business.

The application is in outline and proposes an agricultural worker's dwelling (with all matters reserved).

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

### **Planning History**

0251/16	Agricultural workers dwelling with access drive (all matters reserved)		
	Outline Planning Permission	Refused	06 July 2016
0182/14	Erection of polytunnel 12.8m x 4m (retrospective)		
	Full Planning Permission	Grant Conditionally	19 May 2014
3/9/1974/444	Agricultural dwelling		
	Full Planning Permission	Grant Conditionally	03 October 1974

### **Consultations**

Environment Agency:	Flood Risk Zone 1 - standing advice applies
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Trees & Landscape:	The proposed development will be linked to an existing farm complex and will have minimal impact on the character of the local landscape. The applicants intend to plant a mixed native hedgerow along the south eastern boundary of the track. Once established the hedge will help enclose the site, integrate it into the local landscape with minimal visual impact.
DNP - Ecology & Wildlife Conservation:	No objection subject to standard informative regarding nesting birds.
Land Agent Consultant:	Support the application - There are two quite different and specialist enterprises being carried out at Venton Farm. Each require a specialist stockman and each satisfies the functional need for a worker being present. One worker could not be expected to manage both enterprises in terms of the functional test. The labour requirements exceed three full-time workers. The businesses have been established for at least 3 years and have been profitable for at least one of those 3 years. The business is financially sound and has a clear prospect of remaining so. The functional need of the enterprises cannot be met by a dwelling further away from the site or in the locality and there are no buildings on the site suitable for conversion. The siting will meet the functional need.

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

Drewsteignton PC:	Object - detrimental to National Park and speculative housing
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### **Relevant Development Plan Policies**

COR15 - Providing for limited new housing to meet local needs

COR2 - Settlement Strategies

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

DMD14 - Biodiversity and geological conservation

DMD1a - Presumption in favour of sustainable development

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

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD5 - National Park Landscape

## **Representations**

None to date.

## **Observations**

## INTRODUCTION

This application follows the refusal of a previous application (0251/16) for an agricultural dwelling on Venton Farm but in a different location and with different access arrangements. It was refused because the proposed siting was judged to have a harmful impact on the character of this part of the National Park.

## POLICY CONSIDERATIONS

COR2, COR15 and DMD23 allow for dwellings required in connection with an agricultural holding or a rural business in the open countryside subject to a number of criteria and where they are justified by demonstrated need. The policy states that "the building should be on a scale appropriate to the functional requirement of the holding or rural based business and sited such that it does not cause harm to the character and appearance of the site or the landscape character of the area. A site adjacent to existing buildings will generally be regarded as the most appropriate".

Clearly each case must be considered on its merit as National Parks are afforded the highest degree of landscape protection.

Policies COR1, COR3, COR4, DMD1b and DMD5 establish the requirement for new development to conserve and enhance the character and special qualities of the Dartmoor National Park landscape. The Dartmoor National Park Design Guide provides further advice.

## THE HOLDING

Venton Farm, was acquired by the applicant in late 2012. It extends to approximately 53.96ha and includes a Woolaway style bungalow with an agricultural tie together with a range of modern farm buildings. The businesses operated from this base include a suckler cow herd and an equine breeding business.

The herd consists of 40 blue/grey suckler cows with approximately 45 (6 month to finished weight) other cattle. Most of the cows calve in the spring with the stores being sold in the autumn of the year they are born.

The equine business is based on a high quality racehorse stud and at the time of the Land Agent's visit there were 10 brood mares and 7 foals and several other horses present. The business plan is to rear the foals up to 2-3 years of age whereupon they are sold for training as racehorses but sometimes they may be sold as yearlings depending on the prevailing market at the time. Some mares foal on site and some mares foal away with some filly foals being kept to replace the older brood mares.

The applicant presently lives in a separate farm away from Venton Farm, known as Allison Farm at Spreyton (5km away) which is approximately 97.72ha (241 acres). His 400 head breeding ewe flock is managed on this holding. The application is to provide a second on farm dwelling at Venton Farm which would be occupied by the applicant, Mr Lightfoot, while the holding at Spreyton and the farmhouse at that location would then be occupied by a farm manager to manage that self-contained unit.

The independent land agent has revisited the farm and as previously stated, his conclusion is that because there are two separate specialist enterprises which require a specialist stockman for each enterprise, the labour requirements exceed three full time workers and the business is financially sound and has a clear prospect of remaining so. The proposal satisfies the stringent functional and financial tests set out in policy DMD23 for agricultural/rural worker housing in the countryside. The principle of a second workers dwelling can be supported.

## SCALE

The application is in outline with all matters reserved, however, the red 'development' line on the submitted location plan clearly shows the proposed access, track and siting of the dwelling and curtilage. In terms of size of the dwelling, the applicant has stated that he needs to accommodate students, vets and clients but has not specified a number of bedrooms.

Policy DMD23 states that a dwelling 'should be on a scale appropriate to the functional requirement of the holding or rural based business'. The application site plan indicates a footprint of 110sqm. The number of bedrooms is not specified, neither is there any indication whether the dwelling will be single or two-storey.

The DCLG Technical Housing Standards recommends a minimum internal floor space of 95sqm for a 3 bed single storey dwelling.

Policy DMD26 relating to the removal of agricultural occupancy conditions states that where a tie is to be lifted the dwelling should be reserved for occupation by local people as an affordable dwelling. The Affordable Housing SPD recommends 85sqm for a 3 bed house and policy DMD24 stipulates that extensions to agricultural worker dwellings should not exceed a total floor space of 120sqm.

It is therefore recommended that a condition limiting the size of any dwelling to 120sqm is appropriate in this case. It is noted that the applicant intends to manage and oversee the entire operation at both farms whilst residing at Venton. An agricultural worker will continue to reside in the bungalow at Venton and another at Spreyton.

## SITING

The site has been chosen for its location in the middle of the foaling area, within site and sound of the foaling area, yards and paddock. Alternative sites to the east adjacent to the road

were considered to be less practical given the specific requirements of the horse breeding enterprise. The livestock yard is adequately served by the existing dwelling.

A separate access track is required to avoid the yard areas in front of the buildings for practical and biosecurity reasons. It makes use of an existing gateway.

## LANDSCAPE IMPACT

The proposed development is located in enclosed farm land. The land around the site comprises small to medium sized fields enclosed by Devon hedge banks. The field system is likely to be mid to late medieval in origin and the recent development has impacted on the integrity of this field system but the medieval field system to the west of the buildings is virtually intact.

The previous proposal was considered to encroach into the adjacent field and compromise the integrity of the remaining intact medieval field system which is a valued attribute of this landscape character type.

The present proposal will be linked to the existing farm complex being located in the current foaling paddock and will not spread development into this undeveloped medieval field parcel. The proposed dwelling would be seen in association with the existing building group and would not have a detrimental impact on the character and appearance of this part of the Dartmoor National Park landscape.

The proposed elongated track required to access the site is shown to run south of the existing buildings but the landscape in this area has already been compromised when the farmstead was built and the track will have minimal impact on the character of the area, especially given that a hedgerow will be planted as mitigation along the south eastern boundary of the track. Although the hedgerow will take several years to establish, in due course it will help enclose the site, integrate it into the local landscape and create connectivity between existing hedgerows.

## OTHER MATTERS

There are no adverse impacts on highway, ecological or neighbour amenity grounds.

## CONCLUSION

The Parish Council has objected to the application commenting that it is speculative housing and detrimental to the National Park.

Officers have carefully considered the advice of the Land Agent and the landscape impact and have concluded that there is a proven need for a second dwelling on the holding. The site now proposed is the most appropriate to serve the need. Its proximity to existing buildings will have limited impact on landscape character and the wider area.

It is therefore recommended that outline planning permission is granted.

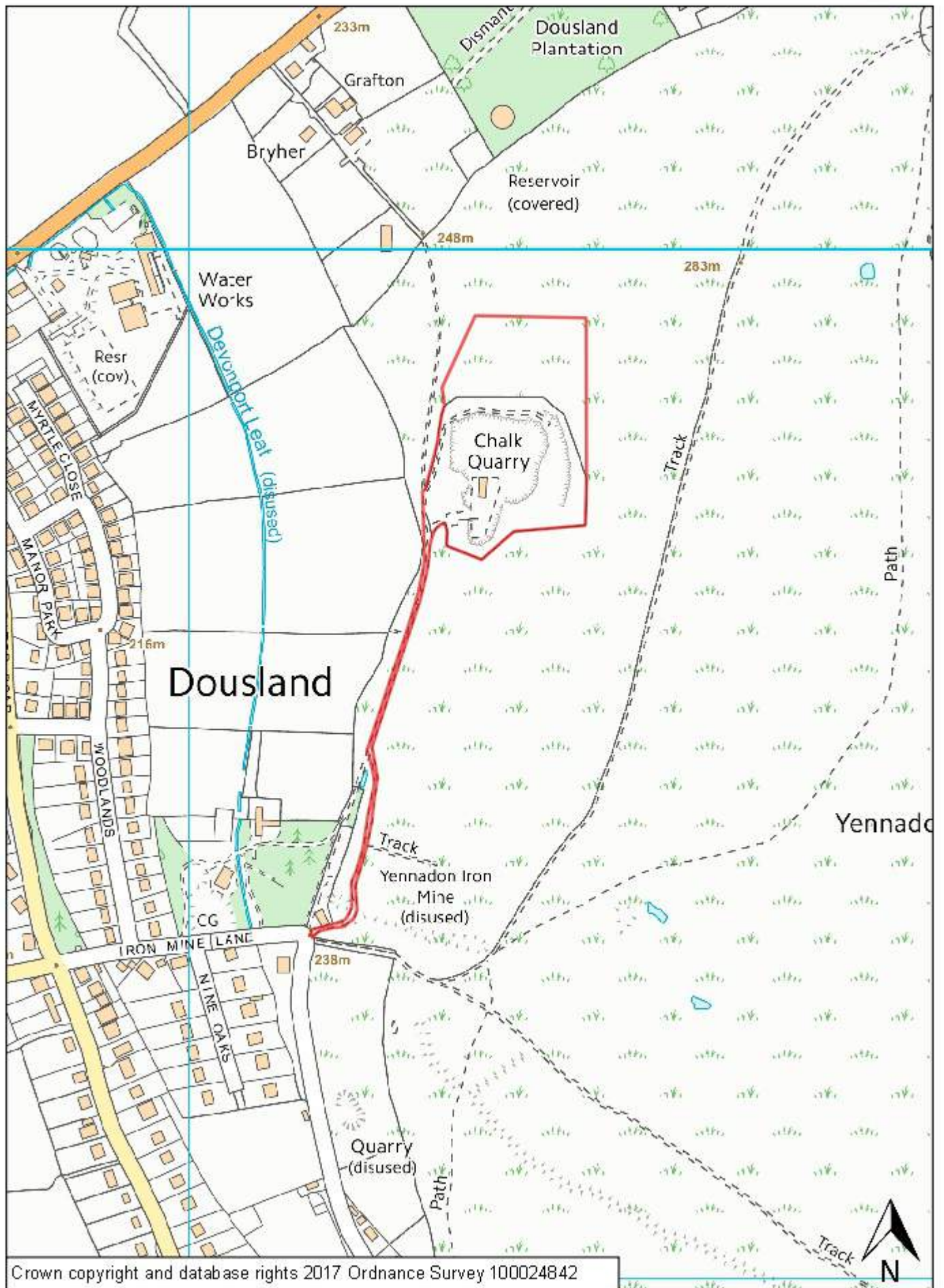
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# Yennadon Quarry - 0348/15



Scale 1:5,000



7. Application No: **0348/15** District/Borough: **West Devon**  
Application Type: **Full Planning Permission** Parish: **Burrator**  
Grid Ref: **SX542686** Officer: **James Aven**

Proposal: **Extension of the working plan area of the existing active quarry**

Location: **Yennadon Quarry, Iron Mine Lane, Dousland**

Applicant: **Yennadon Stone Ltd**

Recommendation: (i) **that the proposed scheme constitutes Major Development**  
(ii) **that there are exceptional circumstances and the development would be in the public interest**  
(iii) **that permission be *GRANTED* subject to conditions and the completion of a s.106 Planning Obligation Agreement.**

Proposed planning conditions: please see Appendix 1

Proposed s106 heads of terms: please see Appendix 2

### **Introduction**

This report is a revised and updated version of the report published with the agenda for the meeting of the Development Management Committee on 28 July 2017, which was withdrawn before being presented. This revised report reflects new legal advice, includes some additional information and presents the officer conclusions and recommendation afresh. It is not a supplemental report and should be read as superseding and replacing all previous officer reports on this application.

Yennadon Quarry is located in the south west of the National Park, 300m to the east of Dousland on the moorland fringe of Yennadon Down. The site is on land owned by the Walkhampton Trust and administered by Lord Roborough's Maristow Estate and leased to the operator. The site produces dimensional building stone (stone with sawn and natural faces to make a block suitable for construction) and stone used in walling and landscaping.

The application is to extend the existing stone quarry laterally to the north, increasing its size by roughly a third from 2.2ha to 3.2ha. This is an increase of 1ha (roughly equivalent to 1.4 full sized football pitches). Within the proposed 1ha extension to the quarry, the proposed extraction area amounts to around 50% (0.53ha) with the balance being used for landscaping.

Members may recall dealing with an application to extend this quarry at a meeting of the Development Management Committee in July 2014 (ref.0667/13). That application was refused permission. This revised application was submitted in 2015.



The red line delineating the application site boundary on the current application has been drawn to include the existing quarry and access road. As such, the red line covers the same area of land as the previous application. However, the stone working area has been reduced by roughly a third from that proposed in 2014, and the current application also makes a new proposal to reduce the existing bund in scale.

### **Consultation responses** (please see Appendix 3)

#### **Representations**

98 letters of objection; 52 letters of support; 1 other letter

#### **Burrator Parish Council Comments**

*“The Parish Council has considered the additional details sent on 1st November 2016 and continues to OBJECT to the proposed extension as it will enlarge an already intrusive operation in the proximity of a residential area and which may be incompatible for the National Park in the current day. The proposal does not change the DNPA Refusal Notice dated 14 July 2014 (ref. 0667/13), Reason no.2 The proposed extension would perpetuate the quarry and the related impacts in the long term”.*

#### **Observations**

This report is set out in the following sections:

1. Planning History
2. The Proposal
3. The Major Development Test
4. Landscape
5. Noise
6. Tranquillity
7. Dust and surface water
8. Ecology
9. Need And Alternatives
10. Employment
11. Common Land
12. Archaeology
13. Highways & Traffic
14. Site Inspection
15. The Overriding Public Interest
16. Conclusion

### **1. PLANNING HISTORY**

0667/13	Full Planning Permission	Extension to working plan area of existing quarry	<b>Refused</b> 14 July 2014
0418/08	Full Planning	Installation of four exploratory	<b>Grant</b>

	Permission	boreholes to investigate potential site for extension of existing quarry	<b>Conditionally</b> 15 September 2008
0979/04	Full Planning Permission	Construction of replacement single storey stone-processing shed	<b>Grant</b> <b>Conditionally</b> 26 January 2005
03/43/1075/90	Full Planning Permission	Winning and working of minerals & continued use of existing buildings Full Planning Permission	<b>Grant</b> <b>Conditionally</b> 10 April 1991

The site is currently operated under a planning permission granted in 1991. As with all mineral consents, this is a time-limited (temporary) permission and is due to expire in 2026. The current planning permission contains the following conditional limits:

- Maximum tonnage removed from the site of 14,000 tonnes per annum
- Operating hours of 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday (essential maintenance may be carried out outside these times)
- No more than 35 loaded lorry trips per week (tractors and trailers are excluded from this total)
- Lorry movements can only take place between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday
- A minimum of 75% of the total tonnage of stone leaving the site each year shall be building and walling stone
- Restoration conditions.

In 2008 planning permission was granted for exploratory boreholes. These were drilled in 2010.

An application for Full Planning Permission (ref 0667/13) was submitted in 2013 and a site visit held in June 2014. The application proposed a larger working area than that proposed in the current application. It also proposed the creation of new bunds on the application site. It was considered that the Environmental Statement submitted with the application failed to deal adequately with the potential environment impacts of the scheme as then proposed.

Application 0667/13 was refused for the following reasons:

1. *Failure of the Environmental Statement to assess the likely impacts of the development at the proposed upper limits of 10,000 tonnes per annum.*

2. *The proposed extension would perpetuate the quarry and the related impacts in the long term until 2025. The development is major and there is no overriding need for the development.*
3. *Acceptable alternative sources of stone exist to meet the demand currently met by the quarry. The alternative option for the quarry itself would be its restoration on exhaustion of the permitted reserves, thus reducing the current landscape impact, and enhancing the landscape.*
4. *The proposed development would have an unacceptable impact on the special qualities of the National Park, particularly in terms of amenity use, landscape and tranquillity.*

## **2. THE PROPOSAL**

Although the application site is unchanged from application 0667/13, there have been significant changes to the proposal. The area specified for extraction has been reduced in size by approximately 35%, the screening bund configuration has changed substantially, as have the proposed landscape mitigation measures. It is also proposed to reduce the amount of stone capable of being extracted each year from the current permission limit of 14,000 tonnes per annum. The quarry operators have stated throughout that their intention is to use the new permission to enable production to continue at the same rate as over the period 2012 – 2017 (5,500 tonnes per annum) until the current planning permission expires in 2026.

The existing quarry is very close to its permitted boundaries. The depth of working in a quarry is restricted by the properties of the material extracted and how that material allows the height and angle of the quarry faces to be developed safely. The proximity of faces to the permitted boundaries limits the depth to which the quarry can continue to be worked. In order to extend Yennadon Quarry, it is necessary to extend the quarry laterally rather than continue with deeper working.

The site predominantly produces dimensional building stone (which is stone sawn on several faces to make a rectangular block suitable for construction) and stone used in walling and landscaping. The application proposes a reduction of annual tonnage of that currently approved (14,000 tonnes) to a lower limit of 10,000 tonnes per annum. However, the applicant has stated consistently since 2013 that the intention is not to increase production, but to use the new permission to enable production to continue at the same rate as over the past five years, until the current planning permission expires in 2026. A reduction of lorry trips from 35 to 30 (60 movements in total) in any week is also proposed and can be controlled by condition.

Over the past five years, the quarry has produced on average 5,310 tonnes per annum. Based on the current production method, it is considered that 10,000 tonnes per annum is unrealistic without substantially increasing the employee numbers or securing a new permission with longer working hours. In addition, there is understood to be an

insufficient water supply at the quarry to enable processing of 10,000 tonnes of material per annum. Given that the applicant's stated intention is not to increase production, but to use the new permission to enable production to continue at the same rate as over the past five years, until the current planning permission expires in 2026, and given the overriding importance of controlling the impacts of the development as tightly as reasonably possible, Officers are of the opinion that a condition limiting extraction to just 7,500 tonnes per annum is justified, reasonable and defensible.

Stone is extracted using a 360 degree excavator, with a pecker attachment to break the rock. The rock is then hand sorted at the base of the rock face by two operatives who fill an excavator bucket. Once full, the bucket is connected to the excavator and deposited in a dumper truck. Once full the dumper truck transports the stone to the existing processing area on site. The stone is sorted by size and the larger stone is used as dimension stone, the smaller stone used for walling. Unusable rock would be left for progressive restoration in each phase. In addition to the quarrying activities, stone cutting operations are carried out on site in the existing sheds.

The application site 'red line' incorporates the existing quarry and access track. A new grant of planning permission will allow one set of planning conditions to apply to all parts of the site. A Section 106 Planning Obligation Agreement is proposed to revoke the existing planning permission and ensure that there can be no argument that both permissions can be implemented concurrently.

The proposal includes the progressive backfilling and restoration of those areas of the site that are worked out, as extraction moves forward. This is an appropriate way to dispose of waste material and will ensure that the restoration works are not left to the end of the scheme. The site will be restored to a lower level than its original profile, in a bowl running north/south. It is proposed to leave some quarry faces on the western side to attract nesting raptors to the site. The land will be allowed to naturally re-vegetate (with seeding if necessary) to return the land to grassland consistent with the surrounding common land.

### Screening Bunds

The application recognises that the existing bund located along the quarry's western boundary is visually intrusive within the local landscape. It is proposed to reduce this bund in height by 3m to a height of 252m AOD and re-grade, soil and seed with an appropriate grass seed mix as part of the measures to mitigate the landscape and visual impacts of the existing quarry operations and the proposed extension. In a marked change from the previous application, no new screening bunds are now proposed along the western or northern boundary of the extension area.

### Restoration

The application recognises that the sheer quarry faces along the eastern side of the existing quarry present the greatest visual impact to views from the west. Early restoration will concentrate on backfilling and landscaping the existing eastern and south-eastern faces. There is considered to be no need to backfill and landscape the

entire quarry face however and as such, it is not proposed to import soil for restoration purposes (this is also a change from the previous scheme). It is proposed to fence the quarry in its entirety at the point of closure to allow the site to naturally re-vegetate over time and protect from grazing.

A report from Luscombe Maye sets out the proposed grazing arrangements within the quarry area. It is now proposed to restrict grazing within the quarry area in line with the grazing improvements as set out in the Luscombe Maye report. As a result the whole quarry site would be fenced with stock proof fencing for safety and security and to allow re-vegetation of the progressively restored site to become established over time. The final restored quarry will be allowed to naturally vegetate over time. It is proposed to secure future public access to the restored site through a S106 Planning Obligation.

As all mineral working is treated as a temporary use of the land, every minerals permission must be expressly time-limited. In this case it is proposed that the working and restoration would be concluded by 2026, consistent with the expiry date of the existing planning permission.

The application is EIA development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Although the EIA regulations have been updated in 2017, this proposal still falls to be considered under the 2011 Regulations as it was submitted prior to the 2017 changes. The proposal is accompanied by an Environmental Statement which assesses the effects of the proposed development on the environment, and proposes measures to mitigate the impacts of the development.

### **3. MAJOR DEVELOPMENT**

In reaching a decision on this application, it is of fundamental importance to determine first whether the scheme constitutes “**Major Development**”. The reason why this question is of such fundamental importance to the determination of the application is that if any scheme is found to be Major Development, there are very strong national and local policies which require permission to be refused, unless there are exceptional circumstances.

Whether or not a proposed scheme is Major Development is a planning judgement for Members to make. It is not a matter determined by officers at validation stage or in the committee report. Unfortunately for Members faced with making this planning judgement, there is no single test, set of criteria or statutory definition to inform the decision-making process.

#### **Policy Tests**

Paragraph 116 of the NPPF provides that ‘*Major Development*’ should be refused permission in National Parks, unless there are exceptional circumstances and it can be

demonstrated that the development is in the public interest. This creates a strong presumption against any such development.

Policy COR22 of the Local Plan provides that 'major mineral development' will not be allowed unless "*after rigorous examination, it can be demonstrated that there is a national need which cannot reasonably be met in any other way, and which is sufficient to override the potential damage to the natural beauty, wildlife, cultural heritage or quiet enjoyment of the National Park*". This also creates a very strong presumption against any such development.

Policy DMD2 of the Local Plan provides that planning permission "*will not be granted for Major Development unless after the most rigorous examination it can be demonstrated that there is an overriding public interest in permitting the development which outweighs National Park purposes and the development cannot reasonably be accommodated in any other way*". This requirement for an overriding public interest imposes a very severe policy test.

### **What is "Major Development"?**

There is no single statutory test or definition of "*Major Development*". Each scheme must be considered and evaluated on its own particular facts. Officers are aware that James Maurici QC gave written advice to the South Downs National Park Authority in 2014 on the following lines:

1. *the determination of whether a proposal amounts to "major development" for the purposes of paragraph 116 of the NPPF is a matter of planning judgment to be decided by the decision maker in light of all the circumstances of the application and the context of the application site.*
2. *Secondly, the phrase "major development" is to be given its ordinary meaning. Accordingly, it would be wrong in law to:*
  - a. *Apply the definition of major development contained in the Town & Country Planning (Development Management Procedure)(England) Order 2015*
  - b. *Apply any set or rigid criteria to defining "major development".*
  - c. *Restrict the definition to proposals that raise issues of national significance.*
3. *Thirdly, in making a determination as to whether the development is "major development", the decision maker may consider whether the development has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park by reason of its scale, character or nature.*
4. *Fourthly, the decision maker must consider the application in its local context. In principle, the same development may amount to "major development" in one National Park, but not in another; or in one part of a National Park, but not in another part of the same National Park.*

5. *Fifthly, the application of criteria such as whether the development is EIA development, whether it falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended), whether it is “major development” for the purposes of the 2010 Order, or whether it requires the submission of an appraisal/ assessment of the likely traffic, health, retail implications of the proposal will all be relevant considerations, but will not determine the matter and may not even raise a presumption either way.*
6. *Finally, and fundamentally, in making a determination, it is important to keep in mind the ordinary, common sense, meaning of the word “major”. Accordingly, having considered all the circumstances, including the local context, the decision maker must take a common sense view on whether the proposed development can appropriately be described – in ordinary language - as “major development”.*

Officers have been made aware of recent legal advice secured from Richard Harwood QC by Lantoom Ltd (an objector to the Yennadon scheme). This advice has stressed that given the broad nature of the term “Major Development” there is a danger in over-analysing a particular scheme for its nature or effects. In Richard Harwood QC’s view the correct approach is as follows:

- (i) “Major development” should be given a natural meaning
- (ii) It has to be understood in the context of the NPPF, which is of protecting the beauty of nationally designated sites.
- (iii) The nature of the development applied for and its local context is relevant when deciding whether it is major development
- (iv) Ultimately it is a matter of planning judgement for the decision maker, having regard to these matters

This advice is broadly similar to that given by James Maurici QC. However, it departs in one important respect. In the view of Richard Harwood QC it would not be correct to have regard to the likely **effects** or impacts of the proposed scheme (James Maurici para no.3) as paragraph 116 NPPF is concerned with the development rather than its impacts. In the view of Richard Harwood QC, effects, and in particular any likely detrimental effects, fall to be considered later when weighing the planning merits, not as part of the threshold consideration of whether the scheme is “Major Development”.

Officers welcome this helpful clarification, and agree that whether or not a scheme is likely to have any significant harmful effects has no bearing on whether the scheme is major development.

### **Background Information**

The application site is approximately 3.3ha. The extension area accounts for almost one third of this at 1ha, with the extraction area proposed covering 0.53ha. The remaining

extension area will comprise a landscaped buffer, where previously a screening bund was proposed. In the context of minerals extraction this is a very small application site.

The site has the benefit of an extant planning permission to extract up to 14,000 tonnes of stone per annum. The application proposes reducing this to a maximum of 10,000 tonnes per annum. However, for the reasons set out in section 2 above it is proposed to impose a condition limiting extraction to 7,500 tonnes per annum. This represents a decrease of nearly 50% in the amount of material which it will be possible to export from the site each year.

The Authority has secured expert advice from a minerals planning consultancy firm. It has advised:

- i. The quarry is not large compared to other quarries using the metric of quarry size locally and nationally. It is not large compared to other stone quarries – local and national.
- ii. An inevitable consequence of ongoing quarry operations is the expansion of the quarry footprint; this does not in and of itself result in the particular development proposed being '*major*'.
- iii. The size of mineral reserve is not determinative and a quarry with substantial mineral reserves could still reasonably be classed small scale if it is producing low annual tonnage.
- iv. There are benefits from extending existing quarries rather than opening new ones and this is arguably more space efficient and causes less environmental impact than the alternative of creating a new stone quarry which will require a significant footprint due to land take requirements for access, landscaping, spoil disposal, cutting shed, plant storage, safe working margins etc.
- v. Staffing levels are compatible with definition of a '*small and medium-sized enterprise*' (SME) and are due to the added value process that goes on in the quarry.
- vi. The fact that the extension is on common land does not affect the judgement whether the scheme is or is not *Major Development*.
- vii. There is DNPA and NPPF policy support for 'small stone quarries'. This application site is a stone quarry and it is small.

### **Assessing Scale**

The most appropriate measure of the scale of a quarry operation is probably the volume of material it produces. There is an extant planning permission at Yennadon which allows for 14,000 tonnes of stone to be exported each year until 2026 (theoretical maximum 126,000 tonnes). However, for the past five years exports have averaged 5,310 tonnes per annum. If extraction continued at this same rate this would amount to approximately 47,790 tonnes to 2026.



In making an assessment of scale, these outputs may be contrasted with the comparison minerals sites listed in Appendix 4. From this, it can be seen that a large aggregate or ball clay site may export anything from 35,000 to 200,000 tonnes per annum.

Quarries producing dimension stone are generally categorised as ‘small’. This may be in part because local and NPPF policies have associated the word “small” with “stone quarries”, In those sites classified as “small”, there is a significant range between the smallest and the largest quarry / extension in terms of consented area of quarry and also in terms of proposed rates of production. However, it is still possible for a “small scale” quarry with low annual output to be considered major development. This can clearly be seen from the following recent minerals permissions in protected landscapes, all of which were considered to be Major Development:

<b>Name</b>	<b>Area</b>	<b>Proposal</b>	<b>Annual throughput</b>	<b>Decision</b>
Bretton Moor	Peak District NPA	Extension 0.82 ha	4,000 tonnes	Major development Approved 12/06/2015
Home Field	Dorset AONB	New quarry (replacement)	1,000 tonnes	Major development Approved 06/12/2012
Leeming	Forest of Bowland AONB	Extension 0.7 ha	5,000 tonnes	Major development Approved 08/12/2012

### **Officer Assessment**

As stated previously, whether or not a proposed scheme is Major Development is a planning judgement for Members to make. It is not a matter determined by officers at validation stage or in this committee report. It is regretted that officers cannot offer Members a definitive set of criteria, or even a simple definition of “Major Development” to assist the decision-making process.

In officers’ view, the following factors are likely to carry some weight in the decision-making process:

- The ordinary (non-technical) meaning of the words “Major Development”
- The location of the application site and the local context
- The nature of the development (minerals extraction)
- The area of the proposed extension
- The quantity of material proposed to be extracted from the site each year
- The size of the current quarry operation

Leaving aside all of the technical considerations and applying a straightforward interpretation of the words “Major Development”, Officers consider that even though the quarry operation is very small, any minerals extraction involving heavy machinery in a

National Park is highly likely to be Major Development. The existing planning permission and the long-established nature of the quarry operation do not outweigh the significance of stripping back soil, subsoil and overburden and excavating 1,000s of tonnes of material, irrevocably changing the landform and contour of this part of the National Park.

This Officer view is a product of the legal advice and consultancy advice, and detailed consideration of the proper approach to the question of “Major Development” over the past months. Although the NPPF and Local Plan policies have different origins, and are worded slightly differently, the view that the scheme constitutes Major Development is considered to be applicable both to the NPPF test and to the Local Plan test.

#### 4. LANDSCAPE

NPPF Paragraph 115 requires all decision-makers to give **great weight** to conserving landscape and scenic beauty in National Parks.

Development Plan policy COR22 requires “other mineral development” (not being major development) to be **carefully assessed**, with great weight being given in decisions to the conservation of the landscape and countryside, the conservation of wildlife and cultural heritage and the need to avoid adverse impacts on recreational opportunities.

Development Plan policy DMD5 requires development proposals to **conserve and/or enhance** the character and special qualities of the Dartmoor landscape.

A revised and detailed landscape report has been submitted with the application, including an assessment of visual impact and impact on landscape character, which has been assessed by the Authority’s Landscape Officer. The landscape and visual impact of the proposal is a very important consideration given the location of the quarry in the National Park, a landscape with the highest level of landscape designation and protection.

Fundamental in the assessment of the landscape and visual impacts is the comparison of the short and long-term impacts of the quarry under its existing permission against the potential short and long-term impacts under the proposed extension scheme.

The site lies on the edge of open moorland. The land to the west is enclosed pasture with a strong equestrian use. The land to the south and east is grazed moorland. The land to the north is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Large conifer woodlands are a dominant feature of this landscape. The linear settlement of Dousland lies to the west on lower ground. This settlement is mostly individual dwellings with small to medium sized gardens.

The report submitted by the applicant identifies the land as highly sensitive, but states that the development will lead to a moderate change and that the revised proposal will result in a significant benefit to the landform within the site. It is accepted that there will be an impact on 1ha of grassland, although it is suggested that this will only be significant at a

local level. The main thrust of the argument in the landscape report is that there is no requirement to restore the existing quarry once it stops working and that by giving permission to extend the quarry a landscape scheme can be part of the permission and these benefits will outweigh any landscape impacts caused by the quarry extension.

Officers accept that the current (extant) permission will not secure high quality restoration of the site. A new permission with restoration and aftercare secured by conditions and a s106 Agreement should deliver a far better long-term landscape outcome. Extending the quarry will inevitably have an impact on the character of the local landscape. However, the quarry extension will not introduce a new form of harm into the landscape. Members will be aware that while there are no other active quarries currently on the Dartmoor Commons, former quarries are found scattered across Dartmoor, including within this landscape type and quarries are a strong feature of Dartmoor's historical landscape.

It is not proposed to restore the quarry back to its previous landform and the feature that it is proposed to create will contrast with the adjoining moorland landscape. For this reason, the quarried land cannot be said to conserve the surrounding open moorland, even once fully restored. However, the Authority's Landscape Officer advises that the current scheme offers an enhancement opportunity through the proposed phasing and restoration strategy.

### **Progressive Restoration**

In an earlier officer report, dated December 2015 (which was subsequently withdrawn) it was stated that with the coming into force of the Growth & Infrastructure Act 2013 (which amended the Review of Old Minerals Permissions (ROMP) provisions in the Environment Act 1995) the Authority can request or require a ROMP review of the existing permission and conditions. It was further advised that the Authority could therefore apply amended restoration and aftercare conditions to the extant permission, without fear of paying compensation to the operator. The report concluded that the "benefit" of securing improved restoration is in fact of little benefit, as that restoration could feasibly be achieved through a ROMP review.

Since the date of that report, Officers have taken detailed advice from a minerals planning consultancy firm and now consider that this previous advice should not be relied upon.

Para 178 of the Planning Practice Guidance advises that a *periodic review* of the conditions attached to a minerals planning permission can help ensure that the site operates to continuously high working and environmental standards. Para 192 further advises that a Mineral Planning Authority should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address.

The current planning permission for Yennadon has comprehensive conditions including conditions requiring the restoration of the site on completion of operations. Restoration plans must be submitted at least 2 years in advance of cessation or working and the site

must be restored by 2026. There is, however, no requirement in the current permission for progressive restoration of the site. Indeed, the small quarry area, limited surface area and the type of activities which take place on the site (extraction, screening, processing & cutting) would make it impossible to implement progressive restoration.

The new application proposes a lateral extension to the quarry with an increase in footprint. This increase would create scope for the operators to change their working practices across parts of the site and commence a scheme of progressive restoration. While the end date for the completion of restoration remains 2026, progressive restoration will enable some parts of the site to be restored at an earlier date and before the completion of quarry operations. This would reduce some of the existing impacts from the quarry operations, particularly as regards the sensitive views from the west.

This is considered by officers to represent a real improvement, which could not be secured through a ROMP of the existing permission.

Officers do not believe that a ROMP of the current permission could reasonably require or secure progressive restoration of the site. Officers believe that the restoration and aftercare conditions proposed for the whole site in this application, will deliver an enhanced outcome and the delivery of restoration will commence at a much earlier date.

## **Conclusions**

While the scheme proposes a larger working area and the loss of some grazing land, Officers are of the opinion that the following significant benefits will be secured:

- Comprehensive restoration of the site
- Reduction in height of the current screening bund
- A phased programme of restoration, starting with the grant of the consent (i.e. not left until the end of the permission)

These are believed to be weighty considerations which outweigh the relatively low level of landscape and visual harm likely to result from the extension. Officers consider that the application is therefore in conformity with NPPF Para 115, the landscape provisions of COR22 and policy DMD5.

## **5. NOISE**

Paragraph 021 of the NPPF Planning Practice Guidance aims to address noise issues at minerals sites. The guidance states that conditions should be used to establish noise limits at relevant properties which are sensitive to the noise from a minerals development. It is recommended that the noise levels should not exceed the background levels by more than 10dB(A) during normal working hours (0700 to 1900), unless this would place unreasonable burdens on the operator. In any event, a maximum of 55dB(A)LAeq, 1h (free field) is recommended.

NPPF Paragraph 022 makes provision for increased noise levels for temporary activities such as soil stripping, and the construction of mounds or landforms, as these works are both necessary to allow mineral extraction to place, and may provide for mitigation for the operational works. It states that increased limits of up to 70dB(A) LAeq1h (free field) for periods of up to 8 weeks should be considered if required.

The operator has offered a more restrictive upper noise limit of 50dB(A)LAeq1h be applied (with exceptions for limited periods of works close to the surface, and around the perimeter) to ensure that the amenity of any neighbouring property is protected.

Minerals Plan policy M4(ix) expressly refers to the effects of the proposal on the amenity of local residents as being a material factor.

The proposed extension will bring the quarry 90m closer to the nearest residential property (Higher Yennadon). The Environmental Statement includes details of noise monitoring at a number of locations, including at the boundary of this property. The noise survey shows that the noise levels at the recording points during week day working hours were 36 – 57 dB LAeq. By contrast, the levels recorded at the same points at a weekend when the quarry was not operating were 40 - 57 dB LAeq. This strongly suggests that the operational noise from the quarry does not have any measurable effect on background noise levels.

Set against this, the Authority has received a large volume of correspondence and letters of objection raising issues of existing noise, and concerns about possible increased levels. The letters of objection identify that at nearby properties, or when using nearby land for open-air recreation, a lower level of noise than the current situation is desirable and an increased level of noise, or an increased period of disturbance is not acceptable. The objections state that there is a strong expectation of tranquillity in this location on an open moorland/moorland fringe setting within the National Park.

In addition to the changes to the noise modelling as a result of removing the requirement for a bund, the Authority requested clarification on the adequacy of the original noise survey, following a query raised in letters of representation. The Authority requested clarification on whether the assessment took into account the potential noise impacts at the maximum permitted production rate of 10,000 tonnes per annum (t/a).

The Applicants noise consultant, Acoustic Associates South West Ltd., confirmed that the worst case scenario was calculated based on the maximum quarrying activity levels; i.e. all five items of plant running flat out at the same time. The quarry currently extracts between 4,500 t/a and 6,300 t/a. The maximum permitted extraction rate of 10,000 t/a can be achieved with the same working practice and plant, but with more staff. The effect of this will be to increase the working time of the mechanised equipment, which cannot be greater than the 100% assumed in the prediction calculations. The predicted impacts

therefore provide an estimate of the maximum noise level likely to be generated by the quarrying activity and this is equally true for the consented extraction rate.

## **Conclusions**

Officers have sought expert advice from the West Devon Borough Council environmental health service. The Environmental Health Officer has confirmed that the noise survey methodology is satisfactory and that the results demonstrate that the site does not constitute a statutory nuisance. He also states that to his knowledge no complaints have been received regarding noise and dust since the last planning application in 2013.

Given the background noise levels recorded in this location, the fact that the noise levels are not currently conditioned and that the proposed working hours are two hours shorter than those referred to in the NPPF Planning Practice Guidance, it is considered that the proposed condition limiting noise emissions attributable to the application site to a maximum of 50dB(A)LAeq is acceptable. The information from the noise impact assessment within the ES strongly suggests that 50dB(A)LAeq is reasonable and achievable. This limit is also well below the 55dB(A)LAeq maximum recommended by the NPPF.

The proposal is therefore considered to be in conformity with Minerals Plan policy M4(ix) and within the noise levels recommended by the NPPF.

## **6. TRANQUILLITY**

Tranquillity is one of the special qualities of Dartmoor National Park and is identified in Development Plan policy DMD5 as a material consideration. The text accompanying policy DMD5 states:

*“2.7.7 Some of the special qualities that define Dartmoor are based on its sense of tranquillity and remoteness, qualities which are sustained by land uses which are not noisy or intrusive ..... Development should seek to ensure that these special qualities that help create Dartmoor’s unique sense of place and not damaged or diluted”*

Levels of tranquillity are dependent on a number of factors beyond noise and will encompass the character of the area, perceived levels of use by people and vehicles as well as the nature of influencing factors such as weather, noise type and the number of man-made and natural features in the landscape.

The Campaign to Protect Rural England (CPRE) published a report in March 2005 (revised 2007) which attempts to define and assess tranquillity. It suggests that tranquillity will be influenced and affected by a variety of factors, for example: the presence of other people (60% negative weighting); perceived naturalness of the landscape (30%

positive weighting); openness of landscape (24% positive weighting); areas of low noise (20% positive weighting); etc.

There is already a minerals planning permission which authorises mineral extraction in this location until 2026. This is a weighty material consideration in determining whether the application will have any additional adverse impact upon tranquillity. Conditions are proposed to control matters such as number of lorry movements, working hours, noise levels, external lighting. These conditions address concerns about possible negative impacts on tranquillity.

The current application presents a very different impact on the tranquillity of the landscape in comparison with the previous scheme. The previous scheme proposed the creation of two substantial bunds. This application not only proposes no new bunds, but also makes provision for the reduction and re-profiling of the existing bund into a more natural landform. The works to re-profile the existing bund and to strip the soil from the extension area are likely to be conspicuous and relatively noisy. They will clearly have an adverse impact upon tranquillity for the duration of the operations. However, these works are likely to be completed within a few months and will not be ongoing throughout the permission. The re-profiling of the existing bund to a more natural landform, together with re-seeding, should bring a long-term gain to the naturalness of the landscape. The revised progressive restoration scheme which forms part of the proposal will reduce visual impacts and make a positive contribution to tranquillity, including improving the naturalness of the landscape and enhancing the openness of landscape.

On final closure of the quarry and final restoration, the scheme will result in clearly noticeable long-term ecological and landscape improvements. It is considered that the proposed scheme will result in a moderately significant residual benefit to the tranquillity of the area around the site compared to the existing permission. This is owing to the progressive restoration proposed, and the fact that restoration would commence before the quarry finishes extraction in 2025.

## **Conclusions**

On balance, the proposal is likely to have a minor adverse impact upon tranquillity in the short-term. However, it is considered that that this negative impact is balanced by the long-term improvements in tranquillity associated with the progressive restoration scheme and the re-profiling of the existing bund. On this basis, the proposal is believed to be in conformity with policy DMD5 as regards tranquillity.

## **7. DUST AND SURFACE WATER RUN OFF**

Letters of representation have raised concerns regarding dust from site operations. West Devon Borough Council has raised an issue of surface water run-off from the moor/quarry running along the access road and causing problems for neighbours including flooding in the garden and against the property.

The issues both engage Minerals Plan policy M4(iii) dust and (ix) neighbour amenity along with paragraph 144 of the NPPF which states: *“When determining planning applications, local planning authorities should..... ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.”*

The access track that extends from Iron Mine Lane to the quarry and continues along the west of the quarry to the north was originally the line of the old Plymouth and Dartmoor Tramway. The track is constructed of compacted stone. The ES acknowledges that during prolonged dry weather, the access track has the potential to generate wind-whipped and traffic / livestock generated dust.

During intense wet weather, significant surface water run-off can be generated from the moor. The modelling indicated that the access track does not significantly alter or impede flow pathways from Yennadon Down. The surface water run-off does however cause erosion of the track resulting in pot-holes and rutting.

The Environment Agency is satisfied with the methodology proposed for surface water run-off and is raising no objection to the proposals.

In April 2015, Yennadon Quarry implemented a Dust Management Plan, which included maintenance of the access track. The existing Dust Management Plan and future monitoring and maintenance requirements for the access track is incorporated into the new Quarry Management Plan and covered by proposed conditions.

### **Conclusions**

The Environment Agency has not raised any concerns about the treatment of surface water and it has not been demonstrated that the surface water run-off which occurs on occasions is due to the quarry operation. Concerns about dust can be addressed by appropriate conditions and it is therefore considered that the proposal is in conformity with Local plan policy M4(iii) and (ix) in these respects.

## **8. ECOLOGY**

Paragraph 115 of the NPPF states: *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and*



*scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

Local Plan policy DMD14 requires development proposals to conserve, enhance and/or restore biodiversity and geodiversity within Dartmoor.

The Authority’s ecologist observes that the application site is designated under s.3 Wildlife & Countryside Act 1981 as moorland of special conservation interest. It is also a priority habitat (unimproved dry acid grassland) for biodiversity. The proposal involves short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles within the application site. As such, the proposal appears not to conform to policy DMD14. On this basis, there is a formal ecological objection to the proposal.

Several letters of representation have raised concerns regarding the impact of the proposal on local wildlife.

The Biodiversity Mitigation and Enhancement Plan (BMEP) submitted with the application sets out a summary of the habitat and species surveys undertaken, the findings, and an impact assessment of the development on the ecological features present. It also covers recommendations aimed at avoiding, reducing and mitigating the impacts of the proposal on the habitats and species present, and also provides information on restoration measures, principally for habitats, and finally, an outline monitoring programme.

The Ecological Habitats and Biodiversity Chapter of the ES and the BMEP identify that the development would result in the loss of 1.0 ha of unimproved acid grassland, bracken and scrub mosaic and therefore loss of potential nesting habitat for linnet, skylark, yellowhammer, stonechat and meadow pipit and loss of habitat for common butterfly species and one UK BAP butterfly species.

There is however scope to enhance the habitat as part of the restoration for the longer term, as set out in the ‘Mitigation Strategy and Phasing Plan’ (Section 4) of the BMEP. Conditions are proposed to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it is carried out.

## **Conclusions**

The conservation importance of the s.3 moorland habitat is high and the loss of some habitat is an inevitable consequence of the proposed extension. However, the mitigation measures proposed, taken together with the new whole quarry progressive restoration scheme, will result in long-term benefits which will balance the short-term adverse impacts. It is therefore considered that although the proposal is not fully in conformity with policy DMD14, the degree of harm is relatively small and the non-conformity should not be

treated as a weighty material planning consideration in the overall determination of the application.

## 9. NEED AND ALTERNATIVES

Policy M4 of the Minerals Local Plan requires any application for new minerals workings or extension of existing minerals workings to be rigorously examined, having regard in particular to a number of factors, including: *(vi) the local, regional or national need for the particular mineral and alternative ways of meeting that need.* It follows that two key questions are (1) what demand (need) is there for Yennadon stone? (2) could this demand be met from alternative sources / providers?

It is clear that the majority of Yennadon stone is used outside the National Park. The application itself notes that the National Park is largely characterised by granite building stone. The application suggests that there is a significant market for the stone within Cornwall and Devon, outside of Dartmoor and provides the following information:

*Yennadon stone sales (% of sales by area)*

*Dartmoor and fringes (including Tavistock, Ivybridge, Bovey Tracey and Okehampton) = 10%*

*South Devon = 45%*

*North Devon = 5%*

*East Devon = 5%*

*East/North Cornwall = 21%*

*Mid Cornwall = 9%*

*West Cornwall = 5%*

*Other = 0.6%.*

The applicant argues that the Hornfels Slate which the quarry produces is unique and cannot be sourced elsewhere.

There are a variety of different 'slate' stone types that have historically been quarried throughout Devon and Cornwall. The term 'slate' for building stone is loosely applied to mudstones and siltstones that have undergone various grades of metamorphism. The nature and appearance of these stones varies greatly; and can be weak or strong, durable or non-durable, dark or light grey, have green, to yellow, to red hues, and be characterised by brown iron oxide and/ or quartz veining.

The application acknowledges that there are two other sources of a rustic stone, with some similarities in appearance, within a 30 mile radius of Yennadon, namely Mill Hill Quarry and Lantoom Quarry. However, most other existing 'slate' quarries in the region produce a dark grey "blue" slate (which can be used as both traditional roofing slate and dimension stone, etc.). The application argues that none of these are a match for the high quality Hornfels Slate produced at Yennadon.

Lantoom Ltd has made representations that the building stone that it produces at Lantoom Quarry, Mill Hill Quarry, and that produced by other quarries in the area (which it does not control), is very similar in appearance to the stone produced by Yennadon Quarry. Evidence has been submitted by Lantoom Ltd to show that their quarry has planning permission until 2042 with considerable mineral reserves. These quarries are located within the main market for stone from Yennadon Quarry and are said to be better placed to meet the demand, in terms of: the sustainability of transport; production of a local stone for a local market, maintenance of the locally distinctiveness of the area of main demand, and production of stone without impact to the National Park. If stone of this nature is required within Dartmoor, Lantoom Ltd. states that its quarries would be well able to meet the demand.

Historic England emphasises the importance of maintaining a supply of local stone in order to conserve the historic environment and maintain local distinctiveness. “Sourcing Stone for Historic Building Repair” (first published by Historic England in 2006) clearly identifies the importance of providing locally sourced stone. It states:

“Historic England supports the need for strategic and sustainable sources of stone for conservation of historic buildings. It is working with partners to ensure that historic sources of important building stones are identified and protected, and that the environmental impact of their extraction is minimised. Addressing the wider issues arising from sourcing and quarrying stone will contribute to the long-term preservation of our rich and diverse stone-built heritage”.

*“Successful stone replacement requires detailed knowledge of the characteristics of the stone involved and the selection of compatible materials (that is stone that closely replicates the original in terms of its chemical, physical and mineralogical properties).”*

The report also sets out the importance of providing the same or similar stone types for building and restoration projects as *“Natural decay processes are exacerbated by poor design and construction, such as incorrect orientation of bedding planes resulting in blocks that are edge or face-bedded, or permeable stone being used for rain-shedding features such as copings and parapets. The resulting ingress of moisture can lead to deterioration elsewhere in the building.”*

In its ‘Minerals UK’ online publication, the British Geological Survey states that: “England's rich architectural heritage owes much to the great variety of stones used in buildings and other structures. Stone buildings commonly reflect the local geology, imparting local distinctiveness to historic towns, villages and rural landscapes. Stone is the major building material in many of the half-a-million listed buildings and 9,500 conservation areas in England.

If the character of these buildings and areas is to be maintained, supplies of new matching stone are needed for repair and for new construction. In many cases however, the source of the original stone is not known and even if it is known, it is not unusual to find that the quarry has long-since closed. This makes it difficult to obtain suitable stone for repairs or for new-build projects.”

Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should:

- *consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and*
- *recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.*

A report prepared by Clifton Emery Design in support of the application explains the importance of the Yennadon quarry in supplying stone that supports the quality of building design and the historic building conservation of the local area. The report states that Yennadon Stone is flat bedded, with perpendicular jointing and has been super-heated by the adjacent granite (contact metamorphism), giving rise to a 'hornfels slate' that is especially strong and durable, with a distinct appearance and colouring. The report states that there are no other alternative sources of like-for-like stone outside of the National Park.

The British Geological Survey (BGS) advises that in its view there are likely to be some uses and applications for Yennadon stone that Lantoom and Mill Hill quarries could not serve. There are also likely to be some markets where Yennadon stone is the stone of choice because of its particular characteristics. However, in the absence of Yennadon stone, other sources of stone could provide an acceptable substitute.

The BGS observes that minerals can only be worked where they are found. The BGS states that there are no other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if any alternative local source of hornfels slate was required, it would need to be extracted from a site in the National Park.

BGS comments that opening up a new quarry, or re-opening a former quarry, would in present conditions be much more problematic than extending an existing working quarry.

Laboratory test results suggest that Yennadon Stone is stronger, more durable and less prone to damage (flaking and delamination) as a result of weathering than stone quarried from Lantoom. There are also key differences in colour and tone. Whilst natural faces from Yennadon predominantly ranges from mellow yellow to brown hues with some hints of bluish grey; natural facing stone from Lantoom tends to have more dark yellow to orange brown hues. It is also quite different as a cornering material; Lantoom Stone needs to be cut to work at right angles to produce a quoin, unlike Yennadon Stone which produces natural quoins. These differences are due to the two quarries falling within different underlying geological areas; Yennadon in the Tavy Formation and Lantoom in the Saltash Formation.

This supports the advice of the British Geological Survey that Yennadon Stone will have

certain uses where there is no appropriate alternative currently available.

The Applicant has provided extensive evidence that many local buildings and settlements on Dartmoor use Yennadon Stone. The important role that Yennadon Stone plays in maintaining the character and appearance of the local area has been clearly demonstrated. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design. This is recognised in the Dartmoor Design Guide (adopted SPD) and in policies in the adopted Local Plan. The available evidence shows that there is a strong market for Yennadon stone, both within the National Park and in the wider local area.

As regards alternative provision, the evidence submitted falls short of demonstrating that if Yennadon were to close or significantly slow production, output could be increased sufficiently at another quarry to meet demand. It is considered that there is a demonstrable need for and a ready market for the products of Yennadon and Lantoom and Mill Hill quarries. With just three slate stone quarries supplying a large catchment area, in which demand is likely to rise due to increased development, the loss of one of these quarries could impact on the ability to maintain an adequate supply of stone, with adverse consequences on the delivery of both conservation and new-build projects inside and outside the National Park.

While there may be as yet untapped sources of the Hornfels Slate at other locations within the National Park (referred to in Section 4.4 in the ES) the Authority's adopted Core Strategy DPD (2008) states that opening a new quarry within the Park, would only be permitted *"in locations where this would not be damaging to the landscape, archaeological, ecological or geological interests, or to the amenity of local residents and where the local road network is adequate to cope with the traffic generated by or associated with the proposed development"*.

It is unclear whether any new venture could be established within the National Park without significant damaging environmental and landscape impacts, and this is not regarded as a realistic alternative to the extension of a current minerals working site.

## **Conclusions**

There is evidence of a strong market for Yennadon stone, both within the National Park and in the wider local area. Local building characteristics indicate that this type of rustic stone will be required for future conservation and building works, if local character is to be conserved. There is stone available from other quarries in the area which is broadly similar, but that stone cannot be regarded as a direct alternative or suitable replacement in all applications. Nor is it clear that demand could be met if Yennadon was unable to maintain output.

It is considered that there is strong evidence of relevant need. No realistic alternative sources of equivalent stone appear to exist. The proposal is therefore considered to be in conformity with policy M4(vi).

## 10. EMPLOYMENT

As well as the statutory purposes for National Parks in England and Wales, the National Park Authority also has a duty to seek to foster the economic and social wellbeing of local communities within the National Parks. It is therefore appropriate to consider the likely impacts of the proposal on employment and the local economy.

The NPPF at paragraph 144 states that when determining mineral planning applications, great weight should be given to the benefits of the mineral extraction “*including to the economy*”. This picks up the broader theme in paragraph 6 of the NPPF which refers to the presumption in favour of sustainable development and states “*there are three dimensions to sustainable development economic, social and environmental*”.

Development Plan policy COR18 sets out the circumstances in which proposals for development bringing employment outside settlements in the National Park will be supported. The policy also sets out the basis of support for the small scale expansion of existing businesses and employment sites. The policy makes specific reference to support for “*... other rural enterprises with strong links to the cultural heritage of Dartmoor*”.

The application states that Yennadon employs 27 people (up from 21 previously), 11 of whom are aged between 18 and 24 with a further nine aged between 25 and 30. It states that 12 employees reside outside the National Park boundary in West Devon, Dartmoor, South Hams and South East Cornwall.

The application claims that economic benefits from Yennadon arise over a wide area. These benefits include local purchasing of materials and supplies for the quarry and the spend of its employees in the areas where they live. The annual payroll has grown from £186,000 in 2009 to £473,000 in 2015. The majority of the people who work at the quarry live within a 15-mile radius of the quarry. Company expenditure has grown from £365,000 in 2008 to £660,000 in 2015; 78% of which was spent with local businesses such as Moorland Fuels and Yelverton Garage (both in excess of £50,000 per annum). It is said that Yennadon Quarry trades with over 40 businesses within 25 miles of the quarry (not including Dousland Post Office and Yelverton Co-op where the employees’ stop-off most mornings for food and drink).

Information submitted by the Applicant records that Yennadon Quarry, as a local employer and business, also contributes to the local community both directly and indirectly, for example through the sponsorship of a local pre-school and the Walkhampton football team over several years.

### **Conclusions**

The economy of the National Park is indivisible from the wider economy of the surrounding area. Whilst it is recognised that the economic benefits and number of employees

associated with Yennadon are small in comparison to the economy of the National Park and the surrounding economy, they still make a valuable contribution to the local economy. This economy is made up of many small to medium enterprises and sustaining existing employment is as important as developing new employment opportunities.

There is evidence of a clear positive economic benefit in the local area in terms of employment and business expenditure. On this basis, the proposal is considered to be in conformity with Policy COR18 and paragraphs 6 and 144 of the NPPF.

## **11. COMMON LAND**

Both the existing quarry site and the proposed extension are mapped as registered common land. As a general rule, the public enjoys a statutory right of access on foot or on horse for the purposes of open-air recreation (Dartmoor Commons Act 1985). However, s60 of the National Parks & Access to the Countryside Act 1949 (as amended) excludes the public right to access any “*excepted land*”. Section 60 (5)(e) includes land used for the getting of minerals by surface working (including quarrying) within the definition of *excepted land*.

If the application is approved, public enjoyment for open-air recreation over 1ha of access land (1% of the common) will be lost until the completion of restoration in approximately 10 years. However, the applicant has indicated a willingness to enter into a s106 planning obligation to permit public access over the whole application site once restored and this represents a net gain in the long term.

It is recognised that a legal right of access to this parcel of common land would normally arise on the cessation of the mineral working. However, the reality of post-restoration access is less clear. Depending on the restoration achieved, it may be necessary to exclude public access during aftercare and possibly to fence the former quarry faces and workings, to ensure public safety. For these reasons, officers cannot be confident that it would be possible to restore public access across the site in the absence of a positive covenant and commitment by the operator to facilitate public access. To this extent, the proposed s106 planning obligation is believed to represent a legitimate consideration.

Section 38 of the Commons Act 2006 sets out a general prohibition on any “restricted works” on common land without the prior consent of the Secretary of State. Restricting public access to the commons by fencing or other means (whether on a temporary or permanent basis) falls within the definition of “restricted works”. This means that the prior consent of the Secretary of State will be required for any extension of the quarry onto the commons, including the erection of bunds or fencing, if it will have the effect of preventing or impeding public access to or over any common land.

Given the above, Officers would advise that Common Land status should not carry any great weight in the balancing exercise as to whether permission may be granted.

## **12. ARCHAEOLOGY**

The Authority's archaeologist has been consulted in relation to the application and has confirmed that there is NO OBJECTION provided that a condition is included which ensures:

- A scheme for the protection of the track of the Plymouth and Dartmoor Tramway.
- A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down.
- A watching brief for soil stripping in the whole area.

These matters are addressed in condition no.33.

## **13. HIGHWAYS AND TRAFFIC**

Though many letters of objection raise concerns about traffic, there is NO OBJECTION from the highways authority.

The applicant has proposed a reduction in the maximum lorry trips associated with the quarry. Therefore current levels of transport would, at the most, be maintained at present levels. The proposed restriction to a maximum of 30 vehicles leaving the site per week with loads of stone is considered appropriate. The highways authority does not raise any concerns about the suitability of the road network.

## **14. SITE INSPECTION**

A pre-Committee site inspection was carried out on 16 June 2017 when Members of the panel, accompanied by officers, the applicants, their agent and a representative of the Parish Council, viewed the site of the proposed quarry extension and noted the location and extent of the proposed working phases that had been marked out on the ground. At the site inspection, no debate was held by the panel and no opinions were given.

## **15. THE OVERRIDING PUBLIC INTEREST**

**Paragraph 115** of the NPPF states:

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

**Paragraph 116** continues:

*”Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are*



*in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

**Policy COR22** of the Local Plan provides that ‘*major mineral development*’ will not be allowed unless “*after rigorous examination, it can be demonstrated that there is a national need which cannot reasonably be met in any other way, and which is sufficient to override the potential damage to the natural beauty, wildlife, cultural heritage or quiet enjoyment of the National Park*”. This also creates a very strong presumption against any such development.

**Policy DMD2** of the Local Plan provides that planning permission “*will not be granted for major development unless after the most rigorous examination it can be demonstrated that there is an overriding public interest in permitting the development which outweighs National Park purposes and the development cannot reasonably be accommodated in any other way*”. This requirement for an overriding public interest imposes a very severe policy restriction.

The NPPF has to be read and considered as a whole and paragraph 144 is also relevant:

*“local planning authorities should:*

- *consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and*
- *recognise the small-scale nature and impact of building and roofing stone quarries  
....”*

It is considered that the proposed quarry extension represents **sustainable development** within the meaning of the NPPF and the Local Plan:

- It meets the **economic** test of sustainability by providing additional quarrying facilities adjacent to an existing site with an identified mineral resource.
- It meets the **social** test of sustainability by helping to meet the needs of the present and future generations with a quality product not available elsewhere
- It meets the **environmental** test of sustainability by the use of natural resources prudently through the effective extension of an existing site using existing infrastructure.

The quarry extension will serve a long-standing and active quarry located within the National Park which is unable to expand without impacting upon land in the National Park. Yennadon quarry has the necessary infrastructure in place to continue to work a proven, economical resource. Re-use of existing infrastructure which is already in situ is generally considered more sustainable and preferable than commencing fresh extraction on a greenfield site elsewhere. The quarry currently provides full time employment opportunities for around 27 people with additional indirect employment in haulage, contract services and the supply of goods.

It is clear that Yennadon stone has unique properties, unmatched by other quarries in the area. There are not believed to be any other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if an alternative local source of hornfels slate was required, it would almost certainly need to be extracted from a site somewhere in the National Park.

Yennadon Stone is said to be stronger, more durable and less prone to damage (flaking and delamination) as a result of weathering than other similar stone. There are also key differences in colour and tone - Yennadon stone predominantly ranges from mellow yellow to brown hues with some hints of bluish grey. Yennadon stone also produces natural quoins.

The British Geological Survey advises that Yennadon stone will have certain uses where there is no appropriate alternative currently available.

Numerous local buildings and settlements on western Dartmoor and its hinterland use Yennadon stone and it is clear that Yennadon stone plays an important part in maintaining the character and appearance of the local area. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design, as recognised in the Dartmoor Design Guide and by Historic England.

The draft conditions propose a substantial reduction in the amount of material permitted to be exported from the site each year – down from 14,000 tonnes to 7,500 tonnes per annum, and a reduction in lorry movements. The conditions also propose a progressive restoration scheme far more comprehensive and sensitive to the site than the existing planning permission, including the reduction and re-profiling of an unsightly bund.

## **16. CONCLUSIONS**

The scheme is considered to constitute '**major development**' and as such, the application must satisfy the tests of '**exceptional circumstances**' and '**overriding public interest**' applied to major development by the NPPF and the Local Plan.

Officers believe that the applicant has demonstrated that there is clearly a need for Yennadon stone and that this need cannot reasonably be met in any other way. There is a very strong public interest in maintaining the distinctive character and appearance of the built environment on Dartmoor, as well as continuing the tradition of small-scale stone quarrying. The relatively low level of landscape and visual harm likely to result from the extension and the short-term minor adverse impact on tranquillity will be balanced by the long-term improvements associated with the progressive restoration scheme and the re-profiling of the existing bund. The scheme will also bring a clear positive economic benefit in the local area in terms of employment and business expenditure. Together, these matters amount to exceptional circumstances that warrant the grant of planning permission for the scheme.

Yennadon has been part of Dartmoor's cultural heritage for over one hundred years and is the only remaining operational quarry supplying local slate dimension stone within the boundary of the National Park. Yennadon stone has made, and continues to make, a significant contribution to the character and appearance of the built environment and there is a strong public interest in permitting it to continue to do so.

The scheme is considered to be compliant with the relevant Local Plan policies set out in the report, is sustainable development, and is in conformity with government advice set out in the NPPF. For all of the above reasons, and having due regard to the purposes of National Park designation in accordance with s.62 Environment Act 1995, it is considered that there is a strong public interest in permitting the development and that this public interest is sufficient to override the identified adverse impacts on the natural beauty, wildlife and quiet enjoyment of the National Park.

It is therefore recommended that permission be **GRANTED**, subject to the conditions set out at Appendix 1 and a S106 Planning Obligation Agreement in respect of interpretation, conservation, restoration and public access, as described at Appendix 2.

Note: The Local Plan for Dartmoor contains the objectives and policies for development in the National Park and includes the Core Strategy (adopted April 2008) and the Development Management and Delivery Plan Document (adopted July 2013) together with the saved policies of the Minerals & Waste Local Plan. Whilst a number of policies are specifically referred to in the preceding report, all of the Minerals & Waste Local Plan and Local Plan policies have been considered in the formation of this recommendation.

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**Proposed Conditions**

1. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered [.....], including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority.
2. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: [.....]
3. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.
4. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Supplementary Information Annex B - Phased Working/Restoration Strategy (dated 16<sup>th</sup> September 2016) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.
5. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of top soil and over burden shall only take place in the areas identified in the Proposed Phased Working/ Restoration Strategy dated 16<sup>th</sup> September 2016.
6. The total amount of material removed from the application site shall not exceed 7,500 tonnes in any calendar year.
7. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter
8. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (i.e. a maximum of 60 lorry movements each week). For the purposes of this condition a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.
9. No articulated lorries or lorries with trailers shall be permitted to visit the application site, save with the prior written consent of the local planning authority.
10. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.

11. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix 15 ES) and the Ecology and BMEP Report (Appendix 14 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.
12. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.
13. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours.
14. No blasting is to be carried out on the application site.
15. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.
16. In the event of a permanent cessation of working prior to 31 December 2026, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawings numbered [.....], within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery, unless a different timescale is agreed in writing by the MPA
17. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation, unless a different timescale is agreed in writing by the MPA.
18. 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 development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.
19. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.

20. Notwithstanding condition 18 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix 12 of the ES, Appendix A of the Addendum to the ES and the Quarry Management Plan dated September 2016.
21. Notwithstanding condition 18 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.
22. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.
23. Within 3 months from the date of this approval the operator shall provide to the Mineral Planning Authority (MPA) for approval a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment shall assess whether a monitoring scheme is needed to continually assess the impact by way of dust arising from the mineral operations, and shall include details of monitoring locations, monitoring methodology and frequency of reporting to the MPA and nominate an independent consultant to undertake the dust monitoring, if required. Thereafter, if the MPA gives a written determination that a dust monitoring scheme is required, the development shall be carried out strictly in accordance with the details of the scheme approved by the MPA.
24. Not later than 3 months from the date of this approval, the operator shall submit to the Mineral Planning Authority (MPA) for approval a scheme for dealing with dust complaints received by the operator, the MPA or West Devon Borough Council's Environmental Health department. Thereafter, any complaints about dust shall be dealt with in accordance with the scheme as approved by the MPA.
25. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.
26. There shall be no importation of material onto the application site for storage or disposal.
27. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.
28. The boundary of the application site shall be defined by a permanent stock proof fence, the extent, specification and details of which shall be submitted for approval to the Mineral Planning Authority prior to its erection. The fence shall be erected in accordance with the approved details and maintained thereafter in good stock-proof condition until 31 December 2026.

29. No development in the extension area hereby approved shall take place until improvement to the common grazing has taken place in accordance with the recommendations in Section 8 of the Luscombe Maye Common Land Mitigation Report, ref. 7290/CWB, included in the Environment Statement at Appendix A3a.
30. The access track shown on approved Drawing number [.....] shall at all times be maintained in accordance with Quarry Management Plan to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry, to manage any surface water run-off and to avoid any dust or mud being carried on to the highway.
31. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated August 2013.
32. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
  - Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds),
  - Pond creation and management statement (including provision for fairy shrimp), and
  - Post quarry restoration habitat and species management plan.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

33. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
  - A scheme for the protection of the track of the former Plymouth and Dartmoor Tramway,
  - A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down, and
  - A watching brief for soil stripping in the whole area.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

34. Notwithstanding the restoration strategy set out in the Proposed Phased Working /Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that

part of the restoration of the application site commencing. The detailed plan shall identify:

- i. The area to be restored;
- ii. The final restoration contours;
- iii. The relevant sections of the approved restoration strategy habitat it relates to;
- iv. Any drainage and water control requirements; and
- v. Any deviations from the approved restoration strategy.

The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.

35. The existing bund located to the west of the existing site shall be reduced in size in accordance with the approved drawings [.....] , regraded and seeded with a local provenance mix in accordance with details to be submitted to the Mineral Planning Authority for approval within 3 months of the date of this decision. The reduction, regrading and seeding works shall thereafter be carried out and completed strictly in accordance with the approved drawings and details within 12 months of the date of that approval of details.
36. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of mineral extraction on the application site.



**Draft Heads of Terms for S106 Agreement**

1. The revocation of the existing planning permission (ref.03/43/1075/90).
2. The operator shall provide public information panels in the vicinity of the quarry. The content to be agreed with DNPA and to reflect the archaeological, ecological and geological interest of the area.
3. The operator shall maintain a notice board at the main entrance to the site displaying up-to-date contact details for the Site Manager.
4. The operator shall make available in the site office at all times a copy of the planning permission, all approved plans, schemes and documents
5. The land owner shall agree to undertake and maintain the grazing improvements as set out in the Luscombe Maye report.
6. The operator shall provide a bond for restoration of the quarry appropriate to the phase of working set out in the Phased Working/Restoration Strategy. (The extent of the bond to be determined in line with the cost schedule set out in the email dated 27<sup>th</sup> September 2016).
7. Public access to the quarry area post restoration.

## Consultation responses

### **West Devon Borough Council:**

No comments received.

### **County EEC Directorate (July 2015):**

No objection as there is no intensification in activity above the previously consented levels of vehicle movements.

### **County EEC Directorate (Nov 2016):**

No objection in response to additional information submitted.

### **Environment Agency (Sept 2015):**

While the EA has no objections to the proposal, it wishes to make the following comments: We note the conclusions of the hydrogeological assessment (ES Chapter 11) and the apparent absence of groundwater dependent terrestrial ecosystems near the site. In relation to the proposed restoration scheme we note from section 2.2.4 of the ES that the applicant has discussed the principal of the proposals (inert soil infill) with other EA colleagues. This scheme is likely to require a Waste Recovery Plan and also a Restoration Permit.

### **Environment Agency (Nov 2016):**

The EA's position remains as set out in its previous letter dated 2 September 2015. It has no objections to the proposal, which is to increase the working area (laterally) rather than continuing to go deeper.

### **Dartmoor Commoners**

No comments received.

### **British Horse Society:**

No comments received.

### **The Ramblers' Association:**

No comments received.

### **Devon Stone Federation (July 2015):**

The Federation has no objection to these proposals.

### **Yennadon Commoners Association (Sept 2015):**

The Commoners Association position remains the same as per its letter at the time of the previous planning application to extend the quarry. It has particular concerns regarding the casual regard the operators have to the security fencing and the current quarrying which is under mining the safety of the aforementioned fence. This situation is not only potentially detrimental to the safety of our livestock but could have catastrophic implications for the unwary person on the common.

### **Yennadon Commoners Association (Nov 2016):**

Does not wish to change its original comments.

### **Environmental Health (Aug 2015):**

No objections to the application. No complaints have been received regarding noise and dust since the last application. Some unsubstantiated dust complaints had been received previously. In the event of permitting the development a dust management scheme should be established and should include the access road. A small number of noise complaints have been received (most recently spring 2011). No noise abatement notices have been served. Recommended that if permitted, conditions be attached to ensure: 4m high bund is constructed; a noise limit of 50dB LAeq 1 hour at the boundary of noise sensitive properties; working hours controlled as they currently are.

### **Environmental Health (Nov 2016):**

Due to the age of the application guidance has moved on with regards to dust and air quality therefore conditions may have to be imposed on this basis; in regards to noise the earlier comments still apply, but there may need to be a higher limit for a shorter period of time to create the environmental bund. Therefore the following conditions are recommended:

#### Bund creation

Where the mine operator seeks to undertake works for the construction or removal of baffle mounds, soil storage mounds and spoil heaps, construction of new landforms and aspects of site road construction and maintenance the noise limits shall be increased for a period of time and a noise level as agreed by the mineral planning authority, with an absolute limit of 70 dB LAeq, 1 hour (free field) for a period of 8 weeks in any 12 month period.

#### Dust monitoring and management

Within 3 months from the date of this approval the applicant shall provide to the Mineral Planning Authority a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment once approved shall then be used to formulate where deemed necessary a monitoring scheme to be used to continually assess the impact by way of dust arising from the mineral operations. This scheme to include details of monitoring locations, monitoring methodology and frequency of reporting to the Mineral Planning Authority. The mineral operator shall nominate independent consultants to undertake the dust monitoring for approval by mineral planning authority. Once approved the scheme shall be implemented for the lifetime of the mine.

Within 3 months from the date of this approval the applicant shall provide to the Mineral Planning Authority a scheme for dealing with complaints received by the operator, the mineral planning authority or the District Council's Environmental Health department. This scheme is to specify an independent consultant who will be used for the collection and assessment of dust samples at a complainant's property, the analysis to be undertaken, an investigation into the cause for the dust and feedback to the MPA on what steps have been taken to minimise the production of excessive disamenity dust by the mineral operations. Once approved this scheme shall be implemented for the lifetime of the mineral operations. Unless otherwise agreed by the MPA.

**National Planning Casework Unit:**

No comments to make.

**DNP – Archaeology (Aug 2015):**

An archaeological watching brief on topsoil stripping in extension area and exclusion of vehicular traffic from tramway to west and north of quarry is recommended. As stated in the Environmental Statement (Section 7.0) included with the application, there are two heritage assets in the vicinity of the quarry extension which will potentially be affected by its proposed development. The first is the Plymouth and Dartmoor tramway, constructed in 1823, which runs along the western side of the quarry and the indicated extension area. This feature is vulnerable to damage or obstruction by the construction of the bund, which is planned to run along the western and northern edges of the extension area and its associated vehicle traffic. Secondly, Yennadon Down contains a series of relict field systems of prehistoric, medieval and post medieval date which may encroach into the proposed extension area and will be destroyed by its development.

In accordance with policy DMD13 and in order to mitigate the threats outlined above the following measures are recommended:

1. A watching brief be undertaken by qualified archaeological personnel on topsoil stripping in the proposed extension area ahead of development and appropriate investigation and recording be undertaken of any archaeological features identified.
2. As stated in the Environmental Statement, damage to the Plymouth and Dartmoor tramway should be mitigated by the exclusion of vehicular traffic associated with the construction of the proposed bund to the north and west of the extension area. Care should also be taken that the bund does not encroach onto the tramway.

**DNP - Recreation, Access & Estates (Aug 2015):**

Response is in relation to the likely impact of the expansion of Yennadon Quarry on public access and recreation of the area. The expansion of the quarry will lead to a reduction of common land and grazing. The likely increase in noise, dust and vehicular traffic will have a direct impact on the public's enjoyment of the area for quiet recreation.

The area of land identified for the extension of the quarry is designated as common land and as such the public right of access is on foot and on horseback. The right of access on common land is area based and there is no requirement to keep to defined public rights of way. The area around the development site has a network of informal paths and tracks, and in addition there is a public right of way – Public Footpath no. 13, Meavy, approximately 100m away. It is considered that the proposed extension would not adversely impact on the public's use of the public footpath.

The extension of the quarry would result in a loss of common land (over which the public currently have a right of access), however it is considered that the reduction to the area of access land available to the public is minimal. The land within the quarried areas should be restored when quarrying activity finishes and public access should be made available once more. The future recreational use and enjoyment of the area, whilst quarrying takes place, will to some degree, be determined by the amount and intensity of quarrying activity, and any resulting dust, noise and traffic movements. Whilst the adverse impact on public access is considered to be minimal, it is difficult to quantify the extent to which

enjoyment of the area by the public may be affected, as this will depend on the intensity of the quarrying operation.

On balance, it is recommended that the application is refused on the grounds of incompatibility with National Park purposes and the adverse direct impact the quarrying is likely to have on the quiet enjoyment of the area.

**DNP - Ecology & Wildlife:**

This appears to be the third iteration of the proposal Conservation (July 2015): to extend the working area of Yennadon Quarry. As such, the consultant hired by the applicant has undertaken an updated survey visit to verify the validity of previous survey visits and follow-on recommendations. The consultant concludes that the habitats and species present are still very much as they were for when the Biodiversity Mitigation and Enhancement Plan (BMEP) was written in August 2013. The BMEP has been updated to reflect changes in the proposals, and assurance that ecological matters have been incorporated into the overall scheme design, and adequate monitoring provisions.

In as far as the project goes, the proposed avoidance, mitigation and enhancement measures cover all the local species and habitat requirements and thus cover the proposal as much as is feasible to expect. There is however a fundamental policy objection to development on S3 moorland and on priority habitat (unimproved dry acid grassland) as stated in DMD14, and there will be short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles. There is however scope to enhance the habitat, and species within, as part of the restoration for the longer term, as set out in the BMEP.

If the Authority decides to grant permission for this application, detailed conditions will need to be drawn up to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it being carried out. I would like the consultant to include reporting at appropriate intervals to the Authority Ecologist how the works laid out in the BMEP are progressing (includes all aspects, including monitoring). I would suggest at first annually for the first five years from any permissions being granted, followed by every 5 years for the duration of the quarrying and restoration works.

**DNP - Ecology & Wildlife Conservation (Nov 2016):**

No additional comments to add.

**DNP - Trees & Landscape (Nov 2015):**

The application should be refused because it will have a detrimental visual impact and a detrimental impact on the character of the area, which is contrary to policy COR1(h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is also contrary to policy DMD5 because it does not conserve/or enhance the character and special qualities of Dartmoor's landscape by respecting the valued attributes of this landscape type, specifically the dramatic moorland landscape, with wide open spaces, panoramic views and a strong sense of tranquillity or the moorland grazed by Dartmoor ponies and native hill breeds of sheep and cattle.

## **DNP - Trees & Landscape (Jan 2017):**

### **Landscape concerns**

One of the main issues relating to landscape is the impact of the extension on the character of the landscape. The main concerns previously were the scale of the extension, its impact on the grazed common and the introduction of bunds, which are alien features, into this landscape.

It was accepted that the quarry extension did not introduce a new form of harm into the landscape, but there would be an increase in the harm caused.

The revised application has reduced the size of the working area, the proposed bunds along the northern and western edges of the quarry have been removed from the scheme and the submitted landscape scheme starts the restoration phase of the quarry in the early stages of the extension.

### **Landscape Character**

One of the most intrusive features in the landscape is the 'working bund' along the western side of the working quarry. Material is constantly being moved, preventing the land becoming vegetated and there is continual disturbance by quarry vehicles moving material. In the amended scheme the un-vegetated northern part of the existing bund (Area B) will be re-graded as part of the pre-excavation works. The reduction and eventual removal of this bund will significantly improve the character of the local landscape.

The removal of the proposed western and northern bunds from the scheme means that there will be no significant change to the character of the local landscape. The quarry once extended will be larger, but the landscape will still have the same character, i.e. an open moorland landscape with a small quarry located within it. The Authority has defined the quarry as 'small' to 'intermediate' and with the extension the quarry would still fall within this 'small/intermediate' category definition.

### **Visual Impact**

The main concern previously about the visual impact of the quarry was the visual impact of the bunds. The removal of the proposed bunds removes these intrusive visual elements. The removal of the bund in Area B will improve the visual impact of the quarry and once this work has been completed there will be no requirement for quarry vehicles to access this area reducing visual intrusion.

The quarry extension will be excavated in a series of benches. During the initial stages of developing the western most phase, quarry vehicles will be visible. However, this over stripping will be for a short period of time and once the top layer of material has been removed the vehicles will be out of sight.

The extension will be fenced and the land between the working quarry and the fence will be allowed to re-vegetate. Gorse is found in and around the quarry site and should soon start to colonize. The gorse, as it grows, will screen the quarry from the track that runs close to the western boundary of the quarry and from distant views also to the west.

## **Tranquillity**

An Environment Noise Impact assessment has been carried out on the existing quarry operations and it is calculated that the normal quarrying activity produces up to 57db. The revised scheme predicts that noise levels will be 50db. The operation of the extended quarry will be at a similar level to the existing quarry and clearly there will be an enhancement between the existing quarrying operations and the proposed quarrying operations.

## **Mitigation**

The waste material extracted from the new benches will be used to infill the southern part of the existing void, as the void is filled the upper parts of the infill will be landscaped and allowed to re-vegetate. When the quarry has been worked out the infilled areas will be graded to create a slope to the quarry floor. A partial bench will be retained and steep faces will be retained along the northern and western faces of the quarry. A small pond will be created at the base of the quarry. In principle the proposed landscape mitigation is acceptable. However, there is reference to seeding the floor of the quarry with a native species rich seed mix. The Authority should ask for and agree details of the final planting scheme.

The intention is to allow the redundant quarry to naturally regenerate. Natural regeneration will only be successful if stock is excluded from the site. We should identify who will maintain the fence after the quarry is worked out and what action will be taken if natural regeneration does not happen within a reasonable time scale.

## **Policy**

Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that:

Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;
- ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

The policy is very clear that development should **conserve and/or enhance** the character of Dartmoor's landscape.

## **Conclusion**

The original conclusion was that the development would be contrary to policy because the quarry extension did not conserve and enhance the character of Dartmoor's landscape.

The main concerns were the introduction of the bunds along the western and northern boundaries of the quarry, the scale of the quarry and the impact of the development on the tranquillity of the area. The proposed scheme no longer introduces bunds into the landscape and removes one of the more intrusive bunds (work area) prior to the quarry being extended. The quarry working will also reduce noise levels within the quarry enhancing tranquillity. The phased works will allow parts of the landscaping to be carried out during the working life of the quarry.

The only element of the proposed development that impacts on the character of the immediate landscape is the loss of grazed common land. Whilst some common land will be lost the nature of the quarry within the landscape will not fundamentally change, the quarry will be slightly larger, but it will still be a 'small/intermediate' quarry located within this moorland landscape.

On balance the harm caused by the loss of grazed common to the landscape will be modest and this harm will be counteracted by the enhancement of the landscape by the removal of the bund within Area B.

### **Recommendation**

No objection, subject to the Authority agreeing details of the final landscaping scheme.

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

#### **Burrator PC (Nov 2016):**

The Parish Council has considered the additional details sent on 1st November 2016 and continues to OBJECT to the proposed extension as it will enlarge an already intrusive operation in the proximity of a residential area and which may be incompatible for the National Park in the current day. The proposal does not change the DNPA Refusal Notice dated 14 July 2014 (ref. 0667/13), Reason no.2 "The proposed extension would perpetuate the quarry and the related impacts in the long term".

#### **Representations Received:**

98 letters of objection

52 letters of support

1 other letter

A substantial volume of representation has been received in relation to this proposal.

52 Letters of support have been received which raise the following material issues in relation to the proposal:

- The site is currently compliant with conditions
- The impacts of the proposed development are acceptable and/or can be controlled by condition
- The proposal will not have an unacceptable landscape impact
- The site is a sustainable source of stone
- The stone contributes to the character of the locality
- There will be no increase in vehicle numbers
- The site will be restored



- The site provides local employment
- The site contributes to the local economy

92 letters of objection have been received, including one from a mineral producer in Cornwall which is in competition with the applicant. All the issues material to the determination of the application that have been raised are summarised below:

- Policy does not support the proposal.
- Concerns that the proposal should be assessed as major development.
- The lack of need for the stone in the National Park, and the issue that any need can be met elsewhere.
- Concern that in granting permission, it will prolong the current effects of quarrying rather than seeing a gradual reduction in impacts up to 2026.
- Recognition that Yennadon stone will still be available in the event of the application being refused as production will continue until 2026.
- Concern that granting consent it would almost double the current production rate (5,310 tonnes) and associated working area.
- Concerns that the perceived restoration and aftercare benefits are inflated, and could be achieved through a ROMP review.
- Impacts on common land and amenity land.
- The noise impacts of the proposal, and the view that the environmental statement is insufficient in terms of noise.
- Concerns about the socio-economic evidence and questioning how 90% of the payroll can be spent in the local area.
- The dust impacts of the proposal.
- The traffic impacts of the proposal (including that tractors and trailers are not included in the stated figures, and unsuitable local roads).
- The landscape impacts of the proposal.
- The visual impacts of the proposal and the view that there are inconsistencies omissions and incorrect assumptions in the landscape and visual impact assessment.
- An extension to the south would have less impact.
- Impacts of vibration.
- Impact on the National Park.
- Concerns that it would set a precedent for other industrial development.
- Proximity to residential property.
- Impacts on amenity uses in the vicinity.
- Concerns about effects on drainage.
- Lack of confidence that the site would be restored.
- Effects on wildlife including reduction in wildlife habitat.
- Perpetuation of the development and its effects.
- Concern about stability of the operations.
- Scale of the proposal.

A representation has been received from the **Council for the Protection of Rural England** (CPRE) which weighs up the pros and cons of the development and concludes that it neither supports nor objects to the application.

The **Dartmoor Preservation Association** objects to the application which, despite the changes made since the rejection of the previous application, it still considers being contrary to the two purposes of National Park designation and to policy COR22. It does not consider the duty 'to seek to foster the economic and social well-being of local communities' to be of sufficient weight to override these matters. Alternative sources of stone exist and the Association does not believe that the applicant has made a compelling economic argument for the development.

Although the applicant has put forward new landscaping proposals, the Association has serious reservations as to their effectiveness or enforceability. The destruction of an area of common land and the resultant loss for grazing and public enjoyment is not, it states, consistent with National Park purposes, and is not in the public or national interest.

The **Dartmoor Society** fully supports this application for what it describes as a modest expansion. The application, it states, reaches to the heart of understanding and awareness of the cultural history and landscape of Dartmoor, and of sustainability and the wise use of resources. Yennadon is the last active stone quarry working on moorland Dartmoor, out of scores that once existed. As such, the Society considers it a cultural icon and living heritage link to the previous generations of quarrymen, who have shaped what is one of the finest cultural landscapes in the world. Amazingly, this small-scale enterprise supports a workforce of twenty-seven. It provides stone for a wide area of west Devon and beyond, and is maintaining the historical value of Dartmoor which has always shared its resources beyond the limits of Dartmoor itself. Its scale is entirely appropriate to modern Dartmoor and adds character to the Dartmoor landscape.

The proposed expansion poses no significant threat to archaeology, ecology or the wider landscape and, once the quarry has ceased working (2025), it will become an intriguing site, sitting quietly within a moorland setting. After abandonment, we advise that foundations of any structures within the quarry should be left undisturbed, for the education and interest of future generations. This quarry is exactly the type of small-scale locally distinctive enterprise, making wise use of Dartmoor's resources, that deserves widespread encouragement.

Case Studies – Small and ‘Major’ stone (and other) quarry permissions / refusals post 2012 – comparison with Yennadon

This document provides details of recent planning applications and appeals for stone quarries and other minerals located in AONB’s and National Parks. This is in two parts: Part 1 covers dimensional stone and Part 2 covers aggregates and ball clay.

Part 1 – Dimensional Stone

Name	Nanhoron	Bretton Moor	Syreford	Leeming	Home Field, Acton	Yennadon
<b>Designation</b>	Llyn AONB	National Park	Cotswold AONB	Forest of Bowland AONB	Dorset AONB	National Park
<b>Planning Authority</b>	Gwynedd CC	Peak District National Park	Gloucestershire CC	Lancashire CC	Dorset CC	DNPA
<b>Decision</b>	Approved	Approved	Approved	Approved	Approved	Pending
<b>Date</b>	16 June 2015	12 June 2015	19 September 2013	8 August 2012	6 December 2012	2017
<b>Reference No.</b>	C13/0786/32/MW	NP/DDD/0914/0990,	12/0049/CWMAJM	03/110688	6/2012/0629, 6/2012/0058	0348/15
<b>Material</b>	Dimension stone, aggregates, rock armour	Block stone, flagging, walling and roofing slates for the local market.	Masonry and building stone plus limited walling stone	Sandstone for dimension stone	Building stone	Dimension stone
<b>Type of scheme</b>	Reopening of existing quarry plus new C&D recycling	Extension to existing quarry	Extension to existing quarry	Extension to existing quarry	New (replacement)	Extension to existing quarry
<b>Area ha</b>	4.7ha	Extension 0.82ha	Existing circa 7ha Extension 4.8ha	Existing 4ha Extension 0.7ha		Existing 2.3ha Extension 1ha
<b>Reserves (tonnes)</b>		63,450	225,000	260,000	40,000	200,000
<b>Annual throughput (tonnes)</b>	18,000	4,000	10,000	Up to 5,000	1,000	Up to 14,000 (current 5,500)

<b>Duration (years)</b>		15	22.5	27	40	10
<b>Assessment of scale:</b>	"...small scale extraction from existing quarry	small scale quarry in Bretton Moor	small with intermittent or low production output so that a long life is crucial for supply.	Small scale sandstone operation producing dimension stone for heritage and local projects	Consistent with small in other examples	Small scale
<b>Para 116 NPPF</b>	Not considered	Major development	Major development	Exceptional circumstances test applied	Pre NPPF para 116	Major development
<b>Officer comments in committee report</b>	mineral extraction in AONBs should only take place in exceptional circumstances. However, the proposal was for small scale extraction from an existing quarry in an area where there were no readily available sources of stone and the importation of material would create additional traffic movements.	Stone from the site had been used to repair historic buildings in the national park, including Haddon Hall. Local stone and particularly the roofing slates would contribute to maintaining the distinctive character of the local area. The quarry was the only one in Derbyshire producing grey stone roofing slate. The authority's design guide encouraged the use of traditional materials for new build also. Given the uniqueness of the product, the authority concluded that there were exceptional circumstances to allow the quarry in the national park. The development would support sustainable economic growth while protecting and enhancing the natural and historic environment.	The proposal to permit the extraction of unworked limestone on the site would contribute to the maintenance of a steady supply of material for building in accordance with the NPPF. It is recognised that stone used for building plays an important role in the restoration of historic buildings where the stone has to fulfil specific physical characteristics.. The need for the building stone is found in the built fabric of the AONB. Cotswold limestone has been quarried for buildings since Roman times and gives the area its distinctive character. The use of compatible stone products is critical for the repair and restoration of historic buildings and for new development within the AONB, avoiding the use of inappropriate materials which would erode the landscape character of the AONB. The limestone from Syreford is of high grade and highly sought after for local development and for the restoration of some nationally important buildings where matching colour and technical characteristics of stone is important where the original source material is no longer available	The quarry is in the Forest of Bowland AONB, where mineral development would normally be permitted only in exceptional circumstances. However, there was a need for the product in the interests of restoring and enhancing the locally distinctive built environment. The development was small scale and would support the rural economy..	The stone was used for roofing stone and building stone to maintain the character and distinctiveness of eight local parishes as well as for a number of ecclesiastical and prestigious buildings over a much larger area. The council considered that the operation made a useful contribution to the local economy and noted that the stone was of national importance.	

## Part 2 – Other quarries including aggregates and ball clay

Name	Harden Quarry	Old Kiln Farm, Chieveley	Povington Pit, Dorset	Livox Quarry
Designation	Northumberland National Park	North Wessex Downs AONB	Dorset AONB	Wye Valley AONB
Planning Authority	NNPA	PINS	Dorset CC	Monmouthshire CC
Decision	Approved	Appeal dismissed	Approved	Refused
Date	11 December 2014	6 November 2011	4 <sup>th</sup> May 2012	21 <sup>st</sup> May 2013
Reference No.	14 NP0057	11/00233; PINS 2173977	6/2011/0523	DC/2011/00879
Material	Unique red igneous rock, which was exported throughout the UK and abroad. The naturally red granite was particularly suitable for use in road surfaces and was sold under the trademark of "Harden Red"	Building sand	Ball clay	Limestone for aggregates
Type of scheme	Extension to existing quarry	Extension	Extension	
Area ha		20ha	6ha (increasing total area to 12ha)	
Reserves (tonnes)	1 million	760,000	350,000	
Annual throughput (tonnes)	200,000	35,000	45,000	200,000
Duration (years)	6	23	8	
Category	Major development.	Major development	Major development	consistent with Major development
Extract or paraphrase from Mineral Planning database but some information also obtained from DCP Online (Development control practice)	At the end of 2013 there were 76.6Mt of crushed rock reserves, giving a landbank of 51 years, well in excess of the recommended 10 year minimum landbank recommended in the NPPF. The guidance also recommended that as far as possible the landbank should be provided from sites outside	The development plan set out a presumption against the extraction of sharp sand and gravel from the AONB and the inspector also noted the advice in NPPF, published since the refusal of permission, that while great weight should be given to the benefits of mineral extraction, decisions should provide for the maintenance of non-energy mineral landbanks from outside designated areas and that great weight should also be given to conserving	Officers advised the council that ball clay was acknowledged as being of national importance in the recently published National Planning Policy Framework (NPPF). However, the NPPF also stated that great weight should be given to conserving landscape and scenic beauty in AONBs and major development should be	Limestone had been extracted at the site since 1900 and permission was granted in 1992 for extraction of high grade dolomitic limestone which was used as flux at Llanwern steelworks. The council noted that the landbank was adequate and that the high grade reserve at Livox should be protected for a more appropriate use. In addition, there were other quarries

<p><b>and from Officer report where stated</b></p>	<p>national parks. However, the authority recognised the special qualities of the resource at Harden quarry in terms of its colour and physical properties. The stone was an important feature in the local environment and it could not easily be substituted for. Nor did it occur in other quarries in the area.</p>	<p>landscape in AONBs. Paragraph 116 of the NPPF stated that permission should be refused for major development in designated areas unless exceptional circumstances exist and the development would be in the public interest. The inspector concluded that the mitigation proposed would not be sufficient to prevent the scheme from failing to conserve and enhance the AONB and that the scheme failed to demonstrate any exceptional circumstances. In addition, although the public interest would be served by the provision of minerals, the protection of the landscape was also in the public interest.</p>	<p>refused in those areas unless they were in the public interest. The industry directly employed 39 staff locally and in 2010 the company spent £2.4M with local suppliers and contractors. The Creekmoor Clay that would be extracted only occurred within the AONB and it was a key component for blending with other clays from Dorset for the production of tile, refractory and electro-porcelain clay blends.</p>	<p>within a reasonable distance that could supply the block making works and it was not a land use consideration that those quarries were not in the control of the applicant.</p>
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