

DARTMOOR NATIONAL PARK AUTHORITY

DEVELOPMENT MANAGEMENT COMMITTEE

7 October 2016

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

Apologies: S Barker, J Christophers, S Hill

The Chairman welcomed Ms Pamela Woods, newly appointed Secretary of State Member, to the Committee meeting.

1164 Minutes of the meeting held on Friday 2 September 2016

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

1165 Declarations of Interest and Contact

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

It was noted that Members had received email correspondence, in relation to Item 7 – 0407/16 – Hele Farm, North Bovey.

Mr McInnes declared a personal interest, due to knowing the applicant, in items 5 & 6 – 0402/16 and 0401/16 – Hillside House, Drewsteignton.

Mr Sanders declared a personal interest, due to contact and attendance at the Parish Council meeting, in item 1 – 0326/16 – land at Hessary Tor, Princetown.


Mr Jeffery declared a personal interest in relation to Item 7 – 0407/16 – Hele Farm, North Bovey.

Mr Webber declared a personal interest in site inspection item 2 – 0276/16 – land at Atlas Mine, Ilington.

Mr Ball declared a personal interest, due to contact with a parish member, in item 1 – 0326/16 – land at Hessary Tor, Princetown.

Mrs Oakley declared a personal interest, due to the applicant being her neighbour, in item 7 – 0407/16 – Hele Farm, North Bovey, and advised that she would vacate the meeting room for this item.

Ms Woods declared the receipt of an email in respect of Item 7 – 0407/16 – Hele Farm, North Bovey.

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Miss Moyses declared a personal interest in site inspection item 2 – 0276/16 – land at Atlas Mine, Ilington.

Mr Cann declared a personal interest in item 3 – 0373/16 – Tawburn House, Sticklepath.

Mrs Pannell declared a personal interest, due to a telephone conversation with the agent, in item 2 – 0392/16 – 8 Beacon View, Bittaford.

Mr Lloyd declared a personal interest, due to knowing the applicant's wife, Item 7 – 0407/16 – Hele Farm, North Bovey.

Mr Hitchins declared a personal interest, due to email contact, in site inspection item 2 – 0276/16 – land at Atlas Mine, Ilington.

Mr Cooper declared the receipt of an email in respect of Item 7 – 0407/16 – Hele Farm, North Bovey.

Mr Retallick declared a personal interest, due to contact, in site inspection item 2 – 0276/16 – land at Atlas Mine, Ilington, and item 1 – 0326/16 – land at Hessary Tor, Princetown.

1166 Items requiring urgent attention

The Chairman advised Members that item 10 – 0295/16 – The Villa, Plymouth Hill, Princetown, had been withdrawn.

1167 Site Inspections

Members received the report of the Head of Planning (NPA/DM/16/029).

Item 1 – 0275/16 – Construction of single storey rear extension, two storey side extension and front porch – 2 Binkham Hill, Yelverton

The Case Officer reminded Members that the main issue regarding the proposed scheme was the proximity of the proposed two-storey side extension to the ground floor side elevation windows of the neighbouring property and subsequent loss of light. In recommending approval, officers had in mind three main considerations, namely, that the kitchen is not considered to be a principal habitable room, neither is the day room; all windows face north west and therefore do not receive natural sunlight; the neighbouring property currently enjoys views across the applicant's land due to a low boundary wall which, under permitted development rights, the applicant would be entitled to replace with a 2m fence along the boundary of the property and this would impact on levels of daylight.

The increase in habitable floorspace proposed is 25% which is well within the threshold set out in the Authority's policy DMD24.

Members of the Site Inspection panel commented that they were in agreement that the presentation given by the Case Officer set the issues out fairly.

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

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RESOLVED:

That, subject to the conditions as set out in the report, permission be GRANTED.

Item 2 – 0276/16 – Construction of an earth house for holiday accommodation as enabling development and occasional welfare use by visiting groups, to support repair and restoration of Atlas Mine burning house together with associated works – land at Atlas Mine, Ilstington

Speaker: Nichola Burley, Applicant's Agent

The Case Officer advised Members that Listed Building Consent had been granted for the works to be undertaken on the burning house. The impact of any development on the setting of a listed building is a statutory consideration, as per Section 66 of the Planning (Listed Building and Conservation Areas Act) 1990.

The proposed earth house would be located above the natural ground level and would be located 130sqm from the listed building. It would, therefore, have a permanent impact on the immediate and wider landscape.

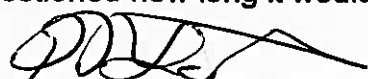
It is considered that the proposed development would not enhance the setting of the listed building; the scale of the harm identified would not be outweighed by the limited public benefit.

Ms Burley advised Committee that her clients had appreciated the site inspection which allowed Members to gain more insight into their proposals. She stated that there was strong support for the application from the Parish Council, local schools and the Dartmoor Society, adding that, as per the officer's report, the Authority's Conservation Officer and Ecologist had no objections to the proposals. Detailed financial information had been provided. The burning house is an important element of the National Park and the application would save the building and make it accessible to the public; no public funding would, therefore, be required. Research had been undertaken with regard to possible funding from the Heritage Lottery Fund but it is apparent that only Phase 2 of the application would be eligible. The applicants feel that their proposals would assist with the Authority's statutory purposes.

In response to a Member query Ms Burley advised that, should permission be granted, her clients would wish any income from the earth house to be tied in to ensure that it was used for the continued restoration of the burning house; they would be willing to sign up to a Legal Agreement to ensure this. The Head of Legal and Democratic Services advised Members that it would be difficult to secure a binding agreement in perpetuity.

Mr Gribble arrived at the meeting and declared receipt of emails in connection with items on the matrix.

Dr Mortimer commented that the site was in a remote area; the meaning of the site would be confused should permission be granted for the earth house. He added that he would question why the house needed to be situated so close to the burning house. In addition, there was only an assumption that the earth house would make money; he questioned how long it would take for enough money to be made to

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effect repairs to the heritage asset. He proposed the recommendation. Mr Sanders seconded the proposal, adding that officers had provided five clear reasons why planning permission should be refused.

RESOLVED:

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

1168 Applications to be determined by Committee

Members received the report of the Head of Planning (NPA/DM/16/030).
Item 1 – 0326/16 – Installation of mobile telecommunications and ancillary equipment involving the erection of a 12m high telegraph pole with eight consumer antennae and four backhaul radio antennae and 450m or trenching to power source – land at Hessary Tor, Princetown

Speakers: Cllr Alison Geen, Dartmoor Forest Parish Council
Mr Dan Jones, Applicant
Ms Alison Funnell, Supporter
Mr Brian Brusey, Supporter

The Planning Team Manager advised Members that the application forms part of a combined Exmoor and Dartmoor initiative to provide superfast broadband to more remote areas of the moor. The system to be provided is wireless and relies on masts and associated antennae being installed. Officers have worked very closely with Airband; 16 masts have so far been approved. With regard to this application, permission is sought to erect a 12m high wooden pole with telecommunications equipment. The pole is to be situated some 180m south east of the main mast at Hessary Tor, 30m west of the closest public right of way.

The Authority's adopted policy DMD20 requires that applicants prove that they have explored the options of erecting apparatus at alternative sites or on existing structures that are less intrusive in the landscape. The National Planning Policy Framework (NPPF) requires the consideration of mast sharing where possible.

Significant pre-application discussions have taken place with Airband. The application before Members was identified very early on as causing difficulty; Airband was requested to consider mast sharing/alternative locations. All possibilities have been considered but the applicant has requested that the application be determined as it stands. They further advised that the Hessary Tor mast required further strengthening works.

With regard to mast sharing, correspondence has been received today which advises that, technically, this is viable. However, the current mast at Hessary Tor is owned by Arquiva who have strict conditions regarding the use of their mast. There are also financial restrictions/costs to take into consideration. Arquiva has advised that it cannot accommodate the Airband equipment at this time.

Cllr Geen advised Members that residents of Princetown now have the use of fibre optic broadband and are not in need of the Airband equipment. However, the mast is needed in order to provide broadband to Hexworthy and Postbridge. The Parish Council was confused over the officers' recommendation due to the fact that there is

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already the Arquiva mast at Hessary Tor which would dwarf the mast in this application. She added that access to the internet is imperative in this day and age in order for farmers and others to run their businesses, complete their PAYE and Tax Returns etc.

Mr Jones confirmed the written advice that Arquiva would not permit Airband to share their mast. The cost implications had all but made this option prohibitive also. He advised that permission for the masts in Postbridge and Hexworthy had been granted; the mast at Princetown was required to complete the ring. He also stated that this application is time critical as the project is due to finish at the end of 2016; European funding will cease. Other sites have been considered but a high spot is needed, together with access to power. The infrastructure already exists for the proposed site.

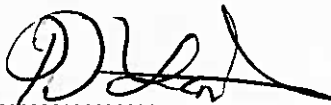
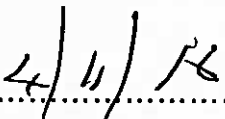
In response to queries from Members and the Head of Planning, Mr Jones responded as follows:

- The masts need to be in the line of sight in order for the radio signal to work, therefore the mast at Princetown is needed in order for Hexworthy and Postbridge to have broadband;
- Cost implications to share the Arquiva mast – one off administration fee of £15,000, £10,000 per annum for the use of the mast;
- If permission for the mast is granted, not only would Postbridge and Hexworthy benefit, but outlying, more remote farmsteads would too, in addition to Merrivale. Without the mast there would be a large area in the middle of the moor with no internet access;
- The proposed mast cannot be placed any nearer to the existing mast as the land upon which it sits belongs to three different landowners. Arquiva lease the land from the Duchy of Cornwall and the lease does not permit the sub-letting of the land to third parties;
- If permission is refused more masts would be needed. This is technically possible but access to power is required. Airband could not rely on solar/wind power as this can fluctuate and thus signal would be unreliable;

Mr Funnell advised that, as a resident of Hexworthy, which currently received an appalling broadband speed, she has been given hope by Airband and the National Park Authority. She cannot understand the logic of the officers' recommendation to refuse the application. She stated that she could not emphasise enough the impact of poor broadband speed. She added that as a Government project, with the National Park Authority being partly responsible for its delivery, residents would feel extremely let down should permission not be granted.

Mr Brusey advised Members that he has one of the Airband masts in his garden. The mast is still waiting to be switched on. The location of the mast is only 14m away from open access land, yet permission was granted with no objections raised. With regard to visual impact, he felt that the benefits far outweigh the objections. Refusal of the application would risk the failure of the whole project.

Dr Mortimer stated that the officers had taken a bold stance. Visual impact was of paramount importance. He felt that the project and this application was time driven

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and urged Members not to allow themselves to be rushed into making a decision. He proposed the recommendation that permission be refused.

Mr Sanders commented that this application was an extremely difficult one in that Members also have a responsibility for Dartmoor's residents. Broadband is essential in this modern age and is part of the future. He felt that the Authority owed a duty to the residents of Hexworthy, Postbridge and outlying areas. He proposed that permission be granted, subject to conditions, which was seconded by Mr Retallick.

The Head of Planning clarified the reasons for approval as follows:

- The visual impact of the proposed mast is considered to be acceptable in the specified location where there is already an existing mast, guy ropes, concrete base and other associated paraphernalia;
- The proposal supports the socio-economic wellbeing of residents;
- Alternative locations have been considered and it has been determined that it would not be possible or feasible to situate the mast elsewhere;
- The proposed mast is a vital link in the network to support other areas.

The Planning Team Manager proposed the following conditions:

1. The erection of the mast will be undertaken within the standard three year period;
2. In accordance with approved plans, unless agreed in writing by the Local Planning Authority, the post and equipment is to be painted/coloured brown;
3. The mast, upon redundancy, would be removed from the site.

Mr Sanders and Mr Retallick confirmed that the proposed conditions were acceptable.

RESOLVED:

That, for the reasons stated above, and subject to the conditions proposed above, permission be GRANTED.

Item 2 – 0392/16 – Construction of two-storey side extension, front porch and alterations to dwelling – 8 Beacon View, Bittaford

Speaker: Mr Ian Hodgson, Supporter

The Planning Team Manager advised Members that the proposed extension would be constructed in a style and of materials that would match the existing property and would appear as a continuation of the existing small terrace of houses. Off street parking for two vehicles would be retained. The application proposes an additional 55% increase in habitable floor space, in excess of the 30% allowed under policy DMD24. The property currently has a floor area of 78m². However, the property would remain a three bedroom, modest dwelling; it would have no detrimental impact on neighbouring properties and is considered to be acceptable in this location.

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Mr Hodgson advised Members that the application before them was the result of a number of conversations with the Planning Team Manager and was felt to be the most appropriate in size and design. A similar extension had been constructed on another property within the terrace but this had been built before the introduction of policy DMD24. He felt that the Design and Access Statement provided with the application justified the extension.

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

RESOLVED:

That, subject to the conditions as set out in the report, permission be GRANTED.

Item 3 – 0373/16 – Change of use to dwelling and works including replacement extension – Tawburn House, Sticklepath

Speaker: Ms Kay Loram, Supporter

The Case Officer advised Members that Tawburn House is a large, prominent building within the settlement of Sticklepath. The application proposes a change of use of the former nursing home to a dwelling. The plans include the removal of flat roofed extensions and an internal fire escape.

Ms Loram advised Members that she was the joint owner of Tawburn House and, together with her partner, had plans to renovate and return the property to its former glory as a large family home. She feels that the property is a unique part of the village and is passionate about restoring it both inside and out. The Parish Council and local residents are supportive of the application.

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

RESOLVED:

That, subject to the conditions as set out in the report, permission be GRANTED.

Item 4 – Excavation to create a wildlife pond – Higher Beara, South Brent

Speaker: Mr David West, Applicant

The Case Officer advised Members that planning permission is required for the pond and dam construction, which is an engineering operation. The area in question is very wet and marshy, with sloping areas. With regard to the required dam, Devon County Council have advised that provided it is built by a qualified engineer and a condition to any planning permission was that details of the outlet be provided they would have no objection as the proposal would not increase flood risk.

Therefore, an additional condition as follows is proposed:

'Prior to commencement of the development details of the outlet structure at the dam and a statement confirming the method of construction shall be submitted

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to and approved in writing by the Local Planning Authority. The dam shall be constricted in accordance with the approved details.'

Mr West advised Members that he had sold his farm last year but had retained the eight acres with the intention of constructing a wildlife pond to enhance the area. He added that he has also planted 600 native broadleaf trees on the site. He stated that he has taken independent ecological advice in preparing his application. The design has been modified to avoid the need for the pond to be connected to the nearby ditch; instead it will be filled by ground water and rainfall.

In response to a Member query, Mr West advised that the pond would be some 2m deep in the middle of the pond, covering approximately ¼ of the area. Due to the natural fall of the field the pond would be built up rather than dug down.

Mr Ball proposed the recommendation, which was seconded by Mrs Oakley.

Members commented that it was refreshing to see this type of application before committee.

Mr Lloyd declared a personal interest in the application, due to his knowing the applicant.

RESOLVED:


That, subject to the conditions as set out in the report, together with the additional condition as detailed above, permission be GRANTED.

Item 5 – 0402/16 – Conversion of outbuilding to garden room (Listed Building Consent)

Speaker: Mr Anthony Thomas, Applicant

The Case Officer advised Members that Hillside House is a grade II listed house which is located prominently within Drewsteignton Conservation Area. The application relates to part of the 19th Century outbuildings to the east of the house and proposes the alteration and roofing of the surviving walled enclosures at the rear of the outbuilding range to create a garden room. The 19th Century floor plan identifies part of the outbuilding as a piggery, the adjacent curved enclosure is not annotated and is in contention. The agent is of the opinion that it would have been roofed, providing an inner sty. However, officers are unaware of this type of building on Dartmoor. The Design Guide identified piggeries as unsuitable for conversion due to their size. The piggery in this application is small (approximately 2m x 2m) and does not lend itself easily to conversion. The proposals seek to raise the eaves and incorporate the adjacent surviving walled enclosure to provide a garden room. The raised eaves height, and consequent shallower pitched zinc roof, would detract from the scale, form and design of the existing house.

No pre-application enquiry was submitted. Officer's concerns were expressed to the agent and the applicant was asked to consider a lesser scheme. However, the applicant respectfully requested that the application be determined in its current form.

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Mr Thomas advised Members that he disputed the comments made in the report by the Authority's Building Conservation Officer. He quoted from a book regarding the housing and fattening of swine in the 18th and 19th centuries, stating that the practice was not to have an outside yard at all, rather an internal area. He felt that officers had misunderstood the historic setting, adding that he was proposing the restoration of what was originally built. He stated that an early Ordnance Survey map showed that the whole area was roofed. The roof had existed until it collapsed in 1968.

The Head of Planning thanked Mr Thomas and advised that officers would be interested to receive any information that would indicate the roof style and height. Mr Thomas stated that there were no drawings within the book but that officers were welcome to take notes. He added that there was an existing line on the gable end which showed the original roof line.

Mr McInnes proposed that the applications be deferred for a site inspection, which was seconded by Mr Sanders. He also asked that officers obtain copy of the book and undertake further research, and asked that the Building Conservation Officer attend the site inspection.

RESOLVED:

That the application be DEFERRED in order for a SITE INSPECTION to be undertaken.

Item 6 – 0401/16 – Conversion of outbuilding to garden room and erection of wood store – Hillside House, Drewsteignton

Mr Ball proposed that the applications be deferred for a site inspection, which was seconded by Mr Sanders.

RESOLVED:

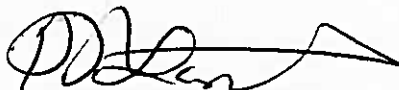
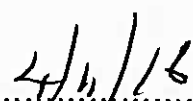
That the application be DEFERRED in order for a SITE INSPECTION to be undertaken.

Mrs Oakley left the meeting room.

Item 7 – 0407/16 – Erection of agricultural building (18.3m x 12.2m) with hardstanding – Hele Farm, North Bovey

Speaker: Mrs Elizabeth Cross, Objector
Mr Charles Godfrey, Applicant

The Case Officer advised Members that the application is for a new agricultural building, adjacent to the existing farmstead at Hele Farm which is in separate ownership. The applicant had a significant land holding of 42 hectares in the local area, with a stock of 230 breeding ewes and 20 belted Galloway steers. The holding currently has no buildings and there is a clear need for a building on a holding of this size.

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With regard to the existing farmstead, this includes a Grade II listed farmhouse and associated granite dutch barns. The application site is located on the opposite side of the highway; the proposed building is a typical modern open fronted agricultural building with a footprint of 18.3m x 12.2m. In addition a hardstanding and bounding hedgerow is proposed. The main concern of objectors is the potential impact of the proposed building on the amenity of Hele Farm, as well as the landscape character of the historic setting of the farmstead and the nearby cross .

Six additional letters have been received, objecting to the applications on the grounds of amenity. The removal of a stone wall and hedgerow has been brought to the attention of officers; planning permission was not required but a Hedgerow Removal Notice should have been submitted. The applicant has offered to reduce the width of the access to the site in order to rectify the matter. Officers recommend that, should permission be granted, an additional condition requiring the access to be reduced to no more than 6m, and details submitted showing the remaining area to be closed and a wall and hedgerow installed.

Mrs Cross stated that, in her opinion, the application was divisive. The location is not reasonable in that the noise and smell from the proposed agricultural building would be detrimental to her amenity. She felt that priority had been given to the location rather than the amenity of others, and that less damaging and contentious locations could be considered. She added that the heritage asset which is Hele Farm should be protected.

Mr Godfrey advised Members that he was a third generation farmer, and has one of the largest herds of belted Galloway in the UK. He has set aside three acres of the site for wildlife. Much consideration has been given to the proposed location of the new building. He would be happy to undertake further planting if required and accepted that any animal waste should be stored no less than 200m from the nearest residential dwelling.

Mr Jeffery proposed that, due to the objections received, the application be deferred for a site inspection, which was seconded by Miss Moyse.

RESOLVED:

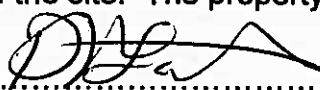
That the application be DEFERRED in order for a SITE INSPECTION to be undertaken.

The Head of Planning requested that the applicant peg out the footprint of the proposed agricultural building to assist Members in their understanding of the application.

Mr Jeffery left the meeting.
Mrs Oakley returned to the meeting room.

Item 8 – 0361/16 – Demolition of existing conservatory and construction of a slate roofed garden room – Brookside, Mary Tavy

The Case Officer advised Members that the application was before them due to an objection by the Parish Council who believe that the proposal represents over development of the site. The property lies within the Mary Tavy Conservation Area;

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it is shown on the 1840 Tithe Map and recorded on the Historic Environment Record as an undesignated heritage asset. The application proposes to replace the uPVC conservatory with a more robust and larger replacement which, officers feel would be an appropriate addition to the house. In addition, the new extension would only increase the habitable floor space by 11sqm.

The Parish Council's objection to the application cited the creation of a porch, gravelling of the front garden and the erection of domestic outbuildings. However, all of those works benefitted from permitted development rights and did not require planning permission.

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

RESOLVED:

That, subject to the conditions as set out in the report, permission be GRANTED.

Item 9 – 0362/16 – Demolition of rear single storey extensions and separate laundry/storage building. Change of use from Nursing Home to residential and conversion into three houses with new single storey pitched roof extensions, including the provision of new front and rear gardens – The Yelverton Nursing and Residential Home, 2-4 Greenbank Terrace, Yelverton

The Case Officer advised Members that the application proposed the conversion of the terraced buildings to residential use in the form of three open market dwellings which is a departure from adopted policy. The properties were built in the late 1800s and are prominent in the townscape. The applicant has submitted thorough marketing and viability information; the business has been marketed as a going concern for over four years which increasingly reduced valuations, the most recent one being 50% of the initial 2007 valuation. Officers have considered whether an alternative employment use could sustain the site, however, given the location of the site and the residential character and internal layout of the buildings it is considered that there is no viable alternative business option.


The floor space of each individual unit is 255sqm which is in excess of what could be considered affordable; officers have not sought any affordable provision in this site.

Mr Sanders commented that the buildings formed part of a unique cluster of houses in Yelverton and welcomed the proposal for the change of use to residential use. He proposed the recommendation, which was seconded by Dr Mortimer.

In response to a Member query, the Case Officer advised that a commuted sum, in lieu of affordable accommodation, had not been sought from the applicant as the development was for less than five residential units.

RESOLVED:

That, subject to the conditions as set out in the report permission be GRANTED.

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1169 Monitoring and Enforcement

Item 1 – ENF/0056/16 – Unauthorised temporary mobile home – land near Steward Farm, Moretonhampstead

The Planning Team Manager advised Members that in 2012 permission was given for the siting of an agricultural worker's dwelling for a period of three years. The permission was subject to the dwelling being removed from the land by 22 October 2015 and the land reinstated to its former condition.

In April 2016 it was noted that the mobile home was still on the land. The landowner asked that he be given an extension in order to prepare his application for a permanent dwelling. No application has yet been received, despite reminders from officers, and it is now considered necessary to seek authorisation for legal action to be taken.

Mr Ball proposed the recommendation, which was seconded by Mr Webber.

RESOLVED:

That the appropriate legal action be taken to:

1. Secure the removal of the mobile home and its extension from the land, and
2. Secure the cessation of the residential use of the land.

1170 Appeals

Members received the report of the Head of Planning (NPA/DM/16/027).

RESOLVED:

Members noted the content of the report.

1171 Enforcement Action Taken Under Delegated Powers

Members received the report of the Head of Planning (NPA/DM/16/028).

RESOLVED:


Members noted the content of the report.

1172 Site Inspection Panel

Site Inspection panel to consist of: Mr Retallick, Mr Hitchins, Mr Lloyd, Miss Moyse, Mr Webber, Mr Sanders and Mr McInnes.

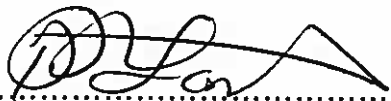
Applications: 0402/16 – Conversion of outbuilding to garden room (listed Building Consent)

0401/16 – Conversion of outbuilding to garden room and erection of wood store – Hillside House, Drewsteignton

Signed  Date 4/11/16

0407/16 – Erection of agricultural building (18.3m x 12.2m) with
hardstanding – Hele Farm, North Bovey

on Friday 21 October 2016

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