

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 25 June 2021

Present: A Cooper, W Dracup, G Gribble, G Hill, J McInnes,
S Morgan, D Moyse, J Nutley, N Oakley, C Pannell, M Renders,
L Samuel, P Sanders, P Smerdon, P Woods

Officers: L James, Solicitor (acting on behalf of Devon County Council)
C Hart, Head of Development Management

Apologies: P Harper, P Vogel, D Thomas
D Webber (agreed Leave of Absence)

The Chairman welcomed the registered speakers, Catherine Shewan, Independent Person, and Laura James, Legal Representative. He advised that the meeting was available to the public via audio link.

The Chairman reported the appointment of two new Devon County Council Members – Mrs Lois Samuel and Mr Dan Thomas.

1449 Declarations of Interests and Contact

The Chairman declared that all Members had an interest in Item 0210/21 – Higher Uppacott, Poundsgate, due to the property being in the ownership of the Authority.

1450 Minutes of Meetings

The Minutes of the meeting held on 9 April 2021 were AGREED as a true record.

1451 Items Requiring Urgent Attention

None.

1452 Items to be determined by the Committee

Members received the report of the Head of Development Management (NPA/DM/21/005).

Item 1 – 0093/21 – Creation of 10 dwelling houses and associated works (Outline Planning Permission), land to the west of Fingle House, Crockernwell.

The Case Officer advised Members that the application sought outline planning permission for the erection of 10 dwellings, with all matters reserved for later submission.

The application was to be considered in two stages. Members need to determine whether the application should be classed as major development. Paragraph 172

of the National Planning Policy Framework 2019 states that planning permission should be refused for major development in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. The Case Officer advised Members that having regard to the character, nature and scale of the proposed development, as well as local circumstances, officers did not consider the application to be 'major development'.

Four objections had been received, together with one from the Parish Council, alongside two general comments. Reasons cited for the objections included the adverse impact on the character and appearance of the area, lack of local infrastructure, highways safety, loss of agricultural land and buildings and the development being outside of a designated settlement. The general comments related to the legal right of access over the track, together with the need for ecological enhancement should permission be granted.

With regard to the issue of highway safety, the Case Officer advised members that late on Thursday evening, 24 June 2021, the applicants had contacted the Authority to advise that they would be willing to provide a footpath access.

In response to a Member query, the Case Officer reiterated that the application was for outline planning permission at this time; no designs or layout of the proposed dwellings was currently available.

Mr Sanders proposed part (i) of the recommendation; that the proposal was not major development, as set out in Paragraph 172 of the National Planning Policy Framework, which was seconded by Mr McInnes.

RESOLVED: Members AGREED that the application was not major development as set out in Paragraph 172 of the National Planning Policy Framework.

Mr Sanders proposed part (ii) of the recommendation, which was seconded by Mr McInnes.

RESOLVED: That permission be REFUSED for the following reasons:

1. The proposal is located in open countryside outside of a designated settlement in an area where the Authority would only permit residential development which is necessary in the interests of agriculture or an established rural business. There is no over-riding justification or specific evidenced need for the provision of residential development in this location. The proposal is contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23 and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2019.
2. The lack of footways adjoining the carriageway through Crockernwell, formerly the A30, now a C class highway, will lead to instances of pedestrians generated by the development, possibly using mobility buggies, having to use

the carriageway which is prejudicial to the existing condition of highway safety and is neither safe nor suitable for all users as required by paragraphs 108 and 109 of the National Planning Policy Framework 2019.

Item 2 – Conversion of barn to create venue providing café, cycle hire, bike workshops and area for courses – Tyrwhitt’s Wharf, Yelverton

Speakers: Cllr Cunningham, Buckland Monachorum Parish Council
Mr Staniforth, Objector

The Case Officer advised Members that the application proposed the primary use of the barn as a cycle hub, bike rental and bike related activity centre. The centre would provide cycling facilities and services for the community, in particular, providing cycle training with access for those less able.

70 letters of objection had been received, together with four general comments. Since the report was written a further seven letters had been received. 50 letters of support had been received. Objectors cited issues regarding drainage, litter, noise, additional traffic, parking, light pollution and possible anti-social behaviour.

The Case Officer advised Members that rather than a septic tank, it was proposed that a Sequential Batch Reactor plant be installed.

The site is situated on the national cycle network, number 27. A car park is situated to the south east, with a golf course to the south of the barn.

It was proposed to repair the main barn roof which was in a state of disrepair. The main door would remain; signage would be attached to the inside face of the main doors, hence it would only be visible when the centre was open. The window openings would be reinstated with hardwood frames and hardwood shutters. Catchment tanks would be used for rainwater harvesting.

A number of the objections received related to the capacity of the car park. However, the Highways Officer has no issues, stating that it was not felt that additional traffic would be created.

Cllr Cunningham advised Members that the Parish Council was generally supportive of the application, but felt that the location was not suitable as a pinch point would be created between the leat and the golf course. The conversion of the barn would provide a repetition of services already provided elsewhere. The Council perceived that there would be an increase in footfall which would be detrimental to the local area.

Mr Staniforth questioned whether the application was for a café or for a cycle hire business, the applicant being a chef by trade. He stated that a hydrologist he had consulted had advised that the proposed sewage treatment was unsuitable; no percolation tests had been undertaken. He added that a bat survey should be carried out; warblers and night jars could use the nearby vegetation. He questioned whether adequate risk assessments had been undertaken with regard to access.

In response to Member queries, the Case Officer advised the following:

- Excess surface water (as seen in the presentation) would be addressed by the works proposed;
- The building is classed as a non-designated heritage asset. It was used for the changing of horses when the tramway was in use;
- With regard to the ecology of the area, Members could condition specific opening times for the café in order to cover these concerns;
- Enquiries would be made with regard to the storage of LPG gas for cooking, together with the storage of rubbish

Mr Sanders proposed that the application be DEFERRED in order that a site inspection could be undertaken to address issues raised by Members. This was seconded by Mr McInnes.

RESOLVED: That the application be DEFERRED for a site inspection to be undertaken.

Item 3 - 0210/21 – removal and replacement of doors and frames, two windows and calls – Higher Uppacott, Poundsgate

Speaker: Mr Andrew Watson, DNPA Head of Recreation, Access and Estates

The Case Officer advised Members that the application was for Listed Building Consent related to the grade 1 listed building, Higher Uppacott, which is owned and managed by the Authority. The proposed refurbishment works relate to 'the cottage', the converted barn on the site.

No objection had been raised by Historic England and, therefore, the Authority is able to determine the listed building consent application.

The proposed alterations to the listed building would enhance the property and preserve the fabric, character and appearance of the building.

Mr Watson advised Members that substantial repairs had been undertaken to Higher Uppacott through the 'Moor than meets the eye' project. Works to the cottage have been ongoing in order to bring it back into residential use for two members of staff. The scope of the works is to reinstate the public bathroom facilities for when the general public start to visit Higher Uppacott again.

In response to a Member query, the Case Officer advised that the 'hit and miss' boarding would be used to improve ventilation and privacy. The lighting within the public bathroom would be movement sensitive.

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

RESOLVED: That consent be granted, subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the site location plan, block plan and drawings numbered 427-7.DET.001, 427-7.DET.002, 427-7.DET.003, 427-7.e.003, 427-7.P.002, 427-7.P.004, 427-7.P.005, valid 30 April 2021.
3. The doors and doorframes shall receive a painted finish within one month of their installation.
4. The window opening treatment shall be maintained as natural rough sawn timber.

Draft

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

30 July 2021

Site Inspections

Report of the Head of Development Management

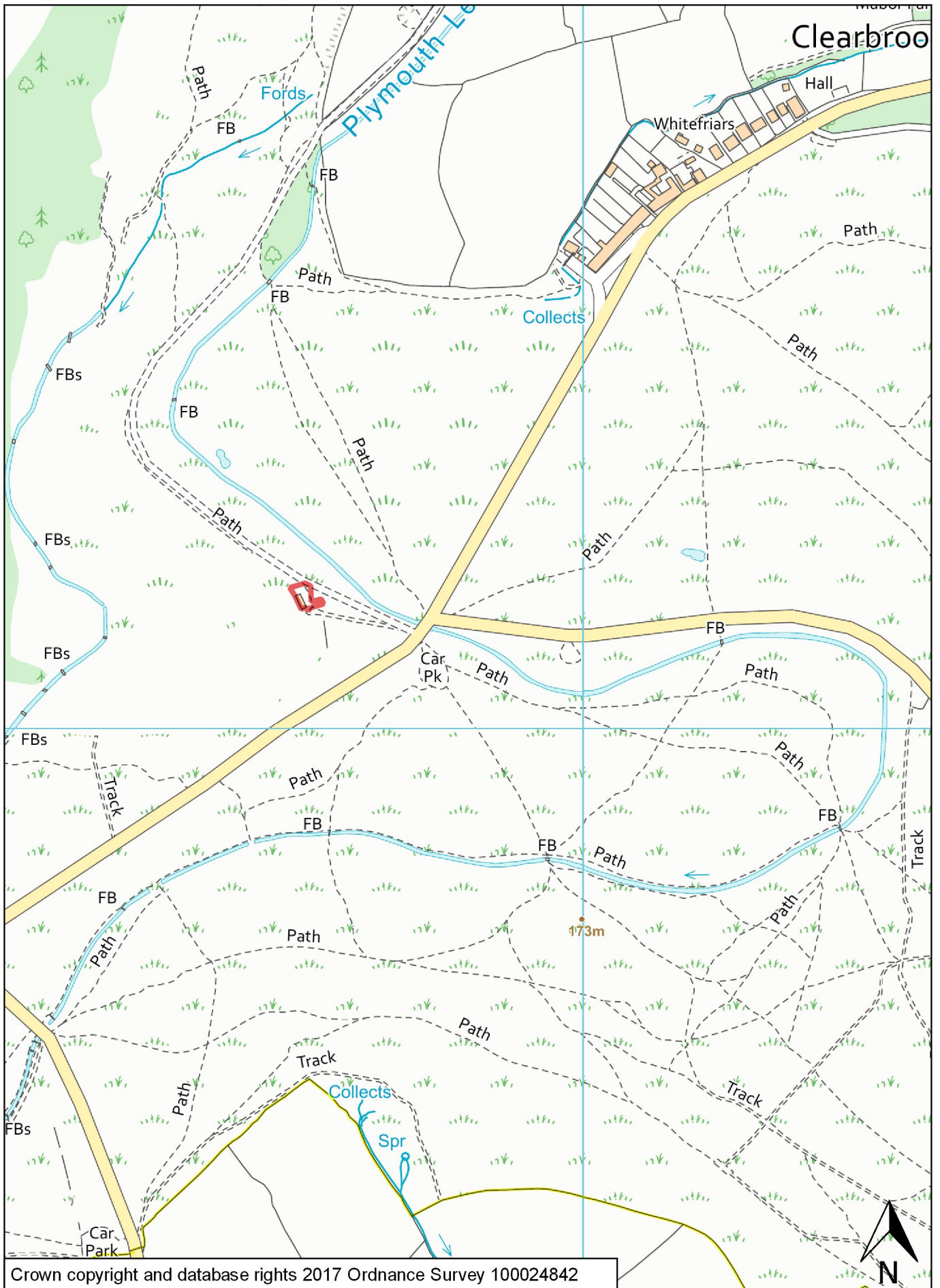
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0050/21 - Tyrwhitt's Wharf, Yelverton



Scale 1:5,000



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1.

Application No: **0050/21** District/Borough: **West Devon**
Application Type: **Full Planning Permission** Parish: **Buckland Monachorum**
Grid Ref: **SX517651** Officer: **David Green**
Proposal: **Conversion of barn to create venue providing café, cycle hire, bike workshops and area for courses**
Location: **Tyrwhitt's Wharf, Yelverton**
Applicant: **Mr S Whitehead**
Recommendation: **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved location plan drawing number 2013/01 received 2 January 2021 and amended drawings site plan 2013/02 rev B, floor plan 2013/07 rev B, elevation and cross section drawing 2013/08 rev B, SE and SW elevations 2013/09 rev B, NE elevation shutters and doors closed drawings 2013/10 rev B, door shutter drawings 2013/11 and chimney details 2013/12 received 27 May 2021.
3. The premises shall only be used as a cycle hub for bicycle rental and bicycle related activity centre and for no other purpose including any other use specified in Class E (C) (iii) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order.
4. No works shall take place during the bird nesting season (01 March to 31 August, inclusive if nesting birds are found to present in the building).
5. At no times shall any external lighting be installed or used in association with the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
6. Notwithstanding the details submitted no removal of the roof trusses shall take place until full details for the roof structure and covering, including structural information, scale drawings and the location and details of the rainwater harvesting system (including above ground storage within the building) have been submitted to and approved by the Local Planning Authority in writing.
7. Notwithstanding the details submitted, full details of the external landscape works which shall include levels, details of all seating, cycle racks, any hard surfacing shall be submitted to and approved by the Local Planning Authority in writing. The external landscaping shall thereafter be retained as agreed by the Local Planning Authority.
8. Any repointing of the building shall be completed using techniques and materials so as to match the pointing on the existing building. If large areas of repointing are necessary, a sample panel shall be prepared for inspection by the Local Planning Authority.
9. No work shall commence on the development hereby permitted until a written scheme providing for an appropriately qualified archaeologist to carry out a full

archaeological watching brief during all stages of the development has been submitted to and approved in writing by the Local Planning Authority. The watching brief shall include all associated ground works, both internal and external, the laying of services and landscaping. The scheme, which shall be written and implemented at the applicant's expense, shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority before the substantial completion of the development.

10. No external storage shall take place in connection with the use hereby approved.

1 Introduction

- 1.1 The barn is located 400m due south-west of the nearest house in Clearbrook, Yelverton and is located on Section 3 Moorland of Conservation Importance and on common land.
- 1.2 The application seeks permission to convert the barn to create a venue providing café, cycle hire, bike workshops and area for courses.

2 Planning History

0749/06	Construction of a cycle/walkway (renewal and amendments to existing permissions)	Full Planning Permission	Grant Conditionally	20 December 2006
0765/99	Construction of cycle/walkway	Full Planning Permission	Grant Conditionally	08 May 2000

3 Consultations

- 3.1 **Environment Agency:** Flood zone 1 - standing advice applies

3.2 County EEC Directorate

- 3.2.1 The site has no direct motorised vehicular access from the highway or off-street car parking within the control of the applicant, so any servicing or parking would have to use the existing off-street car park facilities in the area or park on-carriageway.
- 3.2.2 The appropriate number of parking spaces proposed to serve new development is a matter for the planning authority to determine, but the highway authority need to be satisfied that any parking associated with or generated by a development will not prejudice highway safety, which has been assessed in this instance.
- 3.2.3 From representations received to the application and from observations on site (dating back several years), it is evident there are occasions when there are significant numbers of vehicles parked in the area generally; it is a popular location, particularly at certain times of the year.
- 3.2.4 On balance, however, the highway authority would be prepared to accept that the facility would predominantly cater for people already in the area rather than attract specific additional vehicle movements and, for that reason, there are no sustainable objections to the proposals from a highway safety point of view.

3.2.5 There are some references in the supporting documentation to the provision of brown 'tourist' signage on the highway from as far afield as the A38 (in the Description of Business document). The provision of signage would need to be the subject of separate consents from the appropriate highway authority (Highways England in the case of the A38, Devon County Council for all County roads) and any planning consent granted must not be construed as consent for additional on-highway signage.

3.3 **West Devon Borough Council:** Does not wish to comment

3.4 **DNP - Ecology & Wildlife**

3.4.1 An Ecological Impact Assessment report (JL Ecology, January 2021 (Updated March 2021)) has been submitted.

3.4.2 The building on which the works are proposed was deemed unsuitable in supporting roosting bats.

3.4.3 Breeding jackdaws had previously utilised the building.

3.4.4 There are records within 500m of the site for other protected and priority species, such as Nightjar and Dartford Warbler. The bramble, gorse and hawthorn scrub, situated c.10m to the north-west of the site, provides suitable nesting bird habitat for the species listed above this will be retained as part of the proposals.

3.4.5 Access to the proposed cycle hub will be from the north-east, directly off the existing cycle route 27, which is currently and ecologically poor short-grazed pasture field. The majority of activities associated with the hub will be internal, with the exception of three external benches allowing visitors an outside coffee if weather permits (daylight hours only with no external lighting proposed).

3.4.6 The building is situated directly adjacent to the 9th tee of the Yelverton Golf Course with the existing cycle route 27 directly to the east and Clearbrook Leat carpark directly to the south, human presence is already high and it is predicted that 80% of trade will comprise of existing visitors already utilizing the surrounding area. In the context of the proposals and current use of the surrounding landscape the direct and indirect impacts of the proposed cycle hub is deemed negligible on protected and priority species.

3.5 **Consultee recommendation**

3.5.1 Condition: No works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

3.5.2 Furthermore, please provide the applicant with the following informative:

Bats and their roosts (resting/breeding places) are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Works should not resume

until their advice has been followed.

3.6 DNP - Building Conservation:

- 3.6.1 Condition of the Building Conservation Officer: The structural engineer's report recommends replacement of the roof timbers and the covering. The slate has been covered with a cementitious material, it is unlikely that many of the slates could be reused. The report also requires a new wall plate resin anchored to the existing stone wall top, stitching with metal rods of the infill sections of wall, some replacement lintols and repointing of the masonry. All of these items need repair to bring the building back into use.
- 3.6.2 The proposed floor screed is only required for more intensive uses and is the only specific recommendation made in the structural report, which relates to the proposed use of the building. This would increase the protection to any below floor archaeology.
- 3.6.3 Alternatives to the demolition and replacement of the roof structure should be investigated. This is part of the history and architectural significance of the building and should be retained where possible.

3.7 The Site

- 3.7.1 The building is considered to be a non-designated heritage asset, in association with the Princetown to Sutton Harbour Tramway, a staging post for horses and is significant for its archaeological, architectural and historic interest. Further information on the site is set out on the Historic Environment Record for Dartmoor.
- 3.7.2 In addition to the Tramway and Wharf building dating to the 19th century a Roman road is located close to the site.
- 3.7.3 The building is an open and somewhat exposed position and is a feature within the landscape.
- 3.7.4 As a non-designated heritage asset the setting of the non-designated heritage asset is extensive. Proposals within this setting which have a negative impact on the setting will cause harm in addition to any negative impact on the fabric of building itself.

3.8 Proposal

- 3.8.1 The proposal is a lesser scheme than that proposed at pre-application, it has a much less damaging impact on the building and the potential archaeology of the area. The building is in need of significant repair and in order to maintain the building once repaired a new use for the building is needed, there are a number of suitable new uses for the building, subject to amendment, the proposed use could be one of these acceptable uses.
- 3.8.2 The roof, replacement, repair to the walls and floor screed are discussed above. The greatest impacts of the proposal remain the servicing for the building. However, there are likely to be options to resolve these negative impacts.

- 3.8.3 The reuse of the existing flue for a wood burning stove would remove historic fabric and would likely result in an increased flue height and potentially changes to the design of the existing flue.
- 3.8.4 The water supply and drainage for the property and the levelling of the exterior ground levels and creating an area of gravel reinforced grass will have a potential negative impact on the archaeology and landscape of the moor.
- 3.8.5 Extract vents for the WC and/or kitchen should be directed through the new roof covering, with a flush vent to avoid alteration to the existing stonework.
- 3.8.6 The proposed windows should have a simple frame without glazing bars.
- 3.8.7 The kitchen equipment is shown to use LPG. A fireproof housing for the tanks is not shown within the building. An extension to house the tanks outside the building would not be acceptable.
- 3.8.8 Permanent benches should be located adjacent to the building, to minimise the impact on the setting of the building and on the landscape.
- 3.8.9 With amendment as set out, the proposals would be capable of minimising the harm caused to the building and landscape, which combined with the public benefit of the repair will secure the long term use of the building.

3.9 **DNP – Archaeology**

- 3.9.1 Tyrwhitt's Wharf is located within a rich multi-period archaeological landscape containing many features which include the Plymouth and Dartmoor Tramway which dates to the early 19th century and is associated with the building. Additional features in the vicinity of the site of the proposed development include a relict field system, possibly of medieval date and the line of a possible Roman road (HER No: MDV127259) which has been recently identified from LiDAR survey data. The potential for the presence of buried heritage assets which have no surface expression, including features associated with the use of Tyrwhitt's Wharf and that of the Plymouth and Dartmoor Tramway, is thus elevated.
- 3.9.2 Given the sensitivity of the proposed development site, an archaeological watching brief (standard condition X03) is recommended on all groundworks, including the levelling of ground in the vicinity the building and the installation of services both inside and outside such as the septic tank, soakaway and associated pipework.

4 **Parish/Town Council Comments**

Buckland Monachorum PC: The Parish Council object to the proposal with the following comments;

- generally supportive of the idea but considered the development to be in the wrong location.
- there are already issues with parking and that the proposal could be exasperated by the development.

- it was a repetition of services that are already provided in the locality.
- concern was raised about the path being a shared space for both pedestrians and cyclists. With an increase in cyclists this could prove detrimental to the use and enjoyment of the path by pedestrians.
- the overall effect of an increased footfall to the area being damaging for the local environment and that Dartmoor National Park should be afforded suitable protection for the benefit of all.

5 Representations

70 letters of objection 50 in support 4 general comments

- 5.1 There have been 124 letters received of which 70 letters objected raising concerns on lack of parking, noise and disturbance, ecology, impact on existing businesses, loss of historic character, impact on the moor landscape, litter, and it's in the wrong location. However, 50 letters (excluding 5 submitted with the application) were received expressing support for the proposal. On the basis that it will provide cycling facilities for the less able, promote access to the moor, retain and preserve a historic building, provide repair and café facilities on the cycle route. There were also 4 general comment letters received which raised issues that could be addressed in the application such as parking, impact on ecology and landscape harm.

6 Observations

6.1 THE SITE AND BARN

- 6.1.1 The barn is located 400m due south-west of the nearest house in Clearbrook, Yelverton and is located on Section 3 Moorland of Conservation Importance and on common land. It is located close to the 9th tee of the Yelverton golf course which lies on the south western flank of the Barn, and the National Cycle Route 27 which lies 15m to the north west of the barn. There is also a car park for approx. 33 cars located approx. 110 m to the east of the site on the other side of the road which leads to Clearbrook.
- 6.1.2 The application site consists of a single storey barn that has an internal floor area of approximately 57m². Access is via a grassed track from the road to the east of the barn. The ground up to the cycle track is open grassland and there are some bushes on the golf club side. The 2 sections of the 9th tee are on raised earth platforms to the rear (southwest) of the barn.
- 6.1.3 The building is a non-designated heritage asset. It is referred to as a wharf and was built in the early 1820's to serve as halfway point on the Princetown to Sutton Harbour tramway created by Sir Thomas Tyrwhitt. It served as a staging point for changing horses and also reputedly breakfast was served here to approx 1000 people on the opening day of the tramway on 16 September 1823.
- 6.1.4 The building is currently unused. Whereas its walls appear reasonably sound, its roof is structurally in very poor condition. The central trusses are sagging and exerting horizontal pressures on the walls, the slates have been covered with a cementitious waterproofing compound and are leaking in places. The large openings on the ends have been infilled with matching rubble stone, most likely

shortly after the tramway closed. The building also has 2 windows that have been infilled with blockwork which suggest that it was done quite recently. There is a large opening on the side of the building with large doors which are close to collapse.

6.1.5 Although the original sleeper blocks from the tramway are still in existence in many locations along its former route, there is no indication of them around the building.

6.2 THE PROPOSAL

6.2.1 The application proposes the primary use of the building as a cycle hub / bike rental and bike related activity centre which will be wholly contained inside the building. The centre will provide cycling facilities and services for the community and particularly for the less able individuals who may have difficulty riding a bike thus providing them with similar access to the cycle track as more able individuals.

6.2.2 As defined in the Town and Country Planning (Use Classes) Order 1987” (as amended), the application is for change the use of the barn to Class E (c) (iii) for the provision of services principally to visiting members of the public, and paragraph (iii) is the class which is most appropriate as it relates to “any other services which it is appropriate to provide in a commercial, business or service locality”.

6.2.3 The principal use of the barn would be a not for profit, CIC (Community Interest Company) providing cycling facilities and services as a community interest operation providing cycle hire (to include specialist bikes suitable for less able people – adapted E-bikes etc), bike workshops and courses for individuals, school groups and community groups. It is also proposed to have a small internal café being ancillary to the primary enterprise of providing accessibility to cycling for all individuals. The application includes letters of support from Sustrans, British Cycling, Active Devon, Horrabridge Primary School and the Sports and Recreation officer at Plymouth City Council.

6.2.4 The new use will also result in the following changes to the existing building. It will have new, plain outward opening casement windows in the existing window openings. These will be hardwood with a matt clear protective oil finish. These windows will have shutters which will leave the barn looking much as it did originally.

6.2.5 The main entrance will have hardwood glazed doors with side panels. These glazed doors and side panels will be covered when closed with heavy timber doors on the outside that would resemble the existing doors. It is proposed that the name boards for the centre would be on the inside face of the external main entrance doors, visible when the doors are folded back but concealed when the doors are shut. When the hub is closed these shutters and doors will also provide security.

6.2.6 It is proposed that the internal wall surfaces will remain as exposed stone and that the space will be open to expose the underside of the roof. The WC cubicle and the counter will be self-supporting pods. This way the visitor will be able to perceive the building much as it would have been.

6.2.7 The cafe counter will be operated with LPG gas fired equipment which reduces the amount of electrical equipment mainly to lights and extraction fans which can be

operated off a 12V system. It is proposed to install a wood burner to provide background heating during colder months and the flue will be within the existing chimney structure to ensure its impact on the external roof character is minimal. Within the building it is proposed to have a permanent history board telling visitors about Sir Thomas Tyrwhitt and the tramway he created, highlighting the building's role as well as other surviving features nearby.

- 6.2.8 The surrounding area is semi-open moorland, but the presence of the barn, of the road and car park, of the raised golf club tee, of both the Devonport and Plymouth leats as well as the tarmac cycle track influence and alter the visitors' perception of the location.
- 6.2.9 Externally, the existing gravel track will remain unchanged, but the space between the barn and the cycle route would remain in grass but be levelled and gravel reinforced. This would be the principle access to the building. The ground outside is more or less level with the inside of the building and therefore achieving disabled access will not require ground works of any significance. The remaining areas around the building will stay as grass. Three simple sturdy permanent external benches with timber tops on granite bases are proposed, as well as possibly a heavy timber bike rack made from a log or a railway sleeper but no fencing or enclosure is proposed.
- 6.2.10 There is mains water 250m away but the ground disturbance to lay a supply pipe was considered to have an impact on the moorland ground, and therefore the applicants have provided an off-grid arrangement. It is proposed to store rainwater from the roofs in underground tanks, purify it and pump to the building instead. It is also proposed for the building to receive a small septic tank which will be buried underground to the north east of the barn. The surfaces will be carefully reinstated to the previous appearance after the tanks have been installed.
- 6.2.11 All the external elements will be moved indoors when the cafe is closed and the windows and main door opening will be closed with heavy timber shutters.

6.3 POLICY

- 6.3.1 Policy COR2 (c) supports development outside of Local Centres and Rural Settlements in principle 'if it would sustain buildings or structures that contribute to the distinctive landscape or special qualities of the Dartmoor National Park, where those assets would otherwise be at risk and where development can be accomplished without adversely affecting the quality of those buildings or structures'.
- 6.3.2 The proposal maintains the building's original appearance and makes nominal changes to this appearance during opening hours only. Out of hours, with the shutters all closed the appearance is close to unchanged – especially in terms of contribution to and impact on the setting as it exists currently.
- 6.3.3 This is development that would help sustain the building, established as traditional and of local heritage value by its status as a non-designated asset, would therefore accord with this strategic approach. The existing building features crudely blocked up openings that will benefit from sympathetic conservation.

- 6.3.4 Policy COR18 (e) establishes the policy approach for local employment and business opportunities outside the classified settlements by providing support for appropriate sustainable tourism and small scale recreation enterprises that are based on the intrinsic qualities of the Dartmoor National Park. In all cases, COR18 requires that full consideration is given to the use of existing buildings, particularly traditional buildings as presented. Appropriate tourism development that encourages healthy lifestyles and sustainable transport should be at the forefront of any proposal. This is a well suited location for a cycle hub and cafe with community services alongside Route 27. Given the historic significance of the tramway and the route of which the cycle track uses in this area, this building is ideally suited. The daytime activity will include the congregation of people outside the building, but this is not very much more than the bustle of visitors already seeking recreation on the cycle route itself and on the nearby car park. The promotion of cycling increases the public's perception and enjoyment of the moor in a positive way that compensates for any impact the scheme may be perceived to have.
- 6.3.5 The cycling organisations consulted by the applicant feel that the aim to promote cycling and make it more accessible could be carried out very well from this site. It is also considered to be a good example of a redundant traditional barn-like building with historical significance being given a new use and desperately needed maintenance to retain it as part of the built and landscape character of the National Park.
- 6.3.6 Policy DMD9 prioritises the conservation of Dartmoor's cultural heritage in the conversion or re-use of non-residential buildings outside of classified settlements. Any rural building conversion scheme must clearly demonstrate that it will conserve the special character and appearance of the existing building. The policy requires development proposals to demonstrate that the building is traditional within Dartmoor's built heritage, capable of conversion without need for substantial alteration or significant changes in the relationship with existing ground levels, that conversion works will be in-keeping with local building styles and materials and will not adversely impact rural character.
- 6.3.7 Significant historic and architectural elements have been incorporated into the design and the overall setting of the building has been sustained. The applicants have engaged in pre-application discussions with Officers and have also amended the scheme to ensure the historic and architectural elements of the building are retained.
- 6.3.8 The proposed café element has been revised from the pre app discussions in 2020 following officer advice and is now a much smaller element of the scheme with no external impact in terms of tables and chairs, parasols, canopies, advertising sail flags and external paraphernalia that might ordinarily be associated with a café use and advertisement of the business use. This can also be ensured through the imposition of suitably worded conditions which could then be enforced. It is considered that the café element, subject to these conditions, will not adversely impact on the existing landscape character and the special character, setting and appearance of the heritage asset. Therefore, the external impact of the proposal as presented is considered to be acceptable.
- 6.3.9 DMD43 states that new tourism development and the expansion of existing tourism

businesses will be permitted where:

- (i) the proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a way that conserves or enhances those special qualities;
- (ii) the proposal will not generate an increased level of activity, including noise, that would significantly detract from the experience of visitors and the quality of life of local residents;
- (iii) the development can be satisfactorily accessed from the road network or by other sustainable modes of transport including public transport, walking, cycling or horse riding; (iv) it will make use of an existing building. Proposals for new buildings will be expected to demonstrate that the facility cannot be satisfactorily accommodated within an existing building at the location.

6.3.10 The primary use of the building as a cycle hub / bike rental and bike related activity centre are considered to meet the above criteria, subject to the use being wholly contained inside the building as is presented by the proposal. The café can be supported as it is ancillary to the primary enterprise and has little or no external presence.

6.4 HIGHWAYS

6.4.1 The site has no direct access from the highway or off-street car parking. The highway authority accept that the facility would predominantly cater for people already in the area rather than attract specific additional vehicle movements. There are no objections to the proposals from a highway safety point of view.

6.5 ECOLOGY

6.5.1 The building was deemed unsuitable in supporting roosting bats. Breeding jackdaws have previously utilised the building.

6.5.2 The building is situated directly adjacent to the 9th tee of the Yelverton Golf Course with the existing cycle route 27 directly to the east and Clearbrook Leat carpark directly to the south, human presence is already high and it is predicted that 80% of trade will comprise of existing visitors already utilising the surrounding area. The direct and indirect impacts of the proposed cycle hub is deemed negligible on protected and priority species.

6.5.3 A condition is included to ensure that no works shall take place during the bird nesting season.

6.6 ARCHAEOLOGY

6.6.1 The Authority's Archaeologist has no objection and has advised that, given the sensitivity of the proposed development site, an archaeological watching brief standard condition is recommended on all groundworks, including the levelling of ground in the vicinity the building and the installation of services both inside and outside such as the septic tank, soakaway and associated pipework.

6.7 COMMITTEE SITE INSPECTION

6.7.1 The planning committee undertook a site visit on Tuesday 13th July 2021. At that meeting the committee members were given a brief presentation by the case officer to highlight the site location, key elements of the proposal and works proposed to facilitate the change of use to cycle hub. Members were shown around the outside of Tyrwhitts Barn and were able to see the building in the context of the surrounding landscape and also the existing car park which will be utilised for the proposed Cycle hub. The applicants had marked out on the ground the locations of the proposed underground rainwater storage tanks, the foul drainage treatment plant and the surface water soakaway drainage. Members were shown the position of the underground tanks and then members asked the applicants' agent a number questions in relation to the technical specifications of these proposed systems.

6.8 CONCLUSION

6.8.1 The proposed works facilitate a viable re-use of an important non-designated heritage asset. The intended use and proposed enhancement works are compatible with the historic importance of the building and relate well to the associated, well-used, cycleway in this location. In this location the level of activity is commensurate with the existing patterns of use and will not unduly impact on the amenity of nearby residents. The proposal is considered to be in accordance with planning policy and, as a consequence is recommended for approval.

Christopher Hart

2.

Application No: **0050/21** District/Borough: **West Devon**
Application Type: **Full Planning Permission** Parish: **Buckland Monachorum**
Grid Ref: **SX517651** Officer: **David Green**
Proposal: **Conversion of barn to create venue providing café, cycle hire, bike workshops and area for courses**
Location: **Tyrwhitt's Wharf, Yelverton**
Applicant: **Mr S Whitehead**
Recommendation: **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved location plan drawing number 2013/01 received 2 January 2021 and amended drawings site plan 2013/02 rev B, floor plan 2013/07 rev B, elevation and cross section drawing 2013/08 rev B, SE and SW elevations 2013/09 rev B, NE elevation shutters and doors closed drawings 2013/10 rev B, door shutter drawings 2013/11 and chimney details 2013/12 received 27 May 2021.
3. The premises shall only be used as a cycle hub for bicycle rental and bicycle related activity centre and for no other purpose including any other use specified in Class E(C) (iii) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order.
4. No works shall take place during the bird nesting season (1 March to 31 August, inclusive if nesting birds are found to present in the building).
5. At no times shall any external lighting be installed or used in association with the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
6. Notwithstanding the details submitted no removal of the roof trusses shall take place until full details for the roof structure and covering, including structural information, scale drawings and the location and details of the rainwater harvesting system (including above ground storage within the building) have been submitted to and approved by the Local Planning Authority in writing.
7. Notwithstanding the details submitted, full details of the external landscape works which shall include levels, details of all seating, cycle racks, any hard surfacing shall be submitted to and approved by the Local Planning Authority in writing. The external landscaping shall thereafter be retained as agreed by the Local Planning Authority.
8. Any repointing of the building shall be completed using techniques and materials so as to match the pointing on the existing building. If large areas of repointing are necessary, a sample panel shall be prepared for inspection by the Local Planning Authority.
9. No work shall commence on the development hereby permitted until a written scheme providing for an appropriately qualified archaeologist to carry out a full archaeological watching brief during all stages of the development has been

submitted to and approved in writing by the Local Planning Authority. The watching brief shall include all associated ground works, both internal and external, the laying of services and landscaping. The scheme, which shall be written and implemented at the applicant's expense, shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority before the substantial completion of the development.

10. No external storage shall take place in connection with the use hereby approved.

1 Introduction

The barn is located 400m due south-west of the nearest house in Clearbrook, Yelverton and is located on Section 3 Moorland of Conservation Importance and on common land.

The application seeks permission to convert the barn to create a venue providing café, cycle hire, bike workshops and area for courses.

2 Planning History

0749/06	Construction of a cycle/walkway (renewal and amendments to existing permissions) Full Planning Permission	Grant Conditionally 20 December 2006
0765/99	Construction of cycle/walkway Full Planning Permission	Grant Conditionally 08 May 2000

3 Consultations

- 3.1 **Environment Agency:** Flood zone 1 - standing advice applies

3.2 County EEC Directorate

- 3.2.1 The site has no direct motorised vehicular access from the highway or off-street car parking within the control of the applicant, so any servicing or parking would have to use the existing off-street car park facilities in the area or park on-carriageway. The appropriate number of parking spaces proposed to serve new development is a matter for the planning authority to determine, but the highway authority need to be satisfied that any parking associated with or generated by a development will not prejudice highway safety, which has been assessed in this instance.
- 3.2.2 From representations received to the application and from observations on site (dating back several years), it is evident there are occasions when there are significant numbers of vehicles parked in the area generally; it is a popular location, particularly at certain times of the year.
- 3.2.3 On balance, however, the highway authority would be prepared to accept that the facility would predominantly cater for people already in the area rather than attract specific additional vehicle movements and, for that reason, there are no sustainable objections to the proposals from a highway safety point of view.

- 3.2.4 There are some references in the supporting documentation to the provision of brown 'tourist' signage on the highway from as far afield as the A38 (in the Description of Business document). The provision of signage would need to be the subject of separate consents from the appropriate highway authority (Highways England in the case of the A38, Devon County Council for all County roads) and any planning consent granted must not be construed as consent for additional on-highway signage.
- 3.3 **West Devon Borough Council:** Does not wish to comment.
- 3.4 **DNP - Ecology & Wildlife**
- 3.4.1 An Ecological Impact Assessment report (JL Ecology, January 2021 (Updated March 2021)) has been submitted. The building on which the works are proposed was deemed unsuitable in supporting roosting bats.
- 3.4.2 Breeding jackdaws had previously utilised the building.
- 3.4.3 There are records within 500m of the site for other protected and priority species, such as Nightjar and Dartford Warbler. The bramble, gorse and hawthorn scrub, situated c.10m to the north-west of the site, provides suitable nesting bird habitat for the species listed above this will be retained as part of the proposals.
- 3.4.4 Access to the proposed cycle hub will be from the north-east, directly off the existing cycle route 27, which is currently and ecological poor short-grazed pasture field. The majority of activities associated with the hub will be internal, with the exception of three external benches allowing visitors an outside coffee if weather permits (daylight hours only with no external lighting proposed).
- 3.4.5 The building is situated directly adjacent to the 9th tee of Yelverton Golf Course with the existing cycle route 27 directly to the east and Clearbrook Leat car park directly to the south, human presence is already high and it is predicted that 80% of trade will comprise of existing visitors already utilising the surrounding area. In the context of the proposals and current use of the surrounding landscape the direct and indirect impacts of the proposed cycle hub is deemed negligible on protected and priority species.
- 3.4.6 Suggested condition: No works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.
- 3.5 **DNP - Building Conservation Officer:** The structural engineer's report recommends replacement of the roof timbers and the covering.
- 3.5.1 The slate has been covered with a cementitious material, it is unlikely that many of the slates could be reused. The report also requires a new wall plate resin anchored to the existing stone wall top, stitching with metal rods of the infill sections of wall, some replacement lintols and repointing of the masonry. All of these items need repair to bring the building back into use.

- 3.5.2 The proposed floor screed is only required for more intensive uses and is the only specific recommendation made in the structural report, which relates to the proposed use of the building. This would increase the protection to any below floor archaeology.
- 3.5.3 Alternatives to the demolition and replacement of the roof structure should be investigated. This is part of the history and architectural significance of the building and should be retained where possible.
- 3.5.4 The building is considered to be a non-designated heritage asset, in association with the Princetown to Sutton Harbour Tramway, a staging post for horses and is significant for its archaeological, architectural and historic interest. Further information on the site is set out on the Historic Environment Record for Dartmoor.
- 3.5.5 In addition to the Tramway and Wharf building dating to the 19th century a Roman road is located close to the site.
- 3.5.6 The building is an open and somewhat exposed position and is a feature within the landscape.
- 3.5.7 As a non-designated heritage asset the setting of the non-designated heritage asset is extensive. Proposals within this setting which have a negative impact on the setting will cause harm in addition to any negative impact on the fabric of building itself.
- 3.5.8 The proposal is a lesser scheme than that proposed at pre-application, it has a much less damaging impact on the building and the potential archaeology of the area. The building is in need of significant repair and in order to maintain the building once repaired a new use for the building is needed, there are a number of suitable new uses for the building, subject to amendment, the proposed use could be one of these acceptable uses.
- 3.5.9 The roof, replacement, repair to the walls and floor screed are discussed above. The greatest impacts of the proposal remain the servicing for the building. However, there are likely to be options to resolve these negative impacts.
- 3.5.10 The reuse of the existing flue for a wood burning stove would remove historic fabric and would likely result in an increased flue height and potentially changes to the design of the existing flue.
- 3.5.11 The water supply and drainage for the property and the levelling of the exterior ground levels and creating an area of gravel reinforced grass will have a potential negative impact on the archaeology and landscape of the moor.
- 3.5.12 Extract vents for the WC and/or kitchen should be directed through the new roof covering, with a flush vent to avoid alteration to the existing stonework.
- 3.5.13 The proposed windows should have a simple frame without glazing bars.
- 3.5.14 The kitchen equipment is shown to use LPG. A fireproof housing for the tanks is not shown within the building. An extension to house the tanks outside the building would not be acceptable.

- 3.5.15 Permanent benches should be located adjacent to the building, to minimise the impact on the setting of the building and on the landscape.
- 3.5.16 With amendment as set out, the proposals would be capable of minimising the harm caused to the building and landscape, which combined with the public benefit of the repair will secure the long term use of the building.
- 3.6 **DNP - Archaeology:** Tyrwhitt's Wharf is located within a rich multi-period archaeological landscape containing many features which include the Plymouth and Dartmoor Tramway which dates to the early 19th century and is associated with the building. Additional features in the vicinity of the site of the proposed development include a relict field system, possibly of medieval date and the line of a possible Roman road (HER No: MDV127259) which has been recently identified from LiDAR survey data. The potential for the presence of buried heritage assets which have no surface expression, including features associated with the use of Tyrwhitt's Wharf and that of the Plymouth and Dartmoor Tramway, is thus elevated.
- 3.6.1 Given the sensitivity of the proposed development site, an archaeological watching brief (standard condition X03) is recommended on all groundworks, including the levelling of ground in the vicinity the building and the installation of services both inside and outside such as the septic tank, soakaway and associated pipework.

4 Parish/Town Council Comments

- 4.1 Buckland Monachorum PC: The Parish Council objects to the proposal with the following comments:
- generally supportive of the idea but considered the development to be in the wrong location.
 - there are already issues with parking and that the proposal could be exasperated by the development.
 - it was a repetition of services that are already provided in the locality.
 - concern was raised about the path being a shared space for both pedestrians and cyclists. With an increase in cyclists this could prove detrimental to the use and enjoyment of the path by pedestrians.
 - the overall effect of an increased footfall to the area being damaging for the local environment and that Dartmoor National Park should be afforded suitable protection for the benefit of all.

5 Representations

- 5.1 70 letters of objection 50 in support 4 general comments
- 5.2 There have been 124 letters received of which 70 letters objected raising concerns on lack of parking, noise and disturbance, ecology, impact on existing businesses, loss of historic character, impact on the moor landscape, litter, and it is in the wrong location. However, 50 letters (excluding 5 submitted with the application) were received expressing support for the proposal. On the basis that it will provide cycling facilities for the less able, promote access to the moor, retain and preserve a historic building, provide repair and café facilities on the cycle route. There were also 4 general comment letters received which raised issues that could be

addressed in the application such as parking, impact on ecology and landscape harm.

6 Observations

6.1 THE SITE AND BARN

- 6.1.1 The barn is located 400m due south-west of the nearest house in Clearbrook, Yelverton and is located on Section 3 Moorland of Conservation Importance and on common land. It is located close to the 9th tee of the Yelverton golf course which lies on the south western flank of the Barn, and the National Cycle Route 27 which lies 15m to the north west of the barn. There is also a car park for approx. 33 cars located approx. 110 m to the east of the site on the other side of the road which leads to Clearbrook.
- 6.1.2 The application site consists of a single storey barn that has an internal floor area of approximately 57m². Access is via a grassed track from the road to the east of the barn. The ground up to the cycle track is open grassland and there are some bushes on the golf club side. The 2 sections of the 9th tee are on raised earth platforms to the rear (southwest) of the barn.
- 6.1.3 The building is a non-designated heritage asset. It is referred to as a wharf and was built in the early 1820's to serve as halfway point on the Princetown to Sutton Harbour tramway created by Sir Thomas Tyrwhitt. It served as a staging point for changing horses and also reputedly breakfast was served here to approx. 1000 people on the opening day of the tramway on 16 September 1823.
- 6.1.4 The building is currently unused. Whereas its walls appear reasonably sound, its roof is structurally in very poor condition. The central trusses are sagging and exerting horizontal pressures on the walls, the slates have been covered with a cementitious waterproofing compound and are leaking in places. The large openings on the ends have been infilled with matching rubble stone, most likely shortly after the tramway closed. The building also has 2 windows that have been infilled with blockwork which suggest that it was done quite recently. There is a large opening on the side of the building with large doors which are close to collapse.
- 6.1.5 Although the original sleeper blocks from the tramway are still in existence in many locations along its former route, there is no indication of them around the building.

6.2 THE PROPOSAL

- 6.2.1 The application proposes the primary use of the building as a cycle hub/bike rental and bike related activity centre which will be wholly contained inside the building. The centre will provide cycling facilities and services for the community and particularly for the less able individuals who may have difficulty riding a bike thus providing them with similar access to the cycle track as more able individuals.
- 6.2.2 As defined in the Town and Country Planning (Use Classes) Order 1987" (as amended), the application is for change the use of the barn to Class E(c)(iii) for the provision of services principally to visiting members of the public, and paragraph (iii) is the class which is most appropriate as it relates to "any other services which it is

appropriate to provide in a commercial, business or service locality”.

- 6.2.3 The principal use of the barn would be a not for profit, CIC (Community Interest Company) providing cycling facilities and services as a community interest operation providing cycle hire (to include specialist bikes suitable for less able people – adapted E-bikes etc), bike workshops and courses for individuals, school groups and community groups. It is also proposed to have a small internal café being ancillary to the primary enterprise of providing accessibility to cycling for all individuals. The application includes letters of support from Sustrans, British Cycling, Active Devon, Horrbridge Primary School and the Sports and Recreation officer at Plymouth City Council.
- 6.2.4 The new use will also result in the following changes to the existing building. It will have new, plain outward opening casement windows in the existing window openings. These will be hardwood with a matt clear protective oil finish. These windows will have shutters which will leave the barn looking much as it did originally.
- 6.2.5 The main entrance will have hardwood glazed doors with side panels. These glazed doors and side panels will be covered when closed with heavy timber doors on the outside that would resemble the existing doors. It is proposed that the name boards for the centre would be on the inside face of the external main entrance doors, visible when the doors are folded back but concealed when the doors are shut. When the hub is closed these shutters and doors will also provide security.
- 6.2.6 It is proposed that the internal wall surfaces will remain as exposed stone and that the space will be open to expose the underside of the roof. The WC cubicle and the counter will be self-supporting pods. This way the visitor will be able to perceive the building much as it would have been.
- 6.2.7 The cafe counter will be operated with LPG gas fired equipment which reduces the amount of electrical equipment mainly to lights and extraction fans which can be operated off a 12V system. It is proposed to install a wood burner to provide background heating during colder months and the flue will be within the existing chimney structure to ensure its impact on the external roof character is minimal. Within the building it is proposed to have a permanent history board telling visitors about Sir Thomas Tyrwhitt and the tramway he created, highlighting the building’s role as well as other surviving features nearby.
- 6.2.8 The surrounding area is semi-open moorland, but the presence of the barn, of the road and car park, of the raised golf club tee, of both the Devonport and Plymouth leats as well as the tarmac cycle track influence and alter the visitors’ perception of the location.
- 6.2.9 Externally, the existing gravel track will remain unchanged, but the space between the barn and the cycle route would remain in grass but be levelled and gravel reinforced. This would be the principle access to the building. The ground outside is more or less level with the inside of the building and therefore achieving disabled access will not require ground works of any significance. The remaining areas around the building will stay as grass. Three simple sturdy permanent external benches with timber tops on granite bases are proposed, as well as possibly a

heavy timber bike rack made from a log or a railway sleeper but no fencing or enclosure is proposed.

- 6.2.10 There is mains water 250m away but the ground disturbance to lay a supply pipe was considered to have an impact on the moorland ground, and therefore the applicants have provided an off-grid arrangement. It is proposed to store rainwater from the roofs in underground tanks, purify it and pump to the building instead. It is also proposed for the building to receive a small septic tank which will be buried underground to the north east of the barn. The surfaces will be carefully reinstated to the previous appearance after the tanks have been installed.
- 6.2.11 All the external elements will be moved indoors when the cafe is closed and the windows and main door opening will be closed with heavy timber shutters.

6.3 POLICY

- 6.3.1 Policy COR2(c) supports development outside of Local Centres and Rural Settlements in principle 'if it would sustain buildings or structures that contribute to the distinctive landscape or special qualities of the Dartmoor National Park, where those assets would otherwise be at risk and where development can be accomplished without adversely affecting the quality of those buildings or structures'.
- 6.3.2 The proposal maintains the building's original appearance and makes nominal changes to this appearance during opening hours only. Out of hours, with the shutters all closed the appearance is close to unchanged – especially in terms of contribution to and impact on the setting as it exists currently.
- 6.3.3 This is development that would help sustain the building, established as traditional and of local heritage value by its status as a non-designated asset, would therefore accord with this strategic approach. The existing building features crudely blocked up openings that will benefit from sympathetic conservation.
- 6.3.4 Policy COR18(e) establishes the policy approach for local employment and business opportunities outside the classified settlements by providing support for appropriate sustainable tourism and small scale recreation enterprises that are based on the intrinsic qualities of the Dartmoor National Park. In all cases, COR18 requires that full consideration is given to the use of existing buildings, particularly traditional buildings as presented. Appropriate tourism development that encourages healthy lifestyles and sustainable transport should be at the forefront of any proposal. This is a well-suited location for a cycle hub and cafe with community services alongside Route 27. Given the historic significance of the tramway and the route of which the cycle track uses in this area, this building is ideally suited. The daytime activity will include the congregation of people outside the building, but this is not very much more than the bustle of visitors already seeking recreation on the cycle route itself and on the nearby car park. The promotion of cycling increases the public's perception and enjoyment of the moor in a positive way that compensates for any impact the scheme may be perceived to have.
- 6.3.5 The cycling organisations consulted by the applicant feel that the aim to promote cycling and make it more accessible could be carried out very well from this site. It

is also considered to be a good example of a redundant traditional barn-like building with historical significance being given a new use and desperately needed maintenance to retain it as part of the built and landscape character of the National Park.

- 6.3.6 Policy DMD9 prioritises the conservation of Dartmoor's cultural heritage in the conversion or re-use of non-residential buildings outside of classified settlements. Any rural building conversion scheme must clearly demonstrate that it will conserve the special character and appearance of the existing building. The policy requires development proposals to demonstrate that the building is traditional within Dartmoor's built heritage, capable of conversion without need for substantial alteration or significant changes in the relationship with existing ground levels, that conversion works will be in-keeping with local building styles and materials and will not adversely impact rural character.
- 6.3.7 Significant historic and architectural elements have been incorporated into the design and the overall setting of the building has been sustained. The applicants have engaged in pre-application discussions with Officers and have also amended the scheme to ensure the historic and architectural elements of the building are retained.
- 6.3.8 The proposed café element has been revised from the pre-app discussions in 2020 following officer advice and is now a much smaller element of the scheme with no external impact in terms of tables and chairs, parasols, canopies, advertising sail flags and external paraphernalia that might ordinarily be associated with a café use and advertisement of the business use. This can also be ensured through the imposition of suitably worded conditions which could then be enforced. It is considered that the café element, subject to these conditions, will not adversely impact on the existing landscape character and the special character, setting and appearance of the heritage asset. Therefore, the external impact of the proposal as presented is considered to be acceptable.
- 6.3.9 DMD43 states that new tourism development and the expansion of existing tourism businesses will be permitted where:
- (i) the proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a way that conserves or enhances those special qualities;
 - (ii) the proposal will not generate an increased level of activity, including noise, that would significantly detract from the experience of visitors and the quality of life of local residents;
 - (iii) the development can be satisfactorily accessed from the road network or by other sustainable modes of transport including public transport, walking, cycling or horse riding;
 - (iv) it will make use of an existing building. Proposals for new buildings will be expected to demonstrate that the facility cannot be satisfactorily accommodated within an existing building at the location.
- 6.3.10 The primary use of the building as a cycle hub/bike rental and bike related activity centre are considered to meet the above criteria, subject to the use being wholly contained inside the building as is presented by the proposal. The café can be supported as it is ancillary to the primary enterprise and has little or no external presence.

6.4 HIGHWAYS

6.4.1 The site has no direct access from the highway or off-street car parking. The highway authority accept that the facility would predominantly cater for people already in the area rather than attract specific additional vehicle movements. There are no objections to the proposals from a highway safety point of view.

6.5 ECOLOGY

6.5.1 The building was deemed unsuitable in supporting roosting bats. Breeding jackdaws have previously utilised the building.

6.5.2 The building is situated directly adjacent to the 9th tee of Yelverton Golf Course with the existing cycle route 27 directly to the east and Clearbrook Leat carpark directly to the south, human presence is already high and it is predicted that 80% of trade will comprise of existing visitors already utilising the surrounding area. The direct and indirect impacts of the proposed cycle hub is deemed negligible on protected and priority species.

6.5.3 A condition is included to ensure that no works shall take place during the bird nesting season.

6.6 ARCHAEOLOGY

6.6.1 The Authority's Archaeologist has no objection and has advised that, given the sensitivity of the proposed development site, an archaeological watching brief standard condition is recommended on all groundworks, including the levelling of ground in the vicinity the building and the installation of services both inside and outside such as the septic tank, soakaway and associated pipework.

7 Conclusion

7.1 The proposed works facilitate a viable re-use of an important non-designated heritage asset. The intended use and proposed enhancement works are compatible with the historic importance of the building and relate well to the associated, well-used, cycleway in this location. In this location the level of activity is commensurate with the existing patterns of use and will not unduly impact on the amenity of nearby residents. The proposal is considered to be in accordance with planning policy and, as a consequence is recommended for approval.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

30 July 2021

Monitoring and Enforcement

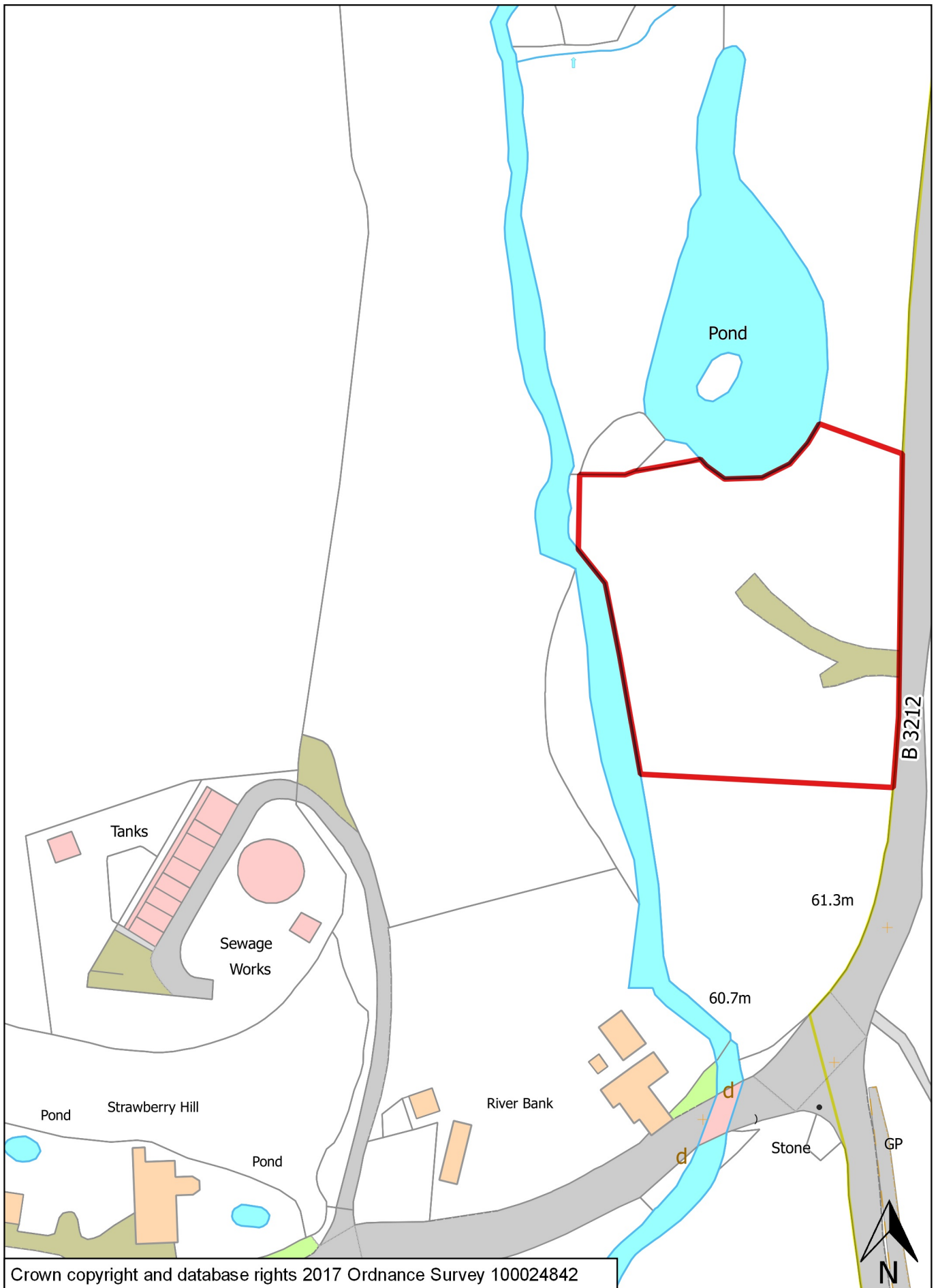
Report of the Head of Development Management

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<u>Item No.</u>	<u>Description</u>	<u>Pg. No.</u>
1.	ENF/0077/19 Construction and residential use of timber building Land north of Green Bridge, Dunsford	30



Scale 1:1,000



adjacent to the lorry bodies and container.

Initial attempts to contact the land owner failed as it turned out the Land Registry address was out of date.

It wasn't until March 2020 when contact was made with the owner and he confirmed that the lorry bodies and container were there on a temporary basis and would be removed. He stated that he had recently been hospitalised and that the lorry bodies were brought in temporarily to store his possessions while he was changing home, he also advised that the container did not belong to him and was being used by somebody else but again stated that this would also be removed by the end of April 2020.

Later in March 2020 further concerns were raised with the Authority in respect of the laying out of foundations on the land. The owner stated that this was for a small building to house equipment relating to the cutting of logs (the land is used to cut and store wood).

The owner was advised that planning permission would be required to retain any building on the land. The landowner stated that it was his belief that the site was not within the National Park, nonetheless planning application forms were sent to him.

Over the summer of 2020 both the container and the lorry bodies were removed from the land, however no planning application was received for the building.

The building is a domestic style wooden cabin. It measures approximately 6m x 7m with a pitched roof of about 2.5m. The cabin is faced with horizontal wooden boarding with a grey box profile galvanised metal roof and sits on a concrete pad. There are windows in each elevation and a set of sliding doors in the south elevation for access. A new drive/hard standing has been constructed up to the building from the gate which has been topped with tarmacadam.

A site visit was made in December 2020 to confirm how the building was being used and it was discovered that the owner had by this time moved into the building and was residing there. The owner again claimed the building was not inside the National Park and that he had no intention of making any application and would "go to court" if necessary. He said that he had recently moved into the building from where he lived in Exeter. The owner confirmed his age to be 74 and it was noted that he used a wheelchair.

It is clear that the building is in residential use as confirmed by the owner stating that he had moved into it from a previous address in Exeter. Officers noted a bed and a kitchen in the building.

POLICY CONSIDERATIONS

Development Plan Policy COR1 seeks to ensure that all development in the National Park is undertaken in a sustainable manner with consideration given to, amongst other things, the need to make efficient use of land and respect for and enhancement of the character, quality and tranquillity of local landscapes and the wider countryside. The development is contrary to policy COR1 as the development is not of a high quality design nor does it respect or enhance the character, quality and tranquillity of local landscapes and the wider countryside.

Policy COR4 states that proposals should conform to a number of design principles, which include the need to demonstrate a scale and layout appropriate to the site and its surroundings. Development must also use external materials appropriate to the local

environment. By reason of its design, the development is not appropriate to the local environment, and has a detrimental visual impact on this site and its surroundings and does not therefore accord with this policy.

Policy DMD1b seeks to protect the special qualities of the National Park. The wooden building and its use does not accord with this policy as it fails to protect those special qualities.

Policy DMD3 states that development proposals should help to sustain good quality places in the National Park by reflecting the principles set out in the Design Guide. Furthermore the development should conserve and enhance the character and special qualities of the Dartmoor landscape by ensuring that location, site layout, scale and design conserves and enhances what is special or locally distinctive about landscape character. The development is considered contrary to this policy.

Policy DMD5 seeks to conserve and/or enhance the character and special landscape and qualities that contribute to Dartmoor's distinctiveness. The visual impact of the wooden building and its use is considered detrimental to the characteristic landscape features that contribute to Dartmoor's special qualities.

Policy DMD23 seeks to restrict the erection of new dwellings outside Local Centres or Rural Settlements, except where a proven need for an essential rural worker has been established. There is no proven functional requirement for a new dwelling on this land.

This development is also contrary to draft policies contained in the emerging Local Plan which is currently at examination. The policies that are most relevant to this unauthorised development are unaffected by the 'Main Modifications' that have been published for consultation and therefore carry some weight in our consideration of this matter.

The HUMAN RIGHTS ACT 1998

It is believed that the building is in residential use. As such, the courts will view any decision to take enforcement action as engaging the occupiers' rights under Article 8 ECHR (right to respect for private and family life and home) and Protocol 1 Article 1 (peaceful enjoyment of possessions). The service of an Enforcement Notice requiring the unauthorised residential use to cease would represent a serious interference with these rights. However, it is permissible to do so "insofar as is in accordance with the law and necessary in a democratic society for the protection of rights and freedoms of others".

The courts have held that provided a balanced and proportionate approach is taken, having regard to all relevant considerations and not giving irrational weight to any particular matter, the UK planning system (including the enforcement process) is not incompatible with the Human Rights Act.

Tackling breaches of planning control and upholding Local Plan policies is clearly in accordance with the law, protects the National Park from inappropriate development and enshrines the rights and freedoms of everyone to enjoy the natural beauty and special qualities of the National Park.

Members are therefore advised that enforcement action would be:

- (i) in accordance with law – s.178(1) T&CPA 1990
- (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park

(iii) proportionate to the harm and therefore not incompatible with the Human Rights Act.

EQUALITIES ACT 2010

Officers have considered the requirements of the public sector equality duty created under the Equality Act 2010. In this case there is reason to believe that the recipient of the proposed notice has a protected characteristic recognised by the Act. The Act states that meeting different needs involves taking steps to take account of people's disabilities. In this case, officers have observed that the landowner uses a wheelchair. Attempts to engage with the individual have been unsuccessful. The officer provided a welfare needs assessment form, but this has not been returned. In the absence of detailed information concerning the needs of the individual, the officer has considered how the proposed enforcement measures could affect the individual in a way that contributes to inequality and what could be reasonably done to mitigate these. The assessment is that the compliance period should be extended from 6 months to 12 months to allow more time for the recipient to find alternative living accommodation appropriate to his needs.

Accordingly, it is now considered appropriate to seek authorisation from Members to initiate the appropriate legal action to secure the removal of the building from the land, the additional hard surface and the cessation of any residential use of the land.

Christopher Hart