

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

Friday 1 March 2024

Present: Mr A Cooper, Mr W Dracup, Mr G Gribble, Mr P Harper,
Mrs G Hill, Mr M Jeffery, Mr J McInnes, Mrs S Morgan,
Mrs C Mott Mr M Owen, Mr G Pannell, Mrs L Samuel,
Mr P Sanders, Mr M Renders, Mr P Smerdon, Mr D Thomas,
Ms P Woods

Officers: Mr D Kinsella, Director of Spatial Planning
Mr O Dorrell, Senior Planning Officer

Apologies: Mr J Nutley, Mr M Williams

The Chairman welcomed Mrs Shewan, the Authority's Independent Person and Mrs Walford, the Solicitor acting on behalf of Devon County Council. It was confirmed that the Meeting was quorate.

1570 Declarations of Interest and Contact

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

Mr Smerdon and Mr Pannell declared an interest and will leave the Meeting Room.

Mr Dracup had previously received a call from Mr Cole, but will remain in the Meeting.

1571 Minutes of the meeting held on 2 February 2024

The Minutes of the meeting held on 2 February were AGREED and signed as a true record.

1572 Items requiring urgent attention

None.

1573 Applications for determination by the Committee

Item 1 – 0487/23 – Broomhill Farm, Harford, Ivybridge PL21 0JG

Speaker: Mr William Cole, son of the applicant and potential future resident of Torlands Barn.

Mr Smerdon and Mr Pannell left the Meeting Room

Members received the report of the Senior Planning Officer (NP/DM/24/003).

The Case Officer presented the application at DM Committee Meeting on 2 February 2024, with a subsequent site inspection 16 February 2024.

The Case Officer reiterated his presentation from the 2 February DM Committee Meeting.

The application concerns the conversion of an existing barn, Torlands Barn, combined with the reconstruction and conversion of an adjacent shippon barn for use as a live/work unit. The barns are located in open countryside between Harford and Ivybridge and are accessed via an existing farm track.

The application was proposed through the Farm Diversification route and is a resubmission of Application No. 004/0023, which related to Torlands Barn only and was refused for reasons similar to those set out in the report today.

The application forms part of a Farm Diversification scheme for Broomhill Farm. Members were shown a map and photographs of the barns, together with images showing access from the road and from the field, which was a mud track and unsurfaced. Since the photos were taken (and the previous application), this has been laid with crushed stone. These changes can be seen on aerial images over the period of the last 4 years.

Images of the two barns were shown and attention was drawn to the open nature of the site. Images of the interior of Torlands Barn show no internal walls and deteriorating flooring. It is proposed to convert this building into a 2 bedroom dwelling. The shippon barn was described as a ruin with the roof and one wall missing. It is proposed to convert this building into an office and domestic storage area.

Photographs were shared of the stone which make up the walls, the relationship between the two barns and the plans of the proposed buildings which include vehicular access, parking/turning area, patio area and solar panels.

It was confirmed that no new doors or windows are proposed to the Torlands Barn with existing apertures being used and timber framed. Current metal roof to be replaced by natural slate. The ground floor to consist of kitchen, dining room and living room, with two bedrooms located on the mezzanine first floor.

The renovation of the shippon barn include the rebuild of walls which have previously fallen, using existing stone and a new roof structure in slate. New doors and windows in timber frames. Solar panels are proposed.

The Case Officer drew Members' attention to a small adjustment to the wording in Refusal Reason 1. Addition of the words "of the barn and shippon" in the first line to read "The proposed change of use of the barn and shippon,

by reason of the introduction...” This confirms that it is the renovation of both barns which contributes to the detrimental appearance, character, setting, local distinctiveness of the National Park, in particular the medieval field systems and the tranquillity of the immediate area.

The Case Officer set out that the proposed development would see significant works to Torland Barn including entire roof replacement and a complete reconstruction of the shippon barn which were considered to fall outside the definition of conversion. The renovation of the shippon barn in conjunction with the Torlands Barn would be contrary to Farm Diversification Policy 5.9 and Conservation of Historic Non-Residential Buildings in Open Countryside Strategic Policy 2.8 (Local Plan).

The Case Officer also set out the proposed works would likely have an impact on the local landscape character, particularly the late medieval field system of Dartmoor’s historic agricultural landscape. Introduction of a residential building where there has not been one before would be at odds with the established character locally and the proposed residential use would introduce a level of noise, activity and light spill which would be detrimental to the area.

Members who attended the Site Inspection on 16 February 2024 were read paragraphs 3.2.1 and 3.2.2 of the committee report to provide some context. The Case Officer shared a slide prepared by the Authority’s archaeologist which shows the scale of the medieval field system and the impact of the proposed new residential use of the site. The shading on the map identified the extent of the medieval field system, which as stated is largely and unusually complete and unaltered since around the 14th century when it was enclosed.

This field system is a significant part of the Special Qualities of this part of the National Park. The Local Plan describe Dartmoor’s Special Qualities as the National Park’s distinctive and significant features which distinguish it from other areas. The combination of the Special Qualities are what justifies Dartmoor being designated and protected as a National Park.

Whilst it is acknowledged that there would be no physical alteration to the field system itself, it is considered that the introduction of an isolated dwelling in this location, where one has never previously existed, would inevitably change the character of this historic agricultural landscape in a way which would fail to respect the Special Qualities of this part of the National Park.

In addition to this, clear conflict with Policy 5.9 and 2.8 has been identified through this application. The proposed reconstruction of the shippon barn and substantial alteration of the Torlands barn are such that they do not constitute conversions, rather re-builds, while the location of these buildings, remote from other building groups, mean that their re-purposing for residential purposes are not considered to represent sustainable development within the National Park.

For these reasons, it is recommended that the application is refused.

Mr William Bashford-Cole speaking on behalf of the applicant, his parents, thanked Members for reviewing the application and for attending the recent site inspection.

Mr Bashford-Cole highlighted:

- The farm needs to diversify its agriculture income so that the family can continue to sustainably steward and safeguard the landscape, its historical structures and traditional way of life through farming. This application is a great opportunity to restore, enhance and give life to these redundant, crumbling barns exclusively as home for a local family.
- As a Chartered Engineer and a member of the Institute of Civil Engineers, Mr Bashford-Cole has spent over a decade practicing as a structural engineer. His daily responsibilities involve advising on and producing reports on the conversion of existing barns and structures. He can confidently affirm that both barns' structures are in a serviceable condition, devoid of any significant signs of settlement, cracking, or foundation issues that would necessitate rebuilding. These buildings can be successfully converted, restored, and enhanced in their current state, and so keeping their historical value.
- In the context of all buildings, long-term stability against storms and high winds hinges on the presence of a robust roof structure. Regrettably, for the shippon, its roof collapsed decades ago when the wall was brought down by a modern tractor.
- The applicant's family are local, inter-generational farmers who have dedicated their lives to farming on Dartmoor. For them, farming is not just a profession; it's a way of life. They are not wealthy newcomers or developers, and they deeply value their connection to the land. If they had the financial means, they would have already repaired the fallen wall of the shippon barn using the stones from their yard and restored the roof before submitting this application. But unfortunately, they could not make that investment without the business case this application provides.
- With regard to the site inspection, they hope it revealed the robust containment of the barns and yard within their boundary walls and that the proposal has absolutely no impact upon the medieval field system. This containment effectively prevents any spillage, including light spillage, onto the surrounding farmland. Additionally, he stated that the track is fully accessible to domestic vehicles and the photographs shown misrepresent this.
- The applicant is committed to protecting the environment, historic buildings and landscape as it has always been.
- In summary, the proposal will rescue these redundant and decaying barns, supported by an officer's report favouring conversion as the most viable use. The plan includes provisions for a sustainable home and working environment initially for himself and family as a local person.
- The applicant hopes that the support from the community, the parish council, and numerous messages will positively impact their application.

In response to Members questions, Mr Bashford-Cole advised that the word 'rebuild' was misleading and that the conversion would restore the stones

back into the wall and that there are no structural issues with the buildings. Members confirmed that the photographs were taken prior to the site visit, and at the site visit it was clear that aggregate had been put down in wheel tracks.

In response to Member questions, the Case Officer advised:

- The garden area is enclosed with a stone wall and is within the yard area.
- That sustainable development goes beyond access to services, referring Members to Paragraph 8 (NPPF), particularly how a development interacts with different matters including protecting and enhancing our natural, built and historic environment.
- With regards to the Building Conservation Officer report, comments are based on the original submissions. No comments have been sought from the Building Conservation Officer about the revised plans.
- All matters have been considered, including preserving historic buildings, provision of housing, farm diversification, support from local community and protection of landscape.
- As per Local Plan Strategic Policy 1.1, where there is a conflict between the National Park's purposes, greater weight will be attached to conserving and enhancing the natural beauty, wildlife, and cultural heritage.
- Members to refer to NPPF page 20 item 74b with regards to social objectives and homes for future generations.
- With regards to Member questions about the future of these historic buildings, the application is about trying to find an alternative, low impact, viable use of the buildings. He acknowledged the difficulty of achieving alternative use on this site, but this doesn't automatically mean we should move to high impact use.

Due to some conflict over this application, the Director of Spatial Planning stated that he wanted to provide some clarity. Namely:

- The importance of looking at the Local Plan as a whole.
- The key principles for Members to consider when making a decision:
 - Does it represent a conversion? In planning terms this project would be classed as a re-build.
 - Consider location and sustainability - refer to section 5.9 of the Local Plan, the sensitive character of these isolated buildings – the light, track and the impact on the landscape.
 - The importance, the expertise, knowledge and weight of the reports of the consultees. The Building Conservation Officer has raised concerns and has already advised that it might be too late to save the historic value shippon building. The Archaeologist reported on the negative impact on the surrounding area.
 - Policy is in place for farmers in increasingly difficult times – business or enterprise/support farming community. Provision of housing is strong in the Plan.
 - Look at the positives, Members need to make difficult decisions but don't have to accept the solution put in front of us – this doesn't need to be the end of the conversation.

The Planning Solicitor added, as a matter of law:

- NPPF is policy, a material consideration, but the Local Plan takes precedent. If the application is approved and it is contrary to Local Plan, Members need to be satisfied that they have very clear exceptional circumstances.
- The Officers conclusion is that this is more than a conversion, this is a matter of planning judgement for Members.

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

Mr Sanders advised that the Planning office is open to talk to applicants, never a closed door.

RESOLVED: That, for the reasons set out within the report, permission be REFUSED.

Item 2 - 0432/23 - Extension of the working plan area of existing active quarry - Variation of Condition 2 of planning permission 0348/15, and consequential amendments to other conditions, to allow the continuation of approved operations to 3rd May 2042 -Yennadon Quarry, Iron Mine Lane, Dousland

Speaker: Ms Andrea Robertson, Associate Director, John Grimes Partnership (Agent) - On behalf of Yennadon Stone Ltd

Mr Smerdon and Mr Pannell re-joined the meeting.

Members received the report of the Principal Planning Officer (Enforcement) (NP/DM/24/004).

The Director of Spatial Planning presented the application and asked Members to refer to section 1 (Introduction) in Case Officer report.

Members are being tasked to approve the same development that was granted permission in 2022, but with a new set of conditions that provide for the working life of the quarry to be extended by approximately 15.5 years from 31 December 2026 (when the 2022 Permission expires) to 3rd May 2042.

Yennadon Quarry is located in the southwest of the National Park, 300m to the east of Dousland on the edge of Yennadon Down.

Some Members attended a site inspection on 16 February when they viewed the site of the quarry extension and noted the location and extent of the proposed working area that is now delineated on the ground with permanent stock proof fencing.

The application is to extend the existing stone quarry to the north, increasing its size from 2.2ha to 3.2ha. The area of proposed extraction however only

covers approx. 50% (0.53ha) of the extension site, which was illustrated in the presentation.

The current application covers the same area of land as the previous 2022 permission and includes the existing quarry and access road, so that the conditions apply to the whole site.

A series of drawings showed the proposed phases of the development, including the pre-implementation phase. One of the first operations was to reprofile and lower the existing bund and fence off the extension area which those Members who attended the recent site inspection noted has now been done.

The extension area is divided into three 'phases', the first has already started in the NW corner of the site, with subsequent phases gradually working eastwards.

The proposal includes the progressive backfilling and restoration of the quarry and will ensure that the sites restoration is not left to the end of the scheme.

The site will be progressively backfilled and restored to form a bowl running north/south. Some quarry faces will be left on the western side and the land will be allowed to naturally re-vegetate to return it to grassland.

The existing, pre-2022 Permission quarry is very close to the working boundaries approved under the 1991 Permission, which limits the depth to which the quarry can continue to be worked. To continue working, it is necessary to extend the quarry laterally in a northerly direction.

As did the 2022 Permission, this s73 application seeks permission to enable production to continue at a similar rate to that taking place previously (pre-2015 application).

The conditional parameters will be similar to the previous 1991 permission, but with a reduction of lorry movements from 70 to 60 in any week, and a reduction in annual production from that currently approved at 14,000 tonnes per annum to 7,500 tonnes per annum.

The quarry primarily produces dimensional building stone and stone used in walling and landscaping. Yennadon stone has unique properties, unmatched by other quarries in the area. Deposits of hornfels slate in the region are largely confined to the National Park, so if an alternative local source of hornfels slate was required, it would almost certainly need to be extracted from a site somewhere in Dartmoor. (Hornfels is the group name for a set of contact metamorphic rocks that have been baked and hardened by the heat of intrusive igneous masses and have been rendered massive, hard, and in some cases exceedingly tough and durable.)

All of the sites in the BGS Directory are based on the same underlying sedimentary rock types that the slates are formed from. They are all

metamorphic rocks, but Yennadon has undergone a secondary metamorphosis due to its proximity to Dartmoor where it has been baked and hardened by the heat of intrusive igneous masses, resulting in a hornfels type rock that makes it a stronger and more durable building stone, and less prone to damage (flaking and delamination) compared to the rustic stone from outside the contact metamorphic zone (aureole).

There are also key differences in colour and tone (Yennadon stone predominantly ranges from mellow yellow to brown hues with some hints of bluish grey).

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

The Officer showed images of further examples where Yennadon Stone has been used for conservation purposes.

The Officer advised Members that before reaching a decision on this application, it is important to determine firstly whether the scheme constitutes "Major Development", and if so, whether there are exceptional circumstances justifying the need for the development, and whether it would be in the public interest, to grant permission.

The reason for this is that if any scheme is found to be Major Development, there are very strong national and local policies which require permission to be refused, unless there are exceptional circumstances, and it can be demonstrated that the development is in the public interest.

Whether or not a proposed scheme is 'Major Development' is a planning judgement for Members to make. It is not a matter determined by officers and unfortunately, there is no single test, criteria, or definition of MD to inform the decision-making process.

What is clear is that the definition is not the same as for a major planning application (e.g. 10 homes or more) and that each scheme must be considered on its own merits.

To assist Members, the Officers report comments in detail on the nature, scale and setting of the proposed quarry extension and addresses all of the potential environmental impacts listed at some length.

For reasons explained in the report, Officers are of the view that the scheme does constitute 'major development' and as such, the application must satisfy the tests of 'exceptional circumstances' and 'overriding public interest' applied to major development by the NPPF and Local Plan policies.

While the scheme proposes a larger working area, there are a number of significant benefits that will be secured:

1. The reduction in height and re-profiling of the existing bund along the quarry's western boundary by 3m will significantly improve the appearance of the site before work starts in the extension area.
2. The comprehensive and progressive restoration of the site will enable some parts of the site to be restored before the completion of quarry operations rather than leaving restoration until extraction has ceased.
3. The quarry currently provides full time employment for around 26 people with additional indirect employment in haulage, contract services and the supply of goods.
4. The draft conditions propose a substantial reduction in the amount of material permitted to be exported from the site each year – down from 14,000 tonnes to 7,500 tonnes per annum; a decrease of nearly 50% of that currently permitted. Also proposed is a reduction in lorry movements from 70 to 60 (30 return trips).
5. Permission will also secure the continued supply of local stone for building and conservation projects.

Yennadon stone has made, and continues to make, a significant contribution to the distinctive character and appearance of the built environment and there is a strong public interest in permitting it to continue to do so.

The scheme is considered to be compliant with the Local Plan, is sustainable development, and is in conformity with government advice set out in the NPPF. There is a strong public interest in permitting the development, and this is sufficient to override any adverse impacts on the natural beauty, wildlife and quiet enjoyment of the National Park.

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

It is therefore recommended that permission be granted, subject to appropriate conditions and a S106 Planning Obligation Agreement.

Recommendation 3 is to be amended that permission be granted subject to new and amended conditions to new compliance to extension to s.106

planning obligation agreement by way of a deed of variation. Because this is significant, the Chair formally proposed that those words be added to that recommendation. Mr McInnes seconded and all Members were in favour.

Those in favour of substantive motion with agreed amendment – all in favour.

Ms Andrea Robertson – Applicants agent – speaking on behalf of Yennadon Stone Ltd:

- This Section 73 Application is to extend the working life of the quarry for an additional 15 ½ years, which is based on the estimated time it will take to extract the remaining stone in the northern extension area, which was granted Planning Approval in 2022.
- The benefits of granting this Application are:
- Extending the life of the quarry will enable the continued excavation and production of high-quality building stone that contributes to the local built environment and local distinctiveness. Continuing production will make a major positive contribution to the conservation and design strategies for the National Park; and supports the principles of sustainable development.
- The continued operation of the quarry provides major, positive socio-economic benefits through the provision and retention of direct employment, and indirect employment through supply chain services and expenditure in the local area.
- A significant benefit of extending the life of the quarry will be enabling the comprehensive landscape restoration strategy and the BMEP, both approved in the 2022 permission, to be fully implemented.

The main aim of the restoration strategy is to backfill and landscape the areas with the greatest visual impact; i.e. the south-east and eastern faces. The strategy relies on all of the spoil from the northern quarry extension area being used. The fully implemented restoration strategy will assimilate the quarry back into the local landscape significantly reducing visual impacts from both local and distant viewpoints.

The BMEP reduces the ecological impact of the quarry and provides an overall enhancement for biodiversity, both during its operational lifetime and following restoration.

The full benefits of the Restoration Strategy and BMEP cannot be achieved without an extension of time.

Ceasing production at the end of 2026 will result in the disused quarry basically looking like a number 6 from the air, a relatively narrow slot where the Phase 1 area in the northern extension area has been worked out and the rounder existing quarry to the south, with only partially backfilled faces.

In conclusion, the Planning and Environmental Statements that support this Section 73 Application has confirmed that the proposed extension of time would not give rise to any significant adverse effects that would make any

difference relative to the position in the grant of the 2022 Planning Permission. Furthermore, granting this Application and allowing the full restoration of Yennadon Quarry, will constitute a significant beneficial effect.

To help with the Major Development decision-making process, the Director of Spatial Planning advised Members to consider:

- The ordinary (non-technical) meaning of the words “Major Development”
- The location of the application site and the local context
- The nature of the development (minerals extraction)
- The area of the proposed extension
- The quantity of material proposed to be extracted from the site each year
- The size of the current quarry operation
- The extent to which the development could have a significant adverse impact on the purposes for which Dartmoor is designated, namely:
 - Natural beauty, wildlife and cultural heritage of Dartmoor
 - Promoting opportunities for the public understanding and enjoyment of Dartmoor’s special qualities.

Even though the quarry operation is relatively small, any minerals extraction involving heavy machinery in a National Park is highly likely to constitute Major Development.

In view of the above concerns regarding post-restoration access to the site, in August 2020 the Authority was consulted on a revised proposal under Section 16 of the Commons Act 2006 to de-register the land occupied by the existing quarrying operations (1.903ha) and the proposed quarry extension (1.17ha) as common land, and to offer agricultural land to the northeast of Yennadon Common as replacement common (3.2ha).

In respect of this proposed ‘exchange’ process under s16, the owner of common land can apply to the Secretary of State (SoS) to release the land, but if that land is more than 200m² (which it is in this case), the application must include a proposal for replacement land.

In August 2021, consent was granted pursuant to an application under Section 16 for the deregistration of both the existing quarry and the new extension area as common land (some 3.073ha). 3.203ha of agricultural ‘Exchange Land’ land to the north-east of Yennadon Down was registered as replacement Common Land. Commoners still have grazing rights and the public has a right of access across the rest of Yennadon Down, as well as the exchange land, however, since the exchange of common land was completed, neither the commoners nor the public have any access rights over Yennadon Quarry now or in the future following closure.

In response to Member questions, the Director of Spatial Planning advised:

- It will not be possible to reinstate the land exactly as it was but there is a managed and continued restoration plan, restoring the site to as natural a state as possible.
- If permission is granted, this will be temporary up until 2042 – additional use beyond 2042 would need to be considered on its own merits.

Recommendation 1, that the proposed scheme constitutes Major Development, was proposed by Mr Sanders and seconded by Mr McInnes. All in favour.

Recommendation 2, that there are exceptional circumstances, and the development would be in the public interest, was proposed by Mr Sanders and seconded by Mr McInnes. All in favour.

Recommendation 3, that permission be GRANTED subject to new and amended conditions and continued compliance with the extant s.106 Planning Obligation Agreement by way of deed of variation was proposed by Mr Sanders and seconded by Mr McInnes. All in favour.

RESOLVED: That, for the reasons set out within the report, permission be GRANTED.

1574 Appointment of Site Inspection Panel and Arrangements for Site Visits

Applications 0363/23 and 0364/23 – Land at Rocky Lane and Timbers Road

Applicants and agents have appealed to the Planning Inspectorate for non-determination against the Authority, due to the length of time taken to respond being outside the requisite timescale, with no agreed extension.

The scheme will come before Members, not to seek recommendation as decision making powers have transferred to the Planning Inspectorate, but to seek views on what Member recommendation would have been if opportunity had been provided to make a decision on it. Due to timescales, recommend Case Officer papers will be circulated with no site visit.

Non determinations are relatively rare. The Case Officer had been working with the Agent to come to a solution but the Agent took the decision to go to the Planning Inspectorate.

The Planning Inspectorate is required to determine the application at local level and consider national policy.

In response to Member questions, the Director of Spatial Planning advised:

- Members Mr Thomas, Mr Smerdon and Mr Pannell to receive copies of the papers prior to Parish Council meeting to be held the following week.
- The process doesn't remove the need for a s.106 Agreement, we work together with the Planning Inspectorate.

- Written reports are quicker and more efficient than public hearings, and for most cases are an acceptable way of dealing with a planning decision.
- If appropriate to do so, input from Members will be sought.

There being no other business the meeting closed.

DRAFT