

**DARTMOOR NATIONAL PARK AUTHORITY**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**3 March 2017**

Present: S Barker, W Cann, J Christophers, G Gribble, P Hitchins, M Jeffery, D Lloyd, J McInnes, I Mortimer, D Moyse, N Oakley, M Retallick, P Sanders, D Webber, P Woods

Apologies: K Ball, A Cooper, S Hill, C Pannell

**1205 Minutes of the meeting held on Friday 3 February 2017**

The minutes of the meeting held on 3 February 2017 were agreed and signed as a correct record:

**1206 Declarations of Interest and Contact**

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

Members declared a personal interest, having received emails and a letter, in Item 0502/16 – White House Service Station, Okehampton and, having received a letter regarding Item 0009/17 – Little Cottage, Higher Brimley, Bovey Tracey.

Mr Sanders declared a personal interest, having received telephone calls from the owner over the past 18 months, in Item 0649/16 – Devon Tors Hotel, Yelverton.

Mr Barker declared a personal interest, having received email communication, in Item ENF/0036/16 – Barn at Michelcombe Farm, Holne.

Mr Retallick declared a personal interest, due to knowing the applicant, in Item 0009/17 - Little Cottage, Higher Brimley, Bovey Tracey and, due to knowing the land owner and having received email communication, in Item ENF/0036/16 – Barn at Michelcombe Farm, Holne.

**1207 Items requiring urgent attention**

The Chairman welcomed Frances Robinson, from Teignbridge District Council, who was kindly providing legal representation at the meeting in the absence of Authority staff.

The Chairman advised Members that a pre-committee site inspection would take place in relation to application no. 0655/16 – Construction of whisky distillery, visitor centre, small scale spirit storage new road access and associated parking, and demolition of two industrial units – land west of public car park, Station Road, Princetown, on Friday 17 March 2017.

Signed  ..... Date 7-4-17 .....

**1208 Site inspections**

Members received the report of the Head of Planning (NPA/DM/017/011).

**Item 1 – 0653/16 – Creation of new access drive and gate to agricultural fields including taking down an existing bank and hedgerow – Homer, Mary Tavy**

The Case Officer reminded Members that the site is situated on Bullers Lane which provides the link from the A386 to the centre of the village. It is within the Mary Tavy Conservation Area. The proposed new access would require 16 metres of hedgebank to be removed; the difference in levels between the land and the fields is such that the field is 1.5 metres above the lane, requiring a significant amount of material to be excavated. It is the opinion of officers that the bank and associated hedge are defining features of the land, and are important to the character and appearance of the Conservation Area and the wider landscape. The proposal to introduce an engineered hard surfaced entrance and driveway would have a significant impact on the appearance of the lane and would, therefore, be unacceptable under the terms of Policy DMD12.

Mr Hitchins advised that he was in agreement with the officer's recommendation, adding that the proposed works would have a detrimental impact on the Conservation Area. He also felt that the access from the A386 onto the land could be improved. He proposed the recommendation, which was seconded by Mr Barker.

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

**1209 Applications for Determination by the Committee**

Members received the report of the Head of Planning (NPA/DM/017/012).

**Item 1 – 0026/17 – Removal of monopitch roof, construction of new pitched natural slate roof and re-instatement of window – 2 Ford Street, Moretonhampstead**

The Chairman advised Members that this application had been WITHDRAWN.

**Item 2 – 0502/16 – Replacement highway services building, extended car park and HGV parking area and landscaping – White House Service Station, Okehampton**

Speakers: Dr G Gundry, Objector  
Mr J Marchant, Agent for the Applicant

The Case Officer advised Members that, since writing the report, an additional three letters of objection had been received, and one letter of support.

Whitehouse Services is located along the A30 on the northern boundary of the National Park, within the parish of Sticklepath. The proposal is for the

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refurbishment and extension of the Services, which currently provides a fuel filling station, car wash and parking facilities, a retail outlet, restaurant and picnic area.

The site is within the open countryside. National Park policies are explicit about the types of development that will be permitted in these circumstances; Local Plan policies for sustainable economic growth focus on the controlled small scale expansion of businesses outside settlements in the countryside. This is a major application for a significant expansion of the existing local business and, as such, conflicts with policy.

The applicant has failed to demonstrate a clear need for the scale of development that would justify departing from policy and which would over-ride its impact on the landscape. No needs appraisal has been provided in the context of existing highway service station provision and capacity. There are existing roadside facilities at Whiddon Down (8km away), Sourton Cross (8km away) and Exeter Services (35km away); all of these are less environmentally sensitive as they are situated outside of the protected landscape of the National Park.

Highways England has determined that the proposed development will cause an 'increase in queuing' at the A30 junction.

The applicant has acknowledged the concerns raised regarding the scale of the proposed development, and has advised that a smaller scheme could potentially be considered in order to address the issues raised. Officers would be happy explore this in more detail should permission for this application be refused.

The application proposes a new central entry and exit access, blocking of the existing entry access, and restricts the existing exit to HGV use only. A new services building of approx. 1600 square metres would be constructed, incorporating a restaurant, retail, takeaway food outlets, toilets, back office areas, ATM points, lobby and tourism information point. The building would be mainly timber and stone clad, with dark grey metal roofing. It would measure approximately 8.8 metres to the ridge, 26.2 metres wide and 87 metres long. Coach drop off, HGV and servicing areas are proposed to the rear of the building. The petrol filling station area would be re-organised and car wash and parking facilities re-sited. The proposed new main car park (113 spaces) and dedicated HGV park (9 spaces) and coach and caravan parking (9 spaces) would be located to the far east of the site. Landscaping is proposed within the site, to include hedge supplementation, wildflower grassland and woodland to the east and south-east boundaries.

Tongue End Cross, at eastern edge of site, is the area where the new lorry park is proposed. Neighbours and the Parish Council have expressed concerns about noise and light intrusion; however, the Environmental Health Officer has advised that no objection can be sustained on residential amenity grounds. The proposed scheme would address some of the issues raised.

Mr Gundry spoke as an objector. He stated that, in his opinion, the proposed extension of White House Service Station would harm, not enhance, this part of the National Park. There would be increased vehicle movements in and out of the site, especially heavy goods vehicles. There are already issues regarding queuing back onto the A30 at certain times of the year; this problem would only be exacerbated

Signed James R. De Tunes Date 7-4-17

and road safety compromised. In addition, the proposed new building is huge and would have a negative impact on the natural beauty of the area. He felt that the Case Officer's report was well balanced. Visitors return to the National Park year after year. He emphasised that everything should be done to keep it that way and that this application would not help the situation.

Mr Marchant stated that the proposals would support the local economy. The refurbished site and new building was well thought out and designed and would bring with it better infrastructure and services. With regard to the height of the proposed building, it would be no higher than an average terraced house. The applicant feels that the proposals would mean a better experience for visitors to the National Park. Devon needs to be promoted as forward thinking; people of Sticklepath have been very supportive of the proposals. Visit Dartmoor is also in support of the application. Families, jobs and prosperity need to be taken into consideration; this application would generate 75 new full time job opportunities. The movement of goods and services would also benefit.

In response to a Member query, Mr Marchant advised that the parking had been designed so that no reversing was required, thus improving safety on the site.

Some Members stated that they would not be able to support the application, based on the proposed size of the development. They did agree, however, that some form of development was needed at the site.

Another Member did not feel that the application was for a major development, adding that, in his opinion, the development was well designed and was agricultural in appearance.

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

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

**Item 3 – 0002/17 – Refurbishment of existing dwelling to provide additional living space, including demolition of outbuildings and construction of new, detached garage block – Marle Lodge, Stidson, South Brent**

Speaker: Mr A Morall, Applicant

The Case Officer advised Members that Marle Lodge is a detached mid-20<sup>th</sup> century bungalow which is set back from and above the level of the road. The application is for the refurbishment of the dwelling, plus the demolition of outbuildings and the construction of a new detached garage block. The proposed increase equates to a 29% increase in living space which falls within the 30% limit outlined in policy DMD24.

The Parish Council has raised concerns regarding the proposed cladding of the new buildings. It is proposed that the extended dwelling and new garage will be timber fronted with black painted corrugated metal cladding to the other elevations.

Mr Morrall advised Members that he very much appreciated the support he had received from the Planning Officer. He added that he and his wife considered

Signed James R. Jones Date 7-4-17

themselves to now be local and felt connected to the National Park. He accepted that the proposed cladding materials were different to what is normally proposed but he was hopeful that Members would grant his application.

In response to a Member query, Mr Morrall confirmed that there would be high performance insulation placed behind the corrugated metal cladding.

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

Following a Member's query about conditions regarding protected species, the Case Officer advised that condition number 4 of the recommendation requires development to be implemented strictly in accordance with the ecological survey report.

Another Member asked that particular attention be given to the proposed colour of corrugated cladding to be used. The Case Officer advised that condition 2 of the recommendation would be applied and that officers would carefully consider the potential impact of the colour.

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

**Item 4 – 0649/16 – Change of use from bar/restaurant to five flats – Devon Tors Hotel, Yelverton**

The Chairman advised Members that following the receipt of additional information late yesterday, Thursday 2 March 2017, this application had been DEFERRED.

**Item 5 – 0634/16 – Erection of timber stable block – Lewthorn Cross, Ilington**

Speaker: Ms K Reece, Applicant

The Case Officer advised Members that this application proposes the erection of an, L-shaped stable building and associated storage, to be constructed in the south east corner of the field, adjacent to the road and existing access. The nearest residential property is approximately 70 metres to the west. The stable block is to be clad in timber boarding with corrugated metal roofing. There is no proposal to change the use of the land to equestrian, nor is there any proposed hardstanding to accompany the stable block. The applicant has agreed to remove the existing shed and field shelters from the land. A condition to ensure that this is carried out is proposed.

Members were advised that the Certificate of Lawfulness and 1994 Planning Permission relate to a separate parcel of land and are not relevant to this application; these have now been removed from the history.

Following objections from the Parish Council, the applicant has worked to reduce the size of the proposed stable block from 80 to 75 square metres; it has been reduced by 1.4 metres on the west elevation. The Parish Council maintained its

Signed James R M Jones Date 7-4-17

objection, stating that it would not object if the building was turned 90 degrees and was positioned closer to the hedge.

Officers are of the opinion that the proposed development will have a minimal impact on the character of the local landscape, and the removal of the existing horse related structures will be a landscape enhancement. The proposed position of the building is considered to be the most appropriate location upon the site.

It is proposed that Condition 2 be amended to read:

*"All the sheds and field shelters currently sited at the application site (within the blue line) shall, unless otherwise agreed by the Local Planning Authority in writing, be permanently removed from the land (within the blue line) not later than three months following the commencement of the development."*

Ms Reece advised Members that the L-shape stable block has been proposed due to the fields being north facing and in a very windy position. The building will be positioned 3 metres from the hedge.

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

A Member advised that the revised application was better than the original; however, the Parish Council's objection still stands due to the proposed positioning of the building. He questioned the design of the rooflights. The Case Officer explained that this would be dealt with by way of condition.

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

**Item 6 – 0009/17 – Demolition of existing living area and kitchen and construction of two storey extension – Little Cottage, Higher Brimley, Bovey Tracey**

Speaker: Mr T Harcourt-Smith, Applicant

The Case Officer advised Members that Little Cottage is a detached dwelling which is predominantly single storey, with a small two storey element on the south elevation. The existing dwelling is built on a steeply sloping site. A first floor extension is proposed which would enlarge the living area on the ground floor. The porch and bathroom situated to the front elevation would be demolished. The application is a resubmission and there were concerns regarding proposed design and an excessive increase in floor space. A limited number of changes have been made to the application including a reduction in additional floorspace to 30.1% which accords with the requirements of policy DMD24.

Officers are of the opinion that the proportions of the first floor are overbearing and provide excessive height and bulk. The extension would not be subservient to the existing dwelling and, by way of its design, will fail to preserve the character and appearance of the area and the special qualities of the National Park.

Signed  Date 7 - 4 - 17

Mr Harcourt-Smith advised Members that the current dwelling evolved from a small wooden summerhouse. It is lacking in any real character; the family have essentially run out of space, hence the application. There have been three meetings with the Case Officer; the preferred option would be for a total rebuild but unfortunately the cost of this would be prohibitive. The overall proposal would, in his opinion, provide the family with a contemporary new home, which would use the steep site appropriately. He added that elements from nearby properties have been incorporated into the design to ensure that it would be in keeping with the local vernacular. The Parish Council has no objections to the application and feels that it would enhance the surrounding area and sit comfortably within the hamlet.

Mr Barker, in agreement with a fellow Member, commented that the proposed design would only serve to enhance the property and proposed that permission be GRANTED. Mr Christophers seconded the recommendation, adding that the applicant had made both an excellent presentation and a high quality proposal which would result in a sustainable home.

In determining the reasons to grant permission, Mr Barker stated that the overall design of the house would be improved and, in addition, the application falls within the 30% rule under policy DMD24. In addition, Mr Christophers determined that the application would qualify under policy DMD1a in that the proposal would result in sustainable home development.

In response to Member queries, the Case Officer advised that the following conditions would be applied should permission be granted:

1. The development shall begin before the expiration of three years from the date of permissions.
2. Prior to the commencement of development, samples of all proposed materials and finishes shall be submitted to the Local Planning Authority for approval.
3. Prior approval of location and materials of all new and existing rainwater goods.

**RESOLVED:** That, subject to the conditions as detailed above, permission be GRANTED.

## **1210 Monitoring and Enforcement**

Members received the report of the Head of Planning (NP/DM/017/013).

### **Item 1 – ENF/0036/16 – Unauthorised residential use of barn – Barn at Michelcombe Farm, Holne**

Speaker: Ms A Sutherland, Landowner's Agent

The Planning Team Manager advised Members that, in 2016, concern was raised that the current occupier was residing in one end of a barn, which had been converted to living accommodation, at Michelcombe Farm without the necessary planning permission.

Signed James D. Jones Date 7-4-17

An application for a Certificate of Lawfulness for the use of the agricultural building as a dwelling was made in October 2016. It was stated that in August 2011 a static caravan was installed in the barn; the works to the barn were undertaken and the occupier moved into the conversion in October 2013. The Authority was not satisfied that the use of the barn as a dwelling was immune from enforcement and the application for the Certificate of Lawfulness was refused.

Eight letters of support for the landowner have been received over the past few days. The letters state that the recent Certificate of Lawfulness was only refused on a technicality as the residential use of the barn started over four years ago in a mobile home before the residential unit was constructed. They also state that the barn still appears as a farm building and question whether the recommendation is fair. They state that the occupier and his family have farmed in the area for over 100 years and have been pillars of society.

Ms Sutherland advised Members that Michelcombe Farm has been in the family for over 100 years. The barn was erected and used for agricultural purposes until part of it was changed for residential accommodation. Over the past six years Mr French has suffered from ill health. In addition, the breakdown of his marriage meant that he had to seek alternative accommodation; however, his finances did not allow him to purchase or rent a new home and, instead, he purchased a caravan and placed it in the barn. When his health worsened, and on the advice of his doctor, Mr French undertook works to the barn to create more permanent accommodation. She added that Mr French has co-operated fully with officers. He obtained advice from planning consultants who were of the opinion that he had occupied the barn for in excess of the four years required by law to make the occupation lawful, and the use of the caravan counted towards this timeframe. The Certificate of Lawfulness application was made as a result of this advice. Mr French is not in a position to appeal the Authority's decision to refuse the application. Mr Sutherland stated that, in her opinion, there was no breach and the Certificate of Lawfulness should have been approved. She asked Members to undertake a site inspection.

Following Member discussions, Mr Sanders stated that the situation is clear. The application was carefully considered and the decision to refuse the earlier Certificate of Lawfulness application has been taken. Personal circumstances cannot be taken into account. There is a clear process that all local authorities have to follow regarding Human Rights issues. He proposed the recommendation, which was seconded by Dr Mortimer.

**RESOLVED:** That the appropriate legal action be taken to:

1. secure the cessation of the residential use of the agricultural building; and
2. secure the removal of the residential unit and all domestic paraphernalia from the land, including the removal of all walls, windows, doors, flues, fixtures and fittings that facilitate residential use.

Mrs Oakley asked that her abstention be recorded.

Signed James D. N. C. T. W. Date 7-4-17



**1211 Appeals**

Members received the report of the Head of Planning (NPA/DM/17/014).

**RESOLVED:**

Members NOTED the content of the report.

**1212 Enforcement Action taken under Delegated Powers**

Members received the report of the Head of Planning (NPA/DM/17/015).

**RESOLVED:**

Members NOTED the content of the report.

**1213 Site Inspections**

Pre-committee site inspection to be held on Friday 17 March 2017, regarding:

Application no. 0655/16 – Construction of whisky distillery, visitor centre, small scale spirit storage new road access and associated parking, and demolition of two industrial units – land west of public car park, Station Road, Princetown, on Friday 17 March 2017.

The following Members were appointed to the Site Inspection Panel : Mr Hitchins, Mr Cann, Mr Sanders, Mr Webber and Miss Moyse.

It was agreed that the email invitation be sent to all other Members.

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