

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

02 September 2016

**APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Report of the Head of Planning

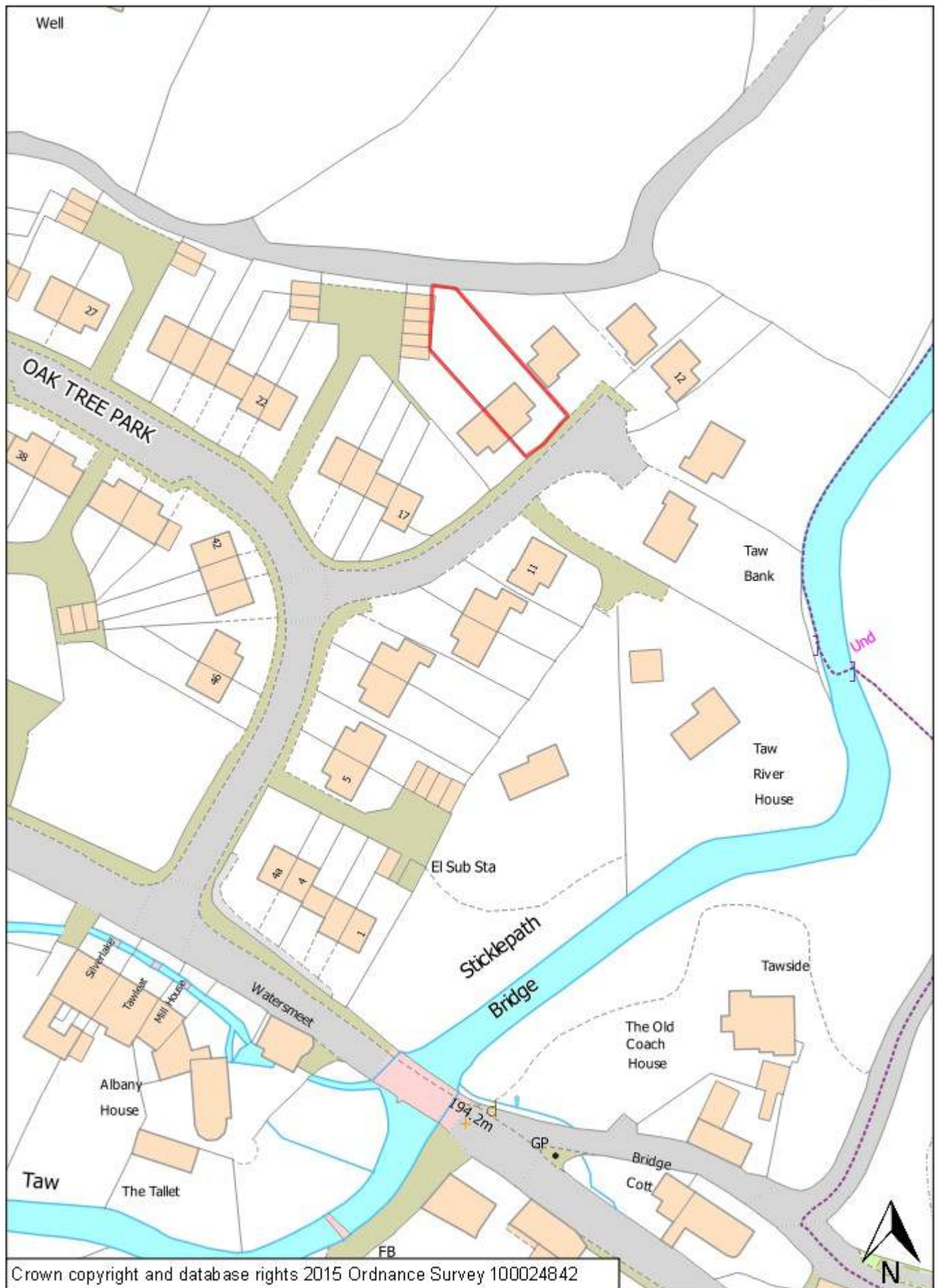
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# 15 Oaktree Park 0293/16



Scale 1:1,000



1. Application No: **0293/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission - Householder** Parish: **Sticklepath**  
Grid Ref: **SX643941** Officer: **Louise Barattini**

Proposal: **Demolition of garage and construction of two-storey extension, new single garage and laundry**

Location: **15 Oaktree Park, Sticklepath**

Applicant: **Mr & Mrs J Powell**

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 materials to be used in the finishing of the external walls and roof of the development hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.

### **Introduction**

Semi-detached dwelling situated within a modern cul-de-sac of uniform character within the rural settlement of Sticklepath.

The application proposes a two-storey side extension to provide additional bedroom and living accommodation, together with a replacement integral garage.

The application is presented to Members at the request of the Head of Planning as the proposal presents a departure from the 30% floor space threshold within policy DMD24.

### **Consultations**

Environment Agency: No objection - flood zone 1 standing advice only  
West Devon Borough Council: Does not wish to comment  
County EEC Directorate: No highway implications  
DNP - Ecology & Wildlife Conservation: The recommendations of the wildlife survey are to be made a condition of any approval.

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

Sticklepath PC: No objection/neutral view

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR2 - Settlement Strategies  
COR4 - Design and sustainable development principles  
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology  
DMD14 - Biodiversity and geological conservation

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

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

### **Representations**

None to date.

### **Observations**

## PLANNING POLICIES

Policies DMD1, COR1, COR4 and DMD7 establish the objectives for conserving and enhancing the character and appearance of Dartmoor's built environment. This is reflected in The English National Parks and Broads UK Government Vision and Circular 2010.

Policies DMD7 and COR4 set out design considerations for new development, notably; scale, height, alignment, layout, detailing and materials.

Policy DMD24 requires extensions to be consistent with advice contained in the Dartmoor Design Guide and not to adversely affect the appearance of the dwelling and its surroundings and not increase the habitable floor space of the existing dwelling by more than 30% unless clear design considerations indicate otherwise.

The Dartmoor Design Guide requires high quality locally distinctive design and advises that new extensions should not overwhelm the existing property.

Policy DMD4 sets out the objectives for protecting residential amenity and policies DMD14 and COR7 establish the requirement to safeguard biodiversity and protected species.

## ASSESSMENT OF FLOOR SPACE INCREASE AND DESIGN

The property has not been previously extended and is a 3-bedroom semi-detached dwelling with a relatively small floor space of 71 sqm. This is below national space standards for two-storey, 3 bedroom, 4 person house. The DCLG's Technical Housing Standards 2015 recommend a minimum of 84 sqm for such accommodation. The proposed extension will deliver 46 sqm of habitable floor space and provide one additional bedroom, creating a total area of 117sqm. This presents a 65% increase in floor space. This exceeds the 30% threshold set out in policy DMD24, however, if we acknowledge the deficiency of the existing floor space and assess the proposal against the national space standard for this size property then the percentage increase is reduced to 39%.

The proposed extension has been designed to be sympathetic in scale, proportions, form, detailing and materials to the existing dwelling (and semi-detached pair) and will appear as a subservient addition to the side of the dwelling. The character and scale of the proposed extension is similar to the side extension of the adjoining property and will conserve the character and appearance of this estate and this part of the National Park. The Design Guide acknowledges the importance of scale as a major consideration for householder extensions, the emphasis being on extensions not 'overwhelming' the existing property. The proposed extension is appropriately designed and scaled; it could not be said to overwhelm the existing

property.

Having regard to the national space standards, the neutral impact of the proposed development in the street scene, and its sympathetic scale and form with the extension at the adjoining property, it would be difficult to sustain a reason for refusal on floor space grounds. There will be no material harm to the character and appearance of this part of the Dartmoor National Park and there are clear design and material considerations for departing from the 30% in this particular instance.

#### AMENITY

The proposed extension has been designed with consideration for neighbouring properties. The adjacent dwelling to the north east only has a garage window in the side elevation flanking the proposed development and as such there would be no impact on light to habitable rooms/outlook. The residential amenities of the adjoining semi would also be protected. The proposal will therefore not in conflict with the objectives of policy DMD4.

#### PROTECTED SPECIES

The Wildlife Survey Report submitted with the application recommends mitigation proposals to ensure that the scheme will not adversely impact on bats and complies with policies DMD14 and COR7.

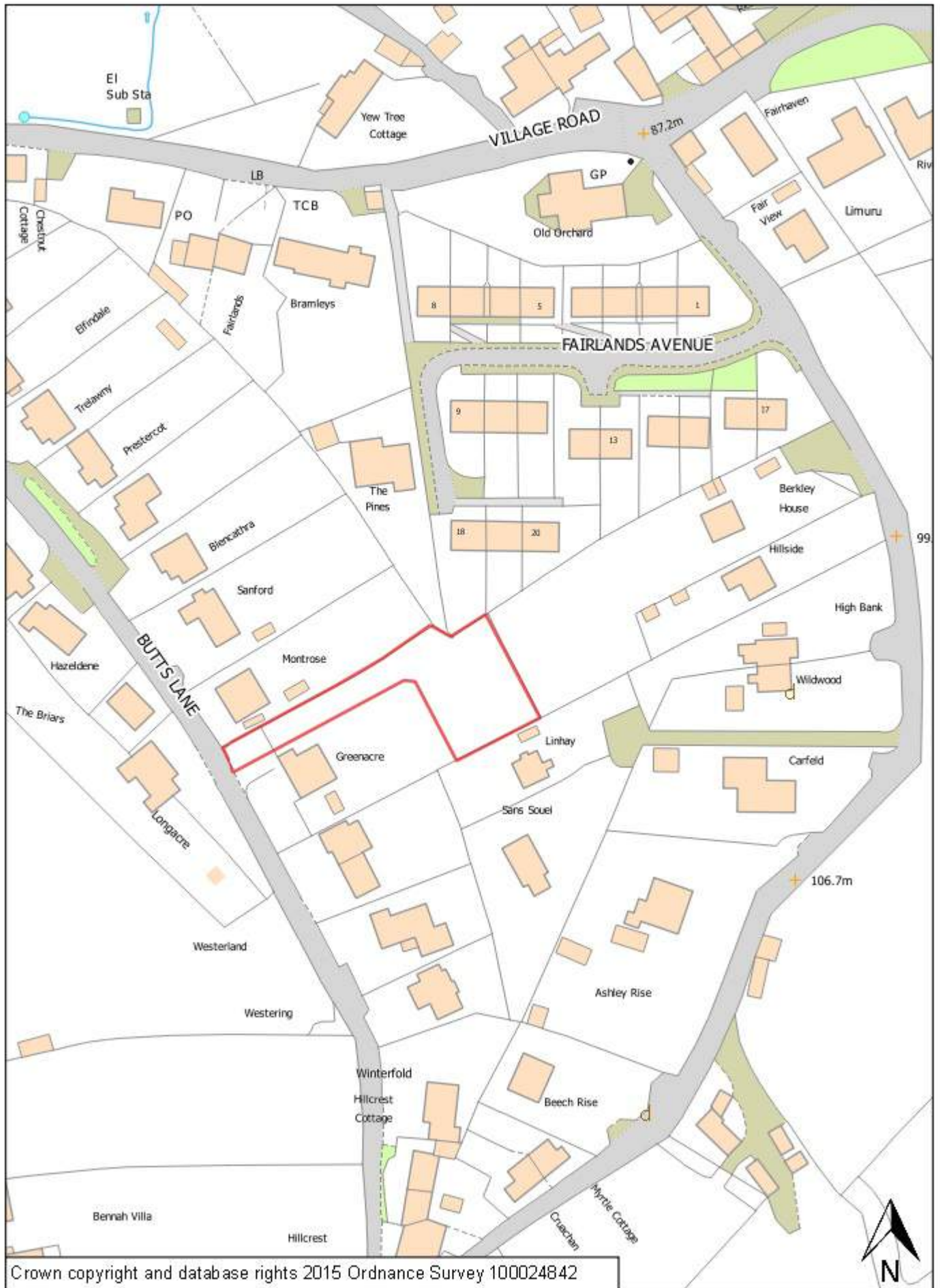
Having regard to the above factors, it is recommended planning permission be granted, subject to appropriate conditions.

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# Greenacres, Christow 0395/16



Scale 1:1,250



2. Application No: **0395/16** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Christow**  
Grid Ref: **SX834848** Officer: **Louise Barattini**
- Proposal: **Erection of a detached open market bungalow on garden land**
- Location: **Greenacres, Butts Lane,  
Christow**
- Applicant: **Mr R Slack**
- Recommendation **That permission be GRANTED, subject to the consideration of any additional public comments received by the 19th August 2016 and any late comments from the Parish Council**

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
3. Prior to the commencement of the development hereby approved, samples of all proposed surfacing, external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved surfacing, external facing and roofing materials shall be used in the development.
4. The solar PV panels hereby approved shall be the black module type with black framing unless otherwise agreed in writing by the Local planning Authority.
5. Prior to any excavation works being undertaken in association with the development hereby approved, details of how the excavated material will be dealt with will be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
6. The roof of the development hereby approved shall be covered in a natural slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
7. Prior to the first use or occupation of the dwelling hereby permitted, the visibility splays shown on the approved plans and details shall be constructed strictly in accordance with those plans and details; thereafter, the visibility splays shall be maintained without any obstruction and no structure, erection or other obstruction to vision (including trees or shrubs) shall be constructed, erected, sited, planted or allowed to grow thereon.

8. The dwelling hereby permitted shall not be occupied until two parking spaces and a separate turning area for motor vehicles for the proposed dwelling and the revised parking arrangement for Greenacres shown on the approved plans are made available for use; thereafter the parking spaces shall be permanently retained for those uses alone.
9. Details of the proposed boundary treatments and retaining wall shall be submitted to the Local Planning Authority for approval prior to their installation. Thereafter, the development shall be carried out in accordance with the approved details.
11. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the building shall be recessed at least 100mm in their openings.
12. Details of the proposed windows and doors shall be submitted to the Local Planning Authority for approval prior to their installation. Thereafter, the development shall be carried out in accordance with the approved details.

### **Introduction**

The application site relates to the rear garden of Greenacres, located within the rural settlement of Christow. The site is surrounded by housing on all sides within a triangular parcel of development at the convergence of Butts Lane and Church Lane, both single track lanes leading out of the settlement.

Greenacres is a detached dwelling located along Butts Lane within the rural settlement of Christow. It is situated towards the front of a long plot with levels sloping down toward to the rear boundary.

The application seeks to erect a single storey open market dwelling on this rear garden which slopes down to the north east corner of the site. A 2-bedroom dwelling is proposed with access provided from the existing highway access to Greenacres with a driveway proposed along the northern boundary of this property.

The application is before Members in view of the conflict with local housing policy.

### **Planning History**

0354/13	Erection of detached bungalow in the garden Full Planning Permission	Refused	11 November 2014
0332/12	Erection of detached three-bedroom open market bungalow with integral garage in garden land Full Planning Permission	Refused Result: Dismissed	22 October 2012
0051/12	Erection of affordable detached bungalow on garden land Full Planning Permission	Withdrawn	28 February 2012

### **Consultations**

Environment Agency:	No objection - flood zone 1 standing advice only
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No objection in principle subject to the access being improved and turning and parking being provided on site as



shown in the submitted drawings. Such works are to be carried out prior to occupation.

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

Christow PC: Comments awaited

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR15 - Providing for limited new housing to meet local needs  
COR2 - Settlement Strategies  
COR21 - Dealing with development and transport issues in a sustainable way  
COR4 - Design and sustainable development principles  
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology  
DMD14 - Biodiversity and geological conservation  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD22 - Residential development in Rural Settlements  
DMD3 - Sustaining the quality of places in Dartmoor National Park  
DMD4 - Protecting local amenity  
DMD40 - Parking provision - Residential  
DMD7 - Dartmoor's built environment

### **Representations**

2 letters of objection

The objectors state that the proposal does not make provision for an affordable dwelling, represents garden grabbing, would share no frontage with any existing road, result in noise and traffic pollution, loss of privacy and be out of keeping with the area. It is also stated that the housing needs within the village have been met by the recent development at Layne Fields.

### **Observations**

#### **PLANNING HISTORY**

A planning application for an intermediate affordable dwelling on the site was withdrawn in February 2012 (0051/12).

Planning permission was refused and dismissed at appeal for the erection of a 3-bedroom open market bungalow with garage (ref: 0332/12). The Inspector concluded that the scheme for an open market dwelling was in clear conflict with the objectives of policies COR2 and COR15 which only permit affordable housing in selected rural settlements such as Christow. He was satisfied on all other accounts, that the site was sufficient to accommodate a small dwelling without harming the character and appearance of the area or neighbouring residential amenity.

A subsequent application was received for a single storey dwelling in the rear garden (the same scheme as the previous application (ref: 0354/13)). This application was eventually

refused for the sole reason that the applicant was unwilling to sign a legal agreement to secure the accommodation as an affordable dwelling for a local person.

## HOUSING POLICY

Policy COR2 identifies Christow as a rural settlement which will provide for small scale housing development to meet identified local needs for affordable housing. This is reiterated in policies COR15 and DMD22.

Policy DMD22 is a detailed housing policy for rural settlements and states that 'new housing will need to be affordable and located on small infill plots within an existing built frontage and within the settlement or provided through the acceptable conversion of an existing building.' This approach seeks to protect the character and appearance of Dartmoor's Rural Settlements. However, accepting that there is backland development in the vicinity of the site and having regard to the Inspector's conclusion that the site was large enough to accommodate a small dwelling without harming the character and appearance of the area or neighbouring residential amenity it would be difficult to argue that the proposal conflicted with the essence of this policy. Indeed, the principle of a dwelling has been accepted on this site and no objection raised to the scale, design and layout proposed (which is a repeat submission of 0354/13).

The key consideration with this application is the proposal to provide the unit of accommodation on the open market in conflict with the Authority's housing policies which restrict development in rural centres to affordable housing only.

There has been a recent fundamental shift in National Planning Practice Guidance which introduces a threshold on affordable housing and tariff style contributions on small residential developments. This means that for developments of 5 residential units or less, this Authority is unable to require developments to deliver affordable housing or commuted sums toward affordable housing. In such circumstances, the Authority must consider whether the development offers a sustainable form of development, which in all other respects is consistent with the policies of the Development Plan.

## PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Christow is one of Dartmoor's larger selected rural settlements located in the Teign valley on the outskirts of Exeter. It is the largest settlement in the Teign Valley and supports a wide range of local services and facilities, including a shop, primary school, health centre and well equipped community hall. There is a business estate on the eastern edge of the village and a bus service connecting Christow with Exeter. Christow has a wide range of housing tenures and types and has recent permission at Layne Fields, which is nearing completion, for 14 houses for affordable rent and 4 intermediate affordable dwellings which has met the existing identified housing need within the Parish.

Having regard to these specifics, it would be difficult to argue that the development of a single dwelling in this settlement would present an unsustainable development in conflict with the Development Plan and National Planning Policy Framework. This is in contrast to other rural settlements on Dartmoor which are comparatively more isolated in their location and offer less service provision.

## IMPACT ON THE BUILT ENVIRONMENT

The scheme is identical to the previous submission (0354/13) to which this Authority and the Planning Inspectorate have raised no objection in principle.

Policies COR1, COR4, DMD3 and DMD7 require new development to be high quality and locally distinctive, conserving the character and appearance of the National Park.

There is existing backland development of two properties to the south west of the site, accessed from Church Lane. Having regard to this development pattern, and the proposed erection of a bungalow in a sunken position below the highway and behind the dwelling, it would be difficult to argue that this layout and scale of development would be demonstrably harmful to the character and appearance of the area. The omission of residential gardens from the description of previously developed land does not preclude new development on such sites but requires Local Planning Authorities to carefully consider the importance of that land and the impact of development on the character and appearance of the area.

The trees within the development site are not significant specimens and have minimal public amenity value. The proposed alterations to the hedge at the front to increase visibility will not undermine the rural character of this lane.

There is a mix of housing styles within Christow and the proposed dwelling would not be incongruous in the context of surrounding developments.

#### RESIDENTIAL AMENITY

The site is tightly bordered by residential properties and careful consideration is given to the relationship with these neighbouring properties in line with the objectives of policy DMD4.

The property most directly affected is Linhay, to the south west of the site. The impact on this property will, however, be minimised due to the aspect of this property and its elevated position above the proposed development. The proposed bungalow will also be cut into the sloping site and as such the scale of the development along the boundary with this neighbouring property is significantly reduced. Given the scale and design of the proposed bungalow, its orientation and position on the site and lack of windows on this south west elevation, it is considered that the proposal will not have a detrimental impact on the residential amenities of these neighbouring occupiers so as to justify a reason for refusal.

No 18 Fairlands Avenue is situated on lower ground to the north of the site. Having regard to the dense vegetation along the party boundary, the separation distance and the scale, design and layout of the proposed development, it will not have a detrimental impact on the residential amenities of these neighbouring occupiers.

There is sufficient distance to the dwellings to the north west and south east of the site (along Butts Lane) to prevent any harm to the residential amenities of these neighbouring occupiers. Loss of a private view is not a material planning consideration.

The proposed access track would run along the party boundary with the property known as 'Montrose'. The parking arrangement for the host dwelling (Greenacres) is proposed in the rear of the garden, accessed off the new access track which would in effect become a shared drive. There is a dense hedge along this party boundary with Montrose and the garage of this neighbouring property flanks this boundary. Having regard to the relationship presented and the flank elevation of this neighbouring property, it is not considered that the proposal would cause undue harm or disturbance by virtue of the comings and goings of vehicles along the

proposed access drive. It is not considered that vehicles movements would provoke any significant harm to the other neighbouring properties, having regard to the distances involved, scale of the proposed development and boundary relationships.

## HIGHWAY SAFETY

The Highway Authority is satisfied with the improvements to visibility for the increased use of the access, having particular regard to the character of existing access points along Butts Lane.

The proposal will therefore not conflict with the objectives for highway safety set out under policy COR21.

## CONCLUSION

It has been accepted by this Authority that the scheme proposed is acceptable to the character and appearance of the area and neighbouring residential amenity. There have been no significant material changes to the site and its surrounding context.

Following changes to National Planning Practice Guidance and a Ministerial Statement, the Authority is no longer able to require developments of 5 units or less to make provision/contribution to affordable housing. The scheme for a single dwelling in Christow, one of Dartmoor's larger and well served rural settlements, is considered to present a sustainable form of development and it would be therefore be difficult to sustain an objection to this proposal.

The application is therefore recommended for approval.

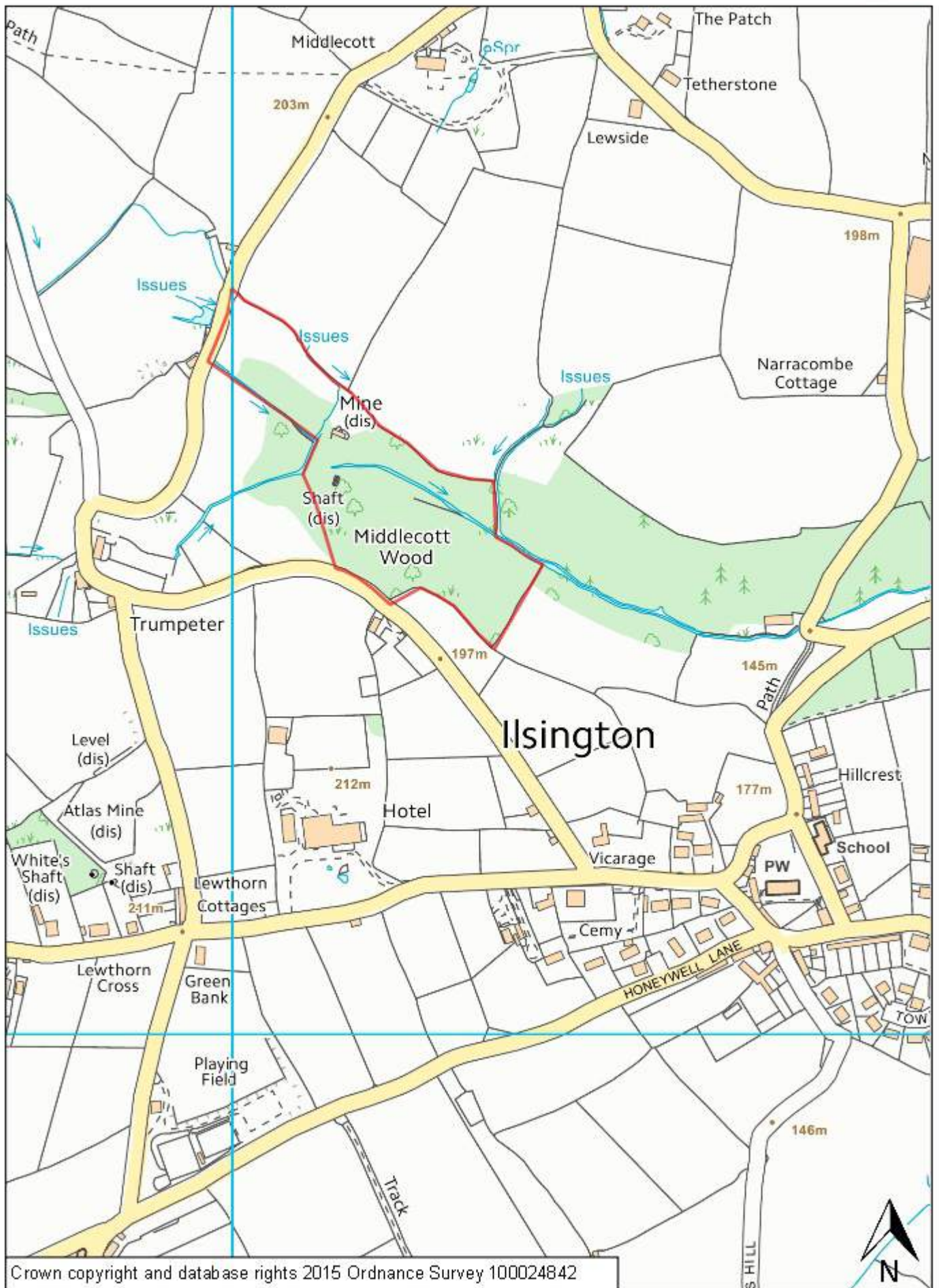
At the time of writing this report, the consultation period has not closed. Any additional comments received will be considered and presented to Members at the meeting.

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# Atlas Burning House 0276/16



Scale 1:5,000



3. Application No: **0276/16** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Ilsington**  
Grid Ref: **SX781765** Officer: **Jo Burgess**

Proposal: **Construction of an earth house for holiday accomodation as enabling development and occassional welfare use by visiting groups, to support repair and restoration of Atlas Mine burning house together with associated works**

Location: **Land at Atlas Mine, Ilsington**

Applicant: **Mr & Mrs M Roberts**

Recommendation **That permission be REFUSED**

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

1. The proposed development would result in a new dwelling with an occupany condition restricting its use to tourist accommodation in the open countryside and is considered to be unsustainable development contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15, DMD1b, DMD9, DMD23 and DMD44 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.
2. The proposed earth house development by virtue of its design, scale, position and proximity to the Burning House, together with ancillary works of site clearance and works in connection with the earth house, will cause harm to the immediate setting and the landscape setting of the listed building, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR3, COR5, DMD1b, DMD5, DMD8 and DMD10 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
3. The proposed development by virtue of its appearance, detailing and design would be detrimental to the character and appearance of this part of Dartmoor National Park, contrary to the Dartmoor National Park Authority Development Plan, in particular policies COR1, COR4, DMD3 and DMD7 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
4. The proposed development by virtue of its location within an agricultural and wooded landscape would have a detrimental impact on the character and special qualities including the tranquillity of this part of the Dartmoor landscape and would not enhance what is special or locally distinctive about the landscape character, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR3, COR11, DMD1b, DMD3, DMD5 and DMD10 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

5. The proposed development is not considered to meet the tests set out in Historic England guidance (2008) and policy DMD10 for enabling development in that it will materially harm the setting of the heritage asset, all sources of funding have not been explored, the level of development exceeds the minimum necessary to secure the future of the asset and the development is of a design and type and in a location that does not minimise the harm to other public interests, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR3, COR4, COR5, COR15, DMD1a, DMD1b, DMD3, DMD5, DMD8, DMD9, DMD10 and DMD44 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012. It is not considered that the public benefits envisaged outweigh these policy considerations.

## Introduction

Atlas Mine Burning House remains the most visible element of a nineteenth century tin mine located in open countryside between Haytor and Illsington. The building is located in woodland of conservation importance and access is gained from the lane to the site across a meadow of county value for its species richness. The whole site in the ownership of the applicants extends to 10 acres.

The Burning House is Grade II Listed and has been on the Buildings at Risk register since the late 1990s. The site lies within the South Hams SAC Greater Horseshoe Bat Consultation Zone.

A separate application for Listed Building Consent for the works to the building has been submitted and approved.

This application seeks the erection of a unit of holiday accommodation in the form of an earth house as enabling development. The building will be used occasionally for welfare use by visiting groups. The application has been advertised as a departure from the Development Plan.

The application is before Members due to the comments of the Parish Council.

## Planning History

0277/16	Repairs including repointing and repairing walls, works to roof and new joinery	
	Listed Building Consent	Not yet determined

## Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Building Conservation Officer:	The Burning House has high heritage value and a rarity value that contributes to its significance. Conservation works are urgently required to arrest the building's decay and the LBC application is fully supported. The burning house does not lend itself to any economically viable use.

The site of the proposed earth house result in it causing harm to the immediate setting of the listed building but this harm cannot be regarded as substantial. It is a well-established principle that the setting of a heritage asset is the surroundings in which it is experienced. This extends into the wider landscape, the character of which is a 'natural' landscape of woodland and meadows.

The building is in a poor state of repair with significant decay increasing year on year. There would be an incremental and corresponding loss of significance associated with this. The Authority has the option to implement statutory action for minimal works should the owner fail in their responsibility to preserve the burning house. A repairs notice leading to compulsory purchase would be the last resort measure. If the application is refused then the Authority should consider an Urgent Works notice to ensure that the building is made weathertight.

Allowing an otherwise unacceptable scheme to secure the future of a heritage asset is an established planning principle but enabling development should always be seen as a subsidy of last resort. Although many of the criteria are met, whether or not the building of the earth house can be regarded as constituting a disproportionate level of harm to offset the cost of the consolidation works is open to debate. The acceptability of this application is delicately balanced.

DNP - Trees & Landscape:

The site for the dwelling to be used as holiday accommodation and as an interpretation centre for the mine is within 'Upper Farmed and Wooded Slopes' (Landscape Character Type 3A). The site is outside the protected woodland but in an isolated and tranquil location. The introduction of a dwelling will not conserve and enhance the character of the landscape and will not respect the tranquillity and sense of remoteness of this site. Although the site is hidden from public view and the building has been designed to integrate into the local landscape, it does not reflect the local vernacular and does not conserve or enhance what is special or local distinctive about the landscape character. It is considered to be unsympathetic development that will harm the wider landscape and change the character of this tranquil valley site and harm the wider landscape.

DNP - Archaeology:

Recommend watching brief condition.

DNP - Ecology & Wildlife Conservation:

The site lies in the South Hams SAC and there is a Great Horseshoe Bat roost 150m away. It has been concluded that there will be no significant impact on the species as a result of the development. Although information has been submitted in respect of the management of the meadow, hedgerows, woodland and protected species, it is not



sufficient to demonstrate how each existing habitat will be protected, enhanced and managed in the long term. A construction and operational environmental management plan will need to be submitted prior to any works commencing and lighting must be restricted as per the submitted lighting plan and proposal.

Devon County Council:

The proposed earth house will provide sustainable management of surface water and the track will be permeable. The bridge will need Land Drainage Consent

South West Water:

No comment. There is no public drainage in the vicinity.

Teignbridge DC  
(Contaminated Land):

Contamination assessment and mitigation are acceptable.

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

Ilington PC:

Support - an asset to the parish in particular educational for children, visitors and adults to the parish

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR11 - Retaining tranquillity

COR15 - Providing for limited new housing to meet local needs

COR18 - Providing for sustainable economic growth

COR19 - Dealing with proposals for tourism development

COR2 - Settlement Strategies

COR21 - Dealing with development and transport issues in a sustainable way

COR24 - Protecting water resources from depletion and pollution

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

COR6 - Protecting Dartmoor's Archaeology

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

COR8 - Meeting the challenge of climate change

DMD10 - Enabling development

DMD13 - Archaeology

DMD14 - Biodiversity and geological conservation

DMD17 - Development on contaminated land

DMD1a - Presumption in favour of sustainable development

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

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD41 - Parking provision - Non Residential

DMD44 - Tourist accommodation

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

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

### **Representations**

4 letters of objection 6 letters of support 2 other letters

Letters of support have been received addressing the educational opportunities that restoration and access will provide, the passion of the applicant, the eco design, the benefits to local businesses and the importance of the building.

The Dartmoor Society concur that the Burning House is one of the most important industrial buildings in the National Park but comment that it is difficult to assess whether the creation of the Earth House as a holiday let is the most appropriate way to provide long term income to offset the cost of restoration and future maintenance of the Burning House. They support the concept of enabling development through the proposed Earth House but doubt it could provide the necessary funds for consolidation and restoration of the Burning House, which is urgently needed.

The Dartmoor Tinworking Research Group have previously visited the site before it was in the ownership of the applicants and believes that notwithstanding any income the earth house may generate, grant aid will be essential for the proper consolidation and restoration of the Burning House. The group is fully supportive of an holistic approach and recognises the potential opportunity for education and local community interaction.

Objectors living locally raise concerns regarding health and safety, contamination, the impact on ecology and the habitat for birds in particular as a result of the earth house and associated activity. It is also noted that the use of the Village Hall car park for visitors on open days has not been agreed.

### **Observations**

## **INTRODUCTION**

In accordance with the National Planning Policy Framework (NPPF), policies COR1, COR2, COR15, DMD1a and DMD23 in the Dartmoor National Park Development Plan all require that new residential development within the National Park is undertaken in a sustainable manner. The settlement strategy is set out in COR2 and in open countryside new dwellings are only permitted under very specific circumstances.

Holiday homes are dwellings with occupancy conditions. Policies COR18 and DMD9 allow for the conversion of historic buildings for short stay tourist accommodation outside classified settlements as defined by policy COR2. DMD44 sets out the scope of holiday occupancy conditions where tourism development is permitted.

There is no provision within the development plan for new built holiday accommodation.

## **THE BUILDING**

The burning house is a Grade II Listed Building and is on the Buildings at Risk register.

The applicant has carried out a detailed study of the burning house together with a schedule of repairs. The Atlas burning house is described as 'a very fine surviving example of a Nineteenth

century twin reverberatory calciner, where impurities were burned from the tin ore as part of the dressing process’.

It is concluded that Atlas, which is the only listed burning house in Devon is arguably the best preserved burning house in Devon and Cornwall, which makes it one of the most significant examples of its type in Britain. The mining context of the building is also well represented. It does not lend itself to conversion by virtue of its specialist nature and it is considered that any conversion would significantly harm the significance of the building. The building is also contaminated with arsenic.

It is considered that the presence of the earth house in juxtaposition with the burning house would cause harm to the immediate setting, but this should be regarded as less than substantial. The setting however extends beyond the site into the wider landscape and the activity associated with the use will clearly impact on the landscape setting. It is true to say the scale of the Earth House exceeds the scale of the Burning House and, whilst it is earth sheltered, it will nevertheless comprise a substantial new structure very close to the Listed Building.

The building has been shown to be in a poor state of repair, with significant decay increasing year on year. Given the building’s statutory status doing nothing is not an option, and while the burning house is not beyond ‘the point of no return’, works are urgently required. Should the owner fail in their responsibility to preserve it, there are several options for the Authority in terms of requiring work to be carried out. Neglect is not sufficient grounds to approve an otherwise unacceptable scheme.

## ENABLING DEVELOPMENT

The earth house is being brought forward as enabling development 'to preserve the building (the burning house) and provide funding for its maintenance in perpetuity which preserving all other matters of public interest'.

In 2008 English Heritage published ‘Enabling Development and the Conservation of Significant Places’. ‘Enabling Development’ refers to development that would usually be considered harmful but is considered acceptable because the resulting benefits outweigh the harm’. The essence of this guidance was replicated in policy DMD10. It states:-

‘Permission will only be granted for enabling development to secure the future conservation of a heritage asset where the public benefits of the proposed development decisively outweigh the disadvantages of departing from the development plan or from national policies, taking into account whether :

- It will materially harm the significance of the heritage asset or its setting
- It will avoid detrimental fragmentation of management of the heritage asset
- It will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation
- It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
- There is a source of funding that might support the heritage asset without the need for enabling development
- The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.’

## THE SIGNIFICANCE OF THE HERITAGE ASSET OR ITS SETTING

The significance of the heritage asset is clearly set out in the supporting documentation and support for the works to the Listed Building has been given by the Building Conservation Officer with Listed Building Consent granted for the works set out in a Schedule of Works submitted by the applicant. The Phase 1 works are to repair and conserve the burning house itself, to stabilize and secure it for the foreseeable future.

Phase II for which Listed Building Consent has not yet been sought includes the restoration of the other major features including the stamping mill waterwheel and pit.

In terms of the impact of the proposed dwelling on the significance of the building or its setting, the Building Conservation Officer has concluded that the distance between the proposed dwelling and the burning house and the form of the dwelling is such that it will not materially harm the significance of the heritage asset or its setting.

It should be noted however that the Trees and Landscape Officer is concerned that the landscape setting for the building will be compromised by the building because in this intrinsically peaceful part of the Dartmoor landscape, a new dwelling and the activity associated with it would affect the tranquillity that presently exists and the character and appearance of the landscape as set out in the Landscape Character Assessment.

## WILL IT AVOID DETRIMENTAL FRAGMENTATION OF MANAGEMENT OF THE HERITAGE ASSET?

The applicants only purchased the land in 2015 and live locally. They wish to enjoy the woodland and meadow with their family.

It is stated in the Historic Buildings report that previous owners have carried out repairs and as owners of a Listed Building the applicants have a duty to maintain it.

A legal agreement will be necessary 'to ensure that the achievement of the heritage objective can be securely and linked in an enforceable way to the enabling development'. The applicants have indicated their willingness to be party to such a legal agreement.

## WILL THE DEVELOPMENT SECURE THE LONG TERM FUTURE OF THE ASSET?

This would be dependent on the Section 106 Agreement (S106). The restoration works proposed are however in two phases. Phase 1 makes the structure sound, but the restoration of other features associated with the site and building are to be in Phase 2 and there is no guarantee they will ever be carried out.

## IS IT NECESSARY TO RESOLVE PROBLEMS ARISING FROM THE INHERENT NEEDS OF THE ASSET?

The site was purchased in July 2015 by the current owners for its beauty, tranquillity and interest and because it is within walking distance of their home. Prior to the purchase the owners were aware of the importance of the burning house and its poor condition together with the responsibilities that went with purchase.

They wish to share the history of the building with others particularly school children but on a carefully managed basis. It is envisaged that school visits will be facilitated on Fridays or

Mondays throughout the year when the earth house is empty. The burning house will be open to the public 3 times a year to take advantage of the bluebells in the woodland, the orchids in the meadow in late June and in September on Heritage Open Days. Other access will be available by appointment with the earth house being made available for welfare purposes.

It is argued by the applicants that to fund the maintenance and access to the site in perpetuity the provision of the earth house is necessary. Detailed financial information has been provided to support this argument.

#### IS THERE A SOURCE OF FUNDING THAT MIGHT SUPPORT THE HERITAGE ASSET?

The applicant has listed various organisations but stated that either grants are very limited or not available to private individuals.

The site lies within the Moor than Meets the Eye area. Although grant funding is not available to individuals through this project, there is scope for an application to be made for Heritage Lottery funding. It does not appear that this has been pursued.

The Earth House is aimed at the top end of the holiday letting market so the works to build and maintain it are of a high specification.

#### IS THE LEVEL OF DEVELOPMENT THE MINIMUM NECESSARY?

Para 5.26.2 in the English Heritage guidance states that the Policy (Enabling Development) establishes a presumption against enabling development unless 'it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises the harm to other public interests.'

This proposed Earth House is put forward as a means by which to generate a profit that could be used as capital to repair the Burning House and maintain it in perpetuity.

The income generated from the Earth House set against the costings show that the cost of repairs and construction will be paid back by the profit generated by the Earth House in 16 years.

Officers consider that the creation of a new dwelling for use as a holiday house is not the minimum necessary to secure the future conservation of the asset. There are funding streams that have not been explored. Whilst the applicants are offering that the building use is conditioned to holiday use concern must be expressed that once granted pressure could be applied at a future date, perhaps by a new owner, to set aside such a condition. Whilst the applicants may contend this can all be covered by a S106, no S106 can be 'set in stone' never to be amended or revoked at some future date. Similarly planning conditions can be varied over time.

#### IS THE DEVELOPMENT OF A DESIGN AND TYPE THAT MINIMISES HARM TO OTHER PUBLIC INTERESTS?

In para 6.1.3 of the guidance it is stated that 'it is particularly important to consider the objectives of all planning policies that the proposed enabling development would contravene, and the local, strategic and long term implications of those contraventions.

In para 6.3.2 it states that 'proposals for enabling development essentially involve departures

from local, regional or national planning policies, for example controlling development in the open countryside'. It is necessary to consider the effects of these departures ....particularly the need to make settlement and land use patterns more sustainable.

The public benefits are clearly the security of the long term future of the building and the occasional public access. Those staying in the Earth House will clearly be able to enjoy the site and learn from it.

## OTHER PUBLIC INTERESTS

In addition to the above it is stated in the application that the project will allow various nature conservation objectives to be met. The land in the applicants' ownership includes important habitat but the DNPA Ecologist has stated that in order to ensure that appropriate management of the woodland, meadow, protected species and bats are achieved; a further construction and operational environmental management plan will be required. Until this has been received it would not be appropriate for any works on the site to commence.

The building will be used for welfare and interpretation purposes by visiting educational groups, when the site is open to the public (for 3 days a year) and by appointment when the earth house is vacant. It is also stated that it will be a focal point and 'community chest' for the area's mining history.

This limited public access can only be controlled through a legal agreement. Whether or not such access demonstrates that the interests of the public will be served sufficiently by allowing the development, is a matter of judgement. The legal agreement cannot be construed as to provide permanence or certainty over matters of public access however.

The applicant submits that the earth house would be an example of sustainable living options. Although many aspects of the design could be considered to be sustainable such as the use of local timber, the use of indigenous meadow species on the roof, the use of an organic reed bed system and a high level of insulation; officers are of the opinion that the overtly unsustainable location outweighs the design/build aspirations.

## ACCESS

A vehicle management plan has been submitted in respect of the construction period. Parking for those staying at the earth house will be by the gate and access will be by foot. The earth house is however a significant distance from the public highway. Once granted it could not be ruled out that a 'sensitive' scheme of vehicular access could be applied for.

## LANDSCAPE

Although the earth house has been designed to merge into the landscape, as a dwelling with public access (albeit on a limited basis), together with a permanent parking space and bin storage provision just inside the gate, it will significantly change the character of this part of the Dartmoor landscape and will dilute and damage the special qualities that help create Dartmoor's special sense of place including its tranquillity.

The DNPA Trees and Landscape Officer has raised an objection on landscape grounds. The proposal is therefore considered to be contrary to policies COR1, COR3, COR11, DMD1b, DMD3 and DMD5. As the landscape setting, character and special qualities including tranquillity of the landscape is an important public interest, the proposal is also considered to

be contrary to DMD10. The fact that the site is currently hidden from view does not change the significant harm in landscape character.

## ECOLOGY

The applicant has submitted additional information including details of lighting within the building to reduce the impact on Greater Horseshoe Bats in response to the initial comments from the Ecologist. Although the applicant has sought to minimise the impact of the development, the Ecologist has stated that it is not necessary to erect a new dwelling in order to carry out the positive biodiversity management set out in the submitted documentation. Although a management plan can be required by condition, the long term management would need to be included in any S106 to ensure that future owners are aware of their responsibilities. Again, a S106 agreement cannot provide future certainty and can be set aside after a period of 5 years if circumstances materially change eg. a change in ownership.

## DESIGN

Clearly the design of the building has been carefully considered to make it as environmentally friendly and discrete as possible. Indeed contemporary 'earth houses' have been approved elsewhere in the park and an image of one is found in the Design Guide. However, in other cases such dwellings were permitted as replacement dwellings, not new dwellings. The design has been amended to simplify it slightly and replace a proposed chimney with a flue, but the circular windows and large areas of glazing do not reflect the Dartmoor vernacular and examples elsewhere are much simpler and retain a dominance of solid over void; which is not achieved in this proposal. It is not considered that the proposal meets the test of COR4 or DMD7 in particular.

## OTHER ISSUES RAISED BY ENGLISH HERITAGE ADVICE

English Heritage in the 2008 guidance state clearly that 'Enabling Development' is a public subsidy of last resort (Para 4.3.6), since it is an inefficient means of funding the conservation deficit. The conservation deficit is defined as 'the difference between the cost of maintenance, major repair or conversion to the optimum viable use of the building and the resulting value to its owner or the property market'. Enabling development has to have a value of three or four times the conservation deficit of the historic asset to break even. The application indicates it will take 16 years before the earth house is yielding a net profit. This is a very long pay back period just for Phase 1 of the restoration scheme with no guarantee over future restoration of other features.

The applicant has submitted detailed financial information regarding the upfront costs, annual running costs for the burning house and the earth house. The Authority does not have the in-house expertise to verify all the costings provided, however considers that it has sufficient information to make an informed decision.

## SECTION 106 AGREEMENT

The English Heritage guidance sets out clear advice in this respect. The applicant in their supporting statement proposes that the S106 should ensure that the burning house and earth house can only be sold together, that the opening of the site is set out, outside paraphernalia associated with the domestic use of the earth house is restricted, works are carried out to the hedgerow and meadow and that lighting is restricted.

If it is considered that the proposals for enabling development are acceptable in principle, it is essential that the benefits are properly secured and that the commercial element of the development cannot be carried out without the heritage benefits materialising. Notwithstanding all of this Members should be aware that a S106 and its terms cannot be wholly guaranteed into the future.

## CONCLUSION

The applicants argue that the conservation, protection in perpetuity of the grade II listed Atlas burning house and its site, the conservation and enhancement in perpetuity of the site's biodiversity and the provision of public access in perpetuity to the burning house, meadow and woodland controlled through a S106, justify the departure from the local plan in that a new unit of tourist accommodation is being created in the open countryside.

As a Listed Building and a Building at Risk the Burning House is an important element of the cultural heritage of the National Park. The first purpose of the National Park is to conserve and enhance not only the cultural heritage but also the natural beauty and wildlife of the National Park and this is reinforced by policy DMD1a.

The Building Conservation Officer has concluded that the acceptability of this application is delicately balanced. Paragraph 134 of the NPPF allows for less than substantial harm to be outweighed by public benefits, including securing the optimum viable use for the heritage asset. In his view this could be achieved as a result of the proposed development.

However, he acknowledges that enabling development is the last resort and that the proposed development would cause harm to the wider landscape setting. The Trees and Landscape officer has raised concerns in this respect. The Ecologist has advised that further work is required to demonstrate ongoing management of wildlife will be appropriate.

In light of this and on balance it is considered that sources of grant funding or the establishment of a building trust could provide a means by which the restoration of the burning house could be funded, without the need for a new dwelling in the countryside. It has not been demonstrated to the satisfaction of officers that all avenues have been pursued and that the development proposed is the minimum necessary to secure the future of the place.

In the English Heritage advice it is stated that it is important to consider the place in its entirety. In this case the place is a peaceful wooded valley with evidence of past industrial activity, the most prominent of which is the Burning House. It is located in a National Park designated for the quality of the landscape.

It is the conclusion of officers, having considered all the information submitted, that although there would clearly be demand for the holiday unit and occasional public access to the site is welcome, the balance of public advantage does not lie in the earth house as enabling development.

Whilst there can be no doubt regarding the applicants passion and enthusiasm for this project, any planning permission would run with the land. Once a commercial use and residential use is allowed future pressure could be exerted by a new owner without such altruistic views. Members should therefore make their decision on the merits of the scheme and all the policy considerations noted above and set aside other issues as non material.

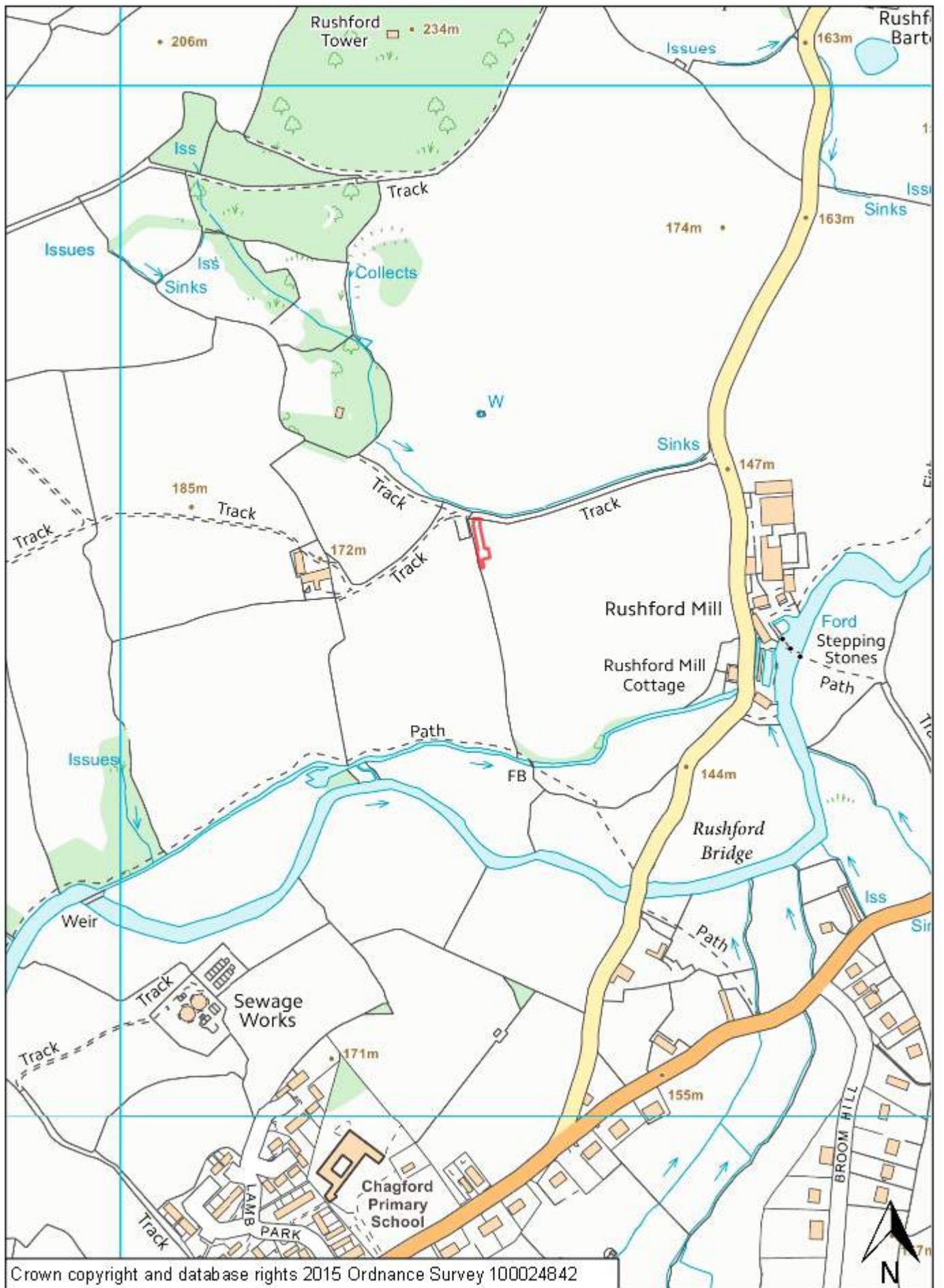
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# Rushford Mill Farm, Chagford - 0300/16



Scale 1:5,000



4. Application No: **0300/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Chagford**  
Grid Ref: **SX703885** Officer: **Oliver Dorrell**

Proposal: **Erection of two 6m x 5m sheds to be used for tool storage, associated access and parking plus passive refrigeration unit (retrospective)**

Location: **Rushford Mill Farm, Chagford**

Applicant: **Mr E Hamer**

Recommendation **That permission be GRANTED**

### **Condition(s)**

1. The agricultural buildings hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon its becoming redundant for such purposes, the building shall be removed and the land reinstated to its former condition within a period of six months, unless the Local Planning Authority shall grant planning permission for an alternative use of the building.
2. No more than two vehicles shall be parked on site at any one time.
3. No external illumination shall be installed on site, unless otherwise approved in writing by the Local Planning Authority.
4. There shall be no retail sales from the site.
5. External shutters shall be fitted to the windows in the building hereby approved, details of which shall be submitted to the Local Planning Authority within three months of the date of this permission. The approved shutters shall be installed within three months of their approval from the Local Planning Authority. The shutters shall be closed during the period between dusk and dawn when there is internal illumination within the building.

### **Introduction**

The application relates to agricultural land to the west of Rushford Mill on the outskirts of Chagford.

The field is elevated above Rushford Mill and the higher part of the field, flanking the western field boundary (with public right of way beyond), has been fenced off and is used for horticulture.

This land is rented by the applicant on a farm business tenancy agreement.

The application is presented to Committee at the request of the Head of Planning.

### **Planning History**

0191/16	Construction of agricultural barn for continued market garden enterprise		
	Full Planning Permission	Withdrawn	05 May 2016
0707/14	Erection of 14m x 4.5m timber-framed agricultural barn to enable the successful operation of established market garden enterprise		
	Full Planning Permission	Refused	10 March 2015
0636/13	Erection of timber framed agricultural barn (5m x 14m)		

**Consultations**

West Devon Borough Council: Does not wish to comment  
County EEC Directorate: No highway implications  
Environment Agency: Standing advice - flood zone 1  
DNP - Trees & Landscape: Recommend refusal. The proposal is visually intrusive and harmful to landscape character.

**Parish/Town Council Comments**

Chagford PC: Support, subject to the following conditions: (i) parking for staff/volunteers only, (ii) no retail sales (iii) buildings to be removed if business fails

**Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR13 - Providing for high standards of accessibility and design  
COR14 - Meeting the infrastructure requirements of new development  
COR3 - Protection of Dartmoor's special environmental qualities  
COR4 - Design and sustainable development principles  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD34 - Agricultural and forestry  
DMD7 - Dartmoor's built environment

**Representations**

11 letters of support  
Petition for the proposal, with 113 signatures

**Observations****INTRODUCTION**

This application is for the retention of two agricultural barns, with parking, access and passive refrigeration unit, to support the operation of the established market garden business on site.

**PROPOSAL**

Chagfood is a community supported market garden providing vegetable boxes to the local community. It operates as a Community Interest Company (CIC) under the Community Supported Agriculture (CSA) model. They operate on two sites, Rushford Farm and Easton Cross, however following the construction of the new buildings the applicants have stated an intention to move the entire operation to Rushford.

The application is for two timber frame agricultural buildings measuring 6m x 5m each with roof heights of 2.8m and 3m. The buildings are constructed on skids and have been positioned immediately adjacent to each other to give the appearance of a single building.

The building consists of four bays each measuring 3m x 5m. One of the bays is enclosed and is used as an office/secure storage. The bay adjacent to this is the packing area for the veg boxes. The two remaining bays are for tool storage.

The application also includes the retention of a car parking area with landscaped bunds on two sides, the access track and a small refrigeration unit.

## PLANNING HISTORY

Applications for planning permission for an agricultural barn on the same site were refused in 2013 and 2014 due to concern over visual and landscape impact.

The 2013 and 2014 buildings were larger than the two existing buildings combined, measuring 14m x 4.5m, with roof heights of 5m and 4.5m respectively.

## REPRESENTATIONS

The public response has been one of overwhelming support, with 10 individual letters and 113 petition responses each with individual comments.

The main theme of the responses relate to the positive community benefits of the enterprise and the quality of the construction of the building.

The Parish Council supports the application subject to the following conditions, (i) the parking is used for staff/volunteers only; (ii) no retail sales shall be carried out from the buildings and, (iii) if the business fails the ground shall be returned to pasture and sheds removed.

## POLICY CONSIDERATIONS

Policy DMD1b supports development which promotes understanding and enjoyment of the special qualities of the National Park where it would conserve and enhance the natural beauty, wildlife and cultural heritage. DMD3 seeks to sustain good quality places by promoting diversity and choice through a mix of compatible developments and uses that respond to local needs.

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

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

## LANDSCAPE CHARACTER

The site is within the landscape character type 'Moorland Edge Slopes'. The land immediately around the site is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Narrow winding lanes connect small settlements. Broadleaved woodlands

growing on hill tops and hill sides are a feature of this landscape. There is a sparse settlement pattern with small hamlets, nucleated villages and isolated farmsteads.

There are few isolated buildings in the landscape, but there are several mobile chicken houses and structures in the fields along the valley bottom. Several fields nearby have been covered in plastic to aid crop production.

#### IMPACT ON VISUAL AMENITY

The building is on an elevated part of the field with open uninterrupted views across the landscape, especially to the east.

Unlike in the previous application the development is not visible above the hedge from the footpath which runs alongside the boundary of the adjacent field to the west.

The site is visible from the minor road to the east when travelling south however the reduced height of the building mean that it is not particularly evident for the highway user. The car parking however is a feature which does stand out. A bund has been formed around the eastern edge and there has been planting on top but it is sparse and does little in its current form to conceal parked vehicles from view.

The same is true of distant views of the site from higher ground to the south. From this location the building, given its scale and form, does not appear visually intrusive in isolation. However it is the parked cars which draws the eye to the site.

#### IMPACT ON LANDSCAPE CHARACTER

This part of Dartmoor has a predominately pastoral character. The sub-division of the field and crop growing enterprise has inevitably led to a change in the character of the field however this change is easily reversible.

Buildings in this landscape are grouped, located in villages or nucleated farmsteads and the introduction of isolated buildings will have a detrimental impact on the local landscape character.

The building in this case is isolated however it is seen in association with the larger complex of stone buildings at Chagfarm to the west and Rushford Mill to the east, more so than was perhaps was considered to be the case during assessment of the previous applications, particularly from the high ground to the south. It is also the case that the existing building is narrower and lower to the ground than the previous proposals.

There does however remain a significant impact from the parked cars, which represent a stark intrusion into this pastoral landscape.

#### OTHER MATTERS

There has been open dialogue between the applicant and officers throughout the application process. This has resulted in agreement that the parking on site be limited to a maximum of two vehicles at any time to service the farming enterprise. All other vehicles, including volunteers cars, will be parked off site in locations nearby. This can be secured by condition.

The presence of parked cars is harmful to the character and appearance of the landscape.

This proposal represents a significant improvement over the existing situation where as many as six vehicles have been seen parked in the bunded area. It is not considered appropriate to strengthen the bund with more planting as the bund itself is an alien feature in the landscape.

## CONCLUSION

The market gardening business is a significant asset to the local community. It employs sustainable farming techniques to produce ecologically sound seasonal vegetables and promotes understanding of the land through education. The building that has been constructed on site are of excellent quality demonstrating traditional joinery techniques and using materials that are appropriate to the use. It is also smaller to those considered in the previous applications, particularly in respect of the height. The building and small refrigeration unit now sit unobtrusively in the landscape below the existing hedgeline.

While it is acknowledged that development on this site does not fit neatly within policy in terms of its isolated nature having regard to its scale, design and form its impact on the appearance of this part of the National Park is considered limited. The reduction in on-site parking mitigates the impact of this part of the development to an acceptable level. Where there is landscape harm identified it is not considered so significant to outweigh the considerable benefits brought about in providing and promoting sustainable food production in the local area.

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# 2 Binkham Hill, Yelverton - 0275/16



Scale 1:1,250



5. Application No: **0275/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission - Householder** Parish: **Buckland Monachorum**  
Grid Ref: **SX525681** Officer: **Alex Gandy**

Proposal: **Construction of single storey rear extension, two storey side extension and front porch**

Location: **2 Binkham Hill, Yelverton**

Applicant: **Miss L Langmaid**

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 materials to be used in the finishing of the external walls and roof of the development hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.

### **Introduction**

The application site comprises a two-storey semi-detached dwelling house on Binkham Hill, Yelverton.

The application is reported to Members due to the contrary view of the Parish Council.

### **Consultations**

Environment Agency: Flood zone 1, standing advice applies.

West Devon Borough Council: Do not wish to comment.

County EEC Directorate: No highway implications.

DNP - Ecology & Wildlife Conservation: No objection.

Conservation:

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

Buckland Monachorum PC: Object due to the loss of daylight to the neighbouring property due to the proposed two storey side extension.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR4 - Design and sustainable development principles

DMD1a - Presumption in favour of sustainable development

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

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

### **Representations**



1 letter of objection

Disputes the accuracy of the submitted drawings and states the proposed two-storey extension will materially impact on natural daylight reaching two ground floor side elevation windows.

## **Observations**

### PROPOSAL

The application proposes a two-storey extension to the east elevation of this semi-detached dwelling on the footprint of the existing attached garage and store. A replacement single storey lean-to is proposed to the rear and a porch to the front.

### DESIGN AND SCALE

The design and scale of the extensions correctly follow that of the existing dwelling and adjacent development and are considered acceptable in design terms. The increase in habitable floorspace proposed is 25% and thereby accords with the thresholds set out in Policy DMD24.

### NEIGHBOUR AMENITY

The controversial element of the scheme is the proximity of the two-storey extension to the two ground floor side elevation windows of 3 Binkham Hill and the subsequent loss of daylight and sunlight to these windows. The southernmost window serves a kitchen extension. Another window is located towards the building's front elevation and serves a day room.

It is a right and proper purpose for the planning system to protect principal habitable room windows from material loss of daylight and sunlight caused by proposed development. Habitable rooms are those rooms used for dwelling purposes, but for the purposes of assessing daylight and sunlight do not usually include rooms solely used as kitchens. Both windows face north west and would not normally be assessed for loss of sunlight.

3 Binkham Hill currently enjoys views across neighbours land due to a low boundary wall. In assessing the scheme Officers were mindful that permitted development rights exist for either homeowners to erect a 2m fence along the boundary of the property which would impact on daylight into and outlook from these windows. During various site visits it was also noted a 2m high close boarded fence with gate has been sited perpendicular to the windows of 3 Binkham Hill which impacts on their access to daylight.

After careful assessment of the scheme, Officers consider the kitchen window is not a principal habitable room window which should be assessed for loss of daylight. The kitchen window is also a secondary window, the primary source of light being from a full height glazed door which faces south west. The proposed extension will lie at an oblique angle to the day room window and, given that permitted development rights exist for the erection of a fence along the boundary, it is Officers' view this window will retain an acceptable level of daylight.

The impact on neighbour's privacy has also been carefully considered. In view of the presence of ground floor windows which face and directly overlook the kitchen window and garden, it is Officers' view the extension will not lead to any new or more intensive overlooking opportunities than occur currently and the extension will have no material impact on privacy.

The accuracy of the submitted drawings has been disputed. An Officer has completed measurements on-site and was not able to find any inaccuracies.

It is recommended that planning permission be granted, subject to appropriate conditions.

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# Little Barton Farm, Ashburton - 0324/16



Scale 1:2,500



6. Application No: **0324/16** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission - Householder** Parish: **Ashburton**  
Grid Ref: **SX778724** Officer: **Alex Gandy**

Proposal: **Erection of extension to provide ancillary accommodation and conservatory**

Location: **Little Barton, Ashburton**

Applicant: **Mr & Mrs R Small**

Recommendation **That permission be REFUSED**

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

1. The proposed extensions by reason of the percentage increase in habitable floor space, the associated increase in the scale and massing of the dwelling and the design proposed, would have an unacceptable impact on the character and appearance of the existing building and this part of Dartmoor National Park. This would be contrary to policies COR1, COR4, DMD1b, DMD7 and DMD24 the Dartmoor National Park Authority Development Plan and to the advice contained in the Dartmoor National Park Design Guide 2011, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

### **Introduction**

Little Barton is a farmstead located approximately 300m north of the village of Caton. The application site comprises a modest bungalow property with a hipped roof and large flat roof extensions to the south and west elevations.

Another residential dwelling is located on this farmstead immediately to the south of the application site. This dwelling achieved lawful use from an agricultural building in 2010 via a certificate of lawfulness (application ref. 0591/10). This building is shown as still being within the applicant's ownership.

### **Planning History**

0477/12	Replacement roof with rooflights on barn		
	Full Planning Permission	Grant Conditionally	17 October 2012
0591/10	Use as a single dwellinghouse (C3 Use Classes Order)		
	Certificate of Lawfulness for an existing use	Certificate issued	11 February 2011
5/31/095/95/18	General purpose agricultural building		
		No objection	18 May 1995
05/03/0980/31	Pair of semi-detached bungalows		
	Outline Planning Permission	Refused	05 November 1976
5/2/0858/31/3D	Extension to bungalow for living accommodation		
	Full Planning Permission	Grant Conditionally	13 June 1975

### **Consultations**

Environment Agency: Flood zone 1 standing advice applies

Teignbridge District Council: Do not wish to comment.  
County EEC Directorate: No highway implications.  
DNP - Ecology & Wildlife Conservation: No objection. Works to proceed as set out in the recommendations of the submitted ecological survey report dated 1 June 2016.

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

Ashburton TC: Support. The Town Council feel the proposed extension will not have any visual impact on the wider area and the design will be an improvement on the existing large flat roofs. They feel exceeding the thresholds set out in Policy DMD24 is justified by the small size of the existing accommodation.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR4 - Design and sustainable development principles  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD24 - Extensions and alterations to dwellings  
DMD7 - Dartmoor's built environment

### **Representations**

None to date.

### **Observations**

#### **PROPOSAL**

The application proposes a two-storey extension to the west elevation of this modest bungalow. The addition of a conservatory to the front elevation is also proposed. The applicant's planning statement indicates the extensions and re-modelling of the house is intended to provide additional accommodation for the applicant's family.

The current property comprises a 3 bedroom unit all on one floor with a floor area of approximately 192sqm. The extended building will have a floor area of approximately 280sqm, built over two floors and providing a total of five bedrooms, one bathroom, 2 en-suites, 3 reception rooms, 2 sitting rooms and a kitchen.

#### **DESIGN**

The two-storey extension proposed will extend significantly above the ridge line of the existing bungalow with a complex roof form which will dominate and form an incongruous addition to the existing bungalow. The upper storey of the extension will be timber clad and officers are concerned this will contrast with the render clad bungalow and serve to further emphasise the extension's overbearing scale. A balcony to the southern elevation and external stair to the west elevation are further uncharacteristic features proposed. Whilst officers appreciate the building is of no architectural or historic significance and is sited beside large agricultural

buildings it is felt the proposed additions are unsympathetic and not in accordance with the guidance on residential extensions set out in the Dartmoor Design Guide.

The design of the proposed conservatory to the east elevation is considered acceptable in principle.

## POLICY

Policy DMD24 sets out a 30% threshold for the increase in habitable floorspace in residential extensions. The proposed extensions would amount to approximately a 46% increase in habitable floorspace. By virtue of the extension's scale, massing and design it is not felt the extension is of a form or quality which justifies special consideration or a departure from policy in this case.

## CONCLUSION

For the reasons set out above it is recommended that planning permission be refused.

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# Withenfield, Dousland - 0303/16



Scale 1:2,500



7. Application No: **0303/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission -  
Householder** Parish: **Burrator**  
Grid Ref: **SX539680** Officer: **Alex Gandy**  
Proposal: **Construction of rear extensions, loft conversion and front porch**  
Location: **Withenfield, Burrator Road,  
Dousland**  
Applicant: **Mr & Mrs Crewe**  
Recommendation **That permission be REFUSED**

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

1. The proposed extensions by reason of the design proposed and the associated increase in the scale and massing of the dwelling would have an unacceptable impact on the character and appearance of the existing building and this part of Dartmoor National Park. This would be contrary to policies COR1, COR4, DMD1b, DMD7 and DMD24 the Dartmoor National Park Authority Development Plan and to the advice contained in the Dartmoor National Park Design Guide 2011, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

### **Introduction**

Withenfield is a detached dwelling located in Dousland. The house is well proportioned with slate roof, gable projection and northern dual pitch extension with ridge stepped down from that of the main house.

The application is reported to committee due to the contrary view of the Parish Council.

### **Consultations**

Environment Agency: Flood zone 1, standing advice applies.  
West Devon Borough Council: Do not wish to comment.  
County EEC Directorate: No highway implications.  
DNP - Ecology & Wildlife Conservation: No objection, works to proceed in accordance with the recommendations of the the protected species report dated 8 June 2016.

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

Burrator PC: Support. The proposal will have minimal impact and allow this family to stay in the area.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR4 - Design and sustainable development principles  
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology  
DMD1a - Presumption in favour of sustainable development



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

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

## **Representations**

None to date.

## **Observations**

### PROPOSAL

The application proposes to extend the property to provide an additional study, en-suite bedroom and dining room.

The existing side extension will be extended rearwards with a portion of flat roof and the pitch and height of the existing roof form retained to the front and rear. Two rooflights and a dormer window are to be installed in the front and rear roof slopes respectively.

A single storey flat roof extension to the rear is proposed across half the width of the house. Above this, a first floor terrace will extend across the full width of the house and be supported by a rendered pillar to the south. A covered patio area will be created below at ground floor level. The terrace will be accessed by two pairs of full height doors in place of the existing first floor window openings. A narrow lean-to covering is also proposed along the south elevation of the building.

### DESIGN

Officers' primary concern is that the proposed flat roof side extension will be viewable from the highway and will form an incongruous addition to the dwelling. The extension's deep rearwards projection will be of a scale and design which is dominant and will have a harmful impact on the character of the existing dwelling and surrounding development.

Although mindful that alterations to the rear elevation are not publically viewable and will have less of a harmful impact, officers are concerned the proposed alterations to the rear elevation lack coherence. The proposed dormer window in the side extension's rear facing roof slope is not consistent with guidance set out in the Dartmoor Design Guide which recommends dormer windows be no wider than the width of a single casement window. The proposed first floor terrace at 3.7m deep and 8m wide seems excessively large and, with glazed balustrade, obscure glazed privacy screen to the south, supporting column and two full height openings of varying width at first floor level, its design is considered unsympathetic and incongruous.

### AMENITY

The gardens of adjacent property are generally well screened and current overlooking opportunities from the existing first floor bedroom windows are limited to glimpses into the rear gardens of adjacent properties. The proposed first floor terrace will intensify existing overlooking opportunities.

### POLICY

Policy DMD24 sets out a 30% threshold for the increase in habitable floorspace in residential extensions. The existing dwelling comprises 129sqm habitable floorspace, following extension this would be increased to 175sqm. The proposed extensions would amount to approximately a 35% increase in habitable floorspace which marginally exceeds the policy threshold, but is not considered to amount to a reason for refusal in its own right.

## CONCLUSION

By reason of the design proposed and the associated increase in the scale and massing of the dwelling it is considered the proposal would have an unacceptable impact on the character and appearance of the existing building and this part of Dartmoor National Park. It is therefore recommended planning permission be refused.

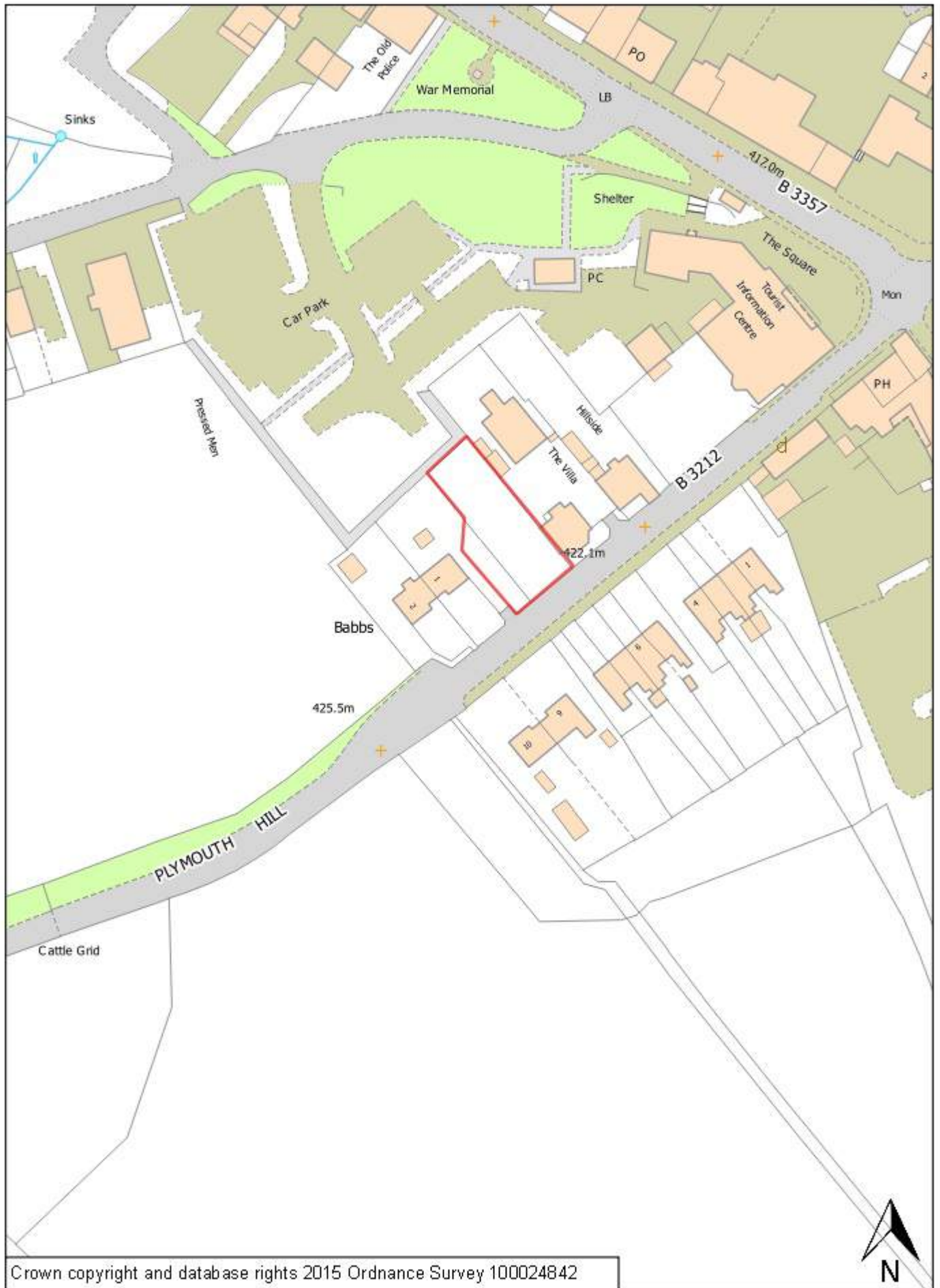
The comments of the Parish Council are noted, but the planning permission that would be granted, should Members be minded to approve, would run with the land. The dwelling could thereafter be sold on the open market and would not benefit a local family in the way the Parish Council suggest. This is therefore not a material planning consideration.

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# Land adj to the Villa, Princetown - 0295/16



Scale 1:1,250



8. Application No: **0295/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Dartmoor Forest**  
Grid Ref: **SX589734** Officer: **Alex Gandy**

Proposal: **Erection of open market dwelling**

Location: **land adjacent to The Villa,  
Plymouth Hill, Princetown**

Applicant: **Mr R Finch**

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
3. Prior to the commencement of any works, demolition or development on the land, all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.
4. 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 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, unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the commencement of the development hereby approved, samples of all proposed external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved external facing and roofing materials shall be used in the development.

6. Unless otherwise agreed in writing by the Local Planning Authority, all external doors and windows in the development hereby permitted, shall be of timber construction and shall at all times thereafter be retained as timber framed windows and doors.
7. Unless otherwise agreed in writing by the Local Planning Authority, all fascia and verge boards in the development hereby permitted, shall be of timber construction with a painted finished and shall at all times thereafter be retained as such.
8. Unless otherwise agreed in writing with the Local Planning Authority, all gutters and downpipes on the development hereby approved shall be of cast iron construction and round or half-round in section.
9. Prior to the installation of any windows and doors in the development hereby approved, full joinery details shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, the windows and doors shall be constructed in accordance with the approved joinery details.
10. Prior to the construction of the boundary wall fronting the highway a sample panel of the boundary wall shall be prepared for inspection by the Local Planning Authority. No further work on this part of the development shall be carried out until the sample panel has been inspected and approved by the Local Planning Authority.
11. The roof of the development hereby approved shall be covered in natural slate fixed by nailing. Sample(s) of the proposed natural slate shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.
12. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, parking spaces and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.

## **Introduction**

The application site comprises a parcel of vacant land adjacent to The Villa and Babbs Cottages on Plymouth Hill, Princetown. The land is located within the Princetown Conservation Area. The Villa is of 19th Century origin and the more significant of both neighbours, it comprises a robust villa type house with string course albeit also with some unsympathetic modern additions. Babbs Cottages and The Villa are both identified in the Conservation Area Appraisal as 'historic buildings with modern alterations'. Neither of these buildings are listed, but can be considered undesignated heritage assets.

## **Planning History**

0095/16	Open market dwelling Full Planning Permission	Withdrawn	13 April 2016
0385/10	Erection of a pair of semi-detached houses (one affordable, one open market), creation of access and two garages Full Planning Permission Appeal lodged: 26 May 11	Refused Result: Dismissed	29 November 2010
0303/06	Four bedroomed detached house plus separate garage		

	Outline Planning Permission	Refused	30 June 2006
0302/06	Demolition of 3m of boundary wall and rebuild incorporating a splay to allow vehicular access		
	Conservation Area Consent	Grant Conditionally	12 June 2006
03/55/1120/88	Proposed erection of detached house and garage		
	Outline Planning Permission	Withdrawn	08 April 1988

## Consultations

West Devon Borough Council: Do not wish to comment.

County EEC Directorate: No objection. The proposed access to serve the site optimises the sight lines achievable and these are adequate having regard to the prevailing speed of vehicles on Plymouth Hill. There are no objections to the proposed development from a highway safety point of view, although the applicant may want to consider the provision of a car turning facility in the garden near to the garage, so that vehicles don't have to reverse the length of the access road.

Environment Agency: Flood Zone 1, standing advice applies.

DNP - Building Conservation Officer: The design is broadly in keeping with the late nineteenth/early twentieth century villa-style residences built in Princetown's main period of development, which are found across the Conservation Area. Although the site is prominent, the proposed materials should ensure this new dwelling blends in with its surroundings. The development preserves the character and appearance of the Conservation Area.

Support approval, subject to conditions requiring submission and approval of the following details:

Roofing materials  
 Colour of render  
 Window and external door details  
 Fascia and verge boards to be painted timber  
 Metal rainwater goods  
 Sample panel for boundary wall

DNP - Archaeology: No objection, subject to condition requiring archaeological watching brief.

DNP - Trees & Landscape: No objection, subject to condition requiring submission and approval of tree protection scheme.

## Parish/Town Council Comments

Dartmoor Forest PC: Support. Concerns raised due to proximity to Babbs Cottages.

## Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs

COR2 - Settlement Strategies

COR21 - Dealing with development and transport issues in a sustainable way

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

COR6 - Protecting Dartmoor's Archaeology

DMD12 - Conservation Areas

DMD13 - Archaeology

DMD1a - Presumption in favour of sustainable development

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

DMD21 - Residential development in Local Centres

DMD8 - Changes to Historic Buildings

### **Representations**

9 letters of objection 6 letters of support

Objections are principally focused on the acceptability of a modern infill development in this location in the Princetown Conservation Area and the impact the development will have on highway safety. Neighbours have also objected on the grounds the development will impact on daylight and sunlight, require removal of a protected tree and that a Stage 1 Site Investigation has not been conducted on the basis the land may suffer from contamination. A neighbour has disputed the applicant's claim they own the entire site and have completed the correct certificate.

### **Observations**

#### THE PROPOSAL

The application proposes to erect a dwelling on this vacant land slightly set back from the line of the Villa to the north east and forward of Babbs Cottages to the south west.

#### PRINCIPLE OF DEVELOPMENT

Policies COR15 and DMD21 set out in principle support for residential development on small infill plots within designated Local Centres. The vacant site forms a 'missing tooth' in the strip development which has developed along Plymouth Hill. The footprint of the proposed dwelling and its siting on the plot is consistent with and complements Princetown's surrounding urban grain. The site line lies within the development boundary of Princetown as shown in the adopted Local Plan.

By virtue of the changes to national policy brought about by the Ministerial Statement dated 28 November 2015 the Authority is not currently in a position to seek affordable housing contributions on schemes delivering 5 units or less in designated Local Centres. Therefore the affordable housing obligations set out in Policies COR15 and DMD21 are deemed not to apply and an open market unit in this location is considered acceptable in principle.

#### CONSERVATION AREA

In conservation terms, the main issue is the impact of the proposed development on the setting of the two adjacent historic buildings and the wider Conservation Area. The design correctly references the older late nineteenth / early twentieth century of the Villa adjacent and

other villa style residences built during Pricetown's main period of development. The dwelling's scale and proportions are similar to other villa style dwellings in the Conservation Area. A moulded string course and traditional timber windows will improve the design of the gable end seen upon entering Princetown from the west. The design approach is supported, subject to submission and approval of details and samples.

## NEIGHBOURING AMENITY

The proposed dwelling is set forward from the principal habitable room windows of Babbs Cottages and has the potential to impact on this property's access to daylight and sunlight. A small part of the proposed dwelling is located within a 45 degree horizontal arc taken from the centre of the nearest habitable room window of Babbs Cottages, but is set some 11m away. The proposed development does not materially encroach on a corresponding 25 degree vertical angle taken from the centre of the window. Following careful assessment it is not considered the development will have a material impact on daylight or sunlight reaching the front elevation principal habitable room windows of Babbs Cottages. A further first floor window is located on Babbs Cottage's side elevation, using the same assessment it is considered the proposed development will have no material impact.

## HIGHWAYS

The application includes the creation of a highway access onto Plymouth Hill. The Highway Authority have confirmed the access makes best use of the available sight lines and have no objections to the proposal on highway safety grounds. In coming to this recommendation they have confirmed the visibility from the driveway is compliant with statutory guidance contained within the Manual for Streets. Also that many neighbouring dwellings have lower standards of available visibility than that proposed and some cannot enter and exit in forward gear. The applicant has responded to comments received and increased the rear driveway to allow a vehicle to turn on-site.

## OWNERSHIP

Following an ownership dispute from a local resident, the applicant submitted a valid Title Deed and Title Plan and demonstrated beyond reasonable doubt they are the owner of the land to which this application relates.

## TREES

The development will require removal of a mature Cypress tree referred to as specimen number 5 in the Conservation Area Character Appraisal. The Authority's Trees and Landscape Officer confirms removal of this tree will have minimal impact on the character of the Conservation Area. Protection of the remaining trees on the site should be confirmed by submission and approval of a Tree Protection Plan and this is recommended condition of any forthcoming approval.

## CONTAMINATION

Contamination concerns were raised during the course of the application. The Borough Council's Environmental Health Officer has confirmed there are no obvious on-site concerns regarding contamination. The applicant has completed a corresponding questionnaire which confirms there is no reason to believe further site investigation is necessary.



## CONCLUSION

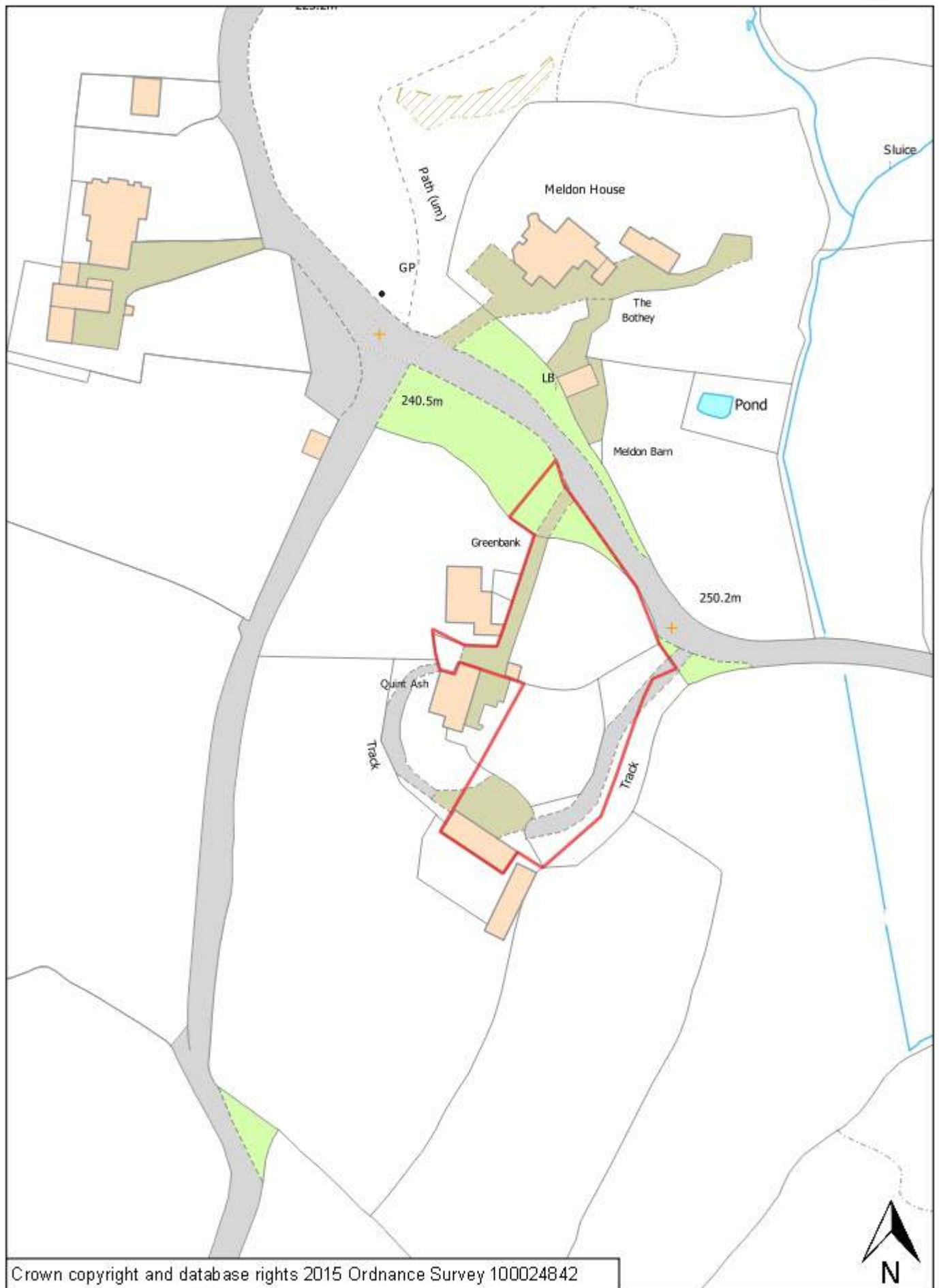
Overall it is considered the proposed dwelling will deliver substantial public benefit through delivery of a high quality scheme which will enhance this part of the Conservation Area. It is therefore recommended planning permission be granted, subject to appropriate conditions.

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# Greenbank, Chagford - 0344/16



Scale 1:1,250



9. Application No: **0344/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Chagford**  
Grid Ref: **SX700864** Officer: **Alex Gandy**  
  
Proposal: **Change of use for part of agricultural building to office and workshop**  
Location: **Greenbank, Chagford**  
Applicant: **Mr P Goudge**

Recommendation **That permission be REFUSED**

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

1. The proposal would result in the development of a new business unit in the countryside which would not form part of a farm diversification exercise, where it would have an adverse impact on both the character and appearance of the building and on this part of the National Park and where there is no overriding justification. The proposed change of use and significant alteration of a modern agricultural building in the countryside is contrary to the Dartmoor National Park Development Plan and in particular, the Dartmoor National Park Authority Core Strategy Development Plan Document policies COR1, COR2, COR3, COR4 and COR18 and policies DMD1a, DMD1b, DMD3, DMD5, DMD7, DMD9 and DMD35 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document, the Dartmoor Design Guide and to the Government advice contained in the National Planning Policy Framework 2012 and the English National Parks and the Broads UK Government Vision and Circular 2010.

### **Introduction**

The application site comprises an existing agricultural barn in a two-storey linhay design with dimensions of approximately 17.5 m x 6 m x 5.5 m high. The barn is located immediately south of the residential properties of Greenbank and Quint Aish (both of which are in the applicant's ownership) and approximately 1 km south of Chagford.

### **Planning History**

0228/14	Change of use of farm track and farmyard to mixed use together with alterations to and change of use of agricultural building to use as training room/office	Full Planning Permission	Refused	19 June 2014
	Appeal lodged: 21 August 14		Result: Dismissed	
0730/06	Create farm track with gravel finish and widen existing gateway	Full Planning Permission	Grant Conditionally	23 November 2006
0729/06	Traditional timber-frame linhay (108sqm) with farmyard	Full Planning Permission	Grant Conditionally	23 November 2006

### **Consultations**

Environment Agency: Flood zone 1, standing advice applies.  
West Devon Borough Council: Do not wish to comment.

County EEC Directorate: No highway implications.

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

Chagford PC: Support provided the remnants of the living accommodation is totally removed, if the wool workshop stops the barn reverts to an agricultural barn, if the owners wish to sell the property the barn reverts to an agricultural barn and that there are no retail sales from the premises.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR18 - Providing for sustainable economic growth  
COR2 - Settlement Strategies  
COR4 - Design and sustainable development principles  
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD34 - Agricultural and forestry  
DMD35 - Farm diversification  
DMD4 - Protecting local amenity  
DMD7 - Dartmoor's built environment

### **Representations**

None to date.

### **Observations**

#### **PLANNING HISTORY**

The barn was granted planning consent in 2006 (application reference 0729/06) for agricultural purposes, namely for the management of sheep and steers and storage of associated agricultural machinery. Subsequent alterations to and changes of use to the barn have been the subject of enforcement action and a subsequent appeal.

An Enforcement Notice was issued in January 2014 as development of the barn was found to have created wholly unauthorised and unjustified units of residential accommodation, business use and domestic storage in the open countryside of the National Park.

Planning permission was subsequently sought for change of use of the building for use as a conference/lecture facility (application reference 0228/14). Permission was refused at committee on the grounds the proposal would result in the development of a new business unit in the countryside which would not be supporting a farm enterprise and would have an adverse impact on both the character and appearance of the building and the National Park where there is no overriding justification supported by policy.

The applicant appealed against the enforcement notice and refusal of planning permission. The appeal was dismissed in January 2015 and the enforcement notice upheld. This decision

forms a material planning consideration in the determination of this application.

## ENFORCEMENT

The original Enforcement Notice became effective on 24 February 2014 and set a 12 month compliance period expiring on 24 February 2015. To allow further time for the occupants to find alternative accommodation the Authority allowed an extension to the compliance date which expired on 30 June 2016.

At the time of my site visit on 16 July 2016 the applicant had part complied with the enforcement notice. Although residential use appeared to have ceased other matters detailed in the Enforcement Notice had not been complied with, such as ceasing use of the building and land for domestic storage and removal of internal domestic goods, glazed windows and doors, external flue, external staircase and first floor veranda.

## PROPOSAL

The proposal is again for use of part of the existing building (approximately 110sqm) for a mixed business use.

The applicant has submitted a business plan setting out that the proposed use will be an extension to their existing bed and breakfast business and will involve the running of craft courses teaching the shearing, washing, treatment and weaving of wool sourced from this smallholding and other local farms. The proposed use will involve the creation of a wool treatment room at ground level and office and work room above. The applicant has shown approximately 15 on-site car parking spaces are available for visiting guests.

Retrospective consent is sought for the external alterations required to be removed by the Enforcement Notice. These are necessary to accommodate the proposed business use, including retention of the glazed windows and doors and retention of wood burner flue to the rear facing roof slope. Further works are also proposed, including retention of the timber boarding and vertical folding doors used to block up part of the open fronted linhay, installation of two window units to the rear elevation, two rooflights to the rear facing roof slope and a minor extension to the existing external utility room.

## POLICY

The planning policies in the National Park are necessarily strict and the National Planning Policy Framework 2012 reiterates the Government's commitment to the protection of National Parks from inappropriate development.

Policy COR2 strictly controls development outside established settlements. COR2 notes that development in the countryside will be acceptable in principle if it is necessary to meet the proven needs of farming, including farm diversification, forestry, and other enterprises with an essential requirement to locate in the open countryside; is for the provision of utility or service infrastructure; 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 qualities of those buildings or structures; is small scale development for the growth of existing businesses; is householder and domestic related development; or is development needed to promote National Park purposes.

The Core Strategy states that proposals for light industry, office and crafts development (Use Class B1) can generally be accommodated within the built up areas of the National Park. Policy COR18 states amongst other things that local employment and business opportunities will be sustained by the provision of new employment sites within and adjoining the Local Centres. Outside the classified settlements, local employment and business opportunities will be sustained by supporting the growth of existing enterprises, assisting the agricultural and forestry sectors and other rural enterprises with strong links to the cultural heritage of Dartmoor or appropriate sustainable tourism and small scale recreation enterprises that are based on the intrinsic qualities of the Dartmoor National Park.

Policy DMD9 states the conversion or re-use of buildings outside classified settlements will only be permitted where the proposal relates to a historic building that demonstrates a form, structure or history that is traditional within the context of Dartmoor's built heritage.

## PROPOSED USE

In 2006 the building was considered to be justified if it was used solely for agricultural purposes. In dismissing the recent appeal against the decision of the Authority to refuse permission for a business use the Inspector stated:

'There is no information about how the proposed training room/office could be viewed as part of farm diversification... it is not clear why it is essential to run courses from this barn in the open countryside and not, for example, in a different venue in Chagford itself or one of the other defined settlements.'

The Authority continues to consider the proposed business use does not form part of a farm diversification exercise. The site forms part of a smallholding of just 10 acres with current stock of 40 sheep. The intention of the Authority's farm diversification policy (DMD35) is to allow diversification to support and supplement the viability of existing farming enterprises. No information relating to the viability of the existing enterprise has been submitted and, if approved, Officers consider the proposed business use would likely be the dominant and primary enterprise on the site. It is not therefore considered the proposed business use can be considered as farm diversification.

Officers appreciate there is a benefit and convenience in locating the proposed business uses close to the applicant's existing smallholding and bed and breakfast business. However, this convenience is not considered to override the overwhelming policy objection to the principle of a new business unit in the open countryside which is not necessary to support an existing farm enterprise.

As the proposal is also not necessary to sustain an important historic building at risk and in view of the recent decision by the Planning Inspectorate the use of the building for business purposes is contrary to the Development Plan policies and is considered to be unjustified and unacceptable.

## PERMITTED DEVELOPMENT RIGHTS

Agricultural buildings benefit from a number of permitted development rights allowing the change of use to a variety of business uses, including office (Class B1). However, these rights are not permitted in this case because this building has not been in sole agricultural use since 3 July 2012 and the proposed business use is mixed.

## DESIGN

The acceptability of the proposed external alterations has been determined by the Planning Inspectorate. The Inspector considered the boarding up of the open fronted linnhay and installation of vertical folding doors to be acceptable in principle given the reasonable need for secure storage and multiple farm related uses on a smallholding. Similarly the pump room was deemed to have minimal impact. However, the Inspector attached significant weight to the harm caused by the proposed flue and residential style windows and doors which were considered incongruous with the building's agricultural character. The Authority still consider these domestic features, for which retrospective permission is sought, have a detrimental impact on the character and appearance of the agricultural building and this part of the National Park and are unacceptable in principle. The proposed addition of further windows and rooflights will serve to compound this harm.

The change of use of modern/non-historic buildings in the countryside, particularly where there is a need for significant alteration of the existing structure, is contrary to a number of the Development Plan policies, in particular COR18 and DMD9.

## CONCLUSION

Central Government guidance is clear in its support of restraint on unjustified development in the countryside, particularly in protected landscapes. For the reasons stated above it is considered the proposed development would form unjustified and unacceptable development in the open countryside, contrary to the adopted Development Plan.

The comments of the Parish Council are noted, however, should planning permission be granted the approved use would run with the land and it is not possible to condition return of the barn to agricultural use upon sale or in the event the proposed wool workshop enterprise ceases to operate.

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**STEPHEN BELLI**

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

02 September 2016

**APPEALS**

Report of the Head of Planning

Recommendation : **That the report be noted.**

The following appeal decision(s) have been received since the last meeting.

1 Application No:	Y/16/3144913	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Listed Building Consent	Parish:	Ilington
Proposal:	Alteration of south gable wall to include window		
Location:	<b>Swete Sigford, Bickington</b>		
Appellant:	<b>Mr G Clarke</b>		
Decision:	<b>DISMISSED</b>		
	<b>APPLICATION FOR AWARD OF COSTS REFUSED</b>		

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The following appeal(s) have been lodged with the Secretary of State since the last meeting.

1 Application No:	D/16/3153283	District/Borough:	West Devon Borough
Appeal Type:	Refusal of Full Planning Permission - Householder	Parish:	Burrator
Proposal:	Erect single storey extension to the side and rear of existing dwelling		
Location:	<b>1 New Cottages, Meavy</b>		
Appellant:	<b>Mr S Jackson</b>		

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2 Application No:	W/16/3154083	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Full Planning Permission	Parish:	Widcombe-in-the-Moor
Proposal:	Siting of a mobile home for temporary agricultural dwelling		
Location:	<b>Blackdown Piper, Widcombe-in-the-Moor</b>		
Appellant:	<b>Cator Blackaton Farming Ltd</b>		

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**STEPHEN BELLI**



DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

02 September 2016

**ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS**

Report of the Head of Planning

**Members are requested to contact the Office before 5pm on Thursday if they wish to raise questions concerning any of the above.**

**(For further information please contact James Aven)**

Recommendation: **That the following decisions be noted.**

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1 Enforcement Code: <b>ENF/0084/16</b>	District/Borough: <b>West Devon Borough</b>
Grid Ref : <b>SX731885</b>	Parish : <b>Chagford</b>
Breach : <b>Unauthorised outbuilding</b>	
Location : <b>Park, Parford, TQ13 8PT</b>	
Action taken / Notice served	<b>No further action taken</b>

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2 Enforcement Code: <b>ENF/0195/15</b>	District/Borough: <b>Teignbridge District</b>
Grid Ref : <b>SX758699</b>	Parish : <b>Ashburton</b>
Breach : <b>Building not in accordance with approved plans</b>	
Location : <b>Red Lion, 56 East Street, Ashburton</b>	
Action taken / Notice served	<b>No further action taken</b>

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**STEPHEN BELLI**