

Dartmoor National Park Authority

Development Management Committee

Public Minutes of Friday 7 March 2025

Present: Will Dracup, Gay Hill, Mike Jeffrey, Sally Morgan, Caroline Mott, Mark Owen, Guy Pannell, Mark Renders, Lois Samuel, Philip Sanders (Chair), Mary Seddon, Dan Thomas, Mark Williams, Pamela Woods

Apologies: Peter Harper, James McInnes, John Nutley, Peter Smerdon

Non-Attendance: Jerry Brook

Officers in attendance: Dean Kinsella (Director of Spatial Planning), Nicola Hand (Planning Officer), Cath Burnett (Minute Taker)

The Chair welcomed Catherine Shewan (Independent Person) and Hazel Union, Principal Lawyer (Litigation & Planning).

The Chair reminded Members on the use of microphones to ensure a clear recording for any members of the public listening to the broadcast and for those sitting in the public gallery.

1610 Declarations of Interest and Contact

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

Ms Woods declared a personal interest in Application No. 0484/24 – Foxview, Christow, having received written communication. She also stated that she knew the site, having had the occasion to visit the site, whilst she had been a member of Christow Parish Council in the past.

Mr Jeffrey and Mrs Morgan declared a personal interest in Application No. 0484/24 – Foxview, Christow, having received email communication.

Mr Pannell declared a personal interest in Application No. 0210/24 – Challamoore Field, Buckland-in-the-Moor, his daughter being employed by EE. He advised that he would leave the meeting room for this item.

Mr Dracup declared a personal interest in Application No. 0210/24 – Challamoore Field, Buckland-in-the-Moor and advised that both sides had lobbied him. He also stated that his property was covered within the mapping details in respect of the application and that he would leave the meeting room for this item.

Mr Sanders advised nothing further to declare, since the previous meeting on 7 February 2025.

1611 Minutes of the meeting held on Friday 7 February 2025

The public minutes of the meeting held on 7 February 2025, having been printed and circulated, were taken as read, confirmed and signed by the Chair as a correct record.

1612 Items Requiring Urgent Attention

None.

1613 Applications to be Determined by the Committee

Considered: The Report of the Director of Spatial Planning (NPA/DM/25/005).

Item 2 was brought forward; Mr Dracup and Mr Pannell left the meeting.

Item 2 – 0210/24 – Installation of 20m lattice telecommunications tower supporting 9 no. antennas, 2 no. 600mm dishes, together with 1 no. foul weather enclosure, 1 no. generator and 1 no. meter cabinet plus a 1.2m satellite dish and compound fencing for EAS and Shared Rural Network projects - Challamoor Field, Buckland-in-the-Moor, Newton Abbot, TQ13 7TG

The Director of Spatial Planning advised that this item is brought forward as the location plan shown on the agenda papers was incorrect. During the course of the application a revised red line had been received which included the access into site. The Director of Spatial Planning confirmed that it appeared that necessary public consultation had not taken place and recommended that the decision be deferred to allow for further consultation.

Resolved: That the application be DEFERRED to allow for further consultation.

The Director of Spatial Planning apologised to all who had attended for this item.

Mr Dracup and Mr Pannell returned to the meeting.

Item 1 – 0490/23 – Erection of 24 dwellings (including 11 affordable homes), formation of two access points from Betton Way and Ford Street, provision of a pedestrian crossing at Ford Street and associated infrastructure - Land at Forder Farm, Betton Way, Moretonhampstead

Speakers: Cllr Richard Short (Moretonhampstead Parish Council) and Robin Upton (Agent for the Applicant)

The Director of Spatial Planning advised of updates to officer report as follows:

Public Open Space

The officer report concluded that there is no requirement for any off-site play space contribution and set out that the King George Skate Park and surrounding area provide 0.085 (this was published in the Bakers Estate application at Station Road, not the DNPA Open Space report as set out in the report). Moretonhampstead Parish Council had raised concerns following the publication of the report that due

to the necessary closure of the Skate Park, that this should not be considered as providing Play Space. On balance officers agreed that due to the loss of the facility there now appears a need, in order to comply with Strategic policy 4.2, for an off-site provision through a financial contribution to be considered.

Officers have contacted Teignbridge District Council to provide a revised financial figure for any off-site contributions but at the time of presenting the application this had not been provided. The agent had accepted in *principle to the contribution of a Public Open Space contribution*. However, they stressed that the viability of this site was challenging, and any significant sum could result in a viability assessment being required.

The Director of Spatial Planning recommended that if Members are minded to approve the application, that the final contribution is agreed with the Director of Spatial Planning and the Chair of the Development Management Committee.

The Director of Spatial Planning also provided an update regarding some of the conditions in the officer report:

Condition 6 – Should read:

Once constructed and provided in accordance with conditions 4 and 5 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Condition 7 – Should read:

No development shall commence until a Method of Construction Statement (MCS), to include details of:

(i) parking for vehicles of site personnel, operatives and visitors (ii) loading and unloading of plant and materials (iii) storage of plant and materials (iv) programme of works (including measures for traffic management) (v) provision of boundary hoarding behind any visibility zones (vi) timing of works on site,

has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be undertaken in accordance with the approved MCS.

Condition 16

Prior to completion the development of plots 1 & 2 to slab level, details of a mural or similar to be included on the front elevation facing Betton Way shall be submitted to and approved in writing by the Local Planning Authority. Details shall include any graphics, materials, colours and finishes and once approved these details shall be implemented and thereafter retained.

Reason: To protect and enhance the character and appearance of this part of the National Park in accordance with policies 1.1, 1.2, 1.5 and 1.7 of the Dartmoor Local Plan.

In Condition 17 the word 'Start', should be replaced with 'Commence'.

An Additional Condition was also proposed as follows:

Prior to the occupation of any dwelling on the site, the pedestrian footpath leading to the boundary of the site with Forder Meadow shall be provided and surfaced with materials which have previously been agreed in writing by the Local Planning Authority. The footpath shall thereafter be retained and available in perpetuity.

Reason: to ensure the development provides safe pedestrian access throughout the development and to comply with policy 1.2, 1.5 and 1.7 of the Dartmoor Local Plan.

In accordance with the updates, the Director of Spatial Planning suggested the following revised recommendation:

That:

- (i) The proposed scheme does not constitute Major Development; and**
- (ii) Planning permission be GRANTED, subject to the following conditions and the applicant entering into a S106 agreement to secure delivery of on-site Affordable Housing and necessary financial contributions of a) £18,696 towards educational transport costs and b) Public Open Space financial contributions (with final contribution amounts to be agreed between the Director of Spatial Planning and the Chair of the Development Management Committee)**

The Director of Spatial Planning presented his report.

Mr Short thanked Members for having the opportunity to speak, advising he is Chair of Moretonhampstead Parish Council Planning Committee, having been a town planner for nearly 40 years. The Parish Council have considered the application, their concerns relate to s.106 provisions having missed out on affordable housing on the last two housing allocations due to viability. Mr Short advised that Teignbridge District Council state that no affordable housing has been delivered for 16 years, and that they are keen that the development of the site goes ahead to help meet housing need. He stated that their main concern was in the conclusion in report, that there is no shortfall in equipped children's play space and therefore it is not considered appropriate to require a financial contribution. The Parish Council welcome that the Director of Spatial Planning has now indicated that there is indeed a deficit in children's play space requiring a financial contribution and that he will seek delegation from Committee to himself and the Chair to finalise a figure. The Parish Council ask that the recommendation amendment be in consultation with the Parish Council and that its use for the precise form of improvement to children's play space be flexible to allow the community to determine priority at around the time of receipt. At site inspection panel Members will have noted traffic conditions on Ford Street which is subject to regular complaints regarding pedestrian safety. The development shows a footpath link to Old Barn Drive providing an alternative route to/from town centre. DCC Highways has no objection to the application but does not require that footpath link and notes third party land prevents a connection. The Parish Council considers the footpath link is essential. The route is stepped and incomplete, it is unlikely DCC would adopt. The Parish Council welcome the proposed additional planning condition that the link be maintained in perpetuity but would like to see this in the S106. With regards to the main design issues related to

plots 1 and 2 and 24, the latter does not have an ideal relationship with 5 Old Barn Drive, on both PC secured amendments, conclusions of officer report on design issues appear reasonable. In conclusion, Mr Short advised that the Parish Councils main ask is that the negotiation of a financial contribution for improvements to open space involve themselves, and that its use be flexible.

There were no questions for Mr Short.

Mr Upton thanked the Chair and Members for the opportunity to speak on behalf of the applicant, Hembury Homes. He said that the site is allocated for approximately 30 dwellings and was previously granted outline permission that has lapsed. He went on to say “the previously approved application was also served by two access points, from Betton Way and Ford Street. It also had a pedestrian connection to Forder Meadow that links to the school. This detailed scheme provides 24 homes including 11 affordable and would be delivered by Hembury Homes. Contrary to what the previous speaking said, there is no ransom over the connection to Forder Meadow. The applicant has a right of way over the adjacent land, which would pass on to the occupiers of the proposed houses. We have offered a condition that the connection should be in place prior to the occupation of the proposed properties. Regarding open space, the applicant has always said that they are willing to provide an open space contribution. There just needs to be appropriate evidence to justify the contribution amount. There are no technical objections from consultees, such as County Highways or the Local Lead Flood Authority. The proposed access point and crossings provide appropriate visibility and traffic monitoring shows that the adjoining roads are lightly trafficked. The site has been surveyed for ecology. There was some bat activity recorded on the boundary with the school, where a dark corridor would be maintained. The majority of hedgerows are to be retained. Chair and Members, we hope that you will endorse the officer’s recommendation of approval that will deliver much needed housing and affordable housing on a site specifically allocated for this purpose.”

In response to Member questions, Mr Upton advised:

- That the open market housing and the affordable housing are separated, with pedestrian access but no vehicular access between the two parts. He advised that separate vehicular access was required due to the narrow ‘pinch point’ section between the two areas.
- There is one parking space allocated per property, with 3 additional visitor parking spaces in total.
- Access to Forder Meadow is via steps only.
- That as far as he is aware, the turning point area is in the process of being adopted by DCC Highways, who will then be responsible for its maintenance. Maintenance of the steps within the site will be the responsibility of Teign Housing.

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

- The word ‘mural’ in condition 16 refers to the creation of a structure with reference to the town, as you approach the development.
- The steps to Forder Meadow will be maintained by Teign Housing and provided by conditions.

- With regards to height due to granite outcrop and water drainage, these were dictated by the land conditions on the site.
- With regards to affordable housing, we will seek to identify tenure and keep in perpetuity.
- Plots 1 and 2 can be viewed from the roundabout, will have identity of place.
- With regards to securing conditions around affordable housing, if houses were to be sold in the future, these will be secured through s.106's. This is open to negotiation, sometimes having a clause to re-coup open market value. We look to secure in perpetuity, as we do in all s.106's.
- Hedgehog passes within wooden fences will be included in conditions.
- DCC highways has stated that further speed conditions are not an issue for this development, and that it will review if further development is undertaken.
- With regards to lighting, there is a condition strategy included for best practice in terms of ecology and protecting wildlife.
- It is recognised that it is not desirable to have a cluster of affordable housing, the rationale here is that the finish is consistent in design across both parts as well as for ease of undertaking maintenance work. As you travel through both parts, on balance, the mix is deemed acceptable.
- With regards to questions about heating and air source heat pumps, Members should refer to condition 14 for an overview.
- With regards to surface water and the adequacy of the tank, we have been led by the local Lead Flood Authority, having met all requirements and done all reasonable checks.
- Members agreed it was good to see full 45% affordable housing in this application.
- In response to Member request that recommendation include 'in consultation with Parish Council', the Director of Spatial Planning advised that this was not advisable as they are not a decision maker. Once agreed, it is usual for the Parish Council to be involved in direct expenditure within the Parish.
- In response to concerns about limited visitor parking causing issues such as pavement parking and access issues for emergency vehicles, these concerns are understood. It's always a balance to get the right number of parking spaces with green spaces in a new development but that in this case, he felt that the mix is about right.

Mr Sanders proposed the (reworded) recommendation which was seconded by Mrs Mott.

Resolved: That subject to the conditions detailed in the report, Members firstly AGREED that the proposed scheme does not constitute Major Development, and secondly that permission be GRANTED.

Item 3 – 0484/24 – retrospective alterations and extension to dwelling with upgrading and re-roofing together with provision of disability footway (amended plans) - Foxview, Christow, Exeter, EX6 7QB

Speaker: Mrs Amanda Burden (Agent for the Applicants)

The Planning Officer presented her report. She advised that no formal evidence of disability was included with the original application, however, since the last committee meeting, evidence that Mrs Westcott is registered disabled has been provided by the agent, with a copy of a letter from a consultant explaining Mrs Westcott's health issues. Subsequently, two letters supporting the application have been received from Mr and Mrs Westcott's doctors. Whilst the Authority has considered the applicant's health situation following the additional information, the personal circumstances in this case are not considered sufficient on this occasion to outweigh the conflict with policy 3.7.

Mrs Burdon thanked Members for taking the time to visit Foxview at the site inspection. She went on to say "I hope the site inspection enabled you to see that the proposed extension is well-designed and creates no harm. The building made lawful by the CLU by the previous owner was 14.5m long x 3.5M wide and the applicants renovated and extended it via a 4m extension along the field side. The applicants dry-lined the roadside wall and inserted insulation on top of the original floor and inside the original walls to improve the quality of their substandard accommodation. Mis-matched windows and doors were replaced with new so to improve the design and look of this dwelling the habitable floor space of the extended dwelling is currently 85sq meters and with the proposed relocation of the second bedroom will create a dwelling of 73sq meters and a 12sq meter store plus garage. The space standards require a minimum floor space of 61sq meters for a 2-bedroom 3 person dwelling and so the 73sq meter dwelling will be policy compliant. The applicants both have significant health issues as confirmed by their medical records and blue badge and therefore need a 2-bedroom dwelling to deal with broken sleep and future care requirements. The original building had double garage doors to the north side and a large window to the south side, and then 4 windows running along the field/west elevation and the dwelling looks virtually the same and just has a patio door and a larger window on the south elevation. The detailed plans of how the habitable floor space can be reduced can be conditioned by you as part of the LPA as confirmed in paragraph 13.3 of the officer's report. Planning permission ought not to be refused where an impact is capable of being mitigated by condition. Conditions need to meet the tests and be necessary, relevant to planning and the development, enforceable, precise and reasonable in all other respects. A condition would have to be 'impossible' to enforce for it to be invalid and therefore only in cases of such impossibility should an application be refused on the basis that an impact cannot be adequately controlled by condition. The monitoring and enforcement of conditions is an operational matter for the planning authority. All planning permissions granted subject to conditions involve an element of trust that the condition will be complied with, backed up by the authority's investigation and enforcement powers contained within the 1990 Act. This proposal creates no harm, is supported by the Parish Council and Teignbridge District Council and since we are in a housing crisis, refusing an application for an extension that provides a modest accessible 2-bedroom dwelling that was otherwise substandard that would have lain empty is crazy. Retaining a 2 bedroom with conditions that it remains as

per the approved plans with landscaping is at your bequest and I therefore urge you to support this application.”

There were no questions for Mrs Burden.

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

- The case is complicated and emotive.
- Evidence has been provided that the applicants were made aware that permitted development rights have been removed and that any proposed extensions to the property are unlikely to be supported by this Authority.
- There is a risk of decisions being clouded by matters that are not significant. It is very clear that this application does not comply with the policy.
- You are being asked by the applicant to consider material considerations, in this case personal circumstances. This is a difficult decision. Any decision sits with the building and land, it's not personal.
- To go against policies that are set within the local plan will set an undesirable precedent.
- Consistency is key, that everyone is treated fairly and the same.
- Members to consider the wider responsibility of upholding the local plan.
- Development will always have harm, guidance is to be taken from the local plan within the framework to allow development.

In relation to questions about departure from the local plan, the Principal Lawyer advised that if Members are minded to grant permission, which would be contrary to officer recommendation, she would strongly urge Members to consider deferring the item to the next meeting to allow officers time to put together suitable conditions and allow time to properly determine whether this is a departure from local plan (a procedural matter).

Mr Sanders proposed the application which was seconded by Mrs Mott.

Members debated the application, an emotive case with some Members favouring approval after the site visit. The Chair and the Director of Spatial Planning reiterated the importance of the planning policy, to consider this application under it's own merit and that this is not the place to redraft the policy.

The matter was put to vote with 6 in favour, 5 against and 3 abstaining.

Resolved: That, subject to the conditions within the report, consent be REFUSED.

1614 Appointment of Site Inspection Panel and Arrangements for Site Visits

There are no site inspections planned.

There being no other business, the meeting ended at 12.45pm.