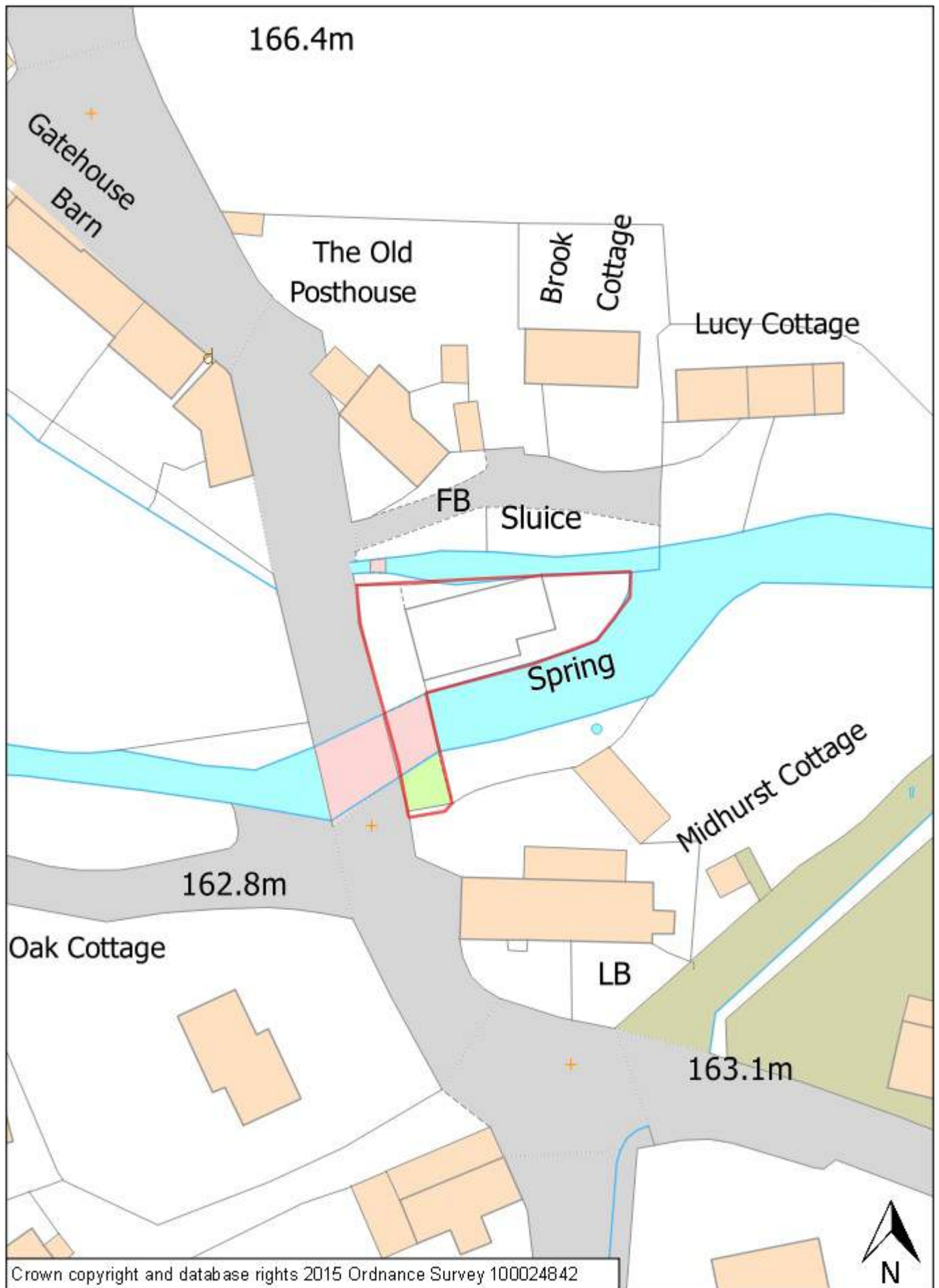


Peter Tavy Garage 0315-16



Scale 1:500



DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

06 January 2017

SITE INSPECTIONS

Report of the Head of Planning

1 Application No: **0315/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Peter Tavy**
Grid Ref: **SX513776** Officer: **Jo Burgess**

Proposal: **New dwelling (revised re-design of existing planning consent 0270/14)
on site of former garage**

Location: **Peter Tavy Garage, Peter Tavy**
Applicant: **Mr G Goddard**

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 dwelling shall be carried out and no extension, building, enclosure, structure, erection, hard surface, raising of the land, 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. The finished floor levels of the dwelling shall be no lower than 163.790mAOD. Written confirmation of the finished floor level shall be provided in writing to the Local Planning Authority prior to any work being carried out to erect the walls of the dwelling.
4. The roof of the main dwelling and lean-to hereby approved shall be covered in natural slate, sample(s) of which 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.
5. The slate roof of the dwelling hereby approved shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.

6. Prior to the commencement of roofing works on the external canopy hereby approved, samples of the proposed 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 roofing materials shall be used on the external canopy.
7. All new external joinery shall receive a painted finish within one month of its installation.
8. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel shall be prepared for inspection by the Local Planning Authority and no stonework shall be carried out until the sample panel has been inspected, and approved by, the Local Planning Authority.
9. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
10. No development shall take place until a surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall take place strictly in accordance with the approved surface water management plan and maintained as such thereafter.

The panel convened at the site where the footprint of the proposed dwelling had been marked out on the ground by the applicant.

The officer explained the siting of the proposed dwelling and updated Members with amended plans confirming the eaves and ridge height have been reduced to those shown on the original submission; prior to the Environment Agency requiring the floor level to be raised by 200mm. This means that the first floor rooms are set an additional 200mm into the roof space.

The Parish Council representative drew the attention of Members to the listed properties and the properties downstream, together with smaller non-listed buildings in the vicinity of the site. The use of paint on the stonework of adjacent dwellings was also highlighted. The Parish Council also made reference to the recent flood and the size of the footprint.

The Borough Council representative expressed concerns regarding the impact on the character and integrity of Peter Tavy. In particular concerns were expressed regarding the impact on listed buildings. He considered that the Flood Risk Assessment (FRA) is flawed and that it should mention the protection of the listed buildings. He also questioned the Building Conservation Officer assessment that the impact of the development on the setting of the listed buildings is less than substantial and expressed the view that the harm to the adjacent listed building outweighs the benefits. Overall the representative considered that the 2014 scheme was better than the one now proposed.

The Members asked several questions of the applicant and the planning officer. With respect to the footprint of the building, the former garage was 95.1sqm, the approved dwelling has a footprint of 59.38sqm and the proposed dwelling has a footprint of 65.4sqm. The surface water condition requested by DCC Flood Risk, has been added to the list of conditions. The

officer can confirm that Peter Tavy has no public drainage facilities and the proposal to use a package treatment plant will depend on consent being given by the EA. The plant discharges potable water via an access chamber for sampling/testing.

Members concluded that in light of the Environment Agency (EA) requirement for the dwelling to be raised by 200mm and the advice received from EA and DCC (Flood Risk), it would be unreasonable to refuse permission on flood risk grounds and that the proposed dwelling would be less likely to flood than the dwelling approved by virtue of the extant permission. They also felt that the orientation at right angles to the road was more appropriate than the extant permission which faced the road.

However, concerns were expressed regarding the glazed canopy by all Members with a preference that the roofing material should be slate. Some expressed a preference for stone or painted stone rather than render on the north elevation and a chimney rather than a flue. Members will be updated at the meeting whether the applicant was prepared to make any of these changes.

2. Application No: **0315/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Peter Tavy**
Grid Ref: **SX513776** Officer: **Jo Burgess**
- Proposal: **New dwelling (revised re-design of existing planning consent 0270/14) on site of former garage**
- Location: **Peter Tavy Garage, Peter Tavy**
- Applicant: **Mr G Goddard**
- 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 dwelling shall be carried out and no extension, building, enclosure, structure, erection, hard surface, raising of the land, 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. The finished floor levels of the dwelling shall be no lower than 163.790mAOD. Written confirmation of the finished floor level shall be provided in writing to the Local Planning Authority prior to any work being carried out to erect the walls of the dwelling.
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5. The slate roof of the dwelling hereby approved shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
6. Prior to the commencement of roofing works on the external canopy hereby approved, samples of the proposed 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 roofing materials shall be used on the external canopy.
7. All new external joinery shall receive a painted finish within one month of its installation.
8. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel shall be prepared for inspection by the Local Planning Authority and no stonework shall be carried out until the sample panel has been inspected, and approved by, the Local Planning Authority.

9. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Introduction

It is proposed to erect an open market dwelling on the site of a former garage in the centre of Peter Tavy which is a designated Rural Settlement.

The site has been cleared and fenced. The stream is to the south and a leat to the north with the road forming the west side of this triangular site.

The application is presented to the Committee because it was advertised as a Departure from the Development Plan; due to the creation of an open market dwelling in a Rural Settlement.

Planning History

0625/15	Erection of dwelling (re-design of existing planning consent ref: 0270/14)		
	Full Planning Permission	Refused	25 January 2016
0270/14	Erection of dwelling		
	Full Planning Permission	Grant Conditionally	15 July 2014
0225/12	Erection of dwelling		
	Full Planning Permission	Refused	13 July 2012
0022/08	Erection of a dwelling		
	Full Planning Permission	Grant Conditionally	28 April 2008
0744/05	Removal of existing garage and erection of a single dwelling		
	Outline Planning Permission	Refused	14 November 2005
	Appeal lodged: 01 December 05	Result: Allowed	
0111/05	Removal of existing garage to erect a pair of semi-detached cottages		
	Outline Planning Permission	Refused	06 June 2005
0117/01	Removal of existing garage workshop and erect a pair of semi-detached cottages		
	Outline Planning Permission	Grant Outline Conditionally	10 July 2001
03/45/1552/91	Extension to provide staff room at first floor rear		
	Full Planning Permission	Grant Conditionally	05 May 1992

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highway implications

Environment Agency: Following submission of a revised Flood Risk Assessment and plans if the Authority is minded to support the application following the application of the Sequential Test,

the applicant has now demonstrated that it can pass the second part of the Exception Test but the application will only be acceptable of planning conditions in respect of finished floor levels and unsuspected contamination

DNP - Building Conservation Officer:

The design of the building is of paramount importance given the prominence and sensitivity of the site. Following receipt of amended plans the design of the proposed building is not considered to harm the setting of the nearby listed building.

Devon County Council (Flood Risk):

DCC is not a statutory consultee for this application but a surface water drainage management plan is required. A condition to this effect remains relevant

Parish/Town Council Comments

Peter Tavy PC:

Having previously supported the application whilst expressing concerns about flooding, in response to the amended plans the Parish Council has objected: expressing concerns about the free flow of the brook, the materials and suitability of the revised design and pointing to the opposition of the public to a dwelling on a site historically deemed not to be suitable as a development site.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs

COR17 - Promoting increased health and well-being

COR18 - Providing for sustainable economic growth

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

COR8 - Meeting the challenge of climate change

COR9 - Protection from and prevention of flooding

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

DMD22 - Residential development in Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

Representations

6 letters of objection

Six letters of objection were received in respect of the original plans. The letters address the issue of flooding in particular a flood in February 2016, the affordability of the dwelling, loss of employment land, design, setting of listed buildings and loss of privacy. Following the submission of the revised FRA and plans, to date three of the objectors have written to re-iterate their concerns regarding flooding matters and added concerns regarding the additional height of the dwelling.

Observations

INTRODUCTION

This application proposes an open market house in a designated Rural Settlement on a site of a former commercial garage which was demolished in 2012.

PLANNING HISTORY

Outline planning permission was granted in 2001 (ref. 0117/01) for a pair of semi-detached cottages on the site. That permission expired and a subsequent outline application for a pair of semi-detached cottages was submitted and refused on the basis of an unacceptable flood risk. Later in 2005 an outline planning application for a single dwelling was also refused for the same reason. An appeal was submitted and the Planning Inspector, having taken into account the fact that there was already a building on the site and that adequate mitigation could be put in place, allowed the appeal. He considered that the aims of the development plan policies would be well served by the scheme. In addition the National Park Authority failed at that time to provide any detailed evidence of having carried out the necessary sequential test.

Following the appeal decision full planning permission was granted (ref.0022/08) for a house on the site; the appeal decision being a material consideration. The site was slightly larger than that to which the outline planning permission related because it took in additional land to provide car parking.

In November 2010 an application to discharge the conditions attached to the 2008 permission was received. It was not possible to discharge the condition that required a site investigation in respect of contamination prior to the commencement of development and the permission lapsed. The garage was subsequently demolished.

An application seeking to gain permission for a dwelling similar to that previously approved was submitted in 2012. The context of the development was however very different to when it was granted planning permission by the Inspector in that the commercial garage had been removed and policies were in place to prevent open market housing in rural settlements, protect employment land, require development to pass the sequential and exception tests in respect of flood risk and require development to conserve and enhance the built environment.

That application was refused for 4 reasons relating to being an unjustified open market dwelling in a Rural Settlement, design, it being highly vulnerable development in a flood zone and loss of an employment site.

Planning Application 0270/14 was the subject of detailed discussions in respect of design and was approved with the dwelling having a similar appearance to The Post House with stone and slate hanging and facing the road and was approved.

Application ref: 0625/15 was submitted by the architect who has submitted the current

application on behalf of the same applicant for a contemporary dwelling with the gable end facing the road. It was refused permission on design grounds, for being an unjustified open market dwelling in a designated Rural Settlement and for flood risk reasons.

Following the latest refusal pre-application discussions were held with officers.

PLANNING POLICY

Peter Tavy is a designated Rural Settlement where policies COR2 and COR15 and DMD22 do not normally permit open market housing. These policies seek a more sustainable settlement pattern where all new housing in Rural Settlements is expected to be affordable housing. The application proposes an open market dwelling therefore the application was advertised as a departure.

The 2014 application was considered to be a departure from policy on a brownfield site but in view of the viability appraisal supplied, an open market dwelling was considered acceptable. As Members are aware since then the government policy in respect of the use of Section 106 agreements to achieve affordable housing on single plots has changed. This is reflected in the adopted Interim Statement on Affordable Housing.

The costs of developing this site means that the provision of an affordable dwelling on this site is not viable. However, providing the dwelling meets all the other policy tests, the location in the heart of the settlement means it can be considered to be sustainable development in accordance with the Development Plan and the NPPF.

LOSS OF EMPLOYMENT LAND

The site was a commercial garage for many years although in the last few years only the applicant was employed. Although the garage has been demolished the use of the land for commercial purposes would be considered less vulnerable in terms of flood risk and several residents have highlighted the possible demand for employment or retail premises on the land. The site was not marketed previously as commercial premises and in terms of COR18 the loss of an employment site would be contrary to policy in the absence of any assessment of the impact on the needs of business and industry in the National Park.

At the time of the previous approval although West Devon Borough Council advised that there was demand for small units on their estates, the applicant provided a letter from a commercial property agency that supports the assertion that the site was not the best location for a commercial unit due to adjacent residential properties and demand would be such that values would be low. None of the residents who raised potential interest in the site previously have stated that they have approached the owner to express that interest. It is unlikely that the Authority would approve anything other than of the highest quality on the site which would in turn affect the likely viability of the site.

IMPACT ON THE BUILT ENVIRONMENT

The site previously contained a single storey building and before that was an open site. The site is a sensitive site where the single storey garage was less imposing than the presently proposed building. The elevated siting and the layout of the proposed dwelling are determined by the flood mitigation requirements.

The building incorporates slate and stone into the design and presents a simple gable with one

opening on each floor to the road, a canopy along the north elevation providing access to the front door, a lean-to on the east elevation and a flue. There is a new stone wall across the frontage other than where vehicular and pedestrian access is provided.

In conjunction with the revised Flood Risk Assessment (see below), the floor levels of the house have had to be raised by 200mm. This results in the floor level of the building being elevated marginally to the point where it is 76mm higher than the level of the adjacent highway.

The ridge of the proposed dwelling will be 23cm higher than that of the Old Post House and 86cm higher than that of the listed building to the south but present a 5m wide gable. The approved dwelling faced the road and had a 7.3m frontage. Officers agree with the architect that this form will be preferable to the approved form, which mirrored that of the Old Post House. The section drawing demonstrates that the impact of the development on the setting of the grade II listed building to the south is less than substantial.

The presentation of a simple gable end on to the road reflects the arrangement of many of the historic buildings in the village in relation to the road and subject to details and materials, the design of the proposed dwelling is now considered to conserve and enhance the quality and distinctiveness of the built environment and is therefore considered to be contrary to policies COR4 and DMD7. It is considered that the new dwelling will not have a detrimental impact on the setting or character of the Listed Building.

FLOOD RISK

The National Planning Policy Framework (NPPF) aims to steer new development to areas with the lowest probability of flooding. Advice is provided in the Technical Guidance.

Policy COR9 requires the sequential test to be applied - the aim being to steer new development to the areas with the lowest probability of flooding. The Strategic Flood Risk Assessment provides the basis for applying the Sequential Test. The DNPA Strategic Flood Risk Assessment was published in November 2010.

In terms of the sequential test, the applicant only owns this site which is wholly within Zone 3 so this is a windfall site. There are no other allocated sites in Flood Zones 1 or 2 in Peter Tavy because it is classed as a Rural Settlement where policies COR2 and COR15 only permit affordable housing on previously developed land or where it would facilitate significant environmental or community benefit. The Strategic Flood Risk Assessment states that where windfall sites become available, appropriate development options should take into account the vulnerability classification and the availability of sites with lower flood risks.

The Peter Tavy Garage site is in Flood Risk Zone 3a. The NPPF technical guidance states that Highly Vulnerable uses (including dwelling houses) should not be permitted in Zone 3a and that where they are proposed, the Exception Test should be applied.

The Exception Test requires it to be demonstrated that:-

- i) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by the Strategic Flood Risk Assessment and
- ii) a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of vulnerability of it's users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

Policy COR9 in accordance with the advice in the NPPF, states that in exceptional

circumstances development which does not satisfy the sequential test will be permitted in flood risk areas when (i) there is sufficient benefit and there are no suitable locations of lower flood risk and (ii) it can be shown that appropriate flood protection and resistance measures can be incorporated and (iii) a sustainable drainage system, designed to a high standard can be secured through conditions.

In view of the time that has elapsed since the last FRA and the change of footprint, the EA requested a revised and updated FRA. The need for this was heightened by a flooding event in February 2016. This has now been submitted and the Environment Agency has advised that if the Authority is satisfied that the Sequential Test has been satisfied, the details provided would pass the second requirement of the Exception Test in that the development can be made safe from flooding without increasing flood risk to others.

It has also advised that if the Authority is minded to support the application following the application of the Sequential Test, that the development would only be acceptable if planning conditions are included in respect of finished floor levels and unsuspected contamination. It has also advised the removal of permitted development rights.

Having applied the Sequential Test and concluded that the proposed dwelling provides wider sustainability benefits to the community in that the design and form will enhance the local built environment, and been advised by the Environment Agency that the development meets the second part of the Exception Test, it is considered that the Exception Test is passed. The proposal is therefore considered to be in accordance with the advice in the NPPF and policy COR9.

CONTAMINATION

Policies UT2 and DMD17 require appropriate investigation and assessment of contamination. This can be required by condition in accordance with the advice previous received from the Environmental Health Officer.

CONCLUSION

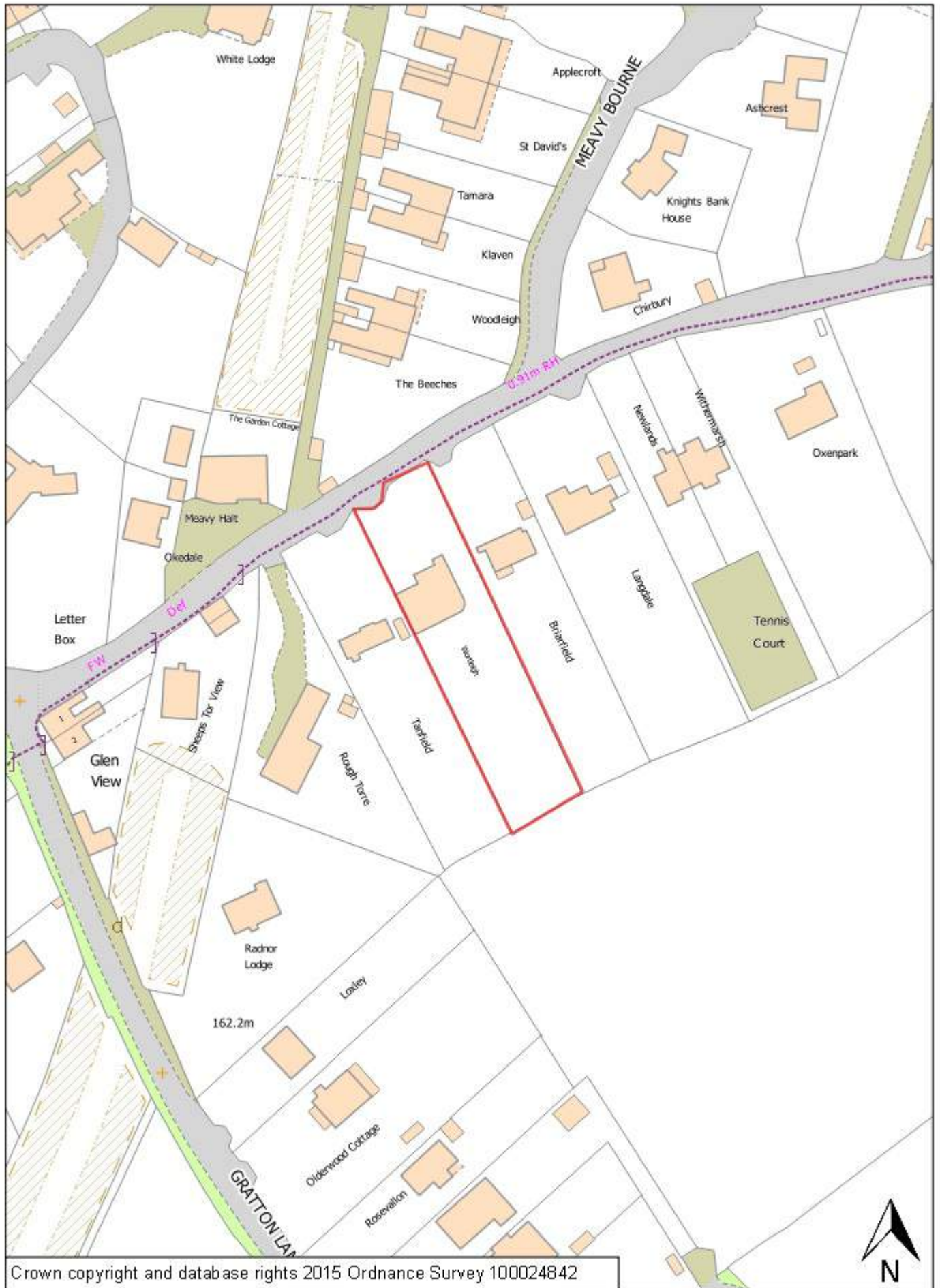
Although this will be an open market dwelling on land previously used for employment purposes, the flood risk has been shown to be mitigated and although the new dwelling has a marginally higher ridge height than the adjacent listed building, this development offers an enhancement opportunity in the centre of this traditional Dartmoor village.

The development is considered to be sustainable development that improves the economic, social and environmental conditions of the area in accordance with paras 28 and 187 of the NPPF and DMD1a and that planning permission can be granted.

Wortleigh 0533-16



Scale 1:1,250



2 Application No: **0533/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Burrator**
Grid Ref: **SX525674** Officer: **Jo Burgess**

Proposal: **Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages**

Location: **Wortleigh, Meavy Lane, Yelverton**

Applicant: **Mr M Bishop**

Recommendation: **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development by virtue of its layout, size, scale, form and design would be detrimental to the character and appearance of the site and its surroundings contrary to policies COR1, COR4, DMD7 and DMD21 of the Dartmoor National Park Development Plan 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.
2. The proposed development would result in an additional unjustified open market dwelling in a Local Centre without significant positive environmental improvement, contrary to policies COR2, COR15 and DMD21 of the Dartmoor National Park Development Plan 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.

The panel convened at the site where they viewed the plans including an updated site plan (sent to the Members by email) which sets out the up to date floor plans of the adjacent properties and the dimensioned distances from the proposed dwellings to the boundaries of the site. They viewed the property from the rear garden and Meavy Lane.

The amended plan and accompanying email states that the distance from the west boundary is 1.32m which is stated by the architect to be 450mm further away from the boundary rather than the 100mm stated in the officer report. It should be noted that the dwelling is 200mm closer to the boundary at the front of the site than towards the rear. On the eastern boundary it was stated in the officer report that the proposed dwelling would be 6m closer to the boundary than the existing. This was an error. The existing dwelling is approximately 6m from the boundary. The architect states that the dwelling will be 4.6m closer, at 1.69m from the eastern boundary.

The Parish Council representative stated that the application was supported because the houses would be of a similar height and width to the existing house, that the plot was big enough to take two dwellings and because of the health needs of the applicant. It also considered that the impact on the neighbours is acceptable.

There was no District Council representative present.

The Panel viewed the other properties in this section of Meavy Lane included the semi-

detached property and associated garages. A check of the planning history reveals that planning permission was granted in 1991 to replace an existing garage at Withermarsh (nearest to Meavy) but there is no record of planning permission being granted for a garage at Newlands.

The Officer provided up to date advice from the Head of Planning regarding the weight which should be given to the Development Plan and other material considerations such as the Written Ministerial Statement when deciding whether affordable housing should be required on sites such as this one.

The Members of the Panel considered that although the proposed garages would be close to the road, the massing of the proposed dwellings and the gap between them would not result in a development that would have a detrimental impact on the wider built environment. Given the advice of the Head of Planning in respect of affordable housing and the level of house prices in Yelverton, Members considered that they needed more information regarding the demand for affordable housing in Yelverton before making a final judgement. This will be provided at the Development Management Committee meeting.

STEPHEN BELLI

3. Application No: **0533/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Burrator**
Grid Ref: **SX525674** Officer: **Jo Burgess**

Proposal: **Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages**

Location: **Wortleigh, Meavy Lane, Yelverton**

Applicant: **Mr M Bishop**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development by virtue of its layout, size, scale, form and design would be detrimental to the character and appearance of the site and its surroundings contrary to policies COR1, COR4, DMD7 and DMD21 of the Dartmoor National Park Development Plan 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.
2. The proposed development would result in an additional unjustified open market dwelling in a Local Centre without significant positive environmental improvement, contrary to policies COR2, COR15 and DMD21 of the Dartmoor National Park Development Plan 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.

Introduction

Wortleigh is a dormer bungalow in large plot with a narrow frontage within the settlement boundary of Yelverton but located in the parish of Meavy. It is set back from road behind the hedge bank separating it from Meavy Lane.

It is proposed to demolish the bungalow and replace it with a smaller bungalow and a two-storey dwelling largely on the same footprint, together with two garages in the front garden. It is proposed to relocate the access to a more central location within the site frontage.

The application is presented to Committee because it was advertised as a Departure from the Development Plan due to the creation of an additional unit of open market residential accommodation in the Local Centre and because the Parish Council has supported the application

Consultations

West Devon Borough Council: Does not wish to comment

Environment Agency: Flood Risk Zone 1 -- standing advice applies

DNP - Trees & Landscape: The proposal will require the removal of a small section of hedge and bank. The intention is to restore the roadside bank to fill in the existing access and landscape the reformed bank. Providing the new section of bank is planted with hazel, it will complement the existing roadside hedgerows

DNP - Ecology & Wildlife Conservation:

Works shall not proceed until a European Protected Species Licence has been obtained from Natural England and works shall proceed in strict accordance with the Bat and Bird Survey and Draft Method Statement for a low impact licence

County EEC Directorate:

The applicant sought pre-application advice and has amended the plans to address issues of visibility. The amended plans now show a centralised access with sight lines optimised in both directions which is acceptable to offset the traffic generation that will result from the additional residential unit.

Parish/Town Council Comments

Burrator PC: Support

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

COR24 - Protecting water resources from depletion and pollution

COR3 - Protection of Dartmoor's special environmental qualities

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

DMD21 - Residential development in Local Centres

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD38 - Access onto the highway

DMD38 - Access onto the highway

DMD4 - Protecting local amenity

DMD45 - Settlement boundaries

DMD5 - National Park Landscape

Representations

4 letters of objection 20 letters of support 1 other letter

The neighbouring owners have both objected together with one of their immediate neighbours. They have concerns regarding the 'crowding of two houses' onto the site and the associated proximity of the new dwellings to the boundaries of the site, the prominent position of the garages, the traffic problems associated with the existing business use of the existing property and the use of metal on the roof. The issue of precedent is also raised by another objector who refers to the Authority successfully preventing 'garden grabbing' in Yelverton.

The letters of support consider that the poor build quality and design of the existing house

contributes little to the area and that the proposal represents a significant improvement in terms of the design and massing of the properties and the streetscene. It is also stated that smaller units of housing will be more affordable. Reference is also made to the medical requirements of the applicant.

Observations

INTRODUCTION

Wortleigh is a large extended dormer bungalow set back 20m from the hedgebank separating it from Meavy Lane. It is roughly in line with the other dwellings on the south side of Meavy Lane. There is vehicular access from Meavy Lane and a small garage to one side. At the rear is a substantial (50m) garden opening onto open countryside and affording expansive views to the open moorland beyond.

PRE-APPLICATION ADVICE

Pre-application advice was sought in respect of replacing the bungalow with two two-storey detached dwellinghouses and a new access. No design details were submitted. Advice was offered that by reason of the width of the plot, the development may be cramped and therefore harmful to the character and appearance of the area and it may be difficult to achieve any more than one dwelling on the site. Reference was made to the fact that the properties on the southern side of Meavy Lane are typically large dwellings on large plots. The requirement for affordable housing was also highlighted together with the importance of design.

THE PROPOSAL

It is proposed to erect a dormer bungalow on the eastern half of the plot with a metal roof and substantial dormers in the front and rear elevations. The size of these dormers has been reduced but are still considered to be inappropriate in their form and design. On the western half of the plot it is proposed to build a one and a half storey dwelling with the first floor rooms being contained within the roof and a gable end presenting as a front elevation.

The houses are to be located largely on the footprint of the existing dwelling - set back approximately 2m from the most forward section of the existing house (the integral garage) and largely in line with the building line of the main bungalow. On the western side the building will be 100mm further away from the boundary than the existing single storey extension and on the eastern side 6m closer to the boundary than the existing dwelling. The ridge heights of both dwellings will be marginally lower than that of the existing dwelling.

It is proposed to relocate the access to a central location and re-form the Devon hedgebank to form the new entrance to afford optimum visibility with the hedge being reinstated.

The existing garage is to be demolished and a garage together with a parking space and bin storage provided for each dwelling - one on either side of the new gravel access driveway. The garages will have pitch roofs with gables facing the road and storage in the roofspace.

IMPACT ON THE BUILT ENVIRONMENT

Policy DMD21 inter alia states that development 'should facilitate significant environmental improvement or the delivery of essential social, cultural or economic infrastructure'. In addition DMD7 is relevant in particular the requirement to 'conserve or enhance urban settings,

settlement layouts and distinctive historical, cultural and architectural features'.

Historical maps and photographs show that these linear plots were developed in the late 1930s or early 1940s. Wortleigh was built post war. The layout is of large dwellings in large plots and this reflects the development of Yelverton before and after WWII.

While in the design and access statement the architect draws comparisons with a former plot to the east which accommodates two dwellings and has provided a plan setting out the plot sizes of surrounding dwellings, it is clear that the layout of Meavy Lane east of the railway was one of single houses in large plots. The replacement of a single house with two houses will not conserve this settlement layout.

The architect has sought to break up the massing of the two dwellings which are sited largely on the footprint of the existing and with a similar ridge height. The two dwellings will however be close to the boundaries with the neighbouring dwellings, two garages will be constructed between the houses and the highway and a central access is to be provided. This results in a form of development that will not conserve or enhance the setting or settlement pattern of this part of the settlement and is not therefore considered to be an acceptable form of development and contrary to DMD7 and DMD21.

POLICY CONSIDERATIONS

The site falls within the settlement boundary of the Local Centre of Yelverton. Policy DMD21 requires 50% of all new housing to be affordable. In this case one of the two dwelling's proposed as there is a net gain of a single dwelling. An Interim Statement on affordable housing was adopted in June 2016 which led to the conclusion, by the applicant, that there was no requirement for affordable housing.

Recent advice from DCLG following an appeal decision elsewhere in Yelverton has re-iterated the primacy of the Development Plan and means that where a site is considered to be otherwise acceptable, in the interests of sustainable development (policies COR1 and DMD1a) affordable housing can reasonably be required in line with policy DMD21.

The existing dwelling provides 183sqm of internal floorspace. The proposed bungalow is providing 145sqm of internal floorspace. Within the Local Centre if it was proposed to replace the existing dwelling, the size requirements set out in policy DMD27 would not apply, however the design would have to be appropriate. Subject to re-consideration of the dormer design a replacement single storey dwelling on the site of this size would be likely to be acceptable.

Evidence of structural and damp penetration problems with the existing bungalow has been submitted along with information regarding the medical reasons for the applicants wishing to erect a replacement dwelling. The second dwelling is proposed to assist with funding their new home.

In accordance with Policy DMD21 in the Development Plan an additional dwelling should be affordable. In accordance with the Affordable Housing SPD a three bedroom affordable dwelling should be 85sqm. The size of the one and a half storey dwelling is 148sqm.

AMENITY

The relationship between the new dwellings and the existing dwellings does not create any issues of loss of privacy or amenity and is therefore considered to be in accordance with

DMD4.

ECOLOGY

A wildlife report has been submitted and conditions would meet the requirements of COR7 and DMD14.

HIGHWAYS

The relocation and configuration of the access has been the subject of discussion with the Highways Officer and subject to conditions the requirements of DMD21 can be met.

IMPACT ON HEDGEBANK

The reconfiguration of the hedgebank is considered acceptable within the terms of DMD38 provided hazel is used for the new hedge as this is the predominant species in this section of Meavy Lane.

CONCLUSION

The Development Plan and the NPPF require new development to be sustainable. Within the National Park new residential development should primarily be located within Local Centres. Although the architect has sought to address the matters raised in the pre application advice it is not considered that the tests of the policies – in particular DMD7 and DMD21 are met – in particular with reference to the impact on the built environment. In addition the additional dwelling is not affordable housing as required by DMD21.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

06 January 2017

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Head of Planning

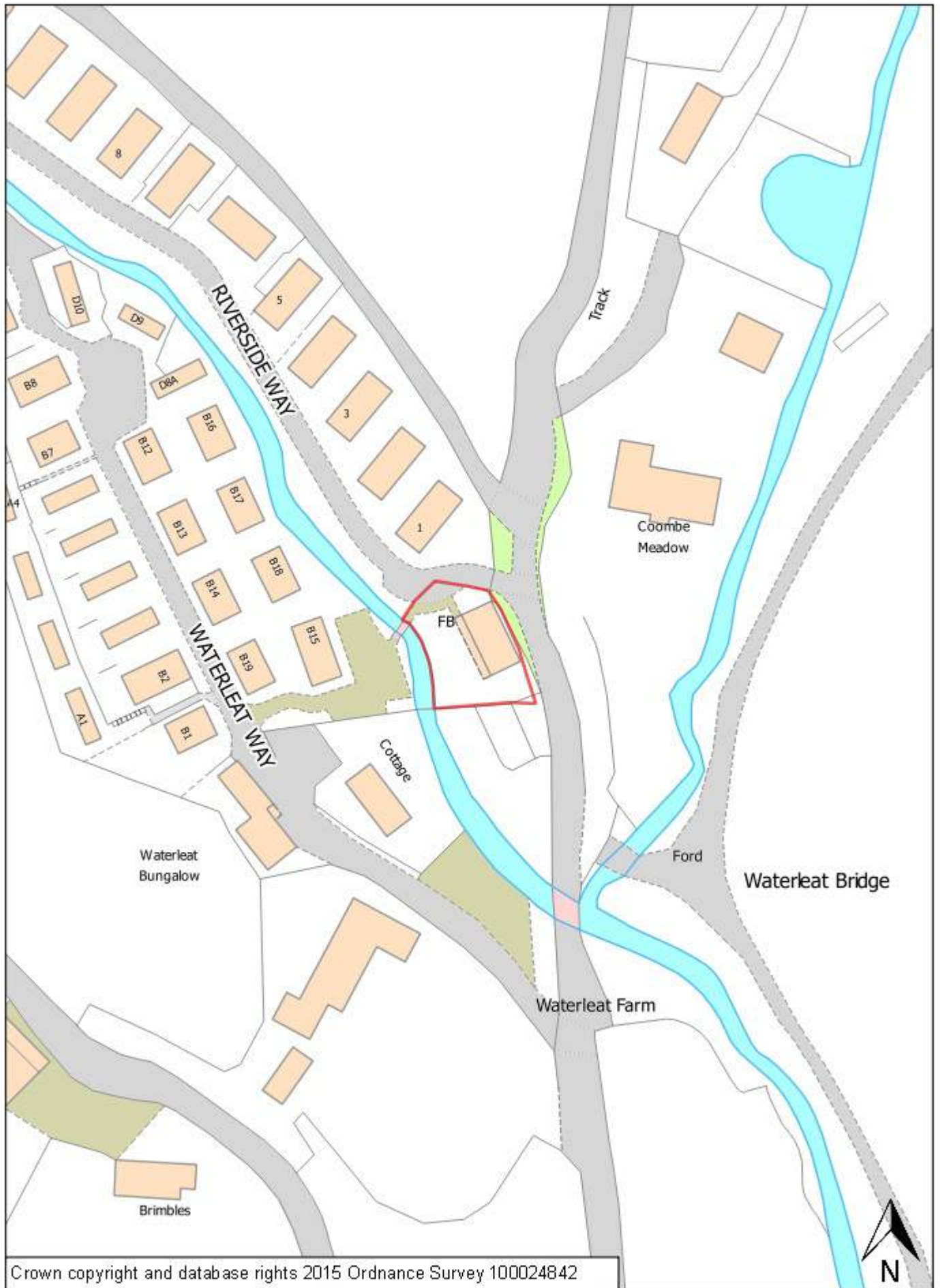
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Ashburton Caravan Site - 0478/16



Scale 1:1,000



1. Application No: **0478/16** District/Borough: **Teignbridge District**
 Application Type: **Full Planning Permission** Parish: **Ashburton**
 Grid Ref: **SX752720** Officer: **Jo Burgess**
- Proposal: **Demolition of existing redundant building and replacement with park home**
- Location: **Ashburton Caravan Park, Waterleat, Ashburton**
- Applicant: **Mr S Essex**
- 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 park home shall be installed strictly in accordance with drawing number TDA/2220/03 received 2 September 2016 and TDA/2220/04A received 12 October 2016.
3. The park home hereby permitted shall not be occupied until the two parking spaces for motor vehicles shown on drawing number TDA/2220/04 A (the approved plan) have been constructed, surface water drainage installed in accordance with the details set out therein and made available for use; thereafter the parking spaces shall be permanently retained for that use alone.
4. No development shall take place until a drawing showing flood mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the park home raised 600m above the floor level of the existing building, the method of securing the park home to the slab, the removal of panel fencing over the river pipe crossing and a revised design for the gate as a post and rail fence. The agreed flood mitigation measures shall be implemented and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Introduction

Ashburton Caravan Park is located in open countryside north of Ashburton.

It is proposed to remove a building which is described as being redundant. Residents have advised that it was used until recently as an office and venue for social functions. It is proposed to site a new park home on the vacant plot.

The application is presented to the Committee because it was advertised as a Departure from the Development Plan; due to the creation of an additional residential unit in the open countryside and because of the comments of the Town Council.

Planning History

0529/04	Variation of condition 3 attached to permission 0040/04 to allow holiday/residential use	Full Planning Permission	Refused	31 August 2004
0040/04	Use of land for the re-siting of static caravan units	Change of Use	Grant Conditionally	07 June 2004

	Appeal lodged: 02 July 04	Result: Allowed	
0059/98	Replacement of existing sewage treatment plant		
	Full Planning Permission	Grant Unconditionally	22 February 1999
05/31/2277/90	Change of use of existing amenity block with permission for holiday accommodation to residential accommodation with associated works		
	Change of Use	Grant Conditionally	08 October 1990
05/31/2278/90	Change of use of existing amenity block to form additional holiday accommodation		
	Change of Use	Approve Conditionally	08 October 1990
05/31/0915/90	Change of use of existing amenity block to form additional holiday accommodation		
	Change of Use	Grant Conditionally	01 June 1990
05/31/3922/89	Change of use of existing amenity block to residential use		
	Change of Use	Refused	02 February 1990
	Appeal lodged: 30 July 90	Result: Withdrawn	
05/31/0174/89	Change of use of existing redundant amenity block to residential use with associated works		
	Full Planning Permission	Refused	03 March 1989
05/31/3977/88	Extension to existing car park		
	Full Planning Permission	Grant Conditionally	18 January 1989
05/31/0852/88	Construction of a toilet/shower block for use by campers		
	Approval of Details	Approve Conditionally	20 May 1988
05/31/2696/87	Construction of toilet/shower block for use by campers		
	Outline Planning Permission	Grant Outline Conditionally	14 December 1987
05/31/2048/85	Established Use Certificate in respect of camping field for tents and motorvans		
	Other	Other	10 December 1985
05/31/2395/84	Replacement of existing bungalow		
	Full Planning Permission	Grant Unconditionally	07 December 1984
05/31/1519/77	Installation of sewage treatment plant to up to date present sewage disposal arrangements		
	Full Planning Permission	Grant Unconditionally	21 October 1977
05/31/1366/77	Construction of swimming pool		
	Full Planning Permission	Grant Conditionally	09 September 1977

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway comments
Environment Agency:	Further to a revised Flood Risk Assessment and a site visit, the objection formerly raised is removed provided that a planning condition is imposed regarding flood mitigation

measures. The Sequential Test should be applied.

DNP - Trees & Landscape: No objection

DNP - Ecology & Wildlife Conservation: Works to proceed in accordance with the findings and recommendations of the Ecology survey letter report.

Devon County Council (Flood Risk): Following the submission of additional information in respect of existing and proposed drainage networks, satisfied that no increased risk of flooding will result from this minor development

Parish/Town Council Comments

Ashburton TC: Object - the building has been used as an amenity for the residents until recently, there is no justification given for a new dwelling in the countryside and the majority of the nearby residents are against it

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR24 - Protecting water resources from depletion and pollution
COR4 - Design and sustainable development principles
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
COR8 - Meeting the challenge of climate change
COR9 - Protection from and prevention of flooding
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
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD4 - Protecting local amenity

Representations

1 letter of objection 3 other letters

Comments have been received from residents regarding the value of the building as a community/office building, future plans for confidential paperwork and parking provision. One objection was received raising these issues.

Observations

INTRODUCTION

Ashburton Caravan Park has existed in various forms since the 1970s.

It is located in a valley north of Ashburton and has now consists of 39 park homes with access drives and gardens. The majority (27) of the units are located on the west side of the River Ashburn with 12 units and the amenity block on the east side.

It is proposed to site a park home on the east side of the river; on the site of an amenity block.

PLANNING HISTORY

Planning permission was granted in 2004 for the resiting of static caravan units. A condition was imposed stating that there should be a maximum of forty-one units. A separate condition limited the number of units to 12 on the east side of the River Ashburn for holiday use only.

A subsequent appeal allowed the occupation of these units for residential rather than limited holiday use.

In allowing the appeal, the Inspector concluded that there was no argument regarding sustainability because in light of the planning history the re-sited caravans did not represent additional households, that residential rather than holiday occupation would not have any meaningful difference in visual terms and that the site was very discrete in the landscape.

PLANNING POLICY

The site is in the open countryside so the creation of an additional unit of residential accommodation is contrary to COR2, COR15 and DMD23. As such the application has been advertised as a departure from the Development Plan.

The planning history as set out above clarifies that planning permission is in place for 41 units of residential accommodation on the overall site. 39 units exist at present so an additional unit would fall within the requirements of Condition 2 attached to planning permission (0040/04). The additional unit would exceed the number of units permitted on the east side of the site (Condition 3) and this requirement was retained by the Inspector at the appeal.

LANDSCAPE IMPACT

The site for the proposed park home is currently occupied by a non-residential building, previously an amenity block and last used as an office and for communal use by the residents.

Drawings have been submitted to confirm that the ridge height of the park home will be less than the existing building. This part of the site is well screened from the adjacent lane and the replacement building will have a minimal impact on the character and appearance of the site or the wider landscape given the existing layout and character of the overall site.

Amended plans have confirmed the provision of two parking spaces within what is currently a landscaped area for use by the new residents and the surface drainage of these spaces meets the requirements of Devon County Council Flood Risk section. Policy DMD40 is therefore complied with.

FLOOD RISK

Two very small sections of the site fall within Flood Risk Zone 2. The majority of the site is within Flood Risk Zone 1. The footprint of the park home is just outside the 7m buffer zone imposed by condition in 2004.

The catchment of the River Ashburn responds rapidly to rainfall and is subject to blockage

problems. The site is at risk of flooding in very large events, particularly if the nearby footbridge and/or pipe crossing become blocked. This site is the lowest land next to the river, and therefore at the most risk within the whole mobile home site.

Initially the Environment Agency objected to the application because park homes are considered to be highly vulnerable development and the site is within Flood Risk Zone 2. Following the submission of a revised Flood Risk Assessment and additional information, the Environment Agency has confirmed that subject to a condition in respect of flood mitigation, the second part of the Exception Test will be met.

The first part of the Exception Test requires the applicant to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk. The previous Inspector made it very clear that although the site is in open countryside, the planning history is such that there could be no argument regarding sustainability.

In terms of the Sequential Test, the applicant has confirmed that there is no alternative location within the site where the park home can be located. In light of the planning history the Sequential Test is considered to be met.

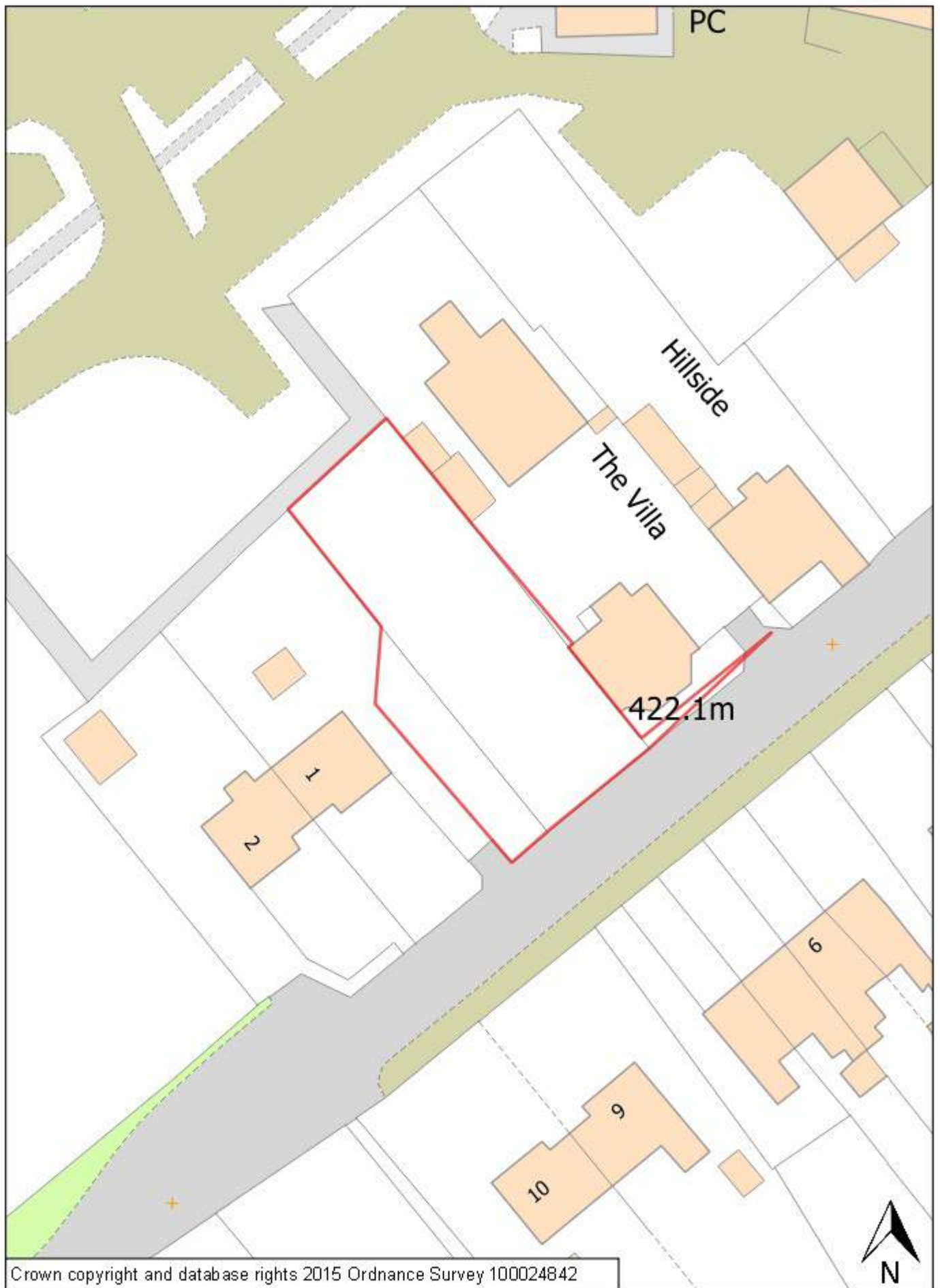
CONCLUSION

The concerns raised by residents and the town council regarding the loss of the community facility and office are noted, but are not a material planning consideration. The other issues have been addressed above and on balance given the planning history and the character of the site, it is considered that the development will not cause harm to the character and appearance of the National Park and permission can therefore be granted.

Land adj The Villa Princetown 0606/16



Scale 1:500



2. Application No: **0606/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Dartmoor Forest**
Grid Ref: **SX589734** Officer: **Jo Burgess**

Proposal: **New open market dwelling**

Location: **land to the south west of The Villa, Plymouth Hill, Princetown**

Applicant: **Mr R Finch**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The Authority is not satisfied that the applicant will be able to secure and maintain the provision of the required visibility splay to the north east of the proposed access onto the public highway. In the absence of such a visibility splay, the proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class B County Road through a relocated access which does not provide adequate visibility to the north-east to the detriment of highway safety. The proposal is therefore contrary to policy COR21 of the Dartmoor National Park Development Plan and the advice in paragraph 32 of the National Planning Policy Framework.

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.

It should be noted that the application and Land Registry state the adjacent property is named 'The Villa', however the owner gives his address as 'The Villas'. In this report I will refer to 'The Villa'.

It is proposed to erect a single open market dwelling on the land, set back to the line of 'The Villa' and designed to reflect the design characteristics of 'The Villa'. A detached garage is proposed to the rear.

The application is presented to Committee because it is advertised as a Departure from the Development Plan due to the creation of an additional unit of open market residential accommodation in the Local Centre.

Planning History

0295/16	Erection of open market dwelling		
	Full Planning Permission	Withdrawn	06 October 2016
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	Refused	29 November 2010
	Appeal lodged: 26 May 11	Result: Dismissed	

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
0808/05	Erection of one dwelling	Outline Planning Permission	Withdrawn	15 November 2005
0364/00	Erection of single storey timber garden/hobby building	Full Planning Permission	Grant Conditionally	24 July 2000
03/55/1759/88	Erection of two storey rear extension	Full Planning Permission	Grant Unconditionally	03 February 1989
03/55/1120/88	Proposed erection of detached house and garage	Outline Planning Permission	Withdrawn	08 April 1988
03/55/1288/87	Proposed erection of a detached double garage	Full Planning Permission	Grant Conditionally	29 June 1987

Consultations

County EEC Directorate:	The sight line is shown within the land forming the application site. Visibility from the proposed access will be 22.5m from 2.4m back and from 2.0m back to a point 1m out into the carriageway, then the Manual for Streets minimum standard of 43m can be achieved over land within control of the applicant. Adequate visibility is provided to the north east within land forming the application site. A condition is recommended to include provision and maintenance of the access and visibility splays.
Environment Agency:	Flood Risk Zone 1 - standing advice applies
DNP - Building Conservation Officer:	Support the application subject to conditions in respect of roofing materials, render colour, window and external door details, fascia and verge boards to be painted timber, metal rainwater goods and sample panel for the boundary wall.
DNP - Archaeology:	An archaeological watching brief is recommended
DNP - Trees & Landscape:	The cypress tree growing in the site has little amenity value. There is no objection to this tree being removed. The trees growing around the site are semi mature and will have limited root penetration into the land, however trees can be damaged during the building process and by the storage of materials and equipment in the Root Protection Areas so a condition requiring a Tree Protection Plan would be appropriate.
DNP - Ecology & Wildlife Conservation:	An informative regarding reptiles is suggested
West Devon Borough Council:	The information provided would indicate that it is not likely that there is contamination on the site so a phase one assessment would not be required. A condition stating that if during construction contamination is found work must

cease, an appropriate remediation strategy must be agreed, should be imposed.

Parish/Town Council Comments

Dartmoor Forest PC: Object - size of building and safety of access

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

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

DMD21 - Residential development in Local Centres

DMD3 - Sustaining the quality of places in Dartmoor National Park

Representations

6 letters of objection 21 letters of support

Those in support consider the proposal good use of vacant land and a well designed scheme that is consistent with the other houses in the street and that it will provide a new family home in Princetown.

Objectors principally focus 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, in particular for cyclists. 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.

The neighbour at 1 Babbs Cottages has disputed the applicant's claim that they own the land within the red line and stated that the visibility to the south west crosses their boundary and driveway.

The applicant has served notice on the neighbour at The Villas, who has written to state that he rejects the notice because he does not accept that it is valid and objects to the application.

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' located to the south west.

PRINCIPLE OF DEVELOPMENT

The site falls within the settlement boundary of the Local Centre of Princetown. Policy DMD21 requires 50% of all new housing to be affordable. In this case a single dwelling is being proposed so policy requires it to be affordable. An Interim Statement on affordable housing was adopted in June 2016 which led to the conclusion, by the applicant, that there was no requirement for affordable housing. This was the position adopted by the Authority when considering the previous application.

Planning decisions must be made in accordance with the local development plan unless material considerations indicate otherwise. The policies set out in the Written Ministerial Statement of 28 November 2014, including in respect of Section 106 affordable housing contributions, are material considerations in the determination of a planning application. It is for the decision maker to decide the weight to give to material considerations in each case.

The footprint of the proposed dwelling is 97sqm and the internal floor area 81.5sqm so the total floor area is approximately 163sqm. Four bedrooms are proposed so it is clearly not proposed as an affordable dwelling.

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 lies within the development boundary of Princetown as shown in the adopted Local Plan.

Section 3.7 of the Development Plan specifically related to Princetown and states that development on brownfield land within the village for a small number of open market houses may be acceptable; where this is of significant environmental or community benefit and provided no local need for affordable housing is identified at that time.

The West Devon Housing Officer has confirmed that a recent unpublished housing needs survey confirms a need and demand for affordable housing in 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 albeit not registered as such.

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 design of the Villa adjacent and other villa style residences built during Princetown'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. Given the need to

reflect local design on this important site it is considered that a much smaller affordable dwelling would be inappropriate to this location.

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.

OWNERSHIP

A neighbouring resident has raised an ownership dispute over a small portion of land at the south west corner of the site which is shown as part of the visibility splay on the submitted drawing.

The Highway Authority has measured the visibility and concluded that sufficient visibility can be obtained to the south west without relying on this small piece of land.

With respect to the visibility splay to the north east, notice has been served on the owners of 'The Villa' and a copy of a private covenant in respect of maintaining the south west boundary of the land, has been provided.

HIGHWAYS

The application includes the creation of a highway access onto Plymouth Hill and includes the entire visibility splay within the red line area (across the front of 'The Villa').

It is argued by the applicants solicitor that the part of the splay (to the north-east) is under the control of his client under the terms of a restrictive covenant.

The Highway Authority is content with the visibility from the proposed access subject to a condition in respect of the provision and maintenance of the access, parking facilities, visibility splays, parking spaces and garage/hardstanding, access drive and access drainage .

The Authority's Lawyer has advised that the Authority cannot rely on the private covenant or enforce it. A condition could be imposed requiring the splay to be kept free from obstruction: but the question is whether or not the condition is reasonable, capable of compliance and capable of enforcement. It is clear that the applicant would be reliant on the neighbour to comply with any condition requiring maintenance of the visibility splay.

Although the land is included in the red line of this application, it is the Authority's view that the only feasible way to ensure maintenance of this visibility splay in perpetuity is via a legal agreement with the applicant and adjoining land owner. In light of the objection by the neighbour, it is clear that the applicant is not capable of complying with any condition and legal agreement to secure the visibility splays in perpetuity seems unlikely to be achievable.

This was the case when the last application was dealt with (albeit with a reduced red line area that did not include the neighbour's land); your officers advice has been consistent in this respect.

TREES

The development will require removal of a mature Cypress tree. The sycamore tree on the boundary with Babbs Cottages identified as specimen number 5 in the Conservation Area Character Appraisal is to be retained. The Authority's Trees and Landscape Officer confirms removal of the Cypress 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.

CONTAMINATION

During the course of the application a neighbouring resident raised contamination concerns, in particular that they believed a water well was sited on the application site. The applicant commissioned a site inspection by a drainage professional and submitted a corresponding report which confirms no water well was found on the site.

West Devon Borough Council's Environmental Health Officer has confirmed there are no obvious on-site concerns regarding other sources of contamination. The applicant has completed a corresponding questionnaire which confirms there is no reason to believe any further site investigation is necessary and that the development is not contrary to DMD17 and that contaminated land issues have been addressed.

CONCLUSION

It is acknowledged that the proposed dwelling could deliver substantial public benefit through delivery of a high quality scheme which would enhance this part of the Conservation Area.

A recent survey has identified a need for affordable housing in Princetown. The indicative unit sizes for two bedroom affordable units is 62sqm. It could therefore be argued that a pair of two bedroomed affordable housing units could be provided on the site. It is clear however, that a development of two smaller dwellings on the site would not be achieved in a form that would conserve and enhance the Conservation Area. The number of vehicular movements would be greater and by necessity, the integrity of the plot as a single plot would be compromised with a consequential impact on the Conservation Area.

In this case it is considered that the environmental benefit of this development on this very important site, outweighs the need for affordable housing.

The key issue however is whether the visibility splay, required by the Highway Authority to the north east can be maintained in perpetuity. There is doubt as to whether a suitable condition or alternatively, a legal agreement could be concluded to secure this necessary requirement. Laying out and maintaining a suitable visibility splay is a key component of the acceptability of this scheme. Without it the access would be unsafe and therefore a recommendation of refusal on this point alone must be made.

It is therefore recommended that unless it is clear that the neighbour at 'The Villa' is willing to be included in a Section 106 agreement in respect of maintenance of the visibility splay,

planning permission should be refused.

Foxlands, Willey Lane, Sticklepath - 0491/16



Scale 1:1,250



3. Application No: **0491/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission -
Householder** Parish: **Sticklepath**
Grid Ref: **SX642944** Officer: **Oliver Dorrell**

Proposal: **Construction of extension and associated works**

Location: **Foxlands, Willey Lane,
Sticklepath**

Applicant: **Mr & Mrs Mallett**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extension by reason its increase in habitable floorspace would result in significant enlargement of an agricultural workers dwelling, contrary to policy DMD24 (e) of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Foxlands is a modern detached dwelling located off Willey Lane, north of Sticklepath. The present house comprises a simple linear building with a dual pitch roof. The walls are painted render and the roof is natural slate. There are uPVC windows throughout.

The house is subject to an agricultural tie.

This proposal is for the erection of an extension to the northern end of the building to provide a living room and farm office.

This application is presented to committee at the request of Authority Member William Cann who expressed a comment regarding the size of the finished building needing further consideration.

Planning History

0586/02	Erection of an agricultural worker's dwelling		
	Full Planning Permission	Grant Conditionally	18 September 2002
0737/01	Erection of agricultural worker's dwelling		
	Outline Planning Permission	Grant Outline Conditionally	22 January 2002

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highway implications

Environment Agency: Standing advice - flood zone 1

DNP - Ecology & Wildlife Conservation: Protected species unlikely to be affected by proposed development.

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
DMD24 - Extensions and alterations to dwellings
DMD4 - Protecting local amenity
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

PLANNING HISTORY

The house was granted planning permission in 2002 (ref: 0586/02). At the time the habitable floorspace was almost exclusively confined to the ground floor with the exception of a small gallery formed by a mezzanine over the kitchen.

Subsequently a large part of the loftspace was converted to habitable floorspace without the need for planning permission. This included introduction of rooflights on the front and rear elevations carried out under permitted development.

IMPACT ON CHARACTER AND APPEARANCE

The proposed extension comprises an enlargement to the northern end of the building into a space currently laid to gravel and used for domestic vehicle parking. The extension would project back from the rear wall into the garden however it would not compromise how the amenity space is used. The pitch of the roof would match the main house and the external materials would be sympathy with the existing finishes.

The extension would not adversely affect the appearance of the host dwelling. It is therefore considered acceptable under policies COR4 and DMD7.

The house is visible from Willey Lane where it is seen between an existing bungalow and a modern farm building. The extension would not be detrimental to the appearance of the area.

POLICY CONSIDERATIONS

The house is the subject of an agricultural tie. It is therefore subject to criterion (e) of policy DMD24 which states that extensions to dwellings limited by condition for agricultural workers should not be permitted where the habitable floorspace of the existing building combined with the extension would exceed 120sqm. This is to ensure that the dwelling remains affordable for an agricultural worker in the future and its potential future occupancy as an affordable dwelling should the tie be removed.

The floorspace of the original house was 102sqm. The floorspace of the existing house is

149sqm. The proposed floorspace would be 192sqm. This represents clear conflict with policy.

There has been no information submitted to demonstrate why the additional floorspace is required for the effective management of the agricultural holding to which it relates. The accommodation currently comprises three bedrooms (one en-suite), a dressing room and a utility room.

It should also be noted that the above figures are based on accommodation only being provided on the ground floor as shown on the submitted plans, and that planning permission would not be required for any subsequent internal enlargement the first floor accommodation over the proposed farm office and living room.

The applicants have pointed out that permitted development rights remain for the property and that this would allow for a single storey extension to the rear of the property. This is correct and remains a fall back position for the applicants to pursue however it is not considered a material consideration in this case as it would relate to distinctly separate proposal on a different part of the building. It is also questionable that such a development would be carried out as doing so would mean a significant reduction in the level of private rear amenity space to serve the dwelling.

The applicants have also suggested that they would agree to the removal of permitted development rights should permission be granted for the proposed extension, however it is not considered that the use of planning conditions to restrict further development is appropriate based on a theoretical development and where granting planning permission would otherwise be a departure from adopted policy.

UPDATE FOLLOWING DECEMBER COMMITTEE

At the December meeting Members requested further information including what permitted development rights allowances exist for the dwelling. Under permitted development it would be possible to extend the ground floor accommodation to the rear of the property to a maximum floor area of 62sqm. An alternative scheme drawing showing the floor area of such an extension has been submitted. The applicants have stated that the rear extension was their preferred option for extending the property prior to submission of the current application.

The applicant has stated that the size of the extension allowed under permitted development being approximately 50% larger than that proposed under this application. This however does not take into account the open roof void above the proposed farm office and living room which could be converted to habitable accommodation without the need for planning permission given that rooflights would already be in place to serve this upper floor. Doing so would provide an approximately 36sqm of additional floorspace, which combined with the ground floor would be greater than that which could be achieved under the permitted development scheme.

The applicants have provided a statement outlining why the extension is needed. The extension is required partially to create a farm office to provide administration for Mr Malletts farming and contracting business. It should be noted however that the proposed office is less than 25% of the overall size of the extension.

The holding extends to approximately 35 hectares and this is currently the only dwelling serving the holding. The property is currently occupied by Mr & Mrs D Mallett and their adult

daughter who works in the local veterinary practice.

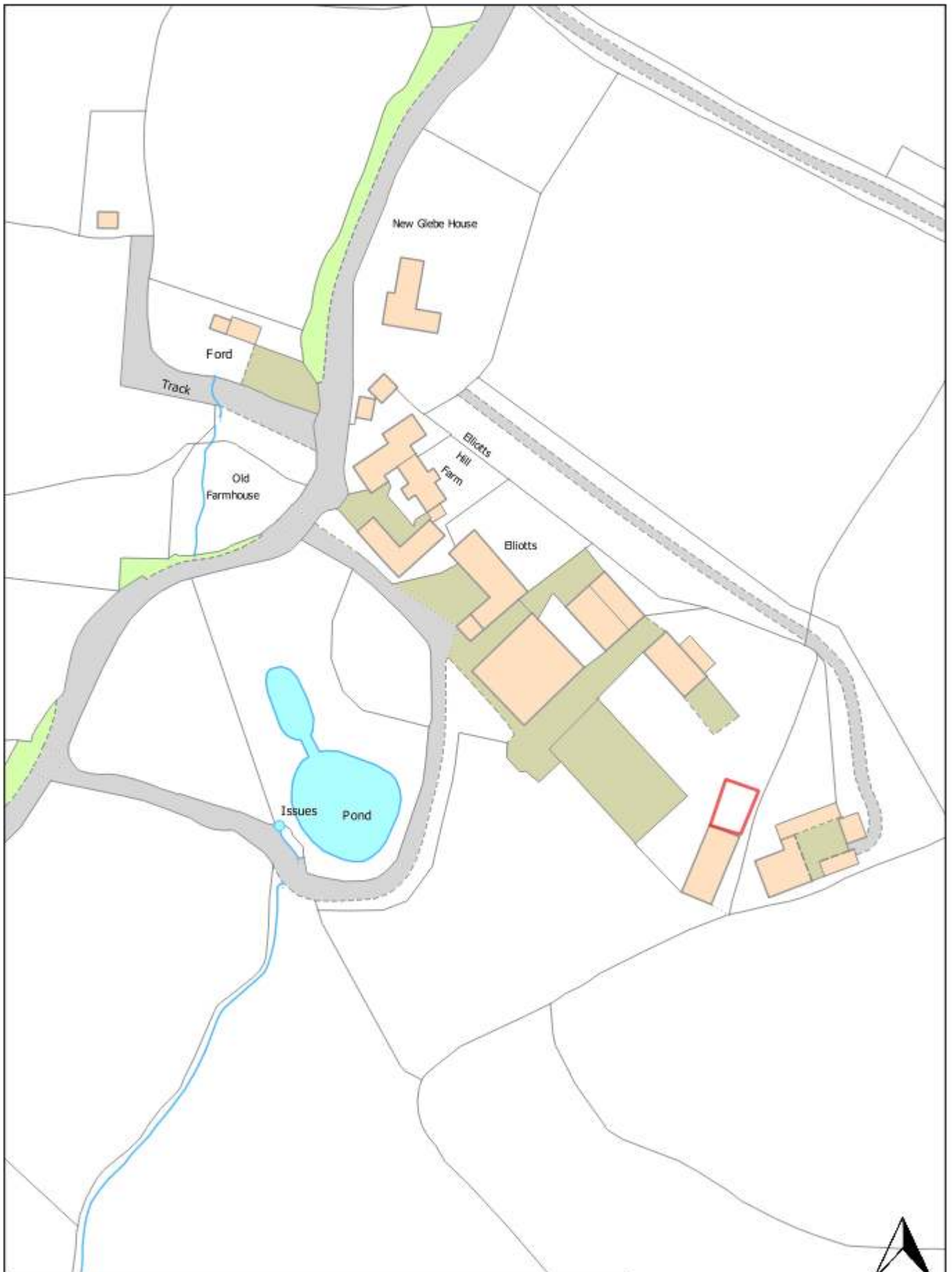
Officers remain of the opinion that the side extension proposed under the current application would represent a departure from policy DMD24 and should be refused. The farm office requested could be provided by installing a first floor above the existing dining room which would create an additional 19sqm of floorspace without the need to physically extend the property. The permitted development allowance for the property is a material planning consideration in determining the application however it is considered that it should be afforded limited weight for the reasons previously stated above.

As the current proposed extension is presented it would be possible without planning permission to extend into roofspace above the lounge and office to create an additional 36sqm. It would not be possible to remove permitted development rights for these works as internal alterations including the provision of a mezzanine floor do not constitute development requiring planning permission.

Elliots Farm 0583-16



Scale 1:1,250



4. Application No: **0583/16** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission - Householder** Parish: **Buckland-in-the-Moor**
Grid Ref: **SX724736** Officer: **Louise Barattini**

Proposal: **11.5m x 5.5m extension to barn for car garage**

Location: **Elliot's Farm, Buckland in the Moor**

Applicant: **Mr T Andrew**

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.
3. The development hereby approved shall be used for the garaging of private vehicles or other storage purposes ancillary and subservient to the residential use of the existing dwelling.

Introduction

Elliot's Farm is located to the north of the village of Buckland in the Moor and is one of a small number of properties at Elliotts Hill.

The application proposes the extension of an existing building to form a garage to the south west of the dwelling which comprises both garden and agricultural uses.

The application is presented to Members in view of the comments received from the Parish Council.

Planning History

0626/13	Erection of agricultural machinery store to adjoin existing building		
	Full Planning Permission	Refused	11 February 2014
	Appeal lodged: 10 June 14	Result: Dismissed	

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	No objection - Flood zone 1 (low risk) standing advice only

Parish/Town Council Comments

Buckland-in-the-Moor Parish Meeting: The Parish Council objects.

The applicant has received permission for 3 new buildings and reconstruction or restoration of 2 others.

The design raises a number of issues:

1. The existing cattle shed (0068/07) already hinders water drainage from the adjacent field. This problem is getting worse and will be exacerbated by the proposed development.
2. It will overshadow the adjacent stables making it harder for the landowner to look after her horse
3. At 11.5m wide, it is 4 times the width of an average medium garage and excessive for a single household.
4. The blockwork and stone construction, though in keeping with the cattle shed next door is more substantial than needed for a garage and makes the proposed development more intrusive in the landscape.
5. It looks as if the proposal will mean that more than half of the curtilage is built upon.

The proposal is contrary to DMD3 (surface water), DMD4 (daylight for stables) and DMD4 & DMD5 (the land has already been developed to a point where it is out of keeping with the area).

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

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

COR3 - Protection of Dartmoor's special environmental qualities

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

DMD4 - Protecting local amenity

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

Representations

1 letter of objection

The neighbour objects to the extent of buildings that have been put up by the applicant. She states that the proposal will impact on the drainage of her field above the site and restrict light to her stables/barn. She states that the garage is far away from the house and has no feasible access.

Observations

PLANNING HISTORY

A previous application for agricultural machinery store on this parcel of land was refused in

February 2014 (ref: 0626/13) based on lack of agricultural justification and was dismissed at appeal.

PROPOSAL

The proposed garage would extend an existing building, currently utilised for hay storage, and would make use of the existing access arrangement to service the garage.

The proposed garage would measure 11.5m wide by 5.5m deep and would follow the form and materials of the existing building which it is proposed to extend.

There is no current garage for this property. There is a parking and turning area immediately to the front of the house. The Parish Council are concerned about the size of the garage, however, given the lack of existing garaging and scale of the house and plot, the proposed garage is not considered to be excessive or cause harm to the local area.

IMPACT ON CHARACTER & APPEARANCE OF THE AREA

Policies COR1, COR3, COR4, DMD1b, DMD5 and DMD7 are concerned with the conservation and enhancement of the Dartmoor National Park landscape. Policies DMD7 and COR4 deal specifically with design and the built environment.

The Parish Council is concerned that the development will mean that more than half the total area within the curtilage of the house will be built upon. This is not considered to be the case and the key consideration is whether the proposal will cause harm to the character and appearance of this part of the National Park.

It would be difficult to argue that the proposal amounted to harm to the character and appearance of this part of the landscape as the proposed garage would extend an existing building, be set against a backdrop of rising ground and hedgerow trees and would be within the developed garden area, close to existing buildings.

IMPACT ON RESIDENTIAL AMENITY

Policy DMD4 deals with development and residential amenity. The proposed garage is situated away from neighbouring residences and will have no direct adverse impact on the living conditions of neighbouring occupiers.

HIGHWAY SAFETY

Policy COR21 deal with highway safety. This proposal for a domestic garage in the garden will have no adverse impact on highway safety.

PROTECTED SPECIES

Policies COR7 and DMD14 deal with biodiversity. The proposal is not considered to have an adverse impact on protected species and no survey is requested.

OTHER ISSUES RAISED BY THE PARISH COUNCIL & NEIGHBOUR

Concern has been expressed about the proposed development exacerbating drainage problems on the adjacent field where a local resident has stables/haystore. There is a hedge

bank separating the proposed garage and the stables. This would be the first physical barrier to any water running off this higher land and causing it to pool around the stable area. If water managed to flow over this bank, or permeate through, then the lie of the land on the application site is such that water would run downslope behind the back of the proposed building in a southerly direction. This is not considered to be material planning consideration for the determination of this application.

The Parish Council has also raised concern about the proposed development overshadowing the adjacent stables. The proposed garage is to the north of the stables and separated behind a hedge bank with trees growing atop. It is not considered that there would be any significant shading, or indeed, shading to equestrian buildings that would constitute a reason for refusal on material planning grounds. It is also noted that the neighbour who owns the stables, states in her correspondence that the stables are mainly redundant because of poor drainage.

The neighbour is concerned about the scale of developments on the land and how the building will be used in the future. The proposal is for a domestic garage and the application is assessed on this basis.

CONCLUSION

The proposal is for a garage at Elliots Farm. There is currently no garage at the property. The proposed garage would be located within the garden, utilising existing access arrangements, with a slate roof and mix of render and stone elevations. The scheme has evolved in consultation with planning officers. The proposal development would conserve the character and appearance of this part of the Dartmoor National Park, with no harm to residential amenity or highway safety.

The proposal complies with policy and is recommended for approval.

Estrayer Park 0619-16



Scale 1:1,250



5. Application No: **0619/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Okehampton Hamlets**
Grid Ref: **SX568939** Officer: **Louise Barattini**

Proposal: **Conversion of three redundant barns to three holiday units**

Location: **Estrayer Park, Okehampton**

Applicant: **Mr & Mrs M & S Littlejohns**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development, by reason of the alterations to barn 1, will fail to conserve or enhance the special characteristics of the building and detract from this historic farmstead contrary to the Dartmoor National Park Core Strategy Development Plan Document in particular policies COR1, COR3 and COR4, the Development Management and Delivery Development Plan Document in particular policies DMD1b and DMD9 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.

Introduction

Estrayer Park is an historic farmstead located beside the B3260, approximately 2km west of Okehampton. The historic farmstead comprises a cluster of traditional stone farm buildings and around a yard and associated farmhouse to the east. The site is recorded on the DNPA Historic Environment Record as an Historic Farmstead.

The farming operations carried out on this farmstead are in the process of being moved to Minehouse Farm and, as such, the buildings are surplus to requirements. The farmhouse at Estrayer Park is let as holiday accommodation to support the farming enterprise.

This application seeks permission for the conversion of 3 barns into further units of self-contained holiday accommodation.

The application is presented to Committee in view of the comments received from the Parish Council.

Planning History

0160/16	Conversion of three redundant barns to two residential units (for applicants' children) and one holiday unit		
	Full Planning Permission	Refused	07 June 2016

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	No objection - Flood zone 1 (low risk)
DNP - Building Conservation Officer:	Estrayer Park is recorded as an historic farmstead. The buildings appear to be late 19th and early 20th Century and are of traditional construction and appearance having some

heritage value as a group. The farm may have been part of a larger estate as barns 2 and 3 have animal keystones above the doors which is an unexpected decorative finish.

The revised scheme is an improvement over the previously submitted application but does contain elements that are less than ideal.

The main issue is the treatment of barn 1. This barn is not of such good quality as the others, and, according to map evidence, is later in date and while making a contribution to the group, individually has less heritage value. The proposed north east, while better than the previous scheme, loses the agricultural simplicity of the existing building and is visually unbalanced. The difficulty of finding an acceptable design for this building must call into question its suitability for domestic conversion.

DNP - Ecology & Wildlife Conservation:

Recommendations of wildlife survey to be followed

DNP - Archaeology:

No archaeological concerns

Parish/Town Council Comments

Okehampton Hamlets PC:

The Parish Council supports the application as it will preserve traditional farm buildings, represents a good farm diversification scheme and could potentially bring income into the area.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR18 - Providing for sustainable economic growth

COR19 - Dealing with proposals for tourism development

COR2 - Settlement Strategies

COR20 - Providing for agricultural diversification

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

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR6 - Protecting Dartmoor's Archaeology

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

DMD13 - Archaeology

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

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

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

None to date.

Observations

PLANNING HISTORY

Planning permission was refused for the conversion of these 3 barns into 2 dwellings and one holiday let in June 2016 (ref: 0160/16). The proposal was refused on grounds of (i) unjustified dwellings in the open countryside contrary to the Authority's housing policies and, (ii) the proposed design, incorporating sub-division of the farmyard, substandard accommodation and loss of historic fabric, failing to conserve or enhance the special characteristics of the buildings at this historic farmstead.

PRINCIPLE OF HOLIDAY ACCOMMODATION

Policy DMD9 supports the principle of converting traditional buildings into holiday accommodation in the open countryside where there is reasonable access to local services and facilities preferably by a variety of means of transport.

Policy DMD44 accepts the principle of holiday accommodation within the National Park where it will be provided as part of an acceptable farm diversification exercise.

Policy DMD35 states that where farm diversification schemes are approved, planning agreements or conditions will be used to ensure that the development remains ancillary and tied to the farm enterprise. Policies COR20 and DMD35 set out that farm diversification should help to maintain (and not supplant) the core agricultural business and conserve/enhance the wildlife, natural beauty and cultural heritage of the Park.

Minehouse Farm is a 450 acre beef and sheep enterprise (with some contracting and haulage) run by Mr & Mrs Littlejohns and their daughter. They have an existing large holiday let at Estrayer Park (which amounts to approximately 20-25% of the farm income) and they are proposing 3 additional holiday units to further diversify their farm. The buildings are away from the main farm operation at Minehouse and are no longer used for farming.

DESIGN AND HERITAGE POLICY

Policies COR1, COR3, DMD8 and DMD1b establish the requirement for the conservation and enhancement of Dartmoor's cultural heritage.

The National Planning Policy Framework (NPPF) is explicit that great weight should be given to the conservation of cultural heritage within National Parks and the need to sustain and enhance the special interest and significance of heritage assets. This is emphasised in policy DMD1b of the Local Plan which sets out National Park Purposes and establishes that the conservation and enhancement of cultural heritage of the National Park will be given priority over other considerations in the determination of development proposals.

Policy DMD8 of the Local Plan is concerned with the conservation and enhancement of designated and undesignated heritage assets. It requires an assessment of the impact of development proposals on the significance (special heritage interest) of heritage assets to be

made, taking into account to what extent the works will detract from the original scale, significance, form, quality and setting of the building and impact on its architectural; or historic interest. The policy requires a balanced judgement having regard to the scale of any harm or loss and the significance of the building or asset.

Policy DMD9 states that proposals for the conversion of non-residential buildings should (i) be historic buildings that demonstrate a form, structure or history that traditional to Dartmoor, (ii) be capable of conversion without need for substantial alteration or significant changes in the relationship with existing ground levels, (iii) demonstrate conversion works that are in-keeping with local building styles and materials and not adversely impact rural character, (iv) retains significant historic or architectural elements and (vi) sustains the setting of the building.

The Design Guide sets out that successful conversions should respect and reflect the original function of the building and maintain the agricultural character and historic elements on the outside and inside. It specifically identifies that it may not be possible to convert some types of farm buildings such as shippons and lincays and that making new windows in walls is not usually acceptable.

THE PROPOSAL & HERITAGE CONSIDERATIONS

Estrayer Park is an historic farmstead appearing on the c.1840 Tithe Map. The barns in question look to date to the 19th and early 20th Century and form part of a complex of traditional buildings grouped around a farm yard.

The barns do not easily lend themselves to conversion. The existing first floor loft area has limited head height and as such the proposal seeks to reconfigure the roof and first floor levels to enable living accommodation within. The proposal will not provide good quality living environments when considering the percentage of low headroom living space against DCLG Technical Housing Standards, however this is of a lesser concern for holiday accommodation than a permanent residence. The changes will be largely internal, however the Design Guide stipulates that successful conversions respect and reflect the buildings original functions and maintain the agricultural character and historic elements on the outside and inside.

The internal layout has been revised from the previous application and reduces the extent of new window openings from 7 to 2 and these will be confined to roof lights. An external flue is proposed on the north east elevation which represents a poor design arrangement, however, a requirement could be made for this to be an internal flue by condition and termination details through the roof to be agreed. Furthermore, the amendment to the historic window opening to the south west elevation of barn 2 will detract from the original character and function of this traditional building and a condition could be imposed to secure the retention of the existing aperture of this loft opening for the new window insert.

The previous application incorporated the subdivision of the farmyard with fencing and breaking up of the concrete slab to create private amenity space for each of the new residential units. The new scheme is for holiday units and shows no subdivision or domestic curtilage.

Whilst the proposal will involve some substantial reconstruction internally to facilitate the proposed end use, the overall external appearance and setting would be maintained and therefore on balance, the proposed conversion of barns 2 and 3 into holiday accommodation to help diversify the farm is considered acceptable.

Of greater concern, however, is the proposed conversion works to barn 1. This barn has a simple form consistent with a lincast farm building type.

The application proposes new windows in the south east and south west elevation of this building at ground floor level and a first floor window in the north east elevation which are inconsistent with the function and character of this vernacular farm building. These proposed alterations, in tandem with the proposed flue, rooflights, and fenestration at ground floor in the open storage area, will have a harmful impact on the character and appearance of this farm building type. Policy DMD9 states that proposals for the conversion of non-residential buildings should be capable of conversion without need for substantial alteration, demonstrate conversion works that are in-keeping and retain significant historic or architectural elements. The Design Guide repeats the above advice and identifies that it may not be possible to convert lincasts and that making new windows in walls is not usually acceptable. The proposed conversion is contrary to policy and Design Guide advice and therefore officers are unable to support this element of the scheme.

The proposals will have a harmful impact on the simple character of this farm building type. The farm already has one large holiday unit, and if this was to be combined with the two additional holiday lets would provide a substantial diversification income for the farm. The existing holiday rental on Estrayer Park House already provides 20-25% of the farm income. To convert this additional unit (effectively the 4th holiday unit) would be harmful to this historic farmstead and is not justified.

The applicants were asked if they would consider a lesser scheme for 2 holiday units to enable a positive recommendation from officers, however, they state that it would not be financially viable to convert only 2 of the units and therefore respectfully request that the scheme is considered on its merits. No information on viability has been submitted.

There is no objection to barn 1 being incorporated into the scheme for low key ancillary uses, such as a bike store or games room, to support the other holiday lets.

WILDLIFE CONSIDERATIONS

A protected species survey has been submitted with the application and no evidence of bats or barn owls were recorded. Evidence of previous nesting birds was noted. The recommendations of the report are to be followed to ensure that protected species are not adversely affected in accordance with policies DMD14 and COR7.

RESIDENTIAL AMENITY

Policy DMD4 deals with protecting the residential amenities of neighbouring properties. The proposed development will, in the main, present a satisfactory relationship with the adjacent dwelling, Estrayer Park. The proposed bedroom window on the north east elevation will, however, look directly at windows on this neighbouring dwelling at a distance of 12m away. This could, however, be dealt with by condition requiring the obscure glazing of this window.

HIGHWAY SAFETY

No objection is raised to the proposed holiday units having regard to the existing access arrangements and historic use of the site. The proposal will therefore not conflict with policies COR21 and DMD40.

CONCLUSION

The proposed conversion schemes to barns 2 and 3 are, on balance, considered to be acceptable. The proposed conversion works to barn 1 will have a harmful impact on the simple character of this building type and the historic farm group and fails to meet the tests for conversion under policy DMD9. There is no objection to barn 1 being incorporated into the scheme for low key ancillary uses, such as a bike store or games room, to support the other holiday lets.

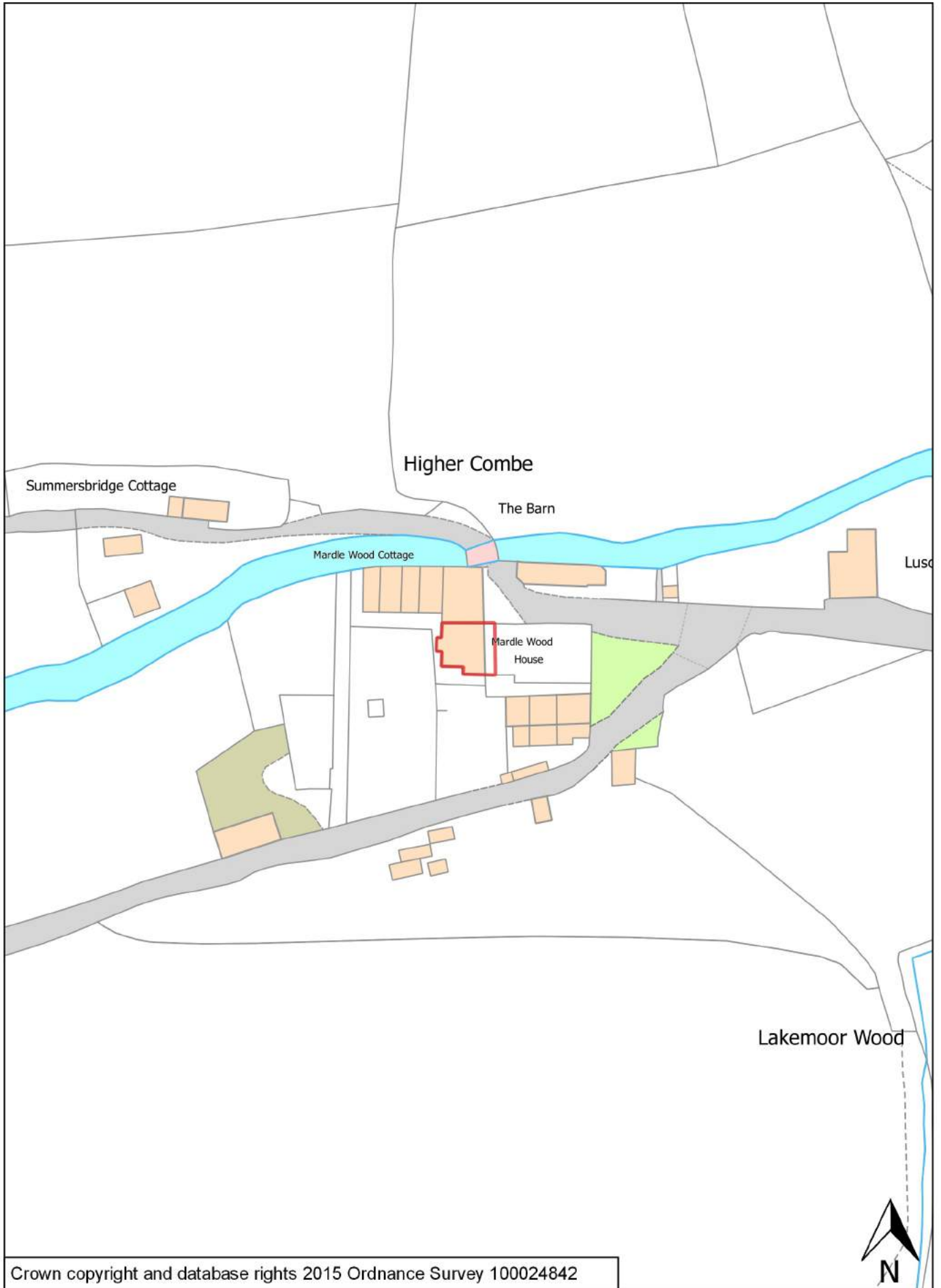
The applicants were asked if they would consider a lesser scheme for 2 holiday units to enable a positive recommendation from officers, however, they state that it would not be financially viable to convert only 2 of the units and therefore respectfully request that the scheme is considered on its merits. No information on viability has been submitted.

The farm already has one large holiday unit (which provides 20-25% of the farm income) if this was to be combined with a further two additional holiday lets could provide a substantial diversification income for the farm. To convert this additional unit (effectively the 4th holiday unit) would be harmful to this historic farmstead and is not considered to be justified.

Mardle Wood House 0556-16



Scale 1:1,000



6. Application No: **0556/16** District/Borough: **South Hams District**
Application Type: **Listed Building Consent** Parish: **Buckfastleigh West**
Grid Ref: **SX699680** Officer: **Nigel Pratt**

Proposal: **Enlargement and insertion of french doors to existing south elevation (gable end) ground floor kitchen window**

Location: **Mardle Wood House, Higher Coombe, Buckfastleigh**

Applicant: **Mr H Bourne & Ms S Fullilove**

Recommendation **That consent be GRANTED**

Condition(s)

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Introduction

Mardle Wood House is part of an 18th century mill complex in the small hamlet of Higher Combe, 1.5 km south west of Holne. Mardle Wood House is at the south end of the mill, and the proposed french door is on the south gable end and would give access to the raised garden area. The mill was listed at Grade II on 27 May 1986.

The application is presented to Committee in view of the comments received from the Parish Council.

Planning History

0352/15	Replace existing modern windows with period-design windows based on existing historic ones		
	Listed Building Consent	Grant Conditionally	19 October 2015
0863/06	Solar panel on east facing roof		
	Full Planning Permission	Withdrawn	22 February 2007
0864/06	Solar panel on east facing roof		
	Listed Building Consent	Refused	06 February 2007
0535/05	Solar panel on eastern facing roof slope		
	Listed Building Consent	Refused	24 August 2005
0534/05	Solar panel on eastern facing roof slope		
	Full Planning Permission	Refused	24 August 2005
9/60/070/93/07	Install one velux window and one internal window to attic room		
	Listed Building Consent	Grant Conditionally	06 June 1994
09/60/0407/91	Installation of window		
	Listed Building Consent	Grant Conditionally	11 April 1991
09/60/0882/90	Alterations to porch & toilet and internal refurbishments		
	Listed Building Consent	Grant Conditionally	26 July 1990

Consultations

South Hams District Council: No Obiection.

County EEC Directorate: No highway implications.
Environment Agency: Flood Risk Zone 2 - standing advice applies.

Parish/Town Council Comments

Buckfastleigh West PC: Object on the following grounds:

1. The listed building is of local historic significance - being an old woollen mill and it is considered that French doors is such a building is not appropriate.
2. The size of the glass panes is not in keeping, being too large - the size of the panes should reflect the advice/recommendations in the DNPA Design Guide.
3. The elevation is highly visible from a public Right of Way.

It is also noted that the proposed doors might impede the enjoyment and free access of others using the permitted path which skirts the building.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

DMD24 - Extensions and alterations to dwellings

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

PROPOSAL

The application seeks consent to remove the existing ground floor window and wall below on the south elevation of the building and replace this with a new French door of the same width.

PRE-APPLICATION ADVICE

The proposal was discussed with the applicant during a site visit in July 2016.

POLICY AND GUIDANCE

Policy COR1 ensures that development within Dartmoor National Park is undertaken in a sustainable manner. Of particular relevance is COR1(j) which states the importance of conserving and enhancing historic and cultural features. This is underlined by COR4 which sets out the need for good design and COR5 which deals with the conservation and enhancement of the historic built environment. Policy DMD24 states that alterations should conform to guidance as set out in the Dartmoor Design Guide and that they conserve the

special qualities of the Dartmoor landscape, which are set out in DMD1b, and do not adversely affect the appearance of the dwelling or its surroundings. Policy DMD8 deals specifically with changes to heritage assets, which are also set out in Section 12 of the National Planning Policy Framework.

JUSTIFICATION

The applicant wishes to increase the level of light into the kitchen and provide access direct to the garden.

IMPACT ON THE LISTED BUILDING

In terms of loss of historic fabric, the window it is proposed to remove is relatively modern in date and has limited historic value. The masonry below the window is original to the building and likely to be 18th century in date. This walling would be lost but is not considered to contain any features of high historic interest.

The impact of the proposed French doors on the appearance of the listed building is the main consideration in determining this application. The Parish Council is correct in that French doors are not a traditional opening in a mill. That said, this part of the mill appears to be the mill house and it has been in domestic accommodation for some time. It should also be noted that the doors would occupy an area the same width as the existing window and be below the current brick window arch, which would limit their visual impact.

The Parish Council in their comments argue that the glazing panels on the proposed doors are too large and should be in keeping with the design guide. While it is noted that the glazing pattern differs from the windows on this elevation, the proportions and design of the proposed door mean that it cannot replicate the three-by-three pattern of the window it would replace and which is also evident in the window above. It is a closer match for the two-by three pattern to the upper right. While not an exact match for the existing windows, the doors are considered to be in keeping and would not detract from the character or appearance of this elevation.

The Parish Council also mention that the proposed doors potentially impede the enjoyment and free access of others using the permitted path which skirts the building. This is equally the case for the existing window, although the doors are perhaps more likely to be opened, but in any event this cannot be taken into consideration when determining an application for listed building consent, which is concerned with the impact on the listed building.

SUMMARY

The proposed French doors are not considered to cause harm to the significance of this heritage asset and are in line with local and national policy and guidance.

STEPHEN BELLI

NPA/DM/17/003

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

06 January 2017

MONITORING AND ENFORCEMENT

Report of the Head of Planning

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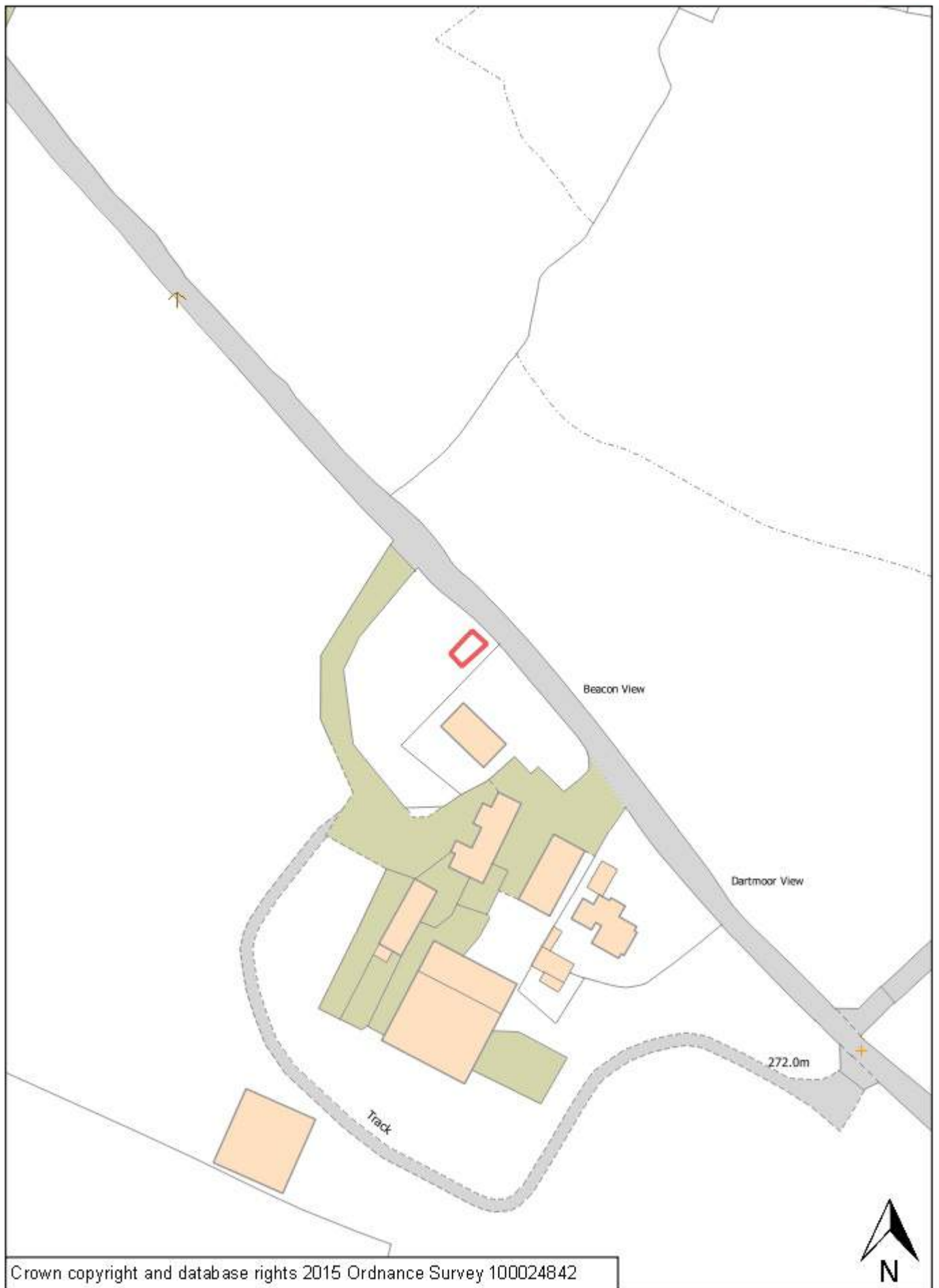
Item No. **Description**

1. ENF/0230/15 - Twin unit mobile home sited on agricultural land, Beacon View Farm, Drewsteignton EX6 6PF

Beacon View Farm - ENF/0230/15



Scale 1:1,250



1 Enforcement Code: **ENF/0230/15** District/Borough: **West Devon Borough**
Grid Ref: **SX693919** Parish: **Drewsteignton**
Officer: **Myra Spalding**

Description: **Twin unit mobile home sited on agricultural land**
Location: **Beacon View Farm, Drewsteignton EX6 6PF**
Land owner: **Mr & Mrs H Dunn**
Recommendation **That subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to;**
1. Secure the removal of the mobile home from the land and
2. Secure the cessation of the residential use of the land.

Relevant Development Plan Policies

COR1 - Sustainable Development
COR2 - Settlement Pattern
COR3 - Environment & Heritage
COR4 - Built Environment
COR15 - Housing

DMD1a - Sustainable Development
DMD1b - National Park Purposes
DMD3 - Sustaining the quality of places
DMD5 - Landscape Character
DMD23 - Residential Development
DMD28 - Residential Caravans
DMD34 - Agriculture

Representations & Parish/Town Council Comments

Any comments from the Parish Council will be reported at the meeting.

Observations

Beacon view is situated approximately 650m south east of Whiddon Down, on the Drewsteignton Road and operates as Dunns Dairy.

Between 1999 and 2006 a 'tin box' mobile home was brought onto the agricultural land and site adjacent to Beacon View. In October 2015, the 'tin box' mobile home was removed from the land and on 10 November 2015, the area on which the 'tin box' mobile home was sited was used to site a twin unit mobile home.

When questioned on site, Mr Harold Dunn told the enforcement officer that he was simply replacing the caravan that up until recently had been sited there. He told the officer that his daughter Catherine and her partner wanted to live together and Beacon View did not provide enough space and privacy for everyone. The mobile home was therefore intended for use by his daughter and her partner. Mr Dunn was advised that the former caravan required planning permission, but none had been granted. He was also advised that the twin unit mobile home also required planning permission but it was unlikely that it would get support. Mr Dunn was therefore advised to remove the mobile home from the land within the next 28 days. The advice was reiterated in a letter sent to him in November 2015.

In January 2016, an enforcement officer visited Dunns Dairy and noted that the mobile home had

not been removed from the land. Catherine Dunn was advised that the siting of a caravan on land in connection with a 'start up' agricultural business may be supported, however, as the business is already established, this would have to be considered as an additional agricultural workers dwelling on the holding.

A further visit undertaken by an enforcement officer in June 2016 confirmed the mobile home was still there. Harold Dunn stated that a planning application was currently being prepared by Rendells and would be submitted imminently.

On 27th September 2016, an outline planning application was received for the construction of an agricultural workers dwelling, reference 0565/16. It was concluded in the Officers report that a third on site dwelling was not justified when considered against the functional needs test for a new dwelling in the countryside and the application was subsequently refused at the Development Management Committee meeting on 2nd December 2016 for that reason.

The mobile home remains on the land and the unauthorised residential use continues.

POLICY CONSIDERATIONS

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

Policy COR4 states that proposals should conform to a number of design principles, which include the need to demonstrate a scale and layout appropriate to the site and its surroundings. Development must also use external materials appropriate to the local environment. The mobile home is not appropriate to the local environment, and has a detrimental visual impact on this site and its surroundings and does not therefore accord with this policy.

Policy DMD1b seeks to protect the special qualities of the National Park. The development does not accord with this policy as the use of the agricultural land beside Beacon View to site a caravan fails to protect the special qualities of the National Park and is therefore contrary to that policy.

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

Policy DMD5 seeks to conserve and/or enhance the character and special landscape and qualities that contribute to Dartmoor's distinctiveness. The use of the land as a caravan site is immediately apparent when driving towards Beacon View. The harmful visual impact of the mobile home in an elevated position against the hedgerow is considered detrimental to the characteristic landscape features that contribute to Dartmoor's special qualities.

Policy DMD23 seeks to restrict the erection of new dwellings outside Local Centres or Rural Settlements, except where a proven need for an essential rural worker has been established. The functional requirement for a new dwelling on the holding has not been proven.

Policy DMD28 considers residential caravans in circumstances where a rural business is in the embryonic stage and endeavouring to establish the functional and financial test criteria for the construction of an agricultural workers dwelling, or were it is to be sited on land during the construction of a new dwellinghouse. The rural business operated at Dunns Dairy is an established business and a new dwelling on the land has not been granted consent. Therefore, the siting of the caravan is contrary to the tenets of that policy.

The HUMAN RIGHTS ACT 1998

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

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

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

There are not believed to be any overriding welfare considerations at this time:

- The personal circumstances of the occupiers have been checked and fully taken into account.
- There are not understood to be any current education issues
- There are not understood to be any current health issues
- There is no known social services involvement

Members are therefore advised that enforcement action would be:

(i) in accordance with law – s.178(1) T&CPA 1990

(ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park

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

RECOMMENDATION

It is now considered appropriate to seek authorisation for legal action to secure the removal of the mobile home from the land and any associated paraphernalia and to secure the cessation of the residential use of the land.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

06 January 2017

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:	D/16/3155346	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Full Planning Permission - Householder	Parish:	Ilington
Proposal:	Retrospective application for the provision of annex accommodation		
Location:	Little Sigford Farm, Sigford		
Appellant:	Mr J Prior		
Decision:	ALLOWED		

2 Application No:	D/16/3158657	District/Borough:	Teignbridge District
Appeal Type:	Refusal of Full Planning Permission - Householder	Parish:	Ashburton
Proposal:	Erection of extension to provide ancillary accommodation and conservatory		
Location:	Little Barton, Ashburton		
Appellant:	Mr & Mrs R Small		
Decision:	DISMISSED		

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

1 Application No:	W/16/3155319	District/Borough:	South Hams District
Appeal Type:	Refusal of Full Planning Permission	Parish:	Rattery
Proposal:	Removal of condition (4) relating to an agricultural tie from permission ref 0449/02		
Location:	Marley Farm, South Brent		
Appellant:	Mrs SA Palk		

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

06 January 2017

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.**

1	Enforcement Code: ENF/0102/15	District/Borough: Teignbridge District
	Grid Ref : SX781828	Parish : Moretonhampstead
	Breach : Unauthorised engineering operation	
	Location : East Wrey Barton, Moretonhampstead	
	Action taken / Notice served	Enforcement Notice

2	Enforcement Code: ENF/0219/16	District/Borough: West Devon Borough
	Grid Ref : SX645934	Parish : South Tawton
	Breach : Unauthorised concrete drive	
	Location : Land adjacent to Olditch Farm, South Zeal	
	Action taken / Notice served	No further action taken

STEPHEN BELLI