

2 Binkham Hill, Yelverton - 0275/16

Scale 1:1,250



DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 October 2016

SITE INSPECTIONS

Report of the Head of Planning

1 Application No: **0275/16** District/Borough: **West Devon Borough**
 Application Type: **Full Planning Permission - Householder** Parish: **Buckland Monachorum**
 Grid Ref: **SX525681** Officer: **Alex Gandy**
 Proposal: **Construction of single storey rear extension, two storey side extension and front porch**
 Location: **2 Binkham Hill, Yelverton**
 Applicant: **Miss L Langmaid**
 Recommendation: **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used in the finishing of the external walls and roof of the development hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.

The panel convened at Binkham Hill where the case officer introduced the application and set out the overall scale and form of the proposed extensions. The Case Officer explained how Officers had considered the issues and come to their positive recommendation. The applicant had used two sticks to indicate the extension's footprint beyond that of the existing garage and store and drew Members attention to this.

The panel viewed the site from the highway taking into consideration the relationship between other houses in the locality. The panel then walked onto the objector's neighbouring site, examining the windows the objector feels will be impacted and viewing the site from the neighbour's rear garden. The case officer explained the uses of the rooms behind each window and explained how Officers had assessed the impact with consideration of permitted development rights and as set out in the committee report.

Members queried the form and design of the proposed two-storey extension. The applicant and case officer identified it would be very similar in form and design to the approved extension at 24 Binkham Hill. The applicant also identified the rear extension would be set

below the sills of the first floor windows and its form would be similar to the rear extension of 1 Binkham Hill.

The panel gathered and commented the site visit was worthwhile to fully appreciate the relationship between the two buildings. One Member expressed the decision was a close call, but on balance the development would not have such a significant impact to substantiate a recommendation for refusal. The other Members were all of the opinion the development and its impact on neighbouring amenity and the local area was acceptable.

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Introduction

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

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

Consultations

Environment Agency: Flood zone 1, standing advice applies.
West Devon Borough Council: Do not wish to comment.
County EEC Directorate: No highway implications.
DNP - Ecology & Wildlife Conservation: No objection.

Parish/Town Council Comments

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

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR4 - Design and sustainable development principles
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD24 - Extensions and alterations to dwellings
DMD4 - Protecting local amenity
DMD7 - Dartmoor's built environment

Representations

1 letter of objection

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

Observations

PROPOSAL

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

DESIGN AND SCALE

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

NEIGHBOUR AMENITY

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

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

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

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

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

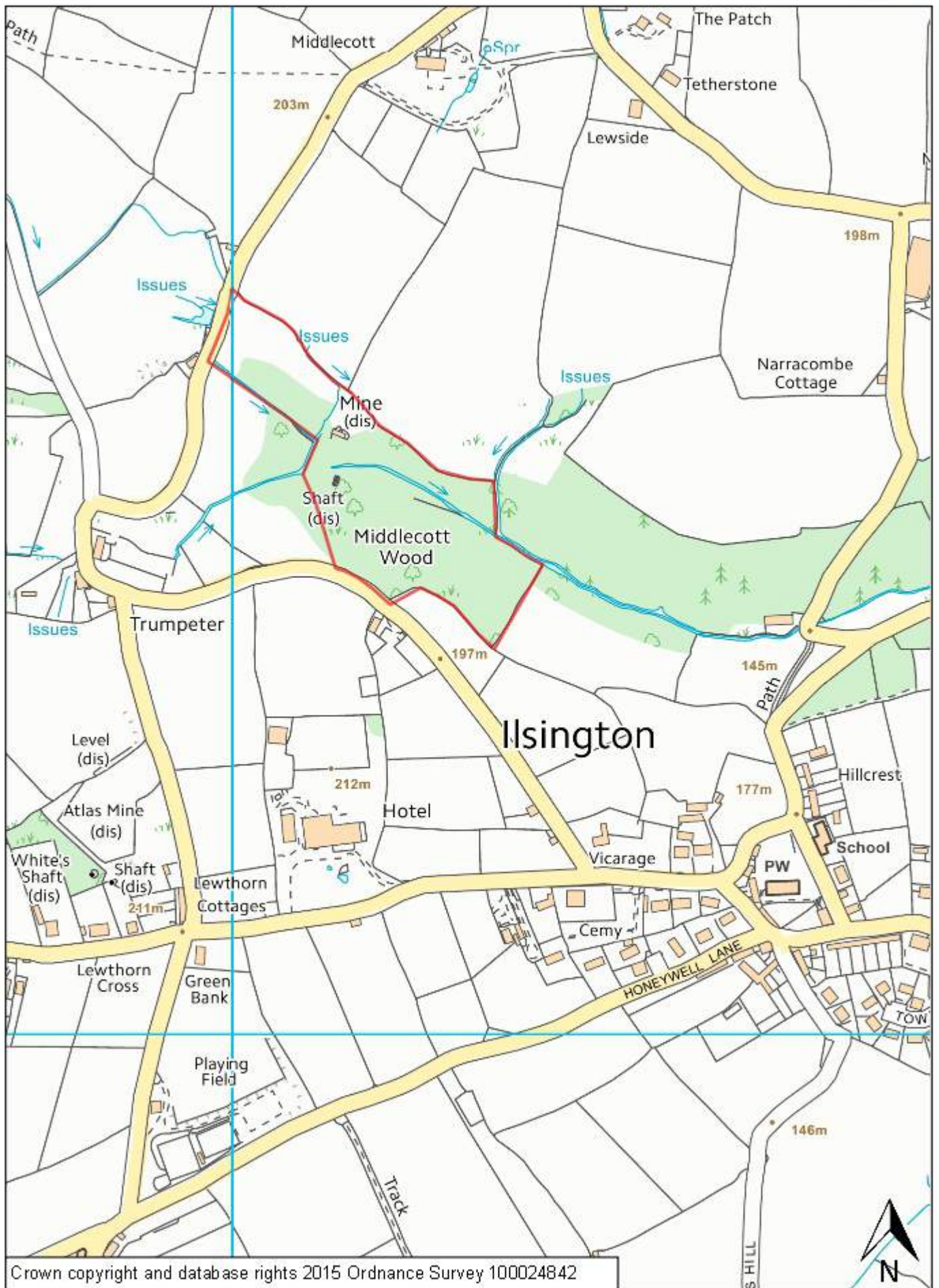
The accuracy of the submitted drawings has been disputed. An Officer has completed measurements on-site and was not able to find any inaccuracies.

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

Atlas Burning House 0276/16



Scale 1:5,000



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

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

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

Applicant: **Mr & Mrs M Roberts**

Recommendation: **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development would result in a new dwelling with an occupancy condition restricting its use to tourist accommodation in the open countryside and is considered to be unsustainable development contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15, DMD1b, DMD9, DMD23 and DMD44 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2012.
2. The proposed earth house development by virtue of its design, scale, position and proximity to the Burning House, together with ancillary works of site clearance and works in connection with the earth house, will cause harm to the immediate setting and the landscape setting of the listed building, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR3, COR5, DMD1b, DMD5, DMD8 and DMD10 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010, Section 66 of the Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2012.
3. The proposed development by virtue of its appearance, detailing and design would be detrimental to the character and appearance of this part of Dartmoor National Park, contrary to the Dartmoor National Park Authority Development Plan, in particular policies COR1, COR4, DMD3 and DMD7 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

4. The proposed development by virtue of its location within an agricultural and wooded landscape would have a detrimental impact on the character and special qualities including the tranquillity of this part of the Dartmoor landscape and would not enhance what is special or locally distinctive about the landscape character, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR3, COR11, DMD1b, DMD3, DMD5 and DMD10 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
5. The proposed development is not considered to meet the tests set out in Historic England guidance (2008) and policy DMD10 for enabling development in that it will materially harm the setting of the heritage asset, all sources of funding have not been explored, the level of development exceeds the minimum necessary to secure the future of the asset and the development is of a design and type and in a location that does not minimise the harm to other public interests, contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR3, COR4, COR5, COR15, DMD1a, DMD1b, DMD3, DMD5, DMD8, DMD9, DMD10 and DMD44 and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012. It is not considered that the public benefits envisaged outweigh these policy considerations.

The case officer introduced the proposal and advised the panel that Listed Building Consent had now been issued for the works to the listed burning house (0277/16).

The panel viewed the parking area and walked along the site of the proposed pedestrian access to the site of the earth house which had been marked out by the applicant. The relationship with and proximity of the earth house to the listed burning house was noted and the panel took the opportunity to inspect the interior of the burning house before walking along the western side of the meadow to the field entrance.

The Building Conservation Officer advised regarding the concept of enabling development, confirmed that both he and the applicant had acknowledged that the proposed earth house would cause harm to the setting of the listed burning house but that this was less than substantial and the judgement for the panel to make is whether this is outweighed by the public benefits and these would include the restoration of the building. He also noted that the Authority does have powers to require owners to repair listed buildings and make them weathertight.

The Parish Council representative stated that it had concluded that the development did bring public benefits in terms of the repairs to the listed building and the provision of the earth house - the latter in terms of the educational opportunities and bringing tourists to the parish which it felt would stimulate other development in the parish.

The case officer updated the panel on the specific advice regarding setting and significance, in particular the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to preserving the setting of the Listed Building - in this case the immediate setting and the tranquil landscape setting.

One member of the panel considered that the scale of the harm was outweighed by the public benefits especially access being made available to the site for education groups but the remainder of the panel felt that the proximity of the earth house to the listed building was a concern and that they could not come to a judgement as to whether the concerns expressed in the recommended reasons for refusal were outweighed by the public benefits set out by the applicant.

STEPHEN BELLI

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

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

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

Applicant: **Mr & Mrs M Roberts**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

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

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

Introduction

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

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

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

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

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

Planning History

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

Consultations

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

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

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

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

DNP - Trees & Landscape:

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

DNP - Archaeology:

Recommend watching brief condition.

DNP - Ecology & Wildlife Conservation:

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

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

Devon County Council:

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

South West Water:

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

Teignbridge DC
(Contaminated Land):

Contamination assessment and mitigation are acceptable.

Parish/Town Council Comments

Ilminster PC:

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

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR11 - Retaining tranquillity

COR15 - Providing for limited new housing to meet local needs

COR18 - Providing for sustainable economic growth

COR19 - Dealing with proposals for tourism development

COR2 - Settlement Strategies

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

COR24 - Protecting water resources from depletion and pollution

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

COR6 - Protecting Dartmoor's Archaeology

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

COR8 - Meeting the challenge of climate change

DMD10 - Enabling development

DMD13 - Archaeology

DMD14 - Biodiversity and geological conservation

DMD17 - Development on contaminated land

DMD1a - Presumption in favour of sustainable development

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

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD41 - Parking provision - Non Residential

DMD44 - Tourist accommodation

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

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

Representations

4 letters of objection 6 letters of support 2 other letters

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

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

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

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

Observations

INTRODUCTION

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

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

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

THE BUILDING

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

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

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

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

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

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

ENABLING DEVELOPMENT

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

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

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

It will materially harm the significance of the heritage asset or its setting

It will avoid detrimental fragmentation of management of the heritage asset

It will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation

It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid

There is a source of funding that might support the heritage asset without the need for enabling development

The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.’

THE SIGNIFICANCE OF THE HERITAGE ASSET OR ITS SETTING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IS THE LEVEL OF DEVELOPMENT THE MINIMUM NECESSARY?

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

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

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

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

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

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

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

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

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

OTHER PUBLIC INTERESTS

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

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

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

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

ACCESS

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

LANDSCAPE

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

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

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

ECOLOGY

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

DESIGN

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

OTHER ISSUES RAISED BY ENGLISH HERITAGE ADVICE

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

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

SECTION 106 AGREEMENT

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

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

CONCLUSION

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

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

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

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

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

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

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

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

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 October 2016

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Head of Planning

INDEX

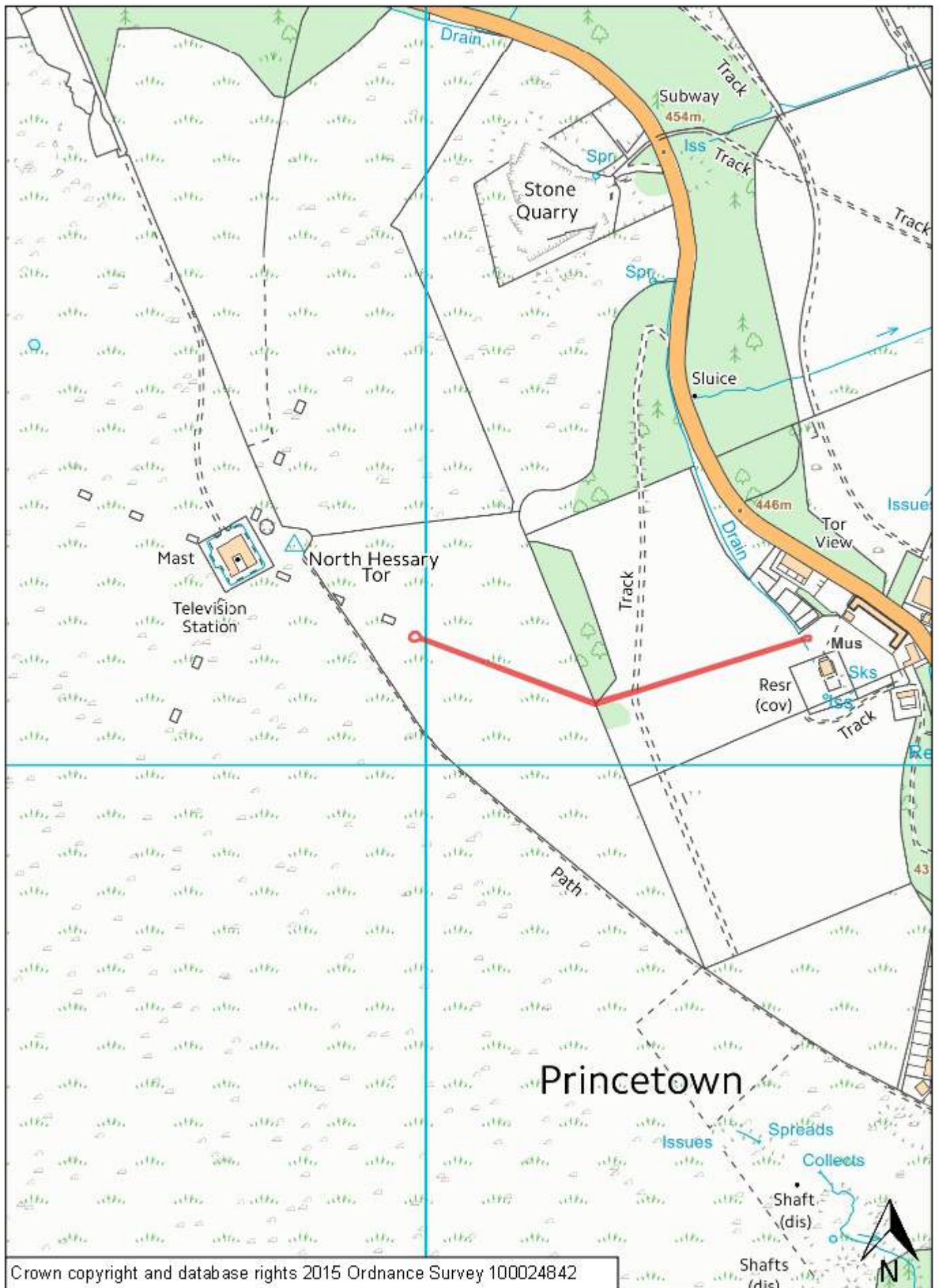
Item No. **Description**

1. 0326/16 - Installation of mobile telecommunications and ancillary equipment involving the erection of a 12m high telegraph pole with eight consumer antennae and four backhaul radio antennae and 450m of trenching to power source. (Full Planning Permission), Land at Hessary Tor, Princetown
2. 0392/16 - Construction of two storey side extension, front porch and alterations to dwelling (Full Planning Permission - Householder), 8 Beacon View, Bittaford
3. 0373/16 - Change of use to dwelling and works including replacement extension (Full Planning Permission), Tawburn House, Sticklepath
4. 0396/16 - Excavation to create a wildlife pond (Full Planning Permission), Higher Beara, South Brent
5. 0402/16 - Conversion of outbuilding to garden room (Listed Building Consent), Hillside House, Drewsteignton
6. 0401/16 - Conversion of outbuilding to garden room and erection of wood store (Full Planning Permission - Householder), Hillside House, Drewsteignton
7. 0407/16 - Erection of agricultural building (18.3m x 12.2m) with hardstanding (Full Planning Permission), Hele Farm, North Bovey
8. 0361/16 - Demolition of existing conservatory and construction of a slate roofed garden room (Full Planning Permission - Householder), Brookside, Mary Tavy
9. 0362/16 - Demolition of rear single storey extensions and separate laundry/storage building. Change of use from Nursing Home to residential and conversion into three houses with new single storey pitched roof extensions, including the provision of new front and rear gardens (Full Planning Permission), The Yelverton Nursing and Residential Home, 2-4 Greenbank Terrace, Yelverton
10. 0295/16 - Erection of open market dwelling (Full Planning Permission), land adjacent to The Villa, Plymouth Hill, Princetown

Airband Installation, Princetown - 0326/16



Scale 1:5,000



1. Application No: **0326/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Dartmoor Forest**
Grid Ref: **SX581740** Officer: **Christopher Hart**

Proposal: **Installation of mobile telecommunications and ancillary equipment involving the erection of a 12m high telegraph pole with eight consumer antennae and four backhaul radio antennae and 450m of trenching to power source.**

Location: **Land at Hessary Tor,
Princetown**

Applicant: **Airband Community Internet Ltd**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed telecommunications pole and associated antennae will have a detrimental visual impact affecting the character and appearance of this part of the Dartmoor National Park. In the absence of any overriding need, the proposed installation would be contrary to policies COR1, COR4, DMD1a and DMD20 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

The application seeks permission to erect a 12m high wooden pole with telecommunications equipment to serve the Airband wireless broadband system.

The pole is to be located approximately 180m south east of the main North Hessary Tor mast adjacent to one of the guy line anchor points on enclosed moorland.

The application is presented to the Committee in view of the issues that it presents and the wider public interest.

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highway implications

Environment Agency: Flood zone 1 - standing advice

DNP - Archaeology: No implications for archaeology in this location

Parish/Town Council Comments

Dartmoor Forest PC: Dartmoor Forest Parish Council have reviewed the above planning application and have divided opinion on whether it should proceed. Although the majority of councillors support the application, objections have been raised for the following reasons:
- The mast will be unattractive in the environment and the location of the proposed mast will not serve the majority of the houses in Princetown due to trees which will interrupt coverage.

- It is understood that BT Openreach have provided cabinet for the village of Princetown and fibre broadband is now available through several providers. Therefore, is the need for the mast now redundant.
- Impact on wildlife, specifically on bats, birds and insects.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR4 - Design and sustainable development principles

DMD1a - Presumption in favour of sustainable development

DMD20 - Telecommunications development

Representations

3 letters of support

Those in support are keen to benefit from improved access to broadband facilities in this location. They also note that there is a direct link to other permitted mast sites at Hexworthy and Postbridge (also within Dartmoor Forest parish) which, in their opinion, will not work if permission is denied.

Observations

PROPOSAL

The proposed installation is part of a network of similar masts aimed at delivering superfast wireless broadband connectivity to those hard to reach areas of the National Park, which up until now, have either been unattractive to conventional fixed line providers or where it is not possible to upgrade existing infrastructure. These are typically remote locations where the existing telephone exchange and fixed line connections provide poor quality internet access. It is part of the Connecting Devon and Somerset initiative which the Authority is actively endorsing.

The installation follows a standard approach already approved at a number of sites within the National Park - a 12m high wooden telegraph pole with telecommunications equipment at two heights for receiving and transmitting the necessary signals.

The receiving dishes on the pole require line of sight from similar installations, in this case linking with other sites in Postbridge, Hexworthy and Yelverton. The transmitting equipment corresponds with small scale receivers supplied to domestic subscribers which are attached to individual properties. Individuals enter into a contract with Airband to provide a range of internet access packages with vastly improved access speeds.

SITE CHARACTERISTICS AND LANDSCAPE IMPACT

The chosen site is approximately 180m south east of the main North Hessary transmitter mast, adjacent to one of the guy line anchor points. It is a similar distance from the North Hessary tor and triangulation point, a frequently visited feature in this location and on the brow of open access land overlooking the village of Princetown to the north east. While the site is located on grazed, fenced newtake, the character of the landscape is open moorland with sweeping views on all sides. Open access land lies just 30m to the west of the site. While the main mast is a dramatic backdrop, at ground level there is an absence of structures.

POLICY

DMD20 is most relevant to the specifics of this case. It states that telecommunications development will only be permitted where, amongst other matters, it meets the following criteria;

- the siting and external appearance of the apparatus would not damage the landscape character of the immediate vicinity or of the locality when viewed from publicly accessible land
- applicants have shown evidence that they have explored the options of erecting apparatus at alternative sites or on existing structures that are operationally suitable and less obtrusive, or have investigated the options of camouflage techniques or alternative methods that would minimise adverse visual impact

SUMMARY

The benefits of the Airband network are acknowledged. Providing residents with access to improved broadband speeds will undoubtedly open up opportunities for private individuals and for commercial gain – providing access to services which the majority now take for granted in more urban locations. Officers have been successful in finding discreet locations for 16 similar masts throughout the National Park where they have successfully balanced potential harm against need and public benefit to find appropriate solutions.

In this instance, there have been extensive pre-application discussions. Airband was informed of concerns very early in the process and invited to consider alternative methods of providing the necessary coverage in this location, in particular whether the existing North Hessary mast could be used. It is clear that this existing structure could provide a technical solution however Airband has indicated that, for reasons of accessibility and commercial interests, that is not its preferred option. The necessary transmission infrastructure would be discreet on that structure and largely lost amongst the existing equipment if that route were to be chosen. Other alternative sites have been suggested by officers however, to date, there is no evidence to suggest that Airband has explored these in specific detail. While discussions are continuing at the time of compiling this report, Airband has respectfully asked for determination of the application as this has implications for the roll out of other installations and the contractual obligations of completing the network in a prescribed timeframe.

Officers remain committed to assisting with the investigation of more suitable alternatives and have consistently indicated that the proposed solution is unlikely to receive support.

CONCLUSION

This is an example of having to carefully balance the desire of the community with the primary purpose of protecting the National Park landscape. Officers have concluded that the proposed installation would be an unacceptable intrusion in the relatively open moorland landscape that surrounds North Hessary tor. While it could be argued that this installation is small scale in comparison to the scale of the impressive North Hessary mast, it is in a position at a more intimate ground level, where it would interrupt uncluttered views in the vicinity. Given that there are alternative technical solutions that that could provide the required coverage it fails to meet the policy tests set out in DMD20.

0392/16 - 8 Beacon View, Bittaford



Scale 1:1,000



2. Application No: **0392/16** District/Borough: **South Hams District**
Application Type: **Full Planning Permission - Householder** Parish: **Ugborough**
Grid Ref: **SX667569** Officer: **Alex Gandy**
Proposal: **Construction of two-storey side extension, front porch and alterations to dwelling**
Location: **8 Beacon View, Bittaford**
Applicant: **Mr J Mealand**
Recommendation **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used in the finishing of the external walls and roof of the development hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.

Introduction

8 Beacon View is an end-terrace property on a small estate within the settlement of Bittaford.

The application is to extend the property on its north western side with a two-storey addition.

The application is presented to Committee in view of the conflict with adopted policy.

Consultations

Environment Agency: Flood zone 1 - standing advice applies
South Hams District Council: No objection
County EEC Directorate: No highway implications

Parish/Town Council Comments

Ugborough PC: No objection. Query possible shared use of the existing drive.

Relevant Development Plan Policies

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

Representations

None to date.

Observations

8 Beacon View is a modest three bedroom end terrace property forming part of a small estate of former Local Authority dwellings within the settlement of Bittaford.

The application seeks permission to add a two-storey extension to the north western elevation providing additional ground floor living space and an enlarged first floor bedroom with ensuite. The ground floor bathroom is to be relocated to the first floor. The extension is to be constructed in a style and of materials to match the existing, appearing as a continuation of the existing terrace. The property will remain as three bedroom accommodation. Off street parking for at least 2 vehicles will be retained.

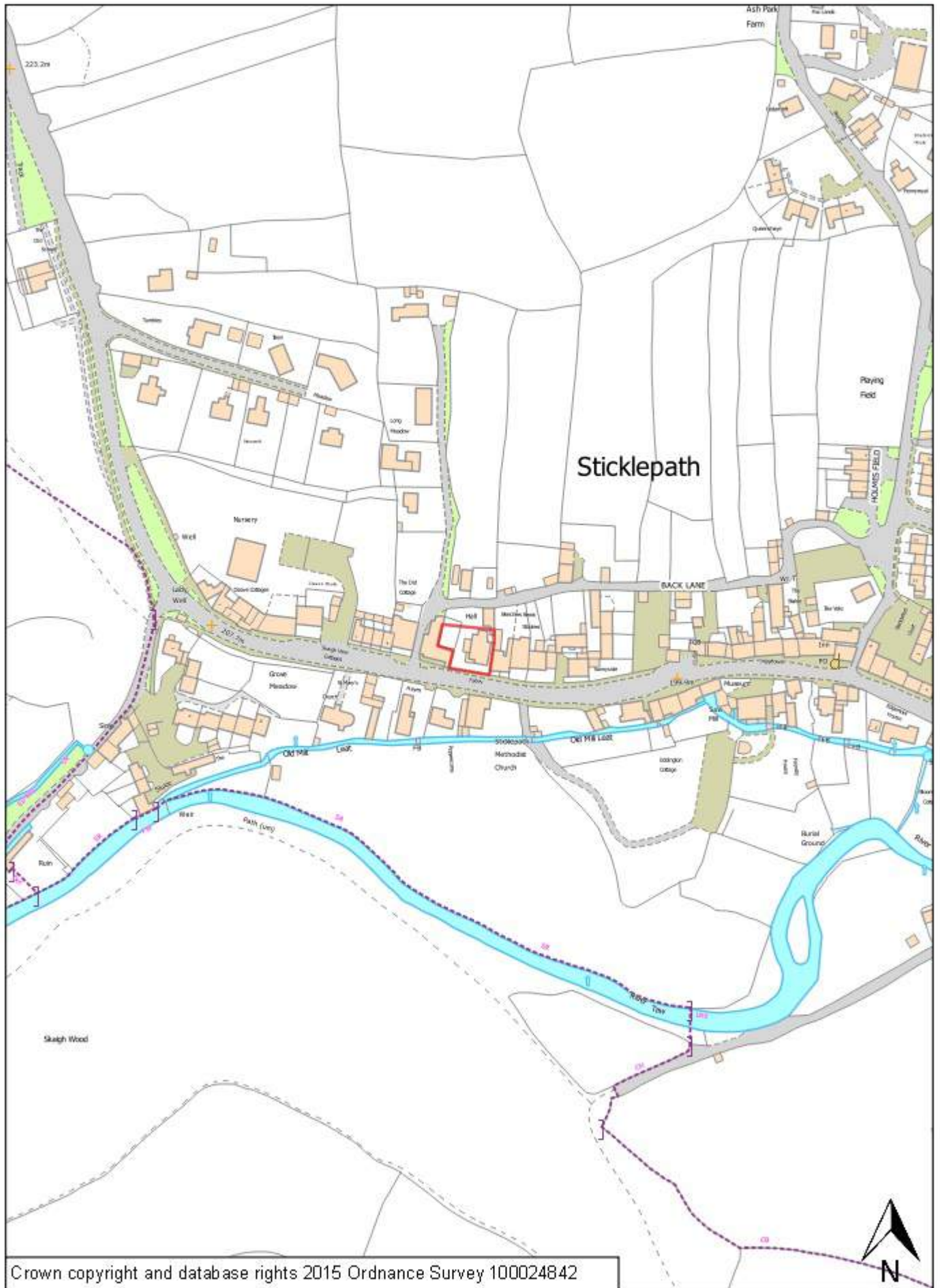
The application proposes an additional 55% of habitable floor space; in excess of the 30% prescribed in the Development Plan policy DMD24. The existing dwelling has a floor area of 78sqm. The extension proposes an additional 43sqm of floor area giving a total of 121sqm. A small porch (2.6 x 1.8m) is also proposed on the front south western elevation.

While the additional habitable floor space is in excess of the 30% threshold advised by policy, the overall design of the proposed extension is in keeping with the character of the property and that which surrounds it. It will have no detrimental impact on neighbouring properties and in this location is considered an acceptable addition. The resulting property will remain relatively modest in size.

Tawburn House - 0373/16



Scale 1:2,500



3. Application No: **0373/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Sticklepath**
Grid Ref: **SX640941** Officer: **Jo Burgess**

Proposal: **Change of use to dwelling and works including replacement extension**
Location: **Tawburn House, Sticklepath**
Applicant: **Mr L Thomas**

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 premises shall be used for C3 only and for no other purpose (including any other purpose in Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
3. Prior to the installation of any rooflight in the development hereby approved, details of the proposed rooflight(s) shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, only approved rooflight(s) shall be used in the development.
4. Prior to the commencement of the development hereby approved, samples of all proposed external facing materials and joinery on the new extension, porch and bay window shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing only the approved external facing materials and joinery shall be used on the new extension, porch and bay window.
5. The roof of the extension hereby approved shall be covered in natural slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing. A sample(s) of the natural slate shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.

Introduction

Tawburn House is a vacant and dilapidated nursing home which was given planning permission in 1983 by virtue of a change of use from a dwelling within the rural settlement of Sticklepath.

It is proposed to change the use of the former nursing home to a dwelling. The plans include the removal of flat roofed extensions and an associated external fire escape.

The application is presented to Members as the dwelling will not be affordable and presents a departure from policy DMD22.

Planning History

0759/05 Replacement of existing two conservatories and verandah with larger

	units		
	Full Planning Permission	Withdrawn	23 November 2005
3.1.2405/91	Relocation of fire escape		
	Full Planning Permission	Granted by WDBC	16 December 1991
3.1.2466/90	Change of use of first floor to provide additional accommodation for the elderly including extensions at ground floor and first floor level		
	Full Planning Permission	Granted by WDBC	13 December 1990
3.24.583/85	Change of use of garage to bedroom		
	Full Planning Permission	Granted by WDBC	06 June 1985
3.24.996/84	Remove existing lean-to double garage and replace with single storey garage/bedroom/kitchen		
	Full Planning Permission	Granted by WDBC	12 September 1984
3.24.639/83	Two storey extension to existing home for the elderly		
	Full Planning Permission	Refused by WDBC Result: Dismissed	20 June 1983
3.24.1225/81	Change of use from domestic premises to old peoples home		
	Full Planning Permission	Granted by WDBC	05 October 1981

Consultations

Environment Agency:	Flood risk zone 2 - householder FRA submitted - same category of development as existing so no increased risk.
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Building Conservation Officer:	The building makes a positive contribution to the Conservation Area and the removal of the fire escape and flat roof extensions are positive aspects of the scheme however details will need to be conditioned
DNP - Ecology & Wildlife Conservation:	No objection or conditions required
Devon County Council (Flood Risk):	DCC is not a statutory consultee as this is not major development. In terms of surface water the existing drainage system should be surveyed for capacity and condition and remedial works undertaken if necessary

Parish/Town Council Comments

Sticklepath PC:	Support the application - the property is being restored to its original use, the new use will ease the parking situation and it has been empty for two years with no interest.
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Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR15 - Providing for limited new housing to meet local needs
- COR2 - Settlement Strategies
- COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

COR9 - Protection from and prevention of flooding

DMD12 - Conservation Areas

DMD14 - Biodiversity and geological conservation

DMD1a - Presumption in favour of sustainable development

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

DMD22 - Residential development in Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

Representations

1 letter of support

The occupier of the former coach house to the rear has welcomed the new use and alterations.

Observations

INTRODUCTION

Tawburn House was originally constructed as a substantial dwelling with accommodation on three floors within the Rural Settlement of Sticklepath.

POLICY

Sticklepath is a Rural Settlement where an acceptable conversion of an existing building to a dwelling is in accordance with policy but only for affordable housing.

By virtue of its size the proposed dwelling is not affordable and it is proposed to be an open market dwelling. As such the application was advertised as a Departure from the Development Plan.

PLANNING HISTORY

Tawburn House was converted to a nursing home in 1983 and was the subject of several planning applications for extensions which were largely dealt with by West Devon Borough Council.

The home closed in 2013 and was put in the hands of the receivers. It was marketed from June 2014 for £299,950 with several lesser offers all of which were withdrawn. In July 2015 it was due to go to auction but a sale to the applicants was agreed for a significantly lower price.

Several pre-application enquiries were submitted from potential purchasers including the applicants when the policy position was stated. Alternative uses have been explored but these proved not to be viable or practical. In particular the parking problems associated with alternative uses were highlighted.

THE WORKS

The applicants seek to carry out alterations to remove the flat roofed extensions and associated fire escape and replace with a single storey extension, replace the porch, erect a bay window and remove modern partitions which formed small bedrooms. Subject to the materials for the bay window, rooflights and joinery being conditioned the works are considered to enhance the Conservation Area.

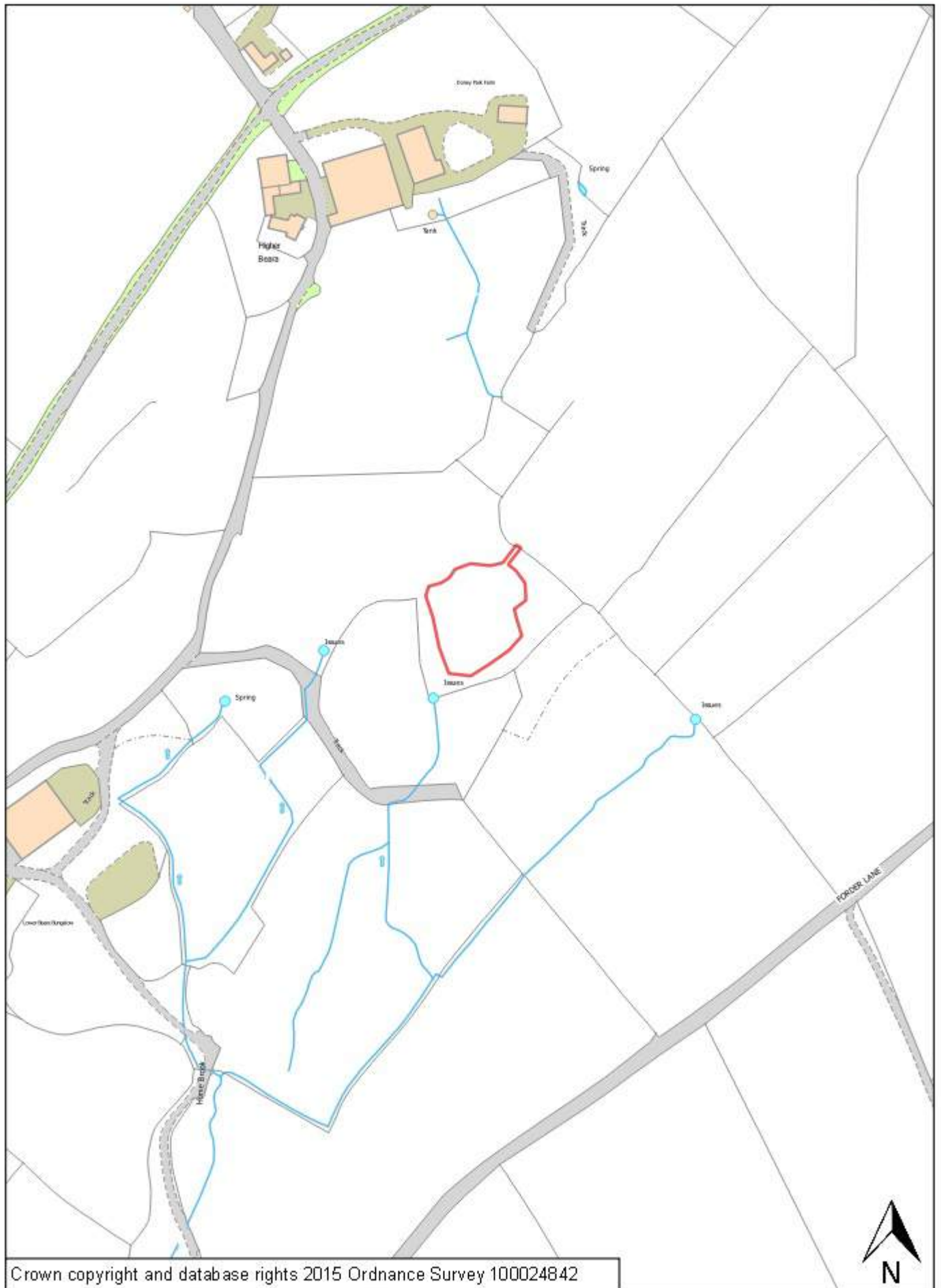
There are no wildlife concerns and although the site falls within Flood Risk Zone 2, there is no change in vulnerability so no objection on flood risk grounds.

CONCLUSION

The price of the property and works required (confidential quotes have been submitted) mean that the property will not be affordable. Conversion back into a dwelling is a reasonable and practical solution to the future of the property. In view of the positive enhancement to the Conservation Area and the property itself and the extensive marketing that has taken place, it is considered appropriate for planning permission to be granted in this case.

Higher Beara - 0396/16

Scale 1:2,500



4. Application No: **0396/16** District/Borough: **South Hams District**
Application Type: **Full Planning Permission** Parish: **South Brent**
Grid Ref: **SX712614** Officer: **Jo Burgess**

Proposal: **Excavation to create a wildlife pond**

Location: **Higher Beara, South Brent**

Applicant: **Mr D West**

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. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the ecological survey report by Seasons Ecology dated 11 September 2016.
3. The pond shall be constructed strictly in accordance with the approved drawings and no additional alterations to the existing watercourse shall take place unless otherwise agreed in writing by the Local Planning Authority.

Introduction

The site for the proposed pond is located in a dip in the landscape in open countryside to the east of South Brent.

It is proposed to construct a wildlife pond in an underused corner of a field. A small dam would be constructed to contain the pond.

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

Consultations

South Hams District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	On the basis that no abstraction or impounding structures are used to remove water from the ordinary watercourse no abstraction or impounding licence will be required.
Devon County Council (Flood Risk):	No in principle objection however additional information requested to demonstrate that flood risk has been considered.
DNP - Trees & Landscape:	No objection - The development will have an impact on the pastoral character of the local landscape, however it will be limited. It will be visible when first installed but as the banks re-vegetate it's visual impact will be reduced.
DNP - Ecology & Wildlife Conservation:	The pond will increase biodiversity, provided works proceed in accordance with the recommendation of the biodiversity statement

Parish/Town Council Comments

South Brent PC:

Recommends refusal - it proposes abstraction from a stream contrary to COR24

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR24 - Protecting water resources from depletion and pollution

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

DMD5 - National Park Landscape

Representations

None to date.

Observations

INTRODUCTION

This application follows a request for pre-application planning advice. During the course of the application the need to address water abstraction and flood risk issues has arisen. Although the DCC Flood Risk Team and the Environment Agency have no objections in principle several detailed matters remain outstanding at the time of this report being written. A verbal update will be given at the meeting regarding these matters.

THE PROPOSAL

It is proposed to create the pond solely for wildlife in an area of the field which is damp and already partially fenced off. It was originally proposed to take water from a small ditch, however given advice from the Environment Agency it is no longer proposed to 'abstract' water from the watercourse, instead water will come from the high water table which will generate water as the excavation takes place.

POLICY

DMD5 seeks to ensure that the character and special qualities of the Dartmoor landscape are conserved and/or enhanced. The Trees and Landscape Officer has concluded that although during construction and the establishment of vegetation the pond will be very visible from the minor road to the north, as the banks re-vegetate the visual impact will reduce and the impact on local landscape character will be limited. No objection is raised on these grounds.

ECOLOGY

A biodiversity statement was submitted with the application and the Authority Ecologist has concluded that the new pond will increase biodiversity provided the recommendations are

complied with. This can be the subject of a condition.

WATER ABSTRACTION AND FLOOD RISK

The Parish Council raised the issue of water abstraction. Policy COR24 states that 'development will not be permitted if it would risk harm to the quality and yield of water resources, including abstraction sites, groundwater, rivers, streams and still waters'.

In this case the ditch from which water was to be taken is an 'ordinary watercourse' where works to control the flow require land drainage consent from Devon County Council (DCC) and if water is to be abstracted, an abstraction or impounding licence is required from the Environment Agency (EA).

Following discussions with officers from both Authorities the applicant has decided not to abstract from the ditch but to rely on ground water building up behind the proposed dam or 'impounding structure'. The submitted drawings show a bank of approximately 1.8m high with the pond having a capacity of 3000m³.

DCC has requested additional details of the 'impounding structure' and outlet from the pond, in order that officers can be completely satisfied that there will be no additional flood risk down stream. Flood Risk is a matter dealt with by policies COR8 and COR9.

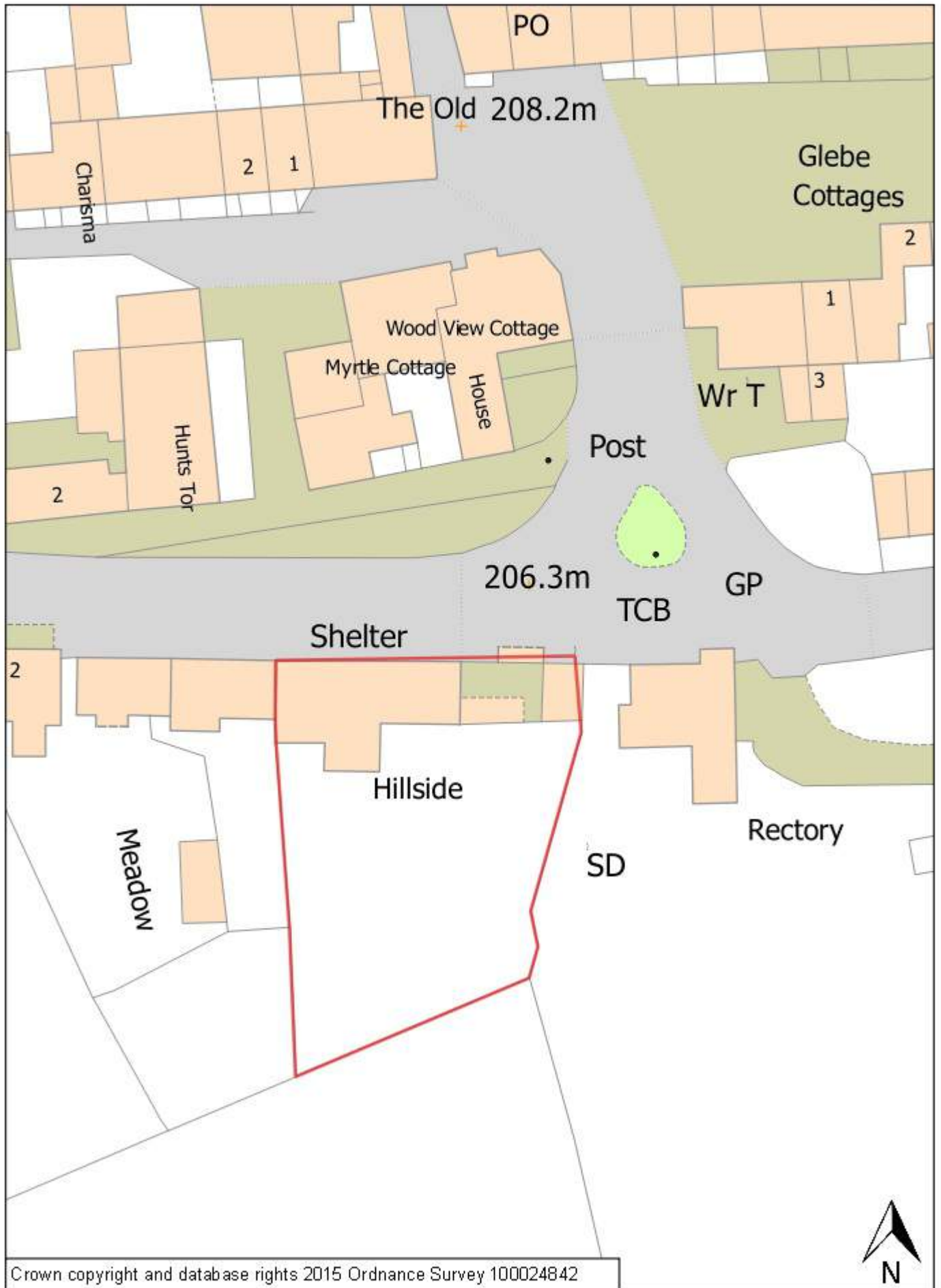
CONCLUSION

The additional details and amended plans have been requested. As there is no stated 'in principle' objection, from the EA or DCC, it is considered possible to make a positive recommendation at this time. Members will be advised at the meeting should any additional conditions be required following on from the submission of the additional documentation.

Hillside House- 0401/16 & 0402/16



Scale 1:500



5. Application No: **0402/16** District/Borough: **West Devon Borough**
Application Type: **Listed Building Consent** Parish: **Drewsteignton**
Grid Ref: **SX735907** Officer: **Louise Barattini**

Proposal: **Conversion of outbuilding to garden room**

Location: **Hillside House, Drewsteignton**

Applicant: **Mr & Mrs A Thomas**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development, by reason of its design, would detract from the original scale, form and significance of the grade II listed curtilage structures with no over-riding public benefit to outweigh the harm created. The proposal would therefore be contrary to policies COR1, COR3, DMD1b, DMD7 and DMD8 of the Dartmoor National Park Authority Development Plan, to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

Introduction

Hillside House is an early 19th Century Grade II listed house located prominently within Drewsteignton Conservation Area. The application relates to part of the small scale 19th Century outbuilding range to the east of the house.

The application proposes the alteration and conversion of the surviving walled enclosures at the rear of the outbuilding range into a garden room.

The application is presented to the Committee in view of the comments received from the Parish Council. The application for planning permission follows on the agenda.

Planning History

0551/14	Retrospective application for works to lean-to adjoining main house		
	Full Planning Permission - Householder	Refused	12 November 2014
0552/14	Retrospective application for works to lean-to adjoining main house		
	Listed Building Consent	Refused	12 November 2014
0126/14	Variation of condition 2 (planning permission ref 0398/13) to allow slate on the roof instead of zinc sheet		
	Full Planning Permission - Householder	Grant Conditionally	25 April 2014
0127/14	Variation of condition 2 (planning permission ref 0398/13) to allow slate on the roof instead of zinc sheet		
	Listed Building Consent	Grant Conditionally	25 April 2014
0398/13	Demolition of existing and erection of new kitchen lean-to, conversion of garage to additional bedrooms, erection of garden shed, demolition of lean-to workshop, new rainwater goods and drainage and joinery works		

	Full Planning Permission - Householder	Grant Conditionally	24 September 2013
0399/13	Demolition of existing and erection of new kitchen lean-to, conversion of garage to additional bedrooms, erection of garden shed, demolition of lean-to workshop, new rainwater goods and drainage and joinery works		
	Listed Building Consent	Grant Conditionally	24 September 2013
0401/16	Conversion of outbuilding to garden room and erection of wood store		
	Full Planning Permission - Householder	Not yet determined	

Consultations

Environment Agency:	No objection - flood zone 1 standing advice only
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Building Conservation Officer:	The proposed development site is part of a range of small-scale service buildings to the east of the Grade II listed house. Such groups are becoming increasingly rare and where they survive it is important that their character is retained. A plan of 1898 shows this area as a piggery and dates from a time when the keeping of pigs on a domestic scale was common. There are no known elevation drawings or early photographs showing it in this late C19 guise but it seems highly likely that the semi-circular wall at the south corner defined an open piggery yard with the now unroofed lean-to pig sty providing accommodation. In terms of process, food scraps could be collected in the kitchen and thrown over the low wall to the pigs. The piggery therefore makes an important contribution to the significance of the listed building and has a high historical value.

While I can support the re-roofing of the lean-to pig house building, there is no evidence to suggest that the yard was formerly covered. The proposed zinc roof and windows would diminish the historic value of the yard and the proposed appearance and cause harm to the significance of the heritage asset. In the context of section 134 of the National Planning Policy Framework, this harm is less than substantial but is not outweighed by any clear public benefit of this space becoming a garden room.

The proposed works would cause harm to this heritage asset and is contrary to local and national policy and guidance.

Parish/Town Council Comments

Drewsteignton PC:	The Parish Council supports the application. It is a householder application, re-using an existing building with no harm to the National Park.
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Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

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

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

POLICY

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is explicit that the principle 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.

The NPPF emphasises the need to conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations is one of the core planning principles of the NPPF. Account should always be taken of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to the historic environment's local distinctiveness. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm or loss requires clear and convincing justification.

Policy DMD8 of the Local Plan is concerned with the conservation and enhancement of listed buildings. It requires an assessment of the impact of development proposals on the significance (special heritage interest) of listed buildings 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. Proposals for the alteration / change of use of listed buildings will only be granted if any harm identified is outweighed by the public benefits that the proposed development will bring.

Policy COR1 seeks to sustain local distinctiveness and conserve or enhance important historic features. COR3 sets out the objectives for conserving and enhancing the characteristic landscape and features that contribute to Dartmoor's special environmental qualities, having particular regard to vernacular and other historic buildings.

The Dartmoor National Park Authority Design Guide sets out specific guidance for historic buildings. It identifies the requirement for an analysis of the origin, function and development of a building to inform a development proposal. It states that the form and significance of a

historic building imposes limits on what is achievable and compromises are often necessary. Under Appendix IV, the Design Guide sets out the list of buildings likely to be unsuitable for conversions. It identifies that careful consideration should be given to the retention unmodified of minor buildings such as pigsties.

PLANNING HISTORY & SIGNIFICANCE

Recent consent has been granted for the conversion of the principal range within the outbuilding complex (former stable and coach house) into ancillary accommodation (ref: 0398/13 & 0399/13). Alteration and re-use of the lean-to outbuilding attached to the dwelling was permitted under a recent enforcement appeal, with modification (ref: ENF/0067/14).

The outbuilding range is located to the east end of the house and forms an enclosed yard accessed by the wide double gated entrance fronting the highway. They date to the 19th Century (appearing on the 1864 historic maps) and comprise service buildings associated with the house, being important survivals used in the context of the main house, a grade II listed building. Such groups are becoming increasingly rare and where they survive it is important that their character is retained.

A 19th Century floor plan of the building (dated 1898) identifies part of the outbuilding in question as a piggery and dates to a time when the keeping of pigs on a domestic scale was common. The adjacent curved enclosure is not clearly annotated on this historic plan. The 1864 historic map and 1905 map do not clearly identify this area as a shaded building. A small opening and trough is noted on the east elevation of the piggery on plan and evidenced in situ.

There is no dispute over the historic function and significance of the piggery end of the building, however, the function, development and significance of this surviving curved wall element to the west of the identified piggery is in contention.

The agent states that arrangement is typical of an inner sty and that the curved wall with its swept variation in height represented a former roofed building typical of a 19th Century outbuilding with inner sty. The agent has, however, not been able to point officers to documentary evidence/reference to what is termed 'typical 19th Century practices for outbuildings containing an inner sty'. Evidence of a former roof covering referred to by the agent is not easily discernible on site and if this was proven it is still not clear whether this was contemporary with the 19th Century floor plan, or a 20th Century intervention.

With any application, there is a need to demonstrate clearly the nature, extent and level of significance of a given heritage asset to help assess the impact of the proposed works on that significance. The information submitted with the application, together with the surviving evidence on site, has not clearly/conclusively articulated that significance. A pig sty with small yard is a vernacular arrangement. Whilst on farms there is often no enclosed yard, as animals are free to roam further afield, this is a more plausible arrangement in a domestic context. Officers are not aware of semi-circular roofed buildings surviving on Dartmoor in this context and therefore the balance of probability is that the enclosure was originally open with no roof.

DESIGN AND IMPACT ON HERITAGE ASSETS

The comments from the Parish Council acknowledge that the proposal is a householder development that seeks to make use of existing structures. However, there is considered to be an impact on the National Park and its heritage assets.

The former piggery is a small outbuilding that does not lend itself easily to conversion given the height and floor space limitations. The Design Guide sets out a list of buildings likely to be unsuitable for conversions and explains that careful consideration should be given to the retention unmodified of minor buildings such as pigsties. The other buildings within the group have been converted and only the historic walls of this small pig sty survive.

The suitability of the piggery/pig sty for conversion is questioned by the need to raise the eaves line and incorporate the adjacent surviving walled enclosure into the proposed garden room.

The raising of the eaves, and insertion of a shallower pitched roof, disrupts the vernacular proportions of this traditional pig sty building. The proposal also seeks to raise the masonry of the adjacent curved wall enclosure and insert a contemporary glazing array to bring the eaves line consistent with proposed modifications to the piggery. The proposed design and arrangement is considered to detract from the original scale, form, quality and historic interest of the curtilage listed structures and diminish the contribution that it makes to the setting of the dwelling. The proposal is considered to harm the significance of the building which, whilst considered to be less than substantial harm, would not be outweighed by any clear over-riding public benefit of the space becoming a domestic garden room.

CONCLUSION

Piggeries are potentially difficult buildings to convert, and are identified as such within the Design Guide. Indeed, the conversion scheme incorporates proposals to raise the eaves height and incorporate the adjacent surviving walled enclosure to enable a viable 'garden room' development.

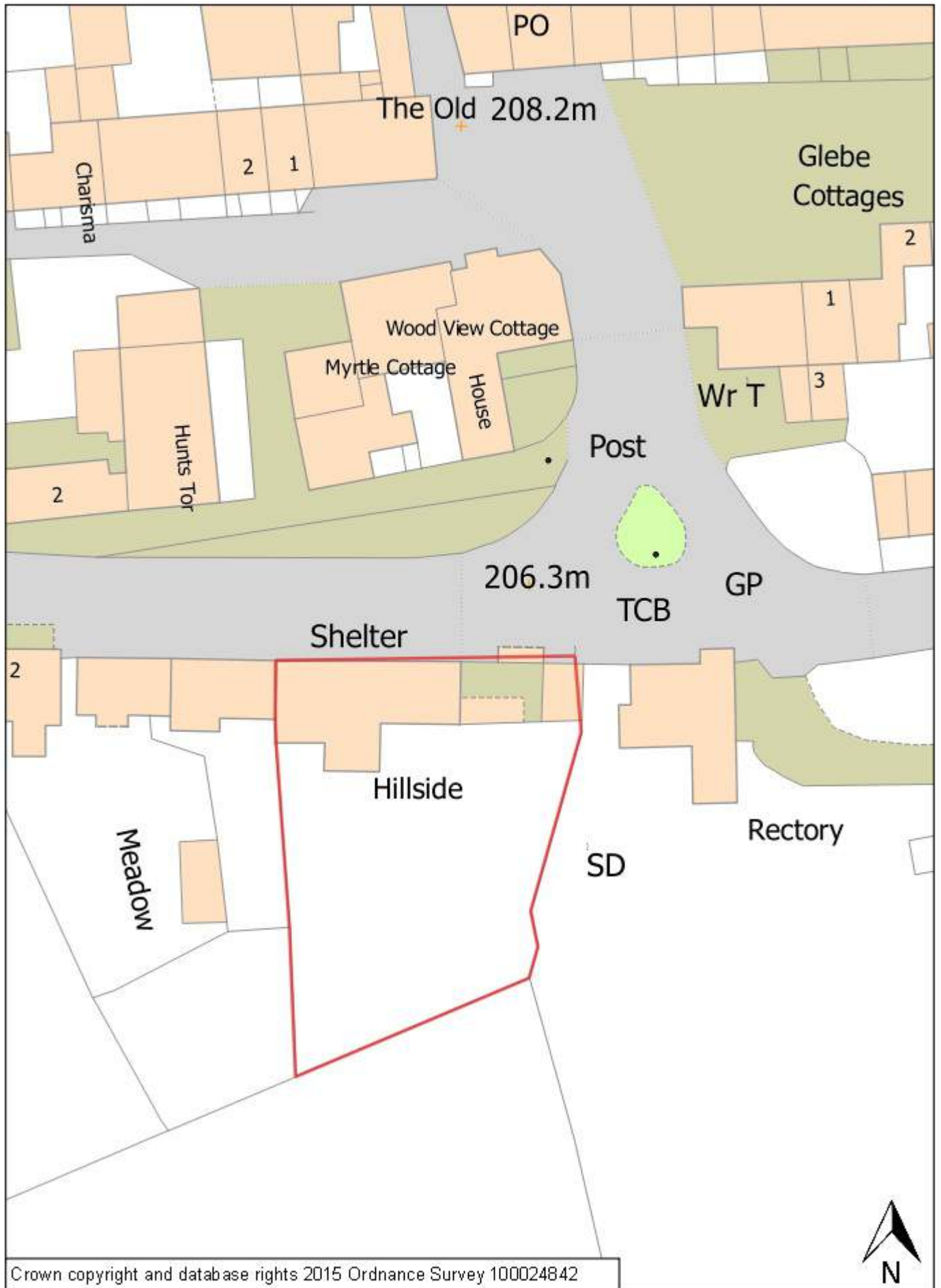
The significance of the surviving curved wall enclosure adjoining the former piggery is disputed. Notwithstanding this, the proposed scheme will undermine the vernacular proportions of this traditional piggery arrangement and the design proposed will detract from the original scale, form, quality and historic interest of the curtilage listed structures and diminish the contribution that they make to the setting of the principal dwelling.

No pre-application enquiry was submitted for the proposed works to this curtilage listed building. The concerns have been expressed to the agent and the applicant was asked to consider a lesser scheme. The applicant has respectfully requested that the application be determined and, on the basis of the submission presented, officers are unable to support the proposal.

Hillside House- 0401/16 & 0402/16



Scale 1:500



6. Application No: **0401/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission - Householder** Parish: **Drewsteignton**
Grid Ref: **SX735907** Officer: **Louise Barattini**
Proposal: **Conversion of outbuilding to garden room and erection of wood store**
Location: **Hillside House, Drewsteignton**
Applicant: **Mr & Mrs A Thomas**
Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development, by reason of its design, would detract from the original scale, form and significance of the grade II listed curtilage structures with no over-riding public benefit to outweigh the harm created. The proposal would therefore be contrary to policies COR1, COR3, COR4, DMD1b, DMD7 and DMD8 of the Dartmoor National Park Authority Development Plan, to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

Introduction

Hillside House is an early 19th Century Grade II listed house located prominently within Drewsteignton Conservation Area. The application relates to part of the small scale 19th Century outbuilding range to the east of the house.

The application proposes the alteration and conversion of the surviving walled enclosures at the rear of the outbuilding range into a garden room and the erection of wood store.

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

Planning History

0551/14	Retrospective application for works to lean-to adjoining main house Full Planning Permission - Householder	Refused	12 November 2014
0552/14	Retrospective application for works to lean-to adjoining main house Listed Building Consent	Refused	12 November 2014
0126/14	Variation of condition 2 (planning permission ref 0398/13) to allow slate on the roof instead of zinc sheet Full Planning Permission - Householder	Grant Conditionally	25 April 2014
0127/14	Variation of condition 2 (planning permission ref 0398/13) to allow slate on the roof instead of zinc sheet Listed Building Consent	Grant Conditionally	25 April 2014
0398/13	Demolition of existing and erection of new kitchen lean-to, conversion of garage to additional bedrooms, erection of garden shed, demolition of lean-to workshop, new rainwater goods and drainage and joinery works		

	Full Planning Permission - Householder	Grant Conditionally	24 September 2013
0399/13	Demolition of existing and erection of new kitchen lean-to, conversion of garage to additional bedrooms, erection of garden shed, demolition of lean-to workshop, new rainwater goods and drainage and joinery works		
	Listed Building Consent	Grant Conditionally	24 September 2013
0402/16	Conversion of outbuilding to garden room		
	Listed Building Consent	Not yet determined	

Consultations

Environment Agency:	No objection - flood zone 1 standing advice only
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
DNP - Building Conservation Officer:	The proposed development site is part of a range of small-scale service buildings to the east of the Grade II listed house. Such groups are becoming increasingly rare and where they survive it is important that their character is retained. A plan of 1898 shows this area as a piggery and dates from a time when the keeping of pigs on a domestic scale was common. There are no known elevation drawings or early photographs showing it in this late C19 guise but it seems highly likely that the semi-circular wall at the south corner defined an open piggery yard with the now unroofed lean-to pig sty providing accommodation. In terms of process, food scraps could be collected in the kitchen and thrown over the low wall to the pigs. The piggery therefore makes an important contribution to the significance of the listed building and has a high historical value.

While I can support the re-roofing of the lean-to pig house building, there is no evidence to suggest that the yard was formerly covered. The proposed zinc roof and windows would diminish the historic value of the yard and the proposed appearance and cause harm to the significance of the heritage asset. In the context of section 134 of the National Planning Policy Framework, this harm is less than substantial but is not outweighed by any clear public benefit of this space becoming a garden room.

The proposed works would cause harm to this heritage asset and is contrary to local and national policy and guidance.

Parish/Town Council Comments

Drewsteignton PC:	The Parish Council supports the application. It is a householder application, re-using an existing building with no harm to the National Park.
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Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR5 - Protecting the historic built environment
COR6 - Protecting Dartmoor's Archaeology
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
DMD12 - Conservation Areas
DMD13 - Archaeology
DMD14 - Biodiversity and geological conservation
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD24 - Extensions and alterations to dwellings
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

None to date.

Observations

POLICY

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is explicit that the principle 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.

The NPPF emphasises the need to conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations is one of the core planning principles of the NPPF. Account should always be taken of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to the historic environment's local distinctiveness. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm or loss requires clear and convincing justification.

Policy DMD8 of the Local Plan is concerned with the conservation and enhancement of listed buildings. It requires an assessment of the impact of development proposals on the

significance (special heritage interest) of listed buildings 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. Proposals for the alteration / change of use of listed buildings will only be granted if any harm identified is outweighed by the public benefits that the proposed development will bring.

Policy COR1 seeks to sustain local distinctiveness and conserve or enhance important historic features. COR3 sets out the objectives for conserving and enhancing the characteristic landscape and features that contribute to Dartmoor's special environmental qualities, having particular regard to vernacular and other historic buildings.

Policies COR4 and DMD7 require new development to conserve and enhance the quality and distinctiveness of the local environment which should be reinforced through the use of materials, finishing and design detailing. Particular regard must be given to the heritage assets and the Dartmoor Design Guide. Policy DMD24 sets out the design requirements for householder development.

Policies COR5 and DMD12 establish the criteria for new development to conserve and enhance the character and appearance of the Conservation Area.

The Dartmoor National Park Authority Design Guide sets out specific guidance for historic buildings. It identifies the requirement for an analysis of the origin, function and development of a building to inform a development proposal. It states that the form and significance of a historic building imposes limits on what is achievable and compromises are often necessary. Under Appendix IV, the Design Guide sets out the list of buildings likely to be unsuitable for conversions. It identifies that careful consideration should be given to the retention unmodified of minor buildings such as pigsties.

PLANNING HISTORY & SIGNIFICANCE

Recent consent has been granted for the conversion of the principal range within the outbuilding complex (former stable and coach house) into ancillary accommodation (ref: 0398/13 & 0399/13). Alteration and re-use of the lean-to outbuilding attached to the dwelling was permitted under a recent enforcement appeal, with modification (ref: ENF/0067/14).

The outbuilding range is located to the east end of the house and forms an enclosed yard accessed by the wide double gated entrance fronting the highway. They date to the 19th Century (appearing on the 1864 historic maps) and comprise service buildings associated with the house, being important survivals used in the context of the main house, a grade II listed building. Such groups are becoming increasingly rare and where they survive it is important that their character is retained.

A 19th Century floor plan of the building (dated 1898) identifies part of the outbuilding in question as a piggery and dates to a time when the keeping of pigs on a domestic scale was common. The adjacent curved enclosure is not clearly annotated on this historic plan. The 1864 historic map and 1905 map do not clearly identify this area as a shaded building. A small opening and trough is noted on the east elevation of the piggery on plan and evidenced in situ.

There is no dispute over the historic function and significance of the piggery end of the building, however, the function, development and significance of this surviving curved wall element to the west of the identified piggery is in contention.

The agent states that arrangement is typical of an inner sty and that the curved wall with its swept variation in height represented a former roofed building typical of a 19th Century outbuilding with inner sty. The agent has, however, not been able to point officers to documentary evidence/reference to what is termed 'typical 19th Century practices for outbuildings containing an inner sty'. Evidence of a former roof covering referred to by the agent is not easily discernible on site and if this was proven it is still not clear whether this was contemporary with the 19th Century floor plan, or a 20th Century intervention.

With any application, there is a need to demonstrate clearly the nature, extent and level of significance of a given heritage asset to help assess the impact of the proposed works on that significance. The information submitted with the application, together with the surviving evidence on site, has not clearly/conclusively articulated that significance. A pig sty with small yard is a vernacular arrangement. Whilst on farms there is often no enclosed yard, as animals are free to roam further afield, this is a more plausible arrangement in a domestic context. Officers are not aware of semi-circular roofed buildings surviving on Dartmoor in this context and therefore the balance of probability is that the enclosure was originally open with no roof.

DESIGN AND IMPACT ON HERITAGE ASSETS

The comments from the Parish Council acknowledge that the proposal is a householder development that seeks to make use of existing structures. However, there is considered to be an impact on the National Park and its heritage assets.

The former piggery is a small outbuilding that does not lend itself easily to conversion given the height and floor space limitations. The Design Guide sets out a list of buildings likely to be unsuitable for conversions and explains that careful consideration should be given to the retention unmodified of minor buildings such as pigsties. The other buildings within the group have been converted and only the historic walls of this small pig sty survive.

The suitability of the piggery/pig sty for conversion is questioned by the need to raise the eaves line and incorporate the adjacent surviving walled enclosure into the proposed garden room.

The raising of the eaves, and insertion of a shallower pitched roof, disrupts the vernacular proportions of this traditional pig sty building. The proposal also seeks to raise the masonry of the adjacent curved wall enclosure and insert a contemporary glazing array to bring the eaves line consistent with proposed modifications to the piggery. The proposed design and arrangement is considered to detract from the original scale, form, quality and historic interest of the curtilage listed structures and diminish the contribution that it makes to the setting of the dwelling. The proposal is considered to harm the significance of the building which, whilst considered to be less than substantial harm, would not be outweighed by any clear over-riding public benefit of the space becoming a domestic garden room.

No objection is raised to the erection of a timber wood store in the principal courtyard, set down below the line of the existing wall.

The Conservation Area Appraisal identifies the outbuilding range to the east of Hillside House as a historic building of high quality. The small square to the front of the building in question is identified as an important space, owing much of its attractiveness to its lack of pretension and clutter. The proposed works are to the rear of the building and will not be visible from the public areas within the Conservation Area and whilst the buildings are important in the context

of the listed building are not considered so intrinsic to the special character of the conservation area so as to justify a reason for refusal on those grounds.

NEIGHBOUR AMENITY

Given the nature of the proposed alterations, its scale and design, there will be no adverse impact on the residential amenities of neighbouring occupiers.

CONCLUSION

Piggeries are potentially difficult buildings to convert, and are identified as such within the Design Guide. Indeed, the conversion scheme incorporates proposals to raise the eaves height and incorporate the adjacent surviving walled enclosure to enable a viable 'garden room' development.

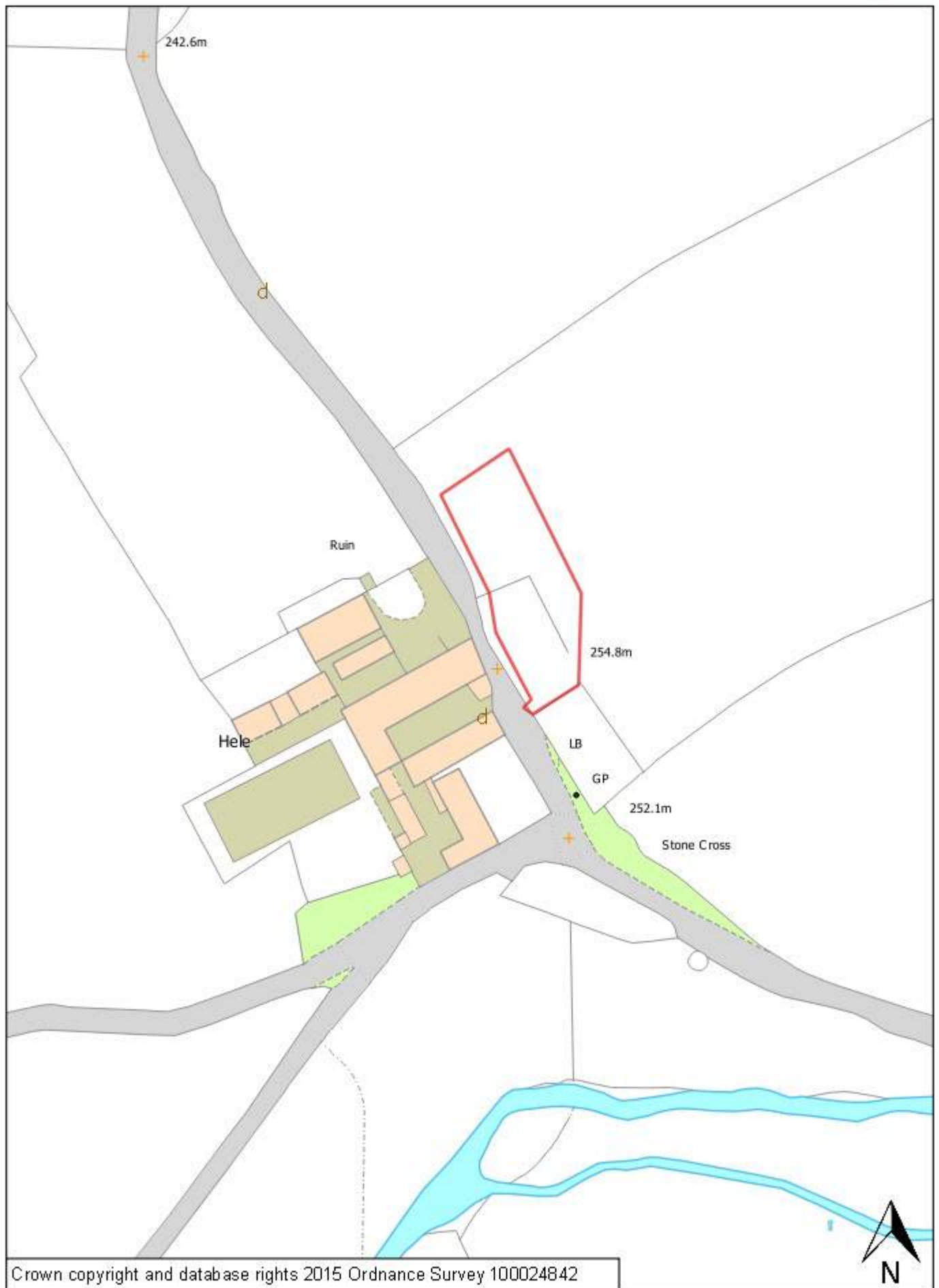
The significance of the surviving curved wall enclosure adjoining the former piggery is disputed. Notwithstanding this, the proposed scheme will undermine the vernacular proportions of this traditional piggery arrangement and the design proposed will detract from the original scale, form, quality and historic interest of the curtilage listed structures and diminish the contribution that they make to the setting of the principal dwelling.

No pre-application enquiry was submitted for the proposed works to this curtilage listed building. The concerns have been expressed to the agent and the applicant was asked to consider a lesser scheme. The applicant has respectfully requested that the application be determined and, on the basis of the submission presented, officers are unable to support the proposal.

Hele Farm, North Bovey - 0407/16



Scale 1:1,250



7. Application No: **0407/16** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **North Bovey**
Grid Ref: **SX721842** Officer: **Alex Gandy**

Proposal: **Erection of agricultural building (18.3m x 12.2m) with hardstanding**

Location: **Hele Farm, North Bovey**

Applicant: **Mr C Godfrey**

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. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local Planning Authority for approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
3. Prior to work commencing on the hardstanding hereby approved, samples of all proposed surfacing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing only approved surfacing materials shall be used in the development.
4. 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, the building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon it becoming redundant for such purposes, the building shall be removed and the land reinstated to its former condition within a period of six months, unless the Local Planning Authority shall grant planning permission for an alternative use of the building.
5. Prior to the commencement of the development hereby permitted, details of the proposed soakaway to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Implementation of the soakaway shall be strictly in accordance with the approved details.
6. Any animal waste arising from the clearing of the building hereby approved shall be stored in excess of 200m away from the nearest residential dwelling.

Introduction

The application site comprises a portion of agricultural land located adjacent to Hele Farm and approximately 2km west of North Bovey. The applicant's land holding in this area comprises approximately 42 hectares and until recently was associated with Hele Farm adjacent.

Hele Farm is a historic farmstead with grade II listed farmhouse.

The application is reported to committee by request of Mr Jeffreys who considers the impact

on the local area warrants consideration by the DM Committee.

Consultations

Environment Agency:	Flood zone 1, standing advice applies.
Teignbridge District Council:	Do not wish to comment.
County EEC Directorate:	No highway implications.
DNP - Archaeology:	No archaeological implications.
DNP - Building Conservation Officer:	No objection. The Grade II listed Hele Farm has a formal elevation that looks out to the north-east, away from the farm buildings. The proposed large new farm building would be sited away from this frontage and no impact on its setting is identified, although some of the curtilage listed farm buildings would be closer to the development site.
DNP - Trees & Landscape:	No objection, subject to a condition requiring the site to be enclosed with a bank planted with a mixed native hedgerow.
Teignbridge District Council (EHO):	Concerned the proximity of the proposed building may lead to complaints of noise and odour nuisance being received. Recommend conditions controlling storing of animal waste in excess of 200m away from the nearest residential dwelling, sound levels of any generators, and prevention of noisy works during sensitive hours.
Historic England:	No comment received

Parish/Town Council Comments

North Bovey PC: No objection

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR4 - Design and sustainable development principles
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD34 - Agricultural and forestry
DMD4 - Protecting local amenity
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment
DMD8 - Changes to Historic Buildings

Representations

9 letters of objection

The objectors primary source of concern is the proximity of the building to the residential dwelling at Hele Farm and the likelihood of farm practices impacting on amenity. The impact of the building on local landscape character and historic significance of listed buildings on Hele Farm and the nearby scheduled monument are also cited as reasons for the application to be refused.

Observations

PROPOSAL

The application proposes to erect an agricultural building on the western boundary of this pastoral field in close proximity to, but on the opposite side of the highway to Hele Farm. The building will be sited on an area of land which has previously been levelled and is currently used for the stacking of haylage bales. Access will be achieved from an existing field access.

AGRICULTURAL NEED

At 42 hectares, the applicant's land holding in this area is significant and does not currently include any buildings. The applicant's current stock on this holding includes 230 breeding ewes which is anticipated will increase to 250 over the next three years. The applicant also supplements grazing with 20 Belted Galloway steers. The applicant has further stock on other landholdings which are not being used to justify this building. There is a clear need for an agricultural building on a holding of this size. The applicant sets out the building's use will be for general agricultural purposes, including sorting, treatment, loading and unloading of livestock, shearing sheep, storage of haylage bales and agricultural machinery.

DESIGN

The proposed building is a typical modern open fronted agricultural building with a footprint of 18.3m x 12.2m. Proposed materials include horizontal and vertical timber cladding, and a fibre cement roof. An associated hardstanding is also proposed and the development site will be bounded by a mixed native hedgerow.

LANDSCAPE IMPACT

The local field system is likely to be of mid to late medieval origin. In the wider area some historic field boundaries have been removed to create larger fields. The land immediately surrounding the site is undulating agricultural land. There is a sparse settlement pattern and isolated buildings do not feature in this landscape.

The proposed building and hardstanding will have strong links to the adjacent farmstead. As required by Policy DMD34 the development will relate well to existing development and local landscape features. The building will be partly screened by the adjacent roadside hedges, but will be visible from the adjacent highway and seen in association with the existing farmstead.

In assessing the scheme Officers have considered whether an alternative location which meets the needs of the applicant and poses no amenity issues is available, but do not believe this could be achieved without creating an isolated building which would have a harmful and unacceptable impact on local landscape character. The Authority's Landscape Officer states 'given the need for an agricultural building of this size on this holding, in landscape terms this is the best location for it'.

HISTORIC BUILDINGS

Hele Farm is a historic farmstead which includes a Grade II listed farm house and associated granite dutch barns which are curtilage listed. An extension to the historic farmstead extends immediately to the north and includes a cluster of modern agricultural buildings.

The grade II listed farmhouse is the most sensitive building in this cluster, its principal

elevation presents to the road and is fronted by a garden. The proposed new agricultural building will be sited to the north away from this sensitive elevation and will be seen in association with the curtilage listed dutch barns and modern agricultural buildings to the north where it would not harm the farmhouse's historic significance. The building's agricultural character is consistent with that of the other agricultural buildings on this farmstead.

An ancient cross, designated as a listed scheduled monument, is located at the road junction 60m south of the application site. The cross is seen in association with the listed farmhouse which contributes to its setting. The proposed agricultural building's location is sufficiently distant to ensure the building will only be partially visible from the junction and will have no material impact on the setting or significance of the monument. The Authority's Building Conservation Officer has no objection to the proposal.

AMENITY

Amenity concerns have been raised by objectors due to the building's proximity to the residential dwelling at Hele Farm which is under different ownership.

Environmental Health have recommended a number of conditions which seek to control noise and odour. These conditions require animal waste arising from the clearing of the building to be stored in excess of 200m from the nearest residential dwelling. It is also recommended to prevent vehicle movements, loading/unloading of animals and any other works likely to give rise to significant levels of noise during sensitive hours.

Officers have carefully appraised the reasonableness of these recommended conditions against the statutory tests set out in the NPPF. Officers consider controlling the building's hours of operation fails the test of reasonableness. The building is located adjacent to vacant farm buildings with no controls over hours of operation. Ownership of these buildings is not a material planning consideration as they could be sold and used by another party. The proposed building will have no greater impact on amenity than those which already exist and is to be reasonably expected for a farm building located on a farm in a working landscape.

The applicant has confirmed no generator is to be used on the site. Electricity will be brought in from the existing overhead power lines located immediately north of the site. The presence of overhead cables further supports this site as an appropriate location for an agricultural building.

The building is located over the crest of a hill and on land which will drain away from the nearest residential dwelling. A soakaway is proposed to manage surface water drainage. The applicant intends to use a straw bedding system to manage waste and foul water. Given the applicant does not propose to use the building for intensive housing of livestock year round, this is considered proportionate and acceptable.

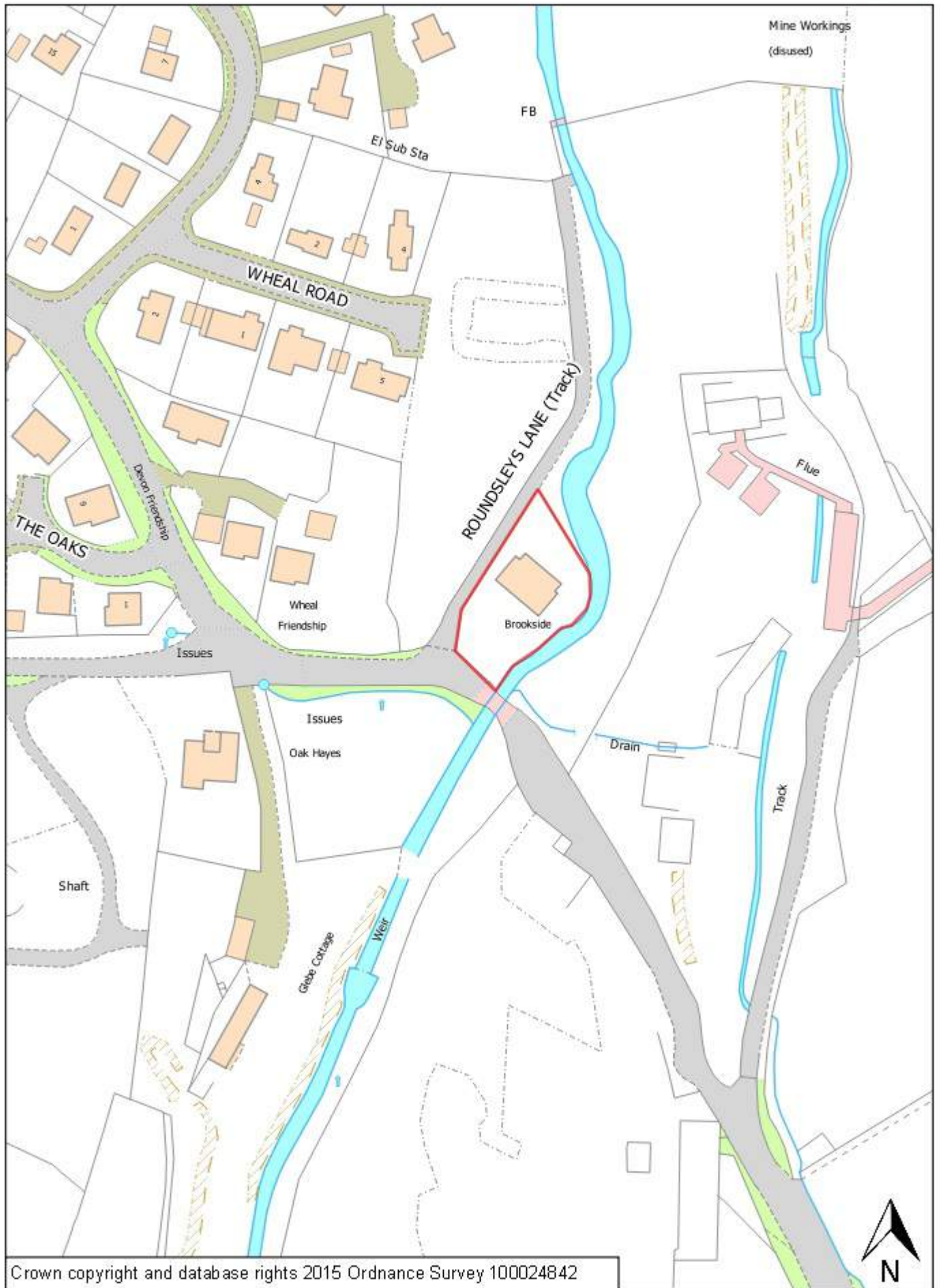
CONCLUSION

Following careful appraisal the scheme is considered to comply with the Authority's adopted policies which give substantial weight to the protection of Dartmoor's landscape character and historic built environment. In landscape terms the building is located in the most appropriate location, clustered with the farmstead to which this land would have been originally associated. It is therefore recommended planning permission be granted, subject to appropriate conditions.

Brookside, Mary Tavy - 0361/16



Scale 1:1,250



8. Application No: **0361/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission -** Parish: **Mary Tavy**
Householder
Grid Ref: **SX505794** Officer: **Alex Gandy**

Proposal: **Demolition of existing conservatory and construction of a slate roofed garden room**

Location: **Brookside, Mary Tavy**

Applicant: **Mr & Mrs I McNicol**

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 roof and slate hanging cladding of the extension hereby approved shall be covered in natural slate to match that used on the existing roof and shall be fixed by nailing only. At all times thereafter the roof shall be maintained as such.
3. The materials to be used in the finishing of the white cement render hereby approved shall match that used on the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Introduction

The application site comprises a modest house located east of Mary Tavy and within the Conservation Area. The house is shown on the c.1840 Tithe Map, is recorded on the Historic Environment Record and is considered an undesignated heritage asset albeit is not registered as such. The existing house has been altered with the construction of a two-storey extension to its north west elevation, single storey uPVC conservatory to its south east elevation, installation of three dormer windows to its rear elevation and reconfiguration of its porch.

The single storey uPVC conservatory which this application affects does not benefit from planning permission, but has gained lawfulness through the passage of time.

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

Planning History

0274/15	Reconstruction of bathrooms with dormers Full Planning Permission - Householder	Grant Unconditionally	28 July 2015
3/42/119/98/03	Extension to provide conservatory. Full Planning Permission	Grant Conditionally	22 July 1998
3/42/118/98/03	Internal alterations and extension to provide workroom, laundry, bedroom and en-suite bathroom. Full Planning Permission	Grant Conditionally	22 July 1998
3/42/213/94/03	Alteration and extensions to provide garage and bathrooms in roof space. Full Planning Permission	Grant Conditionally	20 October 1994

Consultations

West Devon Borough Council:	Do not wish to comment.
Environment Agency:	Flood zone 3. Residential extension only, standing advice applies.
County EEC Directorate:	No highway implications.
DNP - Building Conservation Officer:	The proposed extension offers an improvement over the current situation although the use of uPVC is not supported.

Parish/Town Council Comments

Mary Tavy PC:	The property has experienced unsympathetic extension and alteration in the recent past which represents the over-development of the undesignated heritage asset. These works include a two storey extension, creation of a porch, gravelling the front garden and erection of domestic out-buildings.
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Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR4 - Design and sustainable development principles

DMD1a - Presumption in favour of sustainable development

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

DMD24 - Extensions and alterations to dwellings

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

PROPOSAL

The application proposes to replace the existing unauthorised, but lawful, single storey uPVC conservatory with a single storey dual pitch extension for use as a garden room.

DESIGN AND CONSERVATION

The existing uPVC conservatory contributes nothing to the significance of this building and the proposed replacement offers a more substantial and robust addition to the house. The proportions reflect that of the main house and the extension will be set back from the front elevation ensuring it remains subordinate and subservient.

A small balcony with glazed balustrade is proposed in the rear facing roof slope which utilises an existing first floor full height opening in the property's south east elevation. The balcony's modest size and discrete location away from public views ensures it will have minimal impact on the presentation of this dwelling. A proposed conservation rooflight has been re-sited to the rear facing roof slope where it will also have minimal impact.

The Authority's Building Conservation Officer has confirmed no objection to the proposed scheme, although recommends use of timber or aluminium windows to best preserve the character of the building. Given the current use of uPVC windows throughout the house, the proposed slim uPVC window frames are considered consistent and acceptable.

POLICY

The extension proposes an 11sqm increase in floorspace which is well within the 30% threshold for increases in habitable floorspace in domestic extensions set out in Policy DMD24.

FLOODING

The house is located in Flood Zone 3. The applicant has completed a householder flood risk assessment which confirms the extension's floor levels will not be set any lower than existing and various flood mitigation measures will be incorporated into the design.

PARISH COUNCIL COMMENTS

In their objection, the Parish Council have cited various works of alteration and extension which have seen the property transformed from its modest beginnings, including the creation of a porch, gravelling the front garden and domestic out-buildings. These concerns are noted; however, the works highlighted can be completed with permitted development rights and it is not possible to control them under planning. Officers have carefully appraised the proposed scheme and do not believe these reasons substantiate a recommendation for refusal.

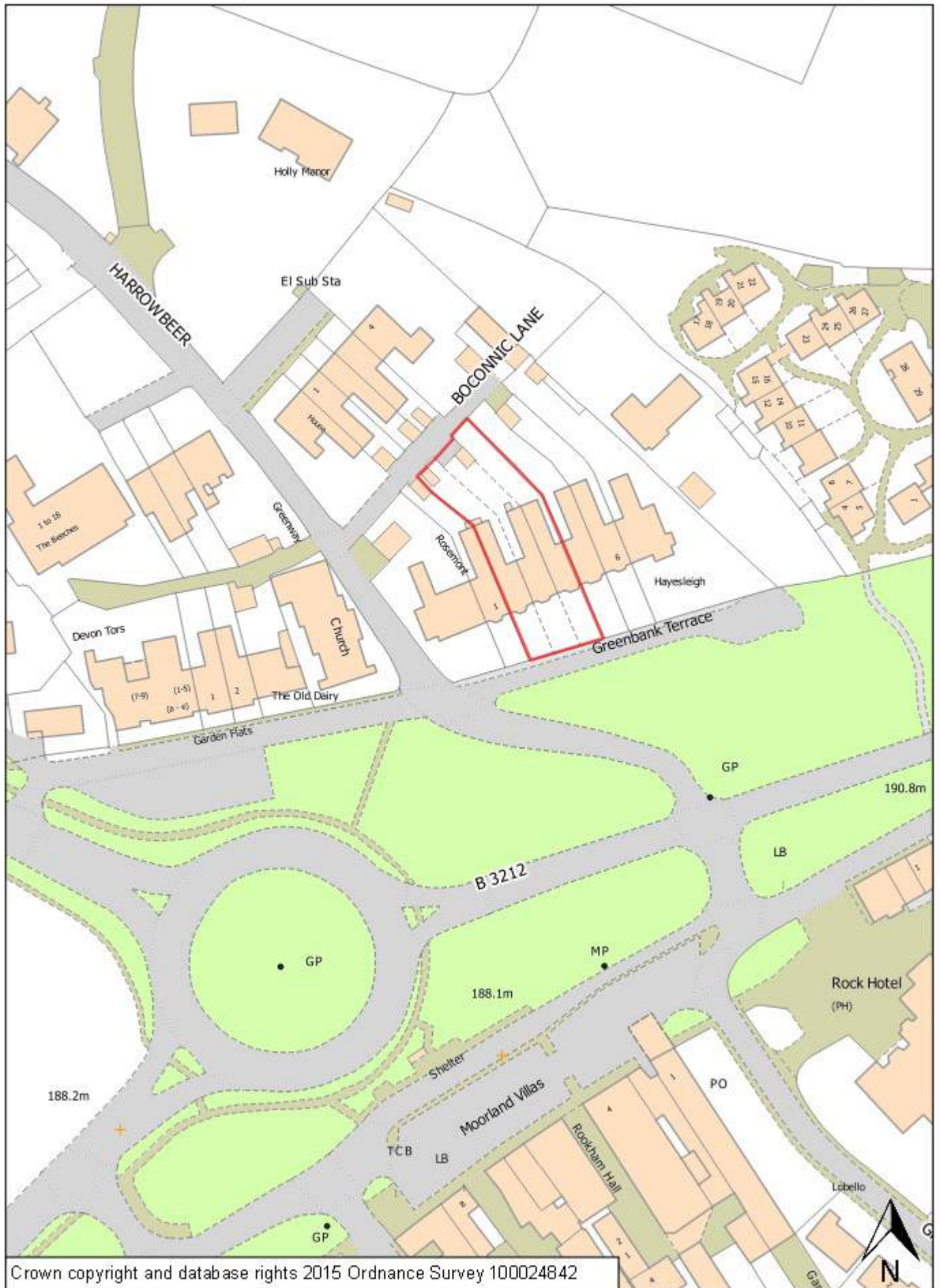
CONCLUSION

The proposed extension is considered to deliver enhancements to the presentation of this dwelling with only a small increase in habitable floorspace. It is therefore recommended that permission be granted, subject to appropriate conditions.

Yelverton Nursing Homes, Yelverton - 0362/16



Scale 1:1,250



9. Application No: **0362/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Buckland Monachorum**
Grid Ref: **SX521679** Officer: **Alex Gandy**

Proposal: **Demolition of rear single storey extensions and separate laundry/storage building. Change of use from Nursing Home to residential and conversion into three houses with new single storey pitched roof extensions, including the provision of new front and rear gardens**

Location: **The Yelverton Nursing and Residential Home, 2-4 Greenbank Terrace, Yelverton**

Applicant: **Lark Castle Limited**

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. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Bat Building Assessment dated 27 May 2016.

Introduction

The application site comprises the Yelverton Nursing Home, a three-storey terrace house at 2-4 Greenbank Terrace in central Yelverton.

The application is reported to committee as the proposals are considered a departure from policy.

Planning History

0216/16	Change of use from Nursing Home to Residential and conversion into two houses and five flats		
	Full Planning Permission	Withdrawn	14 June 2016
0411/15	Single storey extension to provide additional lounge space		
	Outline Planning Permission	Grant Outline Conditionally	05 October 2015
0265/15	Attic extension and internal alterations to provide four additional residential rooms and single storey rear extension to provide lounge space		
	Outline Planning Permission	Withdrawn	22 July 2015
0549/08	Single storey extension and conversion of part of building into additional residential/nursing accommodation		

0703/06	Full Planning Permission	Grant Conditionally	13 October 2008
	Conversion of part of existing store to form new staff accommodation		
	Full Planning Permission	Grant Conditionally	08 November 2006
3/32/018/98/03	Replacement of existing garage with enlarged storage building		
	Full Planning Permission	Withdrawn	09 March 1998
3/32/194/97/03	Construction of new access road		
	Full Planning Permission	Refused	11 February 1998
3/32/094/97/03	Enlarging of two dormer windows to rear of property		
	Full Planning Permission	Grant Unconditionally	13 June 1997
3/32/027/97/03	Refurbishment of 4 Greenbank Terrace to provide self contained accommodation, owners suite and three new bedrooms: extension and construction of new laundry/storage block rear of 3&4 Greenbank Terrace and erection of new greenhouse		
	Full Planning Permission	Grant Conditionally	21 April 1997
3/32/185/96/03	Construction of new office within existing courtyard		
	Full Planning Permission	Grant Unconditionally	24 September 1996
3/32/043/96/03	Alteration of two dormer windows to front façade		
	Full Planning Permission	Grant Unconditionally	29 March 1996
03/32/0466/82	Change of use from privatedwelling to a residential home for the elderly (combined with no.3 Greenbank Terrace)		
	Change of Use	Grant Unconditionally	04 June 1982

Consultations

Environment Agency:	Flood zone 1, standing advice applies.
West Devon Borough Council:	Do not wish to comment.
County EEC Directorate:	No highway implications.
DNP - Ecology & Wildlife Conservation:	No objection. Works to proceed in accordance with the recommendations of the Bat Building Assessment dated 27 May 2016.

Parish/Town Council Comments

Buckland Monachorum PC: Neutral view.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR18 - Providing for sustainable economic growth
COR4 - Design and sustainable development principles
DMD1a - Presumption in favour of sustainable development
DMD21 - Residential development in Local Centres
DMD40 - Parking provision - Residential
DMD7 - Dartmoor's built environment

Representations

1 letter of support

One respondent supports the proposal, but emphasises Boconnic Lane is the only access to her property and needs to be kept clear at all times. Requests any damage caused during construction are made good.

Observations

PROPOSAL

The application proposes the conversion of these terraced buildings from a nursing home to a residential use in the form of three open market houses. External alterations are proposed in the form of demolition of modern rear extensions and a detached laundry building. The buildings' front elevation will remain mostly unchanged.

PLANNING HISTORY

The site's planning history includes a recently withdrawn application which proposed conversion to six residential units with parking provided on Boconnic Lane to the rear. The application was withdrawn following public objections and the discovery that the applicant could not provide the proposed parking as they had no rights of access over Boconnic Lane.

LOSS OF EMPLOYMENT USE

Policy COR18 sets out employment uses should be sustained and supported in the National Park's Local Centres. The proposed change of use will see the loss of an employment use and is therefore contrary to the Authority's adopted policies in principle.

To justify the change of use the applicant has submitted comprehensive marketing and viability information to evidence the business' poor viability despite best efforts. The applicant marketed the business as a going concern at competitive and steadily depreciating prices between late 2007 to January 2009 and late 2013 to present. Five offers were accepted, but subsequently fell through.

Prior to the nursing home's closure the applicant's profit margins were significantly below that reasonably expected for a viable business and so small the loss of a single resident could have significantly effected financial viability. As a result, the nursing home has closed and a change of use is sought.

PROPOSED RESIDENTIAL USE

When considering the most suitable use for these premises Officers have considered whether an alternative employment use, such as office, may be viable and would sustain this employment site. However, given the site's location amongst similar residential properties and the residential character and internal layout of the buildings it is not considered there is a viable alternative and the re-instatement of a residential use is therefore considered acceptable in principle.

The reinstatement of three large terrace houses is proposed, with approximately 255sqm of floorspace each. The proposed mix has been defined by available car parking which comprises three on-street spaces on Greenbank Terrace, a private unadopted road. The

parking spaces are currently reserved for the applicant's use, but are located outside the application site and are not owned by the applicant. It is therefore not possible to condition their retention as part of this application. Given the limited number of units proposed the proposed residential use will likely not result in a net increase in parking demand and may well represent an improvement on existing conditions.

AFFORDABLE HOUSING

A recent appeal decision in Yelverton on the site of the former swimming pool building at Station Cottage has cast doubt on the validity of the Ministerial Statement which limits affordable housing provision on sites of 5 no. units or less. That decision suggests that within the National Park it may still be reasonable to require affordable housing on small sites. Clarification is being sought direct from DCLG on this point. Nevertheless on this occasion it is considered that the floor space of these three units is far in excess of what might be considered affordable in marketing terms and consequently officers have not sought provision on this site.

DESIGN

These terrace houses are likely of late 1800s origin and make an important contribution to the setting of Yelverton's centre. Their formal presentation to Yelverton's central green space make them a prominent feature in the townscape.

The front elevation of the buildings will remain largely unaltered and re-instatement of a residential use, including removal of business signage and reinstating of the front gardens, will improve their character. Simple reconfiguration of the buildings' rear elevations is proposed, including replacement of the large modern rear extensions with smaller dual pitch extensions to match the style of those on neighbouring properties and minor amendments to the fenestration. The proposals are wholly acceptable in design terms.

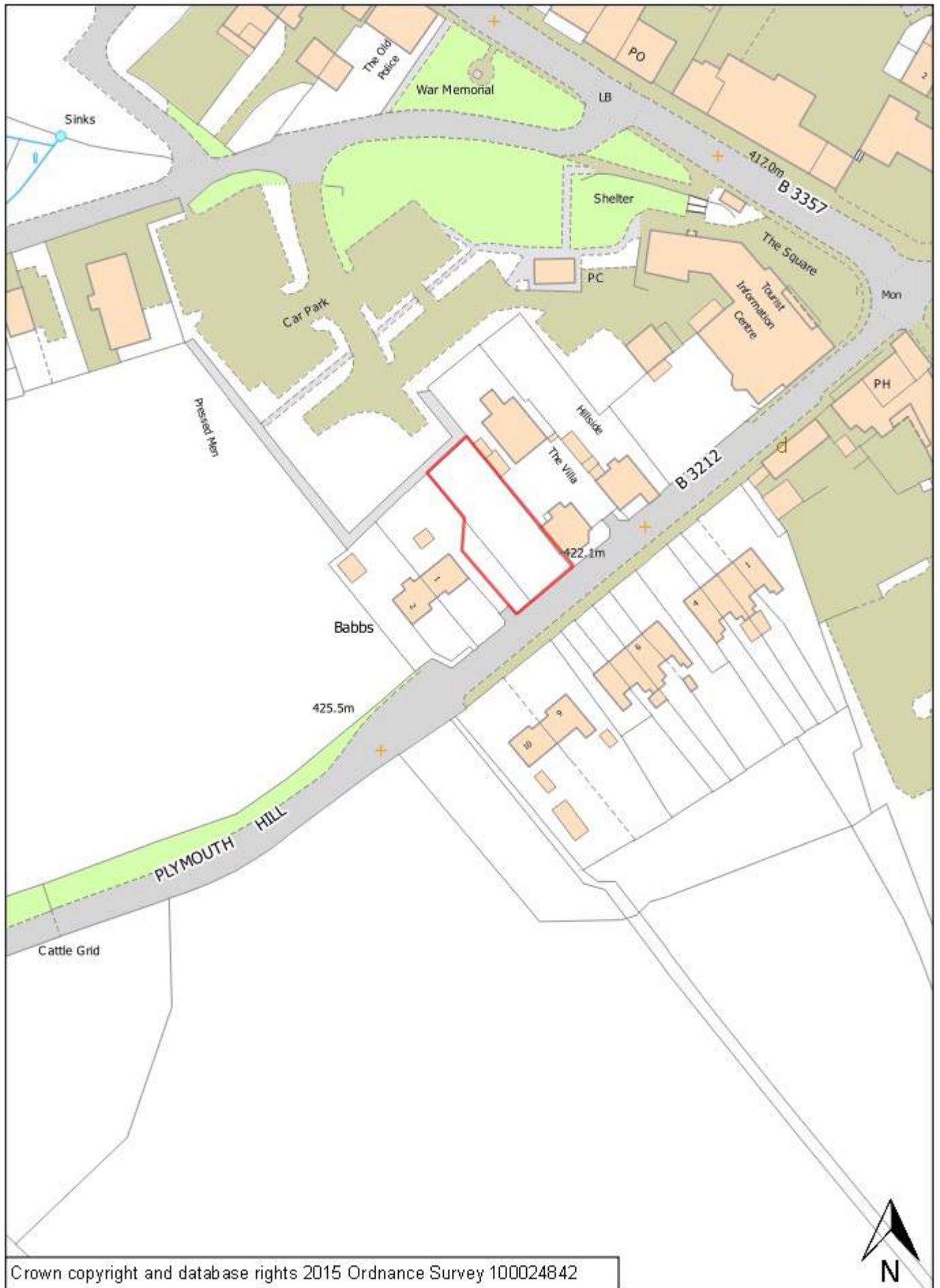
CONCLUSION

The application will allow for these significant buildings to be brought back into active use. Given the local parking constraints and the historic character of these buildings, the proposed unit mix is considered acceptable. It is recommended planning permission be granted, subject to appropriate conditions.

Land adj to the Villa, Princetown - 0295/16



Scale 1:1,250



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

Proposal: **Erection of open market dwelling**

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

Applicant: **Mr R Finch**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. 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 from and of emerging vehicles in the trailing traffic direction (to the north-east), contrary to paragraph 32 of the National Planning Policy Framework. The red line plan as submitted does not include land required to provide an acceptable visibility splay and the application does not show how such a visibility splay could be maintained in the interests of highway safety.

Introduction

The application site comprises a parcel of vacant land adjacent to The Villa and Babbs Cottages on Plymouth Hill, Princetown. The land is located within the Princetown Conservation Area. The Villa is of 19th Century origin and the more significant of both neighbours, it comprises a robust villa type house with string course albeit also with some unsympathetic modern additions. Babbs Cottages and The Villa are both identified in the Conservation Area Appraisal as 'historic buildings with modern alterations'. Neither of these buildings are listed, but can be considered undesignated heritage assets albeit not registered as such.

Planning History

0095/16	Open market dwelling Full Planning Permission	Withdrawn	13 April 2016
0385/10	Erection of a pair of semi-detached houses (one affordable, one open market), creation of access and two garages Full Planning Permission	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
03/55/1120/88	Proposed erection of detached house and garage Outline Planning Permission	Withdrawn	08 April 1988

Consultations

West Devon Borough Council: Do not wish to comment.

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

Environment Agency: Flood Zone 1, standing advice applies.

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

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

Roofing materials

Colour of render

Window and external door details

Fascia and verge boards to be painted timber

Metal rainwater goods

Sample panel for boundary wall

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

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

County EEC Directorate: The original response was made on the basis that the applicant controlled the land to provide the sight lines for the relocated access in the trailing traffic direction (to the north-east) across the frontage of the property known as 'The Villa'. The visibility available in the leading traffic direction (to the south-east) from the relocated access to the site over land within the applicant's control is acceptable to the Highway Authority. From discussions that the applicant had had with the Highway Authority, and the 'nib' on the original location plan it was thought that the visibility splay was within the applicant's control.

The revised location plan, showing the land within control of the applicant edged red, makes it clear that the land to provide the visibility splay in the trailing traffic direction lies outside the control of the applicant (outside the land edged red on the plan). This being the case, the Highway Authority is no longer able to secure by appropriate condition the provision and maintenance of the visibility splay in that direction. It is therefore recommended that the

application is refused, although this could potentially be overcome if the trailing traffic direction sight line were to be over land within the control of the applicant.

Parish/Town Council Comments

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

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR21 - Dealing with development and transport issues in a sustainable way
COR4 - Design and sustainable development principles
COR5 - Protecting the historic built environment
COR6 - Protecting Dartmoor's Archaeology
DMD12 - Conservation Areas
DMD13 - Archaeology
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD21 - Residential development in Local Centres
DMD8 - Changes to Historic Buildings

Representations

9 letters of objection 6 letters of support

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

Those in support consider the proposal good use of vacant land and a well designed scheme.

Observations

THE PROPOSAL

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

PRINCIPLE OF DEVELOPMENT

Policies COR15 and DMD21 set out in principle support for residential development on small infill plots within designated Local Centres. The vacant site forms a 'missing tooth' in the strip development which has developed along Plymouth Hill. The footprint of the proposed dwelling

and its siting on the plot is consistent with and complements Princetown's surrounding urban grain. The site lies within the development boundary of Princetown as shown in the adopted Local Plan.

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

CONSERVATION AREA

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

NEIGHBOURING AMENITY

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

HIGHWAYS

The application includes the creation of a highway access onto Plymouth Hill. The Highway Authority have confirmed the access makes best use of the available sight lines. However to ensure the access does not compromise highway safety in the future it is crucial to ensure maintenance of the visibility splay in perpetuity. As submitted and validated the application does not include the entire visibility splay within the red line area and part of the splay (to the north-east) is not in the control of the applicant. 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. As this land is not included in the red line of this application the legal agreement cannot be achieved as part of this application. Procedurally, extending the red line area to include the entire visibility splay is not considered a minor amendment which can be completed as part of this application, particularly given the significant and relevant objections from affected parties.

The Highway Authority cannot secure by appropriate condition the provision and maintenance of the visibility splay and therefore recommends refusal of the application on highway safety grounds. This objection could be overcome if the trailing traffic direction sight line were to be

over land within the control of the applicant or subject to a S106 between the Authority and the two relevant parties.

OWNERSHIP

A neighbouring resident has raised an ownership dispute over a small portion of land at the south west corner of the site. The applicant has submitted a valid Title Deed and Title Plan which is consistent with other Land Registry Title Plans for adjoining owners. The applicant has demonstrated beyond reasonable doubt they are the owner of all land within the red line. Furthermore Officers do not consider ownership of this land materially affects the acceptability of the scheme.

TREES

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

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. The 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.

CONCLUSION

Overall it is considered the proposed dwelling will deliver substantial public benefit through delivery of a high quality scheme which will enhance this part of the Conservation Area. However, without certainty the visibility splays associated with the proposed driveway can be maintained in perpetuity the Highway Authority are not able to ensure the proposal will preserve highway safety. It is therefore recommended planning permission be refused.

STEPHEN BELLI

NPA/DM/16/031

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 October 2016

MONITORING AND ENFORCEMENT

Report of the Head of Planning

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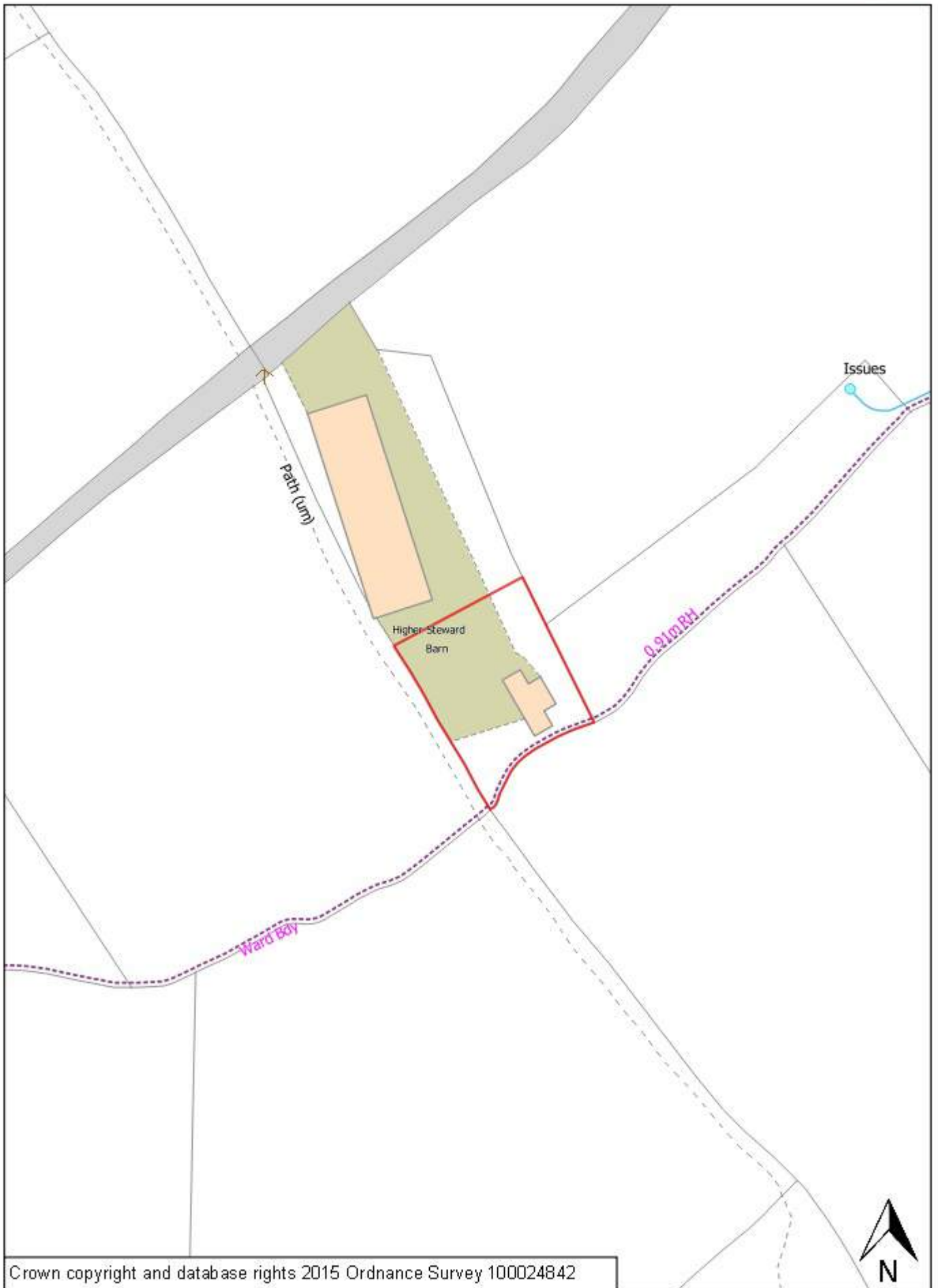
Item No. **Description**

1. ENF/0056/16 - Unauthorised temp mobile home, Land near Steward Farm, Moretonhampstead

ENF/0056/16



Scale 1:1,000



1 Enforcement Code: **ENF/0056/16** District/Borough: **Teignbridge District**
Grid Ref: **SX755845** Parish: **Moretonhampstead**
Officer: **Nick Savin**

Description: **Unauthorised temp mobile home**
Location: **Land near Steward Farm, Moretonhampstead**
Land owner: **Mr M Snow**
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 and its extension 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
COR15 - Housing

DMD1a - Dartmoor National Park Special Qualities
DMD1b - Protecting National Park qualities
DMD3 - Sustaining the quality of places
DMD5 - Landscape Character
DMD23 - Residential Development
DMD28 - Residential Caravans
DMD34 - Agricultural Development

Representations & Parish/Town Council Comments

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

Observations

High Steward Barn is situated 1.5km south of the centre of Moretonhampstead on land adjacent to Narramore Farm.

On 22 October 2012, planning permission (ref. 0355/12) was granted for the "siting of agricultural worker's dwelling for a temporary period of three years". The permission was subject to a condition stating that "the temporary agricultural workers dwelling hereby permitted shall be permanently removed on or before 22 October 2015 and the land reinstated to its former condition".

During a monitoring visit to the site in April 2016, it was noted that the mobile home was still on the land, in breach of the above condition. The landowner asked if the Authority would allow him an extension of time to prepare his application for a permanent dwelling because his business had been affected by TB. Advice from officers was that an application should be made as soon as possible and that the circumstances of his business would be taken into consideration.

Despite reminders both in writing and a message left on the owners answerphone, no communication has been forthcoming from him and no application has been made to regularise the situation.

It is not clear if or when an application will be submitted and subsequently, when the unauthorised

accommodation will be removed. For reasons of consistency and to protect the position of the Authority, it is considered necessary to seek authorisation for legal action to take the appropriate enforcement action.

It is acknowledged that a reasonable time scale should be included in the notice to allow for alternative arrangement to be put in place for the individual currently residing in the temporary agricultural workers dwelling.

HUMAN RIGHTS ACT

It is understood from the occupier that the development is his 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.

Members are therefore advised that enforcement action would be:

- (i) in accordance with law – s.187A 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.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 October 2016

APPEALS

Report of the Head of Planning

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

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

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

2	Application No:	W/16/3142143	District/Borough:	Teignbridge District
	Appeal Type:	Refusal of Full Planning Permission	Parish:	Bridford
	Proposal:	Erection of rural worker's dwelling		
	Location:	Poole Farm, Bridford		
	Appellant:	Messrs M & M Amos & Totterdell		
	Decision:	ALLOWED		

3	Application No:	W/16/3149865	District/Borough:	Teignbridge District
	Appeal Type:	Refusal of Full Planning Permission	Parish:	Ilington
	Proposal:	Erection of storage shed; retention of small storage building and bird hide plus creation of new track		
	Location:	land to west of Liverton at Lounston		
	Appellant:	Mr S Bickley		
	Decision:	ALLOWED		

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

1 Application No: C/16/3155002 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Ilsington
Proposal: Erection of shepherds hut /timber structures on agricultural land (Notice 1)
Location: **Land at Bracken Ridge, Smokey Cross, Haytor**
Appellant: **Mrs H Walker**

2 Application No: C/16/3158396 District/Borough: Teignbridge District
Appeal Type: Enforcement Notice Parish: Ilsington
Proposal: Erection of shepherds hut /timber structures on agricultural land (Notice 2)
Location: **Land at Bracken Ridge, Smokey Cross, Haytor**
Appellant: **Mrs H Walker**

3 Application No: S/16/3155749 District/Borough: West Devon Borough
Appeal Type: Modification or Discharge of Section 106 Agreement Parish: Whitchurch
Proposal: Discharge of S106 obligation for affordable housing
Location: **Dartmoor Inn, Merrivale, Princetown**
Appellant: **Mr & Mrs Cloke**

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

07 October 2016

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the Head of Planning

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

(For further information please contact James Aven)

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

1 Enforcement Code: ENF/0167/16	District/Borough: South Hams District
Grid Ref : SX698595	Parish : South Brent
Breach : Unauthorised wall	
Location : Kingswood House, Exeter Road, South Brent	
Action taken / Notice served	No further action taken

2 Enforcement Code: ENF/0190/15	District/Borough: Teignbridge District
Grid Ref : SX691755	Parish : Widcombe-in-the-Mo
Breach : Unauthorised alterations to the roof of the dwellinghouse	
Location : West Shallowford Farm, Widcombe-in-the-Moor TQ13 7PW	
Action taken / Notice served	No further action taken

STEPHEN BELLI