

DARTMOOR NATIONAL PARK AUTHORITY

DEVELOPMENT MANAGEMENT COMMITTEE

Friday 5 November 2021

Present: A Cooper, W Dracup, G Gribble, P Harper, G Hill, J McInnes, S Morgan, D Moyse, J Nutley, N Oakley, C Pannell, M Renders, P Sanders, P Smerdon, P Vogel, P Woods

Officers: C Hart, Head of Development Management
P Twamley, Planning Officer
C Booty, Enforcement Team
N White, Planning Officer
H Union, Solicitor (acting on behalf of Devon County Council)

Apologies: L Samuel, D Thomas

The Chairman welcomed Mr Booty from the Enforcement Team, Hazel Union from Devon County Council Legal Team and Tracy Simmons the new Senior Planning Support Officer. He also welcomed Mr N Tigwell, Independent Person and the registered speakers. He advised that the meeting was available to the public via audio livestream.

1459 Declarations of Interests and Contact

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

Mr Smerdon declared an interest due to being the South Hams District Councillor in Item 3 - 0147/19 and would leave the room during debate - Erection of 17 dwellings (12 affordable and 5 open market) and associated infrastructure - Land at Palstone Lane, South Brent.

Mr Harper declared a personal interest, in the Enforcement case, and would not join in the debate of this item - ENF/0186/18 New house constructed in woodland - Woodland opposite Rock Valley Farm, Doccombe

Mr Dracup declared a personal interest, due to having received email communication in Item 4 – 0486/21 and would leave the room during debate - Partial conversion of existing building to create a one Bedroom local persons dwelling and associated works - Barn at SX 7564 8011, Manaton

Mrs Oakley declared a personal interest, due to having received additional email communication in Item 1 –0050/21 - Conversion of barn to create venue providing café, cycle hire, bike workshops and area for courses – Tyrwhitt's Wharf, Yelverton.

1460 Minutes of Meeting held on 30 July 2021

The minutes of the meeting held on 30 July 2021 were AGREED as a true record.

1461 Items Requiring Urgent Attention

None.

1462 Monitoring and Enforcement

The Chairman proposed and Members agreed, to bring Item 6 forward, to be dealt with prior to the planning applications. .

Members received the report of the Head of Development Management (NPA/DM/21/009).

Item 1 – ENF/0186/18 – Unauthorised construction and residential use of a new house constructed in woodland - Woodland opposite Rock Valley Farm, Docombe.

Speaker: Mr Gordon Monahan, resident and landowner

The Case Officer reported the construction of a building used as a dwelling. In October 2018 the Authority was informed that a new dwelling was being constructed on sloping land near Westcott Woods at Rock Valley Farm, south of the B3212.

A visit, in late 2018, revealed that a large building was under construction on the land. The building was a wooden construction and domestic in appearance; it was set out on three platforms stepped into the sloping land. Adjacent to the building was a wooden kennel set just below the building.

The owner had made no attempt to regularise the building or use of the land through an application for a Certificate of Lawfulness (CLUED).

The Authority issued welfare forms in April 2021, but these were not returned.

A further visit at the end of September 2021 confirmed that the building was in a similar condition to the initial visit at the end of 2018. It was still unfinished and unfurnished and cannot be described as a dwelling. It was clear, however, that it was being used as sleeping accommodation. Toilet facilities had been erected in a small building a little way from the structure.

At the bottom of the site an archery range had also been constructed, which was also unauthorised.

During the visit in September the situation was explained to the landowner and welfare forms were again left with the landowner who confirmed his willingness to complete and return them. As yet the forms had not been received.

considered the structure, and the use of the land against the Dartmoor National Park policy considerations and concluded that these are not compatible.

The officer recommended that the appropriate legal action be authorised to secure:

- (i) Secure the cessation of the residential use of the land, and
- (ii) Secure the cessation of all non-agricultural or forestry use of the land, and
- (iii) Secure the removal of the residential building from the land.

Mr Monahan advised the Committee that he had been farming the land for the last 17-18 years, and that he had been living on the site for 17 years. He advised that the building was a rebuild of an existing structure using the existing building as a base for the current dwelling. He also stated that he had been running an archery business from the site for the last 10 years, which has been utilised by the youth of the area over the summer period. He advised Members that he is unable to read and write. He stated that he was before them today to ask for their help, not only to enable him to remain in his home, where he feels safe, but also to help the youth of the local area.

In response to Member questions officers clarified that:

- Welfare forms were a standard form given in these situations, which would help to put the resident in contact with the appropriate authority to help them find alternative accommodation.
- The welfare forms had been read to the resident and that assistance to fill them in had been offered, including the recording of answers.
- The assertion that the resident had been living on the site for 17 years was not agreed to as the resident previously resided in a farmhouse adjacent to this plot of land and after this another property on that estate.
- The assertion that the building was on top of another structure was unfounded as the method of construction (the building sits on stilts) appeared to be new at the 2018 site visit.
- The landowner has had the opportunity to prove lawful residential usage of the land by submitting a planning application or through an application for a certificate of lawfulness, but no application has come forward. These options had been clearly explained to the landowner in September 2021.
- Immunity only applies following substantial completion; the building is not complete.
- There was a legal responsibility to offer assistance to the resident, this had been offered by the officers by way of reading forms and offering to fill in applications.
- The Parish Council had no knowledge of this unauthorised building and cannot therefore comment. Mr Sanders proposed the recommendation, which was seconded by Mr McInnes.

It was clarified that reason (ii) would imply that archery would not be able to continue on the site as it is not agricultural or forestry use of the land.

RESOLVED: That the relevant legal action be taken to:

- (i) Secure the cessation of the residential use of the land, and
- (ii) Secure the cessation of all non-agricultural or forestry use of the land, and
- (iii) Secure the removal of the residential building from the land.

1463 Applications to be Determined by the Committee

Members received the report of the Head of Development Management (NPA/DM/21/006).

Item 1 – Conversion of barn to create venue providing café, cycle hire, bike workshops and area for courses – Tyrwhitt’s Wharf, Yelverton

Speakers: Cllr Cunningham, Buckland Monachorum Parish Council
Mr Staniforth, Objector

The Case Officer reported that the principal use of the barn would be a not for profit, CIC (Community Interest Company) providing cycling facilities and services as a community interest operation providing cycle hire (to include specialist bikes suitable for less able people – adapted E-bikes etc), bike workshops and courses for individuals, school groups and community groups. It was also proposed to have a small internal café being ancillary to the primary enterprise of providing accessibility to cycling for all.

He advised Members that the barn was referred to as a wharf and was built in the early 1820s to serve as a halfway point on the Princetown to Sutton Harbour tramway. It served as a staging point for changeover of horses. The building would be conserved by the development including a new natural slate roof and reinstatement of original hardwood timber windows and the walls of the barn would remain exposed stone and timber. The chimney would be retained to house the flue for the wood burning stove. The plans also included the locations of the proposed underground rainwater storage tanks, the foul drainage treatment plant and the surface water soakaway drainage.

Tyrwhitt’s Wharf was listed Grade II on 23 August 2021; for its historic and architectural interest and group value with associated structures. The significance of the building had been recognised at a national level with its rarity highlighted.

He informed Members that a significant number of both objections against and support for the scheme had been received. Objections included:

- Concerns that the wastewater management is not sufficient
- Cyclist numbers already too high and behaviour already a concern
- Litter management/café adding potential litter to local area
- Pressure on already busy car park/parking on verges
- Competition for local businesses and presence of similar services in Yelverton
- Concern that future use could change to primary use as a café
- Impact on heritage of the building
- Impact on ecology
- Highway safety
- Footpath safety for pedestrians
- The proposal bringing more people to the moors
- Erosion of peace and tranquillity
- Impact on the golf course
- Emergency service access compromised by increased numbers
- Impact on the character of Clearbrook

Support for the scheme included:

- Appropriate conservation of the heritage asset
- Positive contribution to the local community
- A real enhancement to the cycling infrastructure of the area
- Positive environmental impact – more people on bikes
- Convenient for a refreshment stop
- Bike rental availability
- Good location for bicycle repair service
- Very accessible location
- Promoting visitors to the area
- Great hub for cyclists to meet up
- Benefits of a community facility
- More bicycle use/less cars/less pollution
- Would bring more money to the area
- Encourages healthy lifestyles/improved mental health
- Allows less able/active/lower socio-economic groups to engage with cycling
- Great resource for local schools and pupils alike

He confirmed that Officers had considered all material points and had sought to ensure that the potential public benefits of the scheme were appropriately balanced against any potential harm.

He advised that, with regards to ecology, the direct and indirect impacts of the proposed cycle hub were deemed negligible on protected and priority species. A condition was included to ensure that no works would take place during the bird nesting season.

He confirmed that the site had no direct access from the highway or off-street car parking. The Highways Authority had accepted that the facility would predominantly cater for people already in the area rather than attract specific additional vehicle movements and there were no objections to the proposals from a highway safety point of view.

Cllr Cunningham informed Members that he was speaking as a Councillor for Buckland Monachorum Parish Council and a resident of Clearbrook. The Council considered the development to be in the wrong location and unsuitable for the area of moorland. There were already parking issues in the village and those would be exacerbated if the development was allowed. He advised that on busy days cars were parking on verges already and additional people would only exacerbate this. He advised that the addition of a café at this location would be detrimental due to increase in litter in the area. Littering in the area had been increasing lately and adding a hub would attract additional litter related issues and parking issues. The Council was concerned about the detriment to the area.

Mr Staniforth felt concerned that the primary use of the building would be a café on common land, and that two thirds of the internal space is café space. He noted that there is no public health benefit of coffee and cakes. He added that the proposal would be on the nearest common land to the largest city in Devon, Plymouth. He noted there was no way to enforce or regulate the size and usage of the café. He

added that the proposal claims to increase access and enjoyment to the Moor. However, in one direction the track ends at Druids Staple and joins a busy road. In the opposite direction, towards Yelverton, the track then has to cross the A386. All other routes connected to this location are along busy roads or narrow steep lanes. There is no real or safe access to the moor from the location. He expressed concern that there would be no vehicle access which would mean that the bike trailer, being used for servicing and supplies, and the carbon footprint of moving these items to and from a central location should be considered. He reported that there was no support from independent Dartmoor experts, the Dartmoor Preservation Association (DPA) or the leaseholders. Nothing has changed since the 30 July, except the successful listing.

In response to member questions the officers clarified:

- The detail of the exterior was to be clarified, including the number of benches and bike racks.
- The material of compacted stone used to reinforce the grass outside the development was to be specified, this was defined by condition 9 and therefore control of the material to be used was in place.
- The area of compacted stone was to be a permeable surface, eventually grass would be allowed to regrow through this surface, and it would be installed to protect the ground.
- Signage at the location had been limited under condition 14, the only signage proposed was on the inside of the door shutters, which would only be visible while the venue was open.
- The proposed windows and shutters were in the same position and size as the original windows, these would be reopened as they had previously been bricked up.

Mr Renders proposed the application be REFUSED on the grounds that the application is conflicting with Development Plan policies Cor 1, Cor 3, DMD 1B and DMD 5.

Specifically that;

Cor 1 seeks *'to conserve and enhance the special, qualities of Dartmoor's landscape'*

Cor 3 encourages *'development that will conserve and enhance the characteristic landscapes and features that contribute towards Dartmoor's special environmental qualities'*

DMD 5 seeks to *'conserve and or enhance the special qualities of Dartmoor National Park'*

The proposal was seconded by Mrs Oakley.

Officers clarified that although the policies suggested are appropriate policies to consider regarding this application, the Members must be clear on whether this application will have a detrimental effect on the area, as this area has already been proven to be a busy and well used area.

Discussion followed and Member comments included the following:

- the proposal would not negatively impact the area, and that the building is worthy of protection and conservation.
- the building is very worthy of being maintained, but this proposal would have a large impact on the amenity of that area.
- the application to improve the accessibility to the moor, and the proposal was a good use and restoration of the building.
- as the building was listed the preservation of that building was paramount. The proposal would improve the access for cycling in the area
- concerned was expressed that this development could remove the rights to graze the land.
- concerns were raised regarding the proposed laying of gravel over a large area in the site.

RESOLVED:

That the application be REFUSED for the following reason;

- (i) The proposed change of use, by reason of the intensification of visitors to this area, and their use of the building and the surrounding land, would have a detrimental impact on the character, appearance, setting, and local distinctiveness of this part of the Dartmoor National Park. The proposal is therefore contrary to policies COR1, COR3, COR4, DMD1a, DMD1b, and DMD5 of the Dartmoor National Park Development Plan, to policies 1.1(2), 1.2(2), and 2.1(2) of the emerging Dartmoor Local Plan, to the advice contained in the Dartmoor National Park Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2021.

Mr Gribble left the meeting

Item 2 – Conversion of barn to create venue providing café, cycle hire, bike workshops and area for courses – Tyrwhitt’s Wharf, Yelverton

Speakers: Cllr Cunningham, Buckland Monachorum Parish Council
Mr Staniforth, Objector

The Case officer offered clarity of paragraph 3.4.1, the paragraph should have read:

Access to the proposed cycle hub will be from the north-east, directly off the existing cycle route 27, which is currently and ecological poor short-grazed pasture field. The majority of activities associated with the hub will be internal, with the exception of three external benches allowing visitors an outside coffee if weather permits daylight hours only, with no external lighting proposed.

The officer reported that this application was for listed building consent required for the alteration and change of use of the Grade II listed barn that may affect its character as a building of special architectural or historical interest. This application is in association with the proposed change of use to the community interest company operated cycle hub and Café.

Key items underground utilities and groundworks had been amended in accordance with advice from the Building Conservation Officer to reduce impact on the associated area including the original track to the southeast.

The Building Conservation Officer provided comprehensive feedback following the listing of the building in August of this year. The applicants have responded to the concerns and provided revised plans. The roof of the building has been redesigned with a supporting steel beam to preserve the existing timber roof structure. Condition 4 has been included in the recommendation; notwithstanding the details submitted, no work shall commence on the development hereby permitted until full details of the proposed roof structure, including a qualified structural engineer's report, scaled technical drawings, the location and details of the rainwater harvesting system (including above ground storage within the building), and integrated solar PV cabling and routing have been submitted to and approved by the Local Planning Authority in writing.

The proposal includes recommendations made by the Building Conservation Officer including extract vents for the WC and/or kitchen to be directed through the new roof covering, with a flush vent to avoid alteration to the existing stonework, detailing and finish of natural slate and slate effect solar panels and all external landscaping including benches and bike rack, replacement stonework, lintols and masonry and all proposed signage.

There have also been additional conditions on some internal features, including shutters, lintols and masonry, to conserve the heritage of the building, as well as the retention of the chimney and flue, with the flue to house the extraction vents.

He informed Members that a significant number of both objections against and support for the scheme had been received. Objections included:

- Concerns that the wastewater management is not sufficient
- Cyclist numbers already too high and behaviour already a concern
- Litter management/café adding potential litter to local area
- Pressure on already busy car park/parking on verges
- Competition for local businesses and presence of similar services in Yelverton
- Concern that future use could change to primary use as a café
- Impact on heritage of the building
- Impact on ecology
- Highway's safety

- Footpath safety for pedestrians
- The proposal bringing more people to the moors
- Erosion of peace and tranquillity
- Impact on the golf course
- Emergency service access compromised by increased numbers
- Impact on the character of Clearbrook

Support for the scheme included:

- Appropriate conservation of the heritage asset
- Positive contribution to the local community
- A real enhancement to the cycling infrastructure of the area
- Positive environmental impact – more people on bikes
- Convenient for a refreshment stop
- Bicycle rental availability
- Good location bicycle repair service
- Very accessible location
- Promoting visitors to the area
- Great hub for cyclists to meet up
- Benefits of a community facility
- More bicycle use/less cars/less pollution
- Would bring more money to the area
- Encourages healthy lifestyles/improved mental health
- Allows less able/active/lower socio-economic groups to engage with cycling
- Great resource for local schools and pupils alike

The listed building needs significant repair and once repaired a new use will need to be considered. The Building Conservation Officer notes that there are a number of suitable uses for the building; the proposed use is one of these.

The recommended conditions would secure the required amendments to allow the appropriate conservation of the identified heritage present. The intended use and proposed enhancement works are considered compatible with historic importance and local area, and it is recommended that listed building consent be granted.

It was clarified that if this consent was granted, works could take place inside and outside of the building.

Cllr Cunningham read a statement from Buckland Monachorum Parish Council. He noted that building was listed as a Grade II listed building on the 23 August 2021, Clearbrook Village applied for the listing of the building. The Parish Council is not objecting to the listing of the building but to the proposed use of the building.

Mr Staniforth felt that the building had a national historic importance and stated that it is set in a historic landscape. The Conservation Officer states that other uses may provide optimal uses for the building, not this proposal. Other organisations are being approached to preserve this building. The key aspect of listed building development is to weigh public benefit against harm caused. The disbenefits of this proposal are the large carbon footprint, the use of gas, no public transport, how servicing of waste is used, and the installation of extensive water and sewerage

equipment. The appearance will be changed, including the roofline which dates back to 1963. There are disbenefits to other cycle hire facilities, local pubs and cafes in the area. Disabled users and other access needs will be disadvantaged due to an increase in cars using the area. The café takes up too much room. Congregation around the building will diminish the value of the area and its tranquility.

In response to member questions the officers clarified:

- If approved there would need to be a condition in place for a method statement of how the works would be carried out, considering its remote location.
- The gravel area had already been reduced since earlier applications, in light of previous comments, and it was now considered acceptable by the Building Conservation Officer.
- It was clarified that a planning application is a decision made on the 'use' of the building and development; Listed Building Consent is a decision on enabling works necessary to facilitate use of a building. The listed building consent is to determine whether the works will be detrimental to the building or not.
- It was clarified that if this permission is granted, this includes internal and external works.

Mr McInnes proposed to REFUSAL of the application on the grounds that the works would have a harmful and detrimental impact on the character and appearance of the Grade II listed building and its setting, which is not outweighed by the public benefits of the scheme.

The proposal was seconded by Mr Harper.

Mrs Pannell questioned if granting this consent would expose the Authority to appeal for the previous application. It was clarified that this was not the case, and the two applications were separate to each other, based on different criteria and therefore the decision on this application had no bearing on the decision made for the planning application.

RESOLVED:

That the application be REFUSED for the following reason;
The proposed works would have a harmful impact on the fabric, character, setting and appearance of the Grade II listed building. The public benefits of the scheme are insufficient to outweigh the harm caused. The proposal is therefore contrary to policies COR1, COR3, COR4, COR5, DMD1b, DMD3, DMD7 and DMD8 of the Dartmoor Development Plan, policies 1.1(2), 1.2(3), 1.5(3) and 2.7(3) of the emerging Local Plan, the advice contained in the English National Parks and the Broads UK Government Vision 2010, the National Planning Policy Framework 2021 and the Dartmoor Design Guide.

Mrs Pannell left the meeting following declaration of personal interest in the next item.

Mr Smerdon left the meeting.

Item 3 - Erection of 17 dwellings (12 affordable and 5 open market) and associated infrastructure - Land at Palstone Lane, South Brent

Speakers: Ms Kelly, Objector

The Case Officer reported that a resolution to approve planning permission had been made at the Development Management Committee meeting held in November 2019 subject to the completion of the S106 legal agreement and unilateral undertaking. The S106 agreement had now been signed, there has subsequently been one further representation.

The site is 0.8ha in area and situated at the northeastern side of South Brent. The site is an 'exception site' which has only been able to come forward as the proposal is for custom build affordable housing. The affordable housing is to be custom built with eligible occupants in the Community Land Trust having been part of the design and build process. The field access is in the north of the site around a central green area, there are 12 affordable houses proposed and 5 open market houses which would enable the delivery of the affordable units.

The site is located to the west of Palstone lane, and there is tree screening around the majority of the site. The site would be visible from Crowder Park. The properties all come with parking, rear gardens around the outside edge of the development and there are 3 designs, one for the 2, 3 & 4 bed properties respectively. The properties have all been designed with a fabric first approach for sustainability, and encompass slate pitched roofs, aluminium windows, painted render and timber cladding. There is a community work shed for storage purposes.

South Hams District Council will appoint a contractor to construct the properties to the point of sign off by Building Control; the occupants will finish off their properties at second fix.

One further representation has been received since the resolution was made at the November 2019 meeting. This raises a number of concerns on behalf of the owner of a neighbouring property 'The Brambles' – to the east of the development:

- Number 1 Palstone Lane floods
- there is a perceived danger to pedestrians and vehicles due to the proposed new access, together with emergency service access required and waste/recycling vehicles
- a Bat survey of The Brambles has not been carried out
- unacceptable overlooking of the property known as The Brambles
- a lack of appropriate consultation with neighbouring residents
- the detrimental effect of parked contractor vehicles on the adjacent property The Brambles

The Officer detailed that many of the matters raised in this representation were discussed at the November 2019 meeting and were addressed through consultation with the Highway Authority, the Lead Flood Authority, ecological officers and other background papers which formed that original presentation. There are conditions on the permission which address some of the concerns raised. While it is acknowledged that The Brambles property was not specifically notified by letter of the proposal at the time, the required public consultation by site notice was

undertaken. The application was widely publicised in the community, with public meetings, and attracted a significant number of representations.

Ms Kelly stated that at the 2019 meeting the Highways Authority advised that the access should be from the B3172, not from Palstone Lane. She also commented that the gradient of proposed access to the site the site was too steep for vehicular access and would need extensive engineering to reduce the gradient to conform with Devon County Council design guidance.

A further concern raised was that excavations may interact with the existing water table, so additional drainage may be required to resolve any springing issues. Excavation may cause destabilisation of the site and the neighbouring site Lower Green. This would result in an increase in costs of the other external works. She questioned whether to mitigate these costs there would be a higher density of housing on the site, more, larger properties or whether more of the properties would be open market reducing the affordable homes to accommodate these costs.

Finally, Ms Kelly stated that there are a number of services underneath the verge required for access, these would need to be relocated at more expense.

Following member questions Ms Kelly clarified that the entrance to her property was directly opposite the proposed entrance to the site.

In response to member questions the officers clarified that:

- The concerns raised by the resident were all clarified in the report and at the previous meeting when this application was discussed in November 2019 and had been conditioned.
- There is a construction management plan condition in place for construction worker parking and access.

Mr Sanders proposed the recommendation that Members note the updates and confirm the resolution to GRANT planning permission, subject to the signed S106 legal agreement and Unilateral Undertaking. This was seconded by Mr McInnes

It was clarified by Ms Union that the S106 would not come into effect until the agreement was signed and dated.

A Member asked how houses could be prevented from being used as a second home. It was clarified that the unilateral undertaking is a legally enforceable undertaking where the developer is making a promise to the Local Planning Authority.

RESOLVED:

That permission be GRANTED subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby approved shall be carried out in accordance with the following approved drawings numbered 1711 01, 1711 344, 1711 345, 1711 346 Rev A, 1711 347, 1711 348 Rev A, 1711 349, 1711 350 Rev C, 1711 351 Rev D, 1711 360, 1711 370, 1711 371 Rev A, 1711 372, 1711 373 Rev A, 1711 374, 1711 375 Rev A, 1711 376, 1711 377 Rev A, Highway Long Section Rev P03, Proposed Drainage and Utilities P02, Flood Routing Plan P01, Engineering Layout Rev P02 and Tree Protection Plan DTS.151.1.TPP, Valid 08 April 2019, and 1711 301 Rev J, 1711 302 Rev J and Swept Path Block Plan Valid 03 October 2019.
3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. Works shall then be carried out in accordance with the agreed details through the construction phase.
4. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure, structure, erection or hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwellings hereby permitted without the prior written authorisation of the Local Planning Authority.
6. No part of the development hereby approved shall be commenced until:
 - i) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway
 - ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - iii) A site compound and car park have been constructed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with the agreed details:
 - i) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - ii) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - iii) The cul-de-sac visibility splays have been laid out to their final level;
 - iv) Any street lighting for the cul-de-sac and footpaths has been erected and is operational;
 - v) The car parking and any other vehicular access facility required for the

- dwelling by this permission has/have been completed;
- vi) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - vii) The street nameplates for the cul-de-sac have been provided and erected.
8. When once constructed and provided in accordance with condition 6 and 7 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority
9. No development shall start until a Construction Method Statement, to include details of:
- i) parking for vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) programme of works (including measures for traffic management); has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction period.

10. No site clearance, preparation or construction work shall take place on site outside of the hours of Monday - Friday 0800 to 1800 and Saturdays 0900 to 1300, nor at any time on Sundays, Bank or Public Holidays. This includes vehicle movements on the site. Deliveries or collections of materials should only be made during these times, and vehicles should be discouraged from collecting on the public highway outside of these times with their engines and radios left running.
11. Notwithstanding the details submitted, 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.
12. A detailed schedule of the materials and finishes to be used on the approved dwellings shall be submitted and approved in writing by the Local Planning Authority prior to the use of such materials. This shall include samples of the roofing, walling, details of render finishes, window/exterior door units, verge/soffit details, positions of meter boxes, boundary fence design, driveway surface materials, roadway surface materials, kerbs and any proposed exterior lighting units.
13. There shall be no street lighting within the development unless otherwise agreed in writing with the Local Planning Authority.
14. No development shall take place until a detailed Landscape and Ecological

Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of the maintenance strategy for the open spaces within the development, a maintenance schedule for the public open spaces together with details of the protection and enhancement of the hedgerow on the western boundary of the site.

15. Prior to the commencement of any works, demolition or development on the land, all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fire(s) shall be lit within 20m of any protected area without the prior written authorisation of the Local Planning Authority.

Ms Pannell and Mr Sanderson returned to the meeting
Mr Dracup left the meeting.

Item 4 - Partial conversion of existing building to create a one-bedroom local persons dwelling and associated works - Barn at SX 7564 8011, Manaton

Speakers: Mr Pascoe, Landowner

The Case Officer reported that the proposal would result in the development of a permanent residential dwelling. The current shed and woodstore was built in 2008 for agricultural use and an essential forestry need.

The proposal was for a partial conversion of the current shed and woodstore to a 1-bedroom dwelling.

Manaton Parish Council had no objection to this planning application.

The application had received 15 letters of support; supporters regard the proposal as a positive opportunity to provide a member of the community with an affordable property to meet their needs.

The site is located in open countryside outside of a designated settlement, in an area where the Authority would only permit residential development which is justified due to a functional requirement specific to the site, in support of agriculture or an established rural business. There is no over-riding justification or specific evidenced need for the provision of permanent residential development in this location. The proposal is contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23, to the emerging Dartmoor Local Plan, to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2021.

The proposed property is described as modest and affordable; however, it is on a large area of woodland under single ownership. Advice contained in the adopted Affordable Housing SPD seeks to ensure that affordable dwellings remain affordable in perpetuity. Para 3.4.8 of the emerging plan reiterates this stance, stating that; 'For the successful delivery of affordable housing it is crucial that the land value also reflects its use for affordable housing'.

The Trees and Landscape Officer has raised an objection to the proposal. The policies are very clear that development should conserve or enhance the natural landscape. The proposed residential conversion, by reason of its siting, would have a detrimental impact on the character and appearance of this part of the National Park.

The officer maintained the proposal would destroy a bat roost and could potential disturb or cause injury to any bat roosting at the time of the proposed works. Because of this a European licence would need to be obtained prior to commencement of works.

He stated that the Authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPS license which would permit the proposal to lawfully proceed. Officers do not consider the first two tests to be met.

The proposal would result in a permanent dwelling in an unsustainable location away from identified settlement areas, contrary to both the current and emerging Local Plan. The housing/spatial strategy in the emerging Local Plan with regard to development in the open countryside is largely unchanged from the adopted policy position, is consistent with the National Planning Policy Framework. It does not support residential conversion of a non-traditional building as proposed. With regard to the location, scale, and context of the site, the conversion would not be considered to provide an affordable dwelling.

While the case officer recognised the applicant's long standing valued role in the local community and his desire to live in the local area, the provision of a local person's affordable dwelling is not appropriate through the partial conversion of an existing non-traditional tractor and wood store in this location. Both the current and emerging Local Plan provide for opportunities for affordable housing in suitable and sustainable locations, but rightly restrict opportunities in the open countryside.

The proposal would fail to conserve or enhance the character and special qualities of the Dartmoor landscape, in addition to Dartmoor's biodiversity.

Mr Pascoe commented that he was a Dartmoor resident from birth. He has worked on and around Manaton for 35 years, was self-employed on the Leighon Estate for the last 25 years.

He went on to state that there are no properties to let in the village and that rentals go for above the asking price due to a bidding system in place. He believes that the property would be a low impact self-build, which would be run off solar PV panels and would therefore have a minimal impact.

Following member questions Mr Pascoe clarified that there were no local properties available to him to rent.

Following member questions, the officers clarified:

- The emerging Local Plan encourages development where it is appropriate where there is an identified need for affordable housing to meet local need.
- There are policies in place for residential use in areas where there is a genuine need to be in that location related to the use of the land. Unfortunately, that policy does not apply in this case.

Mr Sanders proposed the recommendation for which was seconded by Mr McInnes

RESOLVED:

That, permission be REFUSED for the following reasons:

- i) The proposal would result in the development of a permanent residential dwelling, located in open countryside outside of a designated settlement, in an area where the Authority would only permit residential development which is justified due to a functional requirement specific to the site, in support of agriculture or an established rural business. There is no over-riding justification or specific evidenced need for the provision of permanent residential development in this location. The proposal is contrary to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23, to the emerging Dartmoor Local Plan, to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2021.
- ii) In the absence of an overriding public benefit, the Authority does not consider the proposed development to meet two of the three derogation tests necessary to justify development requiring an EPSL to safeguard statutorily protected and Dartmoor Biodiversity Action Plan priority species. The proposed development is considered contrary to policies COR7 and DMD14 of the Dartmoor National Park Development Plan, the emerging Dartmoor Local Plan, the advice contained in the English National Parks, the Broads UK Government Vision and Circular 2010 and National Planning Policy Framework 2021.
- iii) The proposed residential conversion, by reason of its siting, would have a detrimental impact on the character and appearance of this part of the Dartmoor National Park. The proposal is therefore contrary to policies COR1, COR3, COR5, DMD1a, DMD1b, DMD3, DMD4, DMD7, DMD8 and DMD23 of the Dartmoor National Park Development Plan, the emerging Dartmoor Local Plan, the advice contained in the Dartmoor National Park Design Guide, the

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None required.

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