

**DARTMOOR NATIONAL PARK AUTHORITY**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**2 September 2022**

Present: A Cooper, 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 Woods

Officers: C Hart, Head of Development Management  
J Aven, Deputy Head of Development Management  
C Booty, Enforcement Officer

Apologies: W Dracup, R Glanville, L Samuel, D Thomas, P Vogel

**1497 Declarations of Interest and Contact**

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

All Members declared a personal interest in Case No. ENF/0033/22 – Wren Cottage, Newcott Farm, Poundsgate, having received email correspondence from the landowner.

Mr Harper declared a personal interest in Case No. ENF/0165/20 – The Old Parlour and The Sheepshed, Roberstacre, Bridford, having received email correspondence from the landowner. He advised that he would not take part in discussions and would leave the Meeting Room for this item.

**1498 Minutes of the previous meeting**

The Minutes of the meeting held on Friday 29 July 2022 were agreed and signed as a true record.

**1499 Items requiring urgent attention.**

None.

**1500 Applications for Determination by the Committee**

Members received the report of the Head of Development Management (NPA/DM/22/009).

**Item 1 – 0182/22 - Replacement extension and outbuildings – Ingsdon View, Liverton**

The Chair reminded Members that this application had been determined at the committee meeting on 29 July 2022. It had been put before Members due to the fact that the application was made by an officer of the National Park Authority; this type of application would have otherwise been dealt with under Delegated Powers.

Subsequent to determination and prior to the decision notice being issued, officers considered that the conditions relating to the submission and approval of materials

together with the timing of the proposed biodiversity enhancement measures, required further clarification. The revised conditions were contained within the report for Members' endorsement.

The Deputy Head of Development Management explained the amendments to the conditions previously agreed. In accordance with a request from a Member the amendments are detailed below:

Conditions (as agreed at Development Management Committee on 29 July 2022)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved Site Location Plan, and drawings numbered PL342/2, PL342/5, PL342/6, PL342/8, valid 06 May 2022.
3. Within twelve months ~~of the date of this decision notice~~ **of the substantial completion of the development**, the biodiversity enhancement measures described in the Design and Access Statement, received 06 May 2022 shall be completed, such that they comply with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain). Thereafter, the approved biodiversity enhancement measures shall be maintained in perpetuity.
4. No external lighting shall be installed or used in association with the development hereby approved.
5. No demolition or building works shall take place during the bird nesting season (01 March to 31 August) unless a suitably qualified ecologist has confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
6. Notwithstanding the drawings hereby approved, prior to their installation, details or samples of the roofing materials to be used **on the outbuildings hereby approved**, together with, ~~in the approved development and their means of fixing,~~ shall be submitted to the Local Planning Authority for approval; thereafter, only the approved roofing materials shall be used in the development.
7. All new stonework shall be laid and pointed using traditional techniques and materials ~~so as to match the stonework on the existing outbuilding.~~ A sample panel **of stonework** shall be prepared for inspection by the Local Planning Authority and no further stonework shall be carried out until the sample panel has been inspected, and approved **in writing** by, the Local Planning Authority. **Thereafter, all new stonework shall be carried out in accordance with the approved detail.**
8. Notwithstanding the drawings hereby approved, all external windows and doors in the development hereby permitted shall be of timber or aluminium construction and shall at all times thereafter be retained as timber or aluminium framed windows and doors.
9. The rooflights on the development hereby approved shall, ~~unless otherwise agreed by the Local Planning Authority in writing,~~ be flush fitting with their framing installed flush with the outer face of the roof slope.
10. The roof of the development **extension** hereby approved shall be covered in natural slate, sample(s) of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.
11. The roof of the rear structure **extension** hereby approved shall be covered in natural slate which shall be fixed by nailing only.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 or any Order revoking and re-enacting that Order with or without modification, other than those expressly authorised by this permission, no extension to the existing dwelling or to the buildings hereby permitted shall be constructed, and no windows or rooflights shall be installed, without the prior written authorisation of the Local Planning Authority.
13. Prior to the commencement of the development hereby approved their installation, samples of all proposed external facing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing only approved external facing shall be used in the development.
14. ~~The roof of the development hereby approved shall be covered in natural slate, sample(s) of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate. (duplicate of Condition 10).~~

Mr Sanders proposed the recommendations, which was seconded by Mr McInnes.

**RESOLVED:** That, subject to the revised conditions as detailed below, permission be **GRANTED**.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved Site Location Plan, and drawings numbered PL342/2, PL342/5, PL342/6, PL342/8, valid 06 May 2022.
3. Within twelve months of the substantial completion of the development, the biodiversity enhancement measures described in the Design and Access Statement, received 06 May 2022 shall be completed, such that they comply with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain). Thereafter, the approved biodiversity enhancement measures shall be maintained in perpetuity.
4. No external lighting shall be installed or used in association with the development hereby approved.
5. No demolition or building works shall take place during the bird nesting season (01 March to 31 August) unless a suitably qualified ecologist has confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
6. Notwithstanding the drawings hereby approved, prior to their installation, details or samples of the roofing materials to be used on the outbuildings hereby approved, together with their means of fixing, shall be submitted to the Local Planning Authority for approval; thereafter, only the approved roofing materials shall be used in the development.
7. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel of stonework shall be prepared for inspection by the Local Planning Authority and no further stonework shall be carried out until the sample panel has been inspected, and approved in writing by, the Local Planning Authority. Thereafter, all new stonework shall be carried out in accordance with the approved detail.

8. Notwithstanding the drawings hereby approved, all external windows and doors in the development hereby permitted shall be of timber or aluminium construction and shall at all times thereafter be retained as timber or aluminium framed windows and doors.
9. The rooflights on the development hereby approved shall be flush fitting with their framing installed flush with the outer face of the roof slope.
10. The roof of the extension hereby approved shall be covered in natural slate, sample(s) of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.
11. The roof of the rear extension hereby approved shall be covered in natural slate which shall be fixed by nailing only.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 or any Order revoking and re-enacting that Order with or without modification, other than those expressly authorised by this permission, no extension to the existing dwelling or buildings hereby permitted shall be constructed, and no windows or rooflights shall be installed, without the prior written authorisation of the Local Planning Authority.
13. Prior to their installation, samples of all proposed external facing materials shall be submitted to the Local Planning Authority for approval; thereafter only approved external facing shall be used in the development.

**Item 2 – ENF/0033/22 – Use of holiday let as open market dwellinghouse – Wren Cottage, Newcott Farm, Poundsgate**

Speaker - Mr D Weymouth, on behalf of the landowners

The Chair advised Members that with regard to this case, there were health matters relating to the landowners which were relevant to the decision making; however, the details of those health matters were not relevant to the committee and were not for public consultation/consumption. He added that, if the registered speaker were to make reference to any of those issues, it would not be unreasonable for Members to ask a follow-up question but, it was neither the purpose or the right of the committee to interrogate anyone on the details of the health issues.

The Case Officer advised Members that Robin and Wren Cottages were two adjoining holiday cottages which had been created through the conversion of one single agricultural building. Permission was initially refused by the Authority in the 1990s for the conversion of a redundant agricultural building into disabled persons holiday accommodation, but subsequently allowed on appeal. A later variation to the conditions permitted the occupation of the properties for a maximum of 10 months per annum.

The owners of the property were currently residing in the part of the building known as Wren Cottage, in breach of the holiday occupancy condition. Their continued use of the cottage as their residence has resulted in the creation of a separate, open market dwelling in the countryside which is contrary to local and national planning policy.

Earlier this year, an application for a Certificate of Lawfulness was received. This sought to deal with the breach of condition (b) of the variation in order to allow the landowners continuous use of Wren Cottage. A Certificate of Lawfulness was not

issued and a contravention notice was issued which required occupation information of the two cottages. The landowners stated that they took up residence in Wren Cottage in December 2018.

The Case Officer advised Members that no comments had been received from the Parish Council.

Mr Weymouth advised Members that he was speaking on behalf of his father and step-mother, due to his father having to attend a cardiology appointment for a long-term health condition. He asked Members to postpone any enforcement action until the result of the appeal and a further planning application for a rural worker's dwelling had been determined. He advised that the current arrangement was intended to be a temporary one; however, his father and step-mother have found themselves priced out of the housing market which has rapidly increased since the Covid pandemic. They run an environmentally friendly tourism business walking llamas on Dartmoor and have done this for the past 17 years. They also breed alpacas and have the other cottage as a holiday let.

Mr Weymouth stated that officers had refused a Certificate of Lawful Use, despite having been provided with evidence that the restriction had been contravened over a 20 year period. In order to continue with the businesses, his father would need to be on site or very close-by. He added that the business provides education revenue and tourism to the local area. He stated that, having farmed the area since the 1600s, their removal would appear to contradict the National Park's requirement to seek and foster the economic and social well-being of local communities, as stated in the Authority's 2022/23 Business Plan.

In response to Member queries, Mr Weymouth advised that his parents do not own Newcott Farm; they own Robin and Wren Cottages and a few acres which are used predominantly for the alpacas.

In response to Member queries and Case Officer, Deputy Head of Development Management and Head of Development Management responded/clarified as follows:

- Permission for the conversion of the agricultural building was achieved via appeal following the Authority's refusal to grant permission. This does not mean that officers should now entertain an application for its full-time residential use unless there was good justification for that;
- An application was received yesterday, 1 September 2022; it was not a valid application so officers await the relevant amendments before consideration can be given to the application;
- With regard timing, it was considered expedient to bring the item before Members for determination as the deadline is December 2022. There are two main rules where potential immunity from enforcement action is concerned:
  - the four year rule applies to operational development and change of use of buildings to single dwelling houses
  - The ten year rule relates to all other breaches, including breaching of conditions and other changes of use.
- Enforcement action authorised today would effectively stop the clock, the property would no longer have the potential benefit of the four year rule;
- The breach of conditions was initially reported to the Authority on 15 February 2022;

- With regard to the recommendation *“that subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised ...”* the Parish Council had been given the opportunity to comment but had not done so. This did not prevent Members from taking a decision on the recommendation. (this was also confirmed by Mrs Young, the Authority’s legal representative).

Mr Sanders proposed that the appropriate action be authorised to secure the cessation of the use of the building as an unrestricted dwellinghouse, which was seconded by Mr McInnes.

In response to comments from Members, the Head of Development Management clarified that the breach had only been brought to officers’ attention in February 2022. He added that his officers are, unfortunately, unable to police every issue across Dartmoor; they had worked extremely hard to investigate the case and bring it before Members for determination today.

The Deputy Head of Development Management advised Members that there are three main options available to the landowners:

- (i) Appeal against the refusal of the application for a Certificate of Lawful Use;
- (ii) Submit a valid planning application;
- (iii) If enforcement action was authorised today, Mr and Mrs Weymouth could appeal that decision.

He stressed that officers were not looking to make the landowners homeless overnight. Officers were aware of their circumstances; welfare forms returned by Mr and Mrs Weymouth highlighted some particular issues which the Authority has to take into consideration when taking enforcement action. He reassured Members that, should enforcement action be authorised today there would be a period of at least 12-18 months set for compliance.

A Member expressed their concerns over spiralling property prices within the National Park, which would effectively leave many people who work in the Park with no choice but to move out of the National Park to live. He also requested that officers meet face to face with the landowners and attempt to find a resolution to the issues.

**RESOLVED:** That the appropriate legal action be taken to secure the cessation of the use of the building as an unrestricted dwellinghouse.

**1501 Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) and Hedgerow Removal Notices Determined Under Delegated Powers**

Members received the report of the Trees and Landscape Officer (NPA/DM/22/010).

**RESOLVED:** Members NOTED the content of the report

Mr Harper withdrew from the meeting.

*It was duly proposed by Mr Sanders, Seconded by Mr McInnes and agreed that, in accordance with s.100A of the Local Government Act 1972 as amended, the following Agenda item is taken in the absence of the Press and Public, on the ground that exempt*

*information within the meaning of Part 1 Paragraph 5 to Schedule 12A of the 1972 Act (as amended) will be discussed, namely:-*

*Information in respect of which a claim of legal professional privilege could be maintained in legal proceedings.*

**RESOLVED:** Members resolved to move to Part II private session.

**1502 ENF/0165/20 – Construction and Use of Two Unauthorised Dwellinghouses, The Old Parlour and The Sheepshed at Robertsacre, Bridford**

Members received the report of the Head of Development Management (NPA/DM/22/011).

Mr Sanders proposed the recommendation. Mr McInnes seconded the proposal.

Mr McInnes proposed that authority be delegated to the Chief Executive (National Park Officer), in consultation with the Chair of Development Management Committee, which was seconded by Mrs Pannell.

Mr Sanders proposed the recommendation, amended as follows:

- (ii) *delegate authority to the Chief Executive (National Park Officer), in consultation with the Chair of Development Management Committee, to agree such longer period for compliance as appropriate to respond to any identified welfare issues*

which was seconded by Mr McInnes.

**RESOLVED:** Members:

- (i) Noted the content of the report; and
- (ii) Delegated authority to the Chief Executive (National Park Officer), in consultation with the Chair of Development Management Committee, to agree such longer period for compliance as appropriate to respond to any identified welfare issues.

Mr Sanders proposed to return to Part I proceedings, which was seconded by Mr McInnes and unanimously carried.

Mr Harper returned to the meeting.

There being no other Development Management Committee business, the meeting closed.