

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

04 March 2016

SITE INSPECTIONS

Report of the Head of Planning

1 Application No: **0557/15** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Buckfastleigh**
Grid Ref: **SX740673** Officer: **Christopher Hart**

Proposal: **Hard landscaping works, alterations to access and associated works**

Location: **South Wing Guest Hall, Buckfast Abbey**

Applicant: **Buckfast Abbey Trustees**

Recommendation: **That permission be REFUSED**

Reason(s) for Refusal

1. In the absence of sufficient information on the potential impact of the development on affected heritage assets the proposed development would lead to substantial harm to the character, appearance and setting of the designated heritage assets. In the absence of substantial public benefit sufficient to outweigh the potential harm, the proposal would be contrary to policies COR1, 3, 4, 5, 6 and DMD 1a, 1b, 7 and 8 of the Development Plan and the advice contained in the English National Parks & The Broads UK Government Circular 2010 and the National Planning Policy Framework 2012.

The panel convened within the abbey precinct to fully appreciate the setting of the listed building and its position in relation to other heritage assets in the vicinity. Members took the opportunity to review the site for the proposed landscape works and ramped access whilst assessing the important medieval remains on the south side of the building. After moving into the upper floor of the Guest Hall the Planning Officer gave a brief resume of the contents of the two applications under consideration.

The applicant's Architect clarified that the ramp, at a gradient of 1:15, would comply with disability regulations and that, after careful examination of a variety of options, the proposed landscaping and ramp were considered to be the less invasive approach to providing improved access. He confirmed that, if the standing remains were an issue, his client would agree to retain them as seen. The applicant's Archaeologist explained the extent of previous excavations and his view that immediate area of the proposed mound contained few matters of interest, primarily related to a C19 garden and a sunken track of a lesser status than the medieval remains.

The Historic Buildings Officer confirmed that, in his opinion, the proposed works would not harm either the building or its setting and that the public benefits of the scheme outweighed the concerns. He reiterated that the scheme had been drawn up with advice from and engagement with Historic England's advisors. He acknowledged that the scheme may have some impact but that this would be less than substantial harm.

The DNPA Archaeologist acknowledged that there may be significant buried archaeology in this location but that this had been adequately addressed by an evaluation undertaken in 2013 which had informed the proposal.

The representative from Historic England (HE) was asked to expand on the concerns that had been raised in its response to both applications. He referred to an objection to both the principle and detail of the scheme and the lack of information to support an informed decision. This, in his opinion, did not satisfy national policy tests within the NPPF and made it difficult to accurately assess the potential harm to heritage assets, principally buried archaeology within the boundary of the scheduled ancient monument.

He stated that HE had no problem with the principle of improving access to the first floor area to allow better use of that space however that needed to be offset against the perceived harm of the necessary works. The impact on standing remains of the former Abbey and later additions was considered unacceptable. They should be left 'as found'. In the absence of a detailed archaeological evaluation of the site, the impact on buried archaeology was unknown. If significant remains were to be found then this may lead to a reappraisal of the proposed scheme and reassessment of alternative access options within the building. He concluded by stating that the works could have 'substantial harm' to the designated heritage assets.

The Town Council were not represented at the meeting.

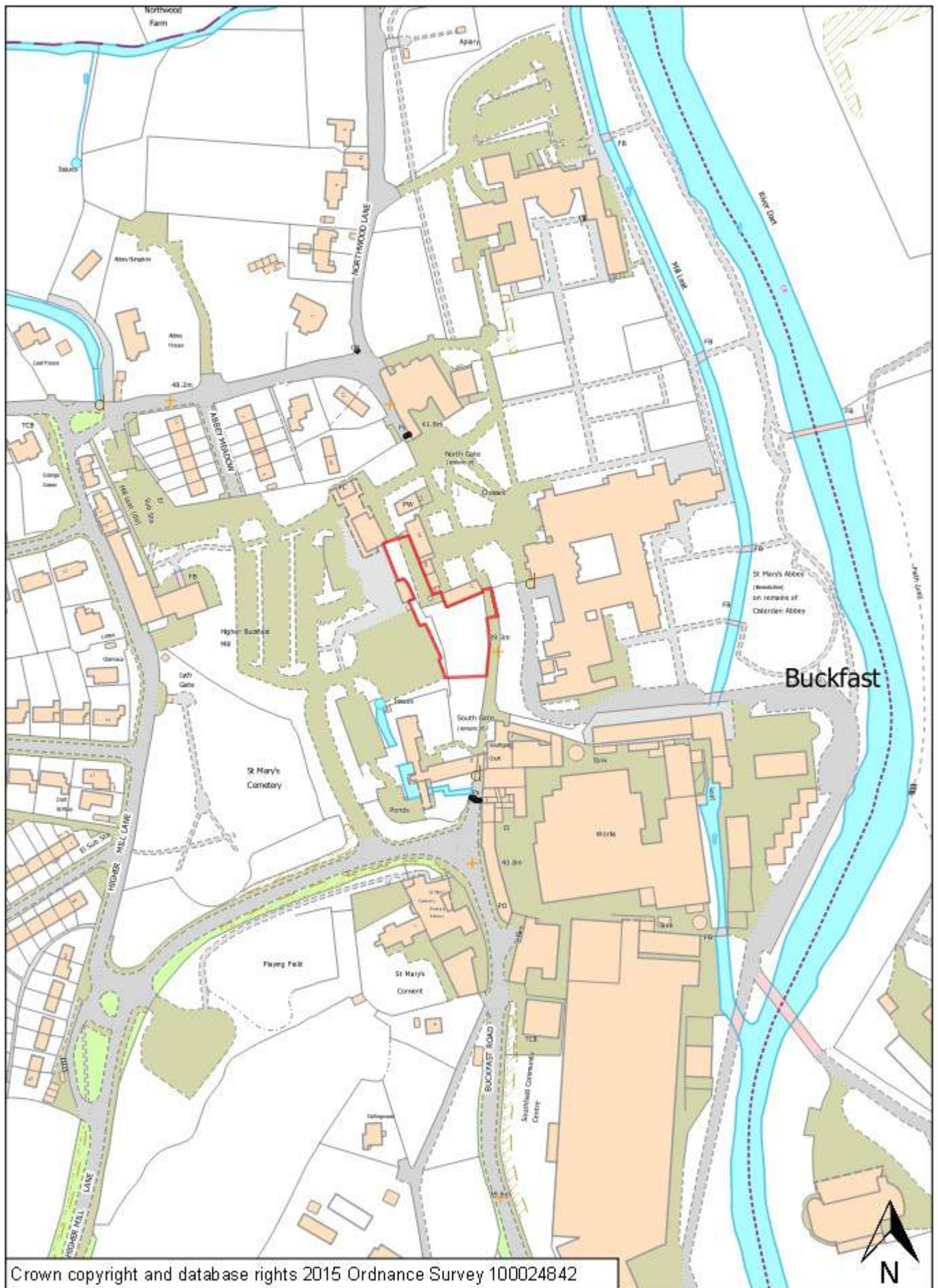
The District Council representative raised a concern about the impact of the proposed foundations for the ramp.

The panel was unanimous in its opposition to the scheme as presented. The strength of opposition from HE was noted and felt to be fundamental to the decisions to be made. There was agreement that the design was inappropriate and an over engineered solution to the provision of improved access to the building. The extent of the works and need for the importation of a substantial amount of spoil to construct the landscaped mound was not supported. The need to remove a substantial section of the roadside boundary wall was also of concern.

South Wing Guest Hall, Buckfast Abbey-0557/15



Scale 1:2,500



Crown copyright and database rights 2015 Ordnance Survey 100024842

5. Application No: **0557/15** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Buckfastleigh**
Grid Ref: **SX740673** Officer: **Christopher Hart**

Proposal: **Hard landscaping works, alterations to access and associated works**
Location: **South Wing Guest Hall,
Buckfast Abbey**
Applicant: **Buckfast Abbey Trustees**
Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. In the absence of sufficient information on the potential impact of the development on affected heritage assets the proposed development would lead to substantial harm to the character, appearance and setting of the designated heritage assets. In the absence of substantial public benefit sufficient to outweigh the potential harm, the proposal would be contrary to policies COR1, 3, 4, 5, 6 and DMD 1a, 1b, 7 and 8 of the Development Plan and the advice contained in the English National Parks & The Broads UK Government Circular 2010 and the National Planning Policy Framework 2012.

Introduction

The South Wing Guest Hall is a grade II listed building situated on the south side of the main Abbey precinct at Buckfast. It is a two-storey building which has been the subject of previous upgrading and refurbishment.

The application seeks permission to establish better access to the underutilised first floor chamber of the building. A new access ramp is proposed from the southern side together with a comprehensive redesign of the landscaping on that elevation.

The application is presented to the Committee in view of the concerns raised by Historic England.

Planning History

5/32/143/93/03	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Full Planning Permission	Grant Conditionally	02 August 1993
5/32/142/93/07	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Listed Building Consent	Grant Conditionally	02 August 1993
5/32/024/93/03	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Full Planning Permission	Grant Conditionally	05 April 1993
5/32/025/93/07	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Listed Building Consent	Grant Conditionally	05 April 1993
0558/15	Hard landscaping works, alterations to access and associated works	Listed Building Consent	Not yet determined	

Consultations

Teignbridge District Council:	No objection
County EEC Directorate:	No highway implications
Environment Agency:	Flood zone 1 - standing advice
Historic Buildings Officer:	The proposal has been the subject of substantial pre-application advice and site visits.

The South Wing Guest Hall was grade II listed on 10th January, 1951 and is a designated heritage asset and setting. Only the ground below the listed building is a scheduled monument. Whilst one end of the proposed bridge link is to be connected to the listed building the opposite end rests on earthworks placed directly on the scheduled monument. The area of ground on which the external works to form a pathway, garden and the bridge support for the proposed access to the first floor of the Guest Hall is within the curtilage of the listed building. Settings of designated heritage assets are a material consideration in this case.

This application for proposed works by Buckfast Abbey Trustees has been undertaken by a carefully chosen and highly regarded group of consultants; respected specialists in the fields of Conservation Architecture, Archaeology, and Historic Buildings. Their knowledge, understanding and experience of the Abbey site is unsurpassed and accords with the Trust's approach to produce definitive architecture and an enhanced appreciation of the monastic life and place. There has been a long ongoing history of major projects from the rebuilding of the Abbey church, definitive restoration of South Gate, workshop and office premises, South Wing Guest Hall, and many more exemplar building projects which have combined to create a vision greater than the sum of its parts.

Heritage value and significance have been addressed in accompanying documents and it is not considered that the proposal will cause substantial harm to the significance of the designated heritage asset and settings, and the proposal is therefore supported.

Whilst Historic England has called for additional justification and assessment of impact on the settings of designated heritage assets, the very long time taken to provide proactive and informed advice much earlier in the design and scheduled monument process has not been helpful to the Abbey for their plans to celebrate its Millennium year in 2018.

The proposal will not cause substantial harm to the

significance and character of designated heritage assets and settings.

Historic England:

Historic England (HE) appreciates the aim of improving access to the principal space at first-floor level of the restored grade II Guest Hall. It appreciates that this would allow greater use of this fine building, and provides a further amenity for visitors and guests.

However, the present proposals for the access ramps and bridge, and for the reduction in the nearby ruined walls, would have an adverse impact on the fabric and setting of the scheduled monument and on the setting of the listed Guest Hall. The ramp structure would also cause a degree of harm through its intrusion between the listed South Gate range and the Guest Hall, and there could also be some intrusive impact on views of the Abbey from this area.

The harm resulting from the visual and spatial intrusion might be acceptable if the scheme as a whole was adequately justified and it could be demonstrated that the level of harm to affected heritage asset would be acceptable in other respects. Unfortunately this is not the case: the application proposes treatment of upstanding walls which would bring unacceptable harm to the monument and the setting of the listed buildings, and the application also presents insufficient information on the archaeological impact of the proposed ramp and bridge scheme, and provides insufficient justification to demonstrate that this is, on balance, the most acceptable option.

For developments affecting significant heritage assets, applications should (in line with NPPF para 128) be accompanied by sufficient information to enable a proper assessment to be made of the impact of the proposals on the affected assets and potential for mitigation. In this case, mitigation would include alterations to the scheme to ensure physical preservation of archaeological and historic remains and their settings, and investigation and recording of archaeological remains. The applicant has not provided sufficient information on the potential impacts of the proposals on the affected heritage assets. Without this information, it is not possible for the Authority to make an informed determination of the application.

The lack of information and justification need to be addressed through archaeological evaluations and an options appraisal, and the proposals for the standing walls should be amended to avoid harmful impact.

Scheduled Monument Consent Issues

A key factor, in addition to the planning issues, the proposed development also requires Scheduled Monument Consent (SMC) (HE advises on and administers consent). In cases like these it is advisable that SMC issues are resolved prior to submission and before determination of planning applications.

In view of the above concerns HE is unable to support the granting of SMC for the present proposal. HE has asked the applicant to commission pre-determination archaeological evaluation of the proposed site. Previous investigations have focussed on the former medieval kitchen area to the west of the main works now proposed, with limited investigation of the area of the access ramp. Archaeological trial trenching is required in order to be able to design a scheme first floor access.

HE cannot support the proposed reduction in height and capping of the upstanding walling south of the Guest Hall and to the west of the proposed ramp. This walling forms an integral part of the historic complex and is important for the appreciation and understanding of the history and development of the monument as a whole, including its development in the centuries following Dissolution. The applicant has been advised that these walls should be repaired and conserved 'as found'.

HE has advised that the 2013 options appraisals should be revisited to consider further architectural options and retain the openness of the area. This could involve consideration of an internal lift.

The application for Guest Hall access affects the site and setting of the scheduled monument at Buckfast Abbey (scheduled as 'The North Gate and part of the precinct area of Buckfast Abbey') and the settings of several listed buildings, including the grade II* Abbey. The present proposals would potentially have a harmful impact on the scheduled monument and on the settings and associative relationship of the nearby listed buildings, notably the grade II Guest Hall and South Gate. In HE's view the application is premature. It fails to provide sufficient information on the potential impact of the proposal on the affected heritage assets, as required by the NPPF paragraph 128, and it has not demonstrated that the proposed development can be achieved without unacceptable harm to designated heritage assets, or that any such harm would be justified or outweighed by other public benefits, as required by the NPPF paragraphs 132-5. Without this information, it is not possible for the Authority to make an informed assessment on the impacts of the development proposed here, or make

a properly informed determination of the application. HE therefore object to the application on the grounds that it is contrary to national and local planning policy, and recommend that the local authority either refuses the application, or defers determination and requests the applicant to provide the required information and amend the application. In view of the amount of work that may be required to achieve an acceptable application, deferral may not be feasible, in which case the most appropriate course might be for the application to be withdrawn with a view to a revised resubmission. If the application is determined as it currently stands, HE would recommend refusal.

DNP - Archaeology:

The area to the south of the abbey guest house is located within the precinct of the medieval abbey and has the potential to contain buried heritage assets which, given the area's Scheduled status, are likely to be of some significance. Most of the proposed works will not affect any such features. However, especially on the eastern side of the area, the architect's sections indicate a reduction in the ground level which has the potential to expose any archaeological remains.

According to policy DMD13, an archaeological watching brief and appropriate recording is recommended on all ground works which will reduce the level of the ground within the works area.

Parish/Town Council Comments

Buckfastleigh TC:

Support - will improve access for the disabled and looks very much in keeping with the rest of the grounds

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR13 - Providing for high standards of accessibility and design

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

DMD13 - Archaeology

DMD1a - Presumption in favour of sustainable development

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

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

THE PROPOSAL

The proposal has the objective of providing improved public access to the upper chamber of the South Wing of the medieval Guest Hall at Buckfast Abbey. This area of the building is currently underutilised and difficult to access up a steep flight of stairs. The first floor is a fine example of a beautifully restored medieval upper hall.

The concept is of reworking the landscaped area to the south of the building and providing a new minimal link spanning from a landscaped mound to the existing pentice roofed stairs/landing on the south elevation of the building. The idea is to provide an attractive new entrance way for all with minimum intervention to the existing building. The bridging link will be formed from oak bearers with a clear glass safety balustrade. The scheme has been devised through extensive pre-application discussions with both the Authority and Historic England.

The application includes the lowering and consolidation of existing historic walls adjacent to the listed building.

POLICY IMPLICATIONS

The Guest Hall is a designated heritage asset in its own right, being a grade II listed building. It is one of a number of important listed buildings within the Abbey complex and notably within the immediate setting of the grade II* listed Abbey and South Gate. It also lies within the designated area of the scheduled ancient monument which covers a significant portion of the historic core of the Abbey.

The National Planning Policy Framework (2012) recognises that heritage assets are an irreplaceable resource and advocates that they should be conserved in a manner appropriate to their significance. It states that;

Paragraph 128; 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 132; 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.

Paragraph 133; 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

The Development Plan echoes the need to ensure that change to designated heritage assets is proportionate and well informed by thorough analysis of significance and assessment of harm. The assets themselves should be 'conserved and enhanced' by any proposals (COR5). Development should not have an adverse impact on the integrity or setting of a scheduled ancient monument (COR6). Proposals should have particular regard to the quality, integrity, character and settings of heritage assets (DMD7). Where potential for substantial harm is identified it will be necessary to demonstrate that the harm will be outweighed by substantial public benefit. (DMD8).

Policy COR13 encourages the highest standards of accessible to public buildings.

REPRESENTATIONS

The concerns raised by Historic England (HE) are set out in detail in the preceding text. While HE has been actively involved in the development of the solution to access issues and has given pre-application encouragement to the design approach, it has always cautioned about the potential for impact on the underlying scheduled monument and the potential for impact on this important aspect. The formal consultation, necessary as part of the application process, has revealed a strong objection to the principle of this development on the basis of the potential for substantial harm to the designated asset and its setting.

It should be noted that the Authority's Historic Buildings Officer and Archaeologist have assessed the matter and after due consideration have reached a conclusion that the harm is less significant and is outweighed by the public benefits that may accrue by allowing better access to this building.

SUMMMARY

This, and the following application, present an unusual dilemma where the desire to meet improved public access requirements must be offset against perceived harm to designated heritage assets. The test requires that, where substantial harm is envisaged, there must equally be at least substantial public benefit to outweigh that concern. HE has highlighted a concern in this respect which, it suggests, may be overcome by further informed research and investigation. In many cases a pragmatic approach has been achieved through negotiation however, in this case, HE is maintaining a strong objection.

CONCLUSION

While there are undoubted public benefits to be gained by the provision of improved access for all to the first floor of this important building, Members are advised that to set aside the strong objection of HE would be unwise at this time. The applicants and their agent are fully aware of the concerns raised by HE.

2	Application No:	0558/15	District/Borough:	Teignbridge District
	Application Type:	Listed Building Consent	Parish:	Buckfastleigh
	Grid Ref:	SX740673	Officer:	Christopher Hart
	Proposal:	Hard landscaping works, alterations to access and associated works		
	Location:	South Wing Guest Hall, Buckfast Abbey		
	Applicant:	Buckfast Abbey Trustees		
	Recommendation:	That consent be REFUSED		

The representative from Historic England (HE) was asked to expand on the concerns that had been raised in its response to both applications. He referred to an objection to both the principle and detail of the scheme and the lack of information to support an informed decision. This, in his opinion, did not satisfy national policy tests within the NPPF and made it difficult to accurately assess the potential harm to heritage assets, principally buried archaeology within the boundary of the scheduled ancient monument.

He stated that HE had no problem with the principle of improving access to the first floor area to allow better use of that space however that needed to be offset against the perceived harm of the necessary works. The impact on standing remains of the former Abbey and later additions was considered unacceptable. They should be left 'as found'. In the absence of a detailed archaeological evaluation of the site, the impact on buried archaeology was unknown. If significant remains were to be found then this may lead to a reappraisal of the proposed scheme and reassessment of alternative access options within the building. He concluded by stating that the works could have 'substantial harm' to the designated heritage assets.

The Town Council were not represented at the meeting.

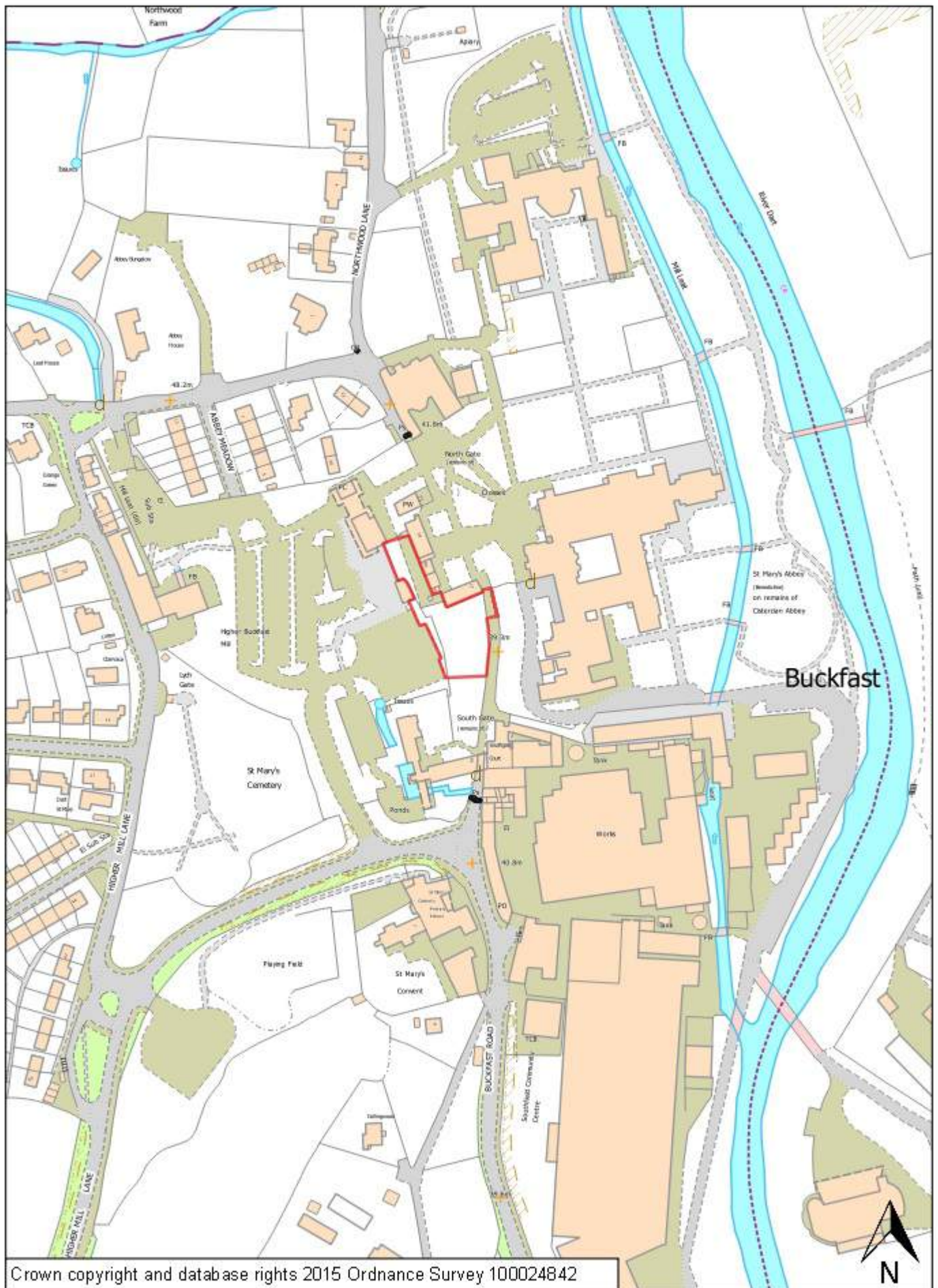
The District Council representative raised a concern about the impact of the proposed foundations for the ramp.

The panel was unanimous in its opposition to the scheme as presented. The strength of opposition from HE was noted and felt to be fundamental to the decisions to be made. There was agreement that the design was inappropriate and an over engineered solution to the provision of improved access to the building. The extent of the works and need for the importation of a substantial amount of spoil to construct the landscaped mound was not supported. The need to remove a substantial section of the roadside boundary wall was also of concern.

South Wing Guest Hall, Buckfast Abbey-0558/15



Scale 1:2,500



6. Application No: **0558/15** District/Borough: **Teignbridge District**
 Application Type: **Listed Building Consent** Parish: **Buckfastleigh**
 Grid Ref: **SX740673** Officer: **Christopher Hart**

Proposal: **Hard landscaping works, alterations to access and associated works**

Location: **South Wing Guest Hall,
Buckfast Abbey**

Applicant: **Buckfast Abbey Trustees**

Recommendation **That consent be REFUSED**

Reason(s) for Refusal

1. In the absence of sufficient information on the potential impact on affected heritage assets the proposed works would lead to substantial harm to the character, appearance and setting of the designated heritage asset. In the absence of substantial public benefit sufficient to outweigh the potential harm, the proposal would be contrary to policies COR1, 3, 4, 5, 6 and DMD 1a, 1b, 7 and 8 of the Development Plan and the advice contained in the English National Parks & The Broads UK Government Circular 2010 and the National Planning Policy Framework 2012.

Introduction

The South Wing Guest Hall is a grade II listed building situated on the south side of the main Abbey precinct at Buckfast. It is a two-storey building which has been the subject of previous upgrading and refurbishment.

The application seeks consent to establish better access to the underutilised first floor chamber of the building. A new access ramp is proposed from the southern side together with a comprehensive redesign of the landscaping on that elevation.

The application is presented to the committee in view of the concerns raised by Historic England.

Planning History

5/32/143/93/03	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Full Planning Permission	Grant Conditionally	02 August 1993
5/32/142/93/07	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Listed Building Consent	Grant Conditionally	02 August 1993
5/32/024/93/03	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Full Planning Permission	Grant Conditionally	05 April 1993
5/32/025/93/07	Repair and re-roofing of existing building to form museum exhibition room including interpretation of original medieval walls	Listed Building Consent	Grant Conditionally	05 April 1993
0557/15	Hard landscaping works, alterations to access and associated works	Full Planning Permission	Not yet determined	

Consultations

Teignbridge District Council: No objection

County EEC Directorate: No highway implications

Environment Agency: Flood zone 1 - standing advice

DNP - Archaeology: The area to the south of the abbey guest house is located within the precinct of the medieval abbey and has the potential to contain buried heritage assets which, Given the area's Scheduled status are likely to be of some significance. Most of the proposed works will not affect any such features. However, especially on the eastern side of the area, the architect's sections indicate a reduction in the ground level which has the potential to expose any archaeological remains.

Historic Buildings Officer: The proposal has been the subject of substantial pre-application advice and site visits.

The South Wing Guest Hall was grade II listed on 10th January, 1951 and is a designated heritage asset and setting. Only the ground below the listed building is a scheduled monument. Whilst one end of the proposed bridge link is to be connected to the listed building the opposite end rests on earthworks placed directly on the scheduled monument. The area of ground on which the external works to form a pathway, garden and the bridge support for the proposed access to the first floor of the Guest Hall is within the curtilage of the listed building. Settings of designated heritage assets are a material consideration in this case.

This application for proposed works by Buckfast Abbey Trustees has been undertaken by a carefully chosen and highly regarded group of consultants; respected specialists in the fields of Conservation Architecture, Archaeology, and Historic Buildings. Their knowledge, understanding and experience of the Abbey site is unsurpassed and accords with the Trust's approach to produce definitive architecture and an enhanced appreciation of the monastic life and place. There has been a long ongoing history of major projects from the rebuilding of the Abbey church, definitive restoration of South Gate, workshop and office premises, South Wing Guest Hall, and many more exemplar building projects which have combined to create a vision greater than the sum of its parts.

Heritage value and significance have been addressed in accompanying documents and it is not considered that the proposal will cause substantial harm to the significance of the designated heritage asset and settings, and the proposal is therefore supported.

Whist Historic England has called for additional justification and assessment of impact on the settings of designated heritage assets, the very long time taken to provide proactive and informed advice much earlier in the design and scheduled monument process has not been helpful to the Abbey for their plans to celebrate its Millennium year in 2018.

The proposal will not cause substantial harm to the significance and character of designated heritage assets and settings.

Historic England:

Historic England (HE) appreciates the aim of improving access to the principal space at first-floor level of the restored grade II Guest Hall. It appreciates that this would allow greater use of this fine building, and provides a further amenity for visitors and guests.

However, the present proposals for the access ramps and bridge, and for the reduction in the nearby ruined walls, would have an adverse impact on the fabric and setting of the scheduled monument and on the setting of the listed Guest Hall. The ramp structure would also cause a degree of harm through its intrusion between the listed South Gate range and the Guest Hall, and there could also be some intrusive impact on views of the Abbey from this area.

The harm resulting from the visual and spatial intrusion might be acceptable if the scheme as a whole was adequately justified and it could be demonstrated that the level of harm to affected heritage asset would be acceptable in other respects. Unfortunately this is not the case: the application proposes treatment of upstanding walls which would bring unacceptable harm to the monument and the setting of the listed buildings, and the application also presents insufficient information on the archaeological impact of the proposed ramp and bridge scheme, and provides insufficient justification to demonstrate that this is, on balance, the most acceptable option.

For developments affecting significant heritage assets, applications should (in line with NPPF para 128) be accompanied by sufficient information to enable a proper assessment to be made of the impact of the proposals on the affected assets and potential for mitigation. In this case, mitigation would include alterations to the scheme to ensure physical preservation of archaeological and historic remains and their settings, and investigation and recording of archaeological remains. The application as not provide sufficient information on the potential impacts of the

proposals on the affected heritage assets. Without this information, it is not possible for the Authority to make an informed determination of the application.

The lack of information and justification need to be addressed through archaeological evaluations and an options appraisal, and the proposals for the standing walls should be amended to avoid harmful impact.

Scheduled Monument Consent Issues

A key factor, in addition to the planning issues, the proposed development also requires Scheduled Monument Consent (SMC) (HE advises on and administers consent). In cases like these it is advisable that SMC issues are resolved prior to submission and before determination of planning applications.

In view of the above concerns HE is unable to support the granting of SMC for the present proposal. HE has asked the applicant to commission pre-determination archaeological evaluation of the proposed site. Previous investigations have focussed on the former medieval kitchen area to the west of the main works now proposed, with limited investigation of the area of the access ramp. Archaeological trial trenching is required in order to be able to design a scheme first floor access.

HE cannot support the proposed reduction in height and capping of the upstanding walling south of the Guest Hall and to the west of the proposed ramp. This walling forms an integral part of the historic complex and is important for the appreciation and understanding of the history and development of the monument as a whole, including its development in the centuries following Dissolution. The applicant has been advised that these walls should be repaired and conserved 'as found'.

HE has advised that the 2013 options appraisals should be revisited to consider further architectural options and retain the openness of the area. This could involve consideration of an internal lift.

The application for Guest Hall access affects the site and setting of the scheduled monument at Buckfast Abbey (scheduled as 'The North Gate and part of the precinct area of Buckfast Abbey') and the settings of several listed buildings, including the grade II* Abbey. The present proposals would potentially have a harmful impact on the scheduled monument and on the settings and associative relationship of the nearby listed buildings, notably the grade II Guest Hall and South Gate. In HE's view the application

is premature. It fails to provide sufficient information on the potential impact of the proposal on the affected heritage assets, as required by the NPPF paragraph 128, and it has not demonstrated that the proposed development can be achieved without unacceptable harm to designated heritage assets, or that any such harm would be justified or outweighed by other public benefits, as required by the NPPF paragraphs 132-5. Without this information, it is not possible for the Authority to make an informed assessment on the impacts of the development proposed here, or make a properly informed determination of the application. HE therefore object to the application on the grounds that it is contrary to national and local planning policy, and recommend that the local authority either refuses the application, or defers determination and requests the applicant to provide the required information and amend the application. In view of the amount of work that may be required to achieve an acceptable application, deferral may not be feasible, in which case the most appropriate course might be for the application to be withdrawn with a view to a revised resubmission. If the application is determined as it currently stands, HE would recommend refusal.

Parish/Town Council Comments

Buckfastleigh TC: Support - will improve access for the disabled and looks very much in keeping with the rest of the grounds

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR5 - Protecting the historic built environment

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

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

Representations

None to date.

Observations

THE PROPOSAL

The proposal has the objective of providing improved public access to the upper chamber of the South Wing of the medieval Guest Hall at Buckfast Abbey. This area of the building is currently underutilised and difficult to access up a steep flight of stairs. The first floor is a fine example of a beautifully restored medieval upper hall.

The concept is of reworking the landscaped area to the south of the building and providing a new minimal link spanning from a landscaped mound to the existing pentice roofed stairs/landing on the south elevation of the building. The idea is to provide an attractive new

entrance way for all with minimum intervention to the existing building. The bridging link will be formed from oak bearers with a clear galls safety balustrade. The scheme has been devised through extensive pre-application discussions with both the Authority and Historic England.

The works include lowering and consolidation of existing walls attached to the listed structure.

POLICY IMPLICATIONS

The Guest Hall is a designated heritage asset in its own right, being a grade II listed building. It is one of a number of important listed buildings within the Abbey complex and notably within the immediate setting of the grade II* listed Abbey and South Gate. It also lies within the designated area of the scheduled ancient monument which covers a significant portion of the historic core of the Abbey.

The National Planning Policy Framework (2012) recognises that heritage assets are an irreplaceable resource and advocates that they should be conserved in a manner appropriate to their significance. It states that;

Paragraph 128; 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 132; 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.

Paragraph 133; 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

The Development Plan echoes the need to ensure that change to designated heritage assets is proportionate and well informed by thorough analysis of significance and assessment of harm. The assets themselves should be 'conserved and enhanced' by any proposals (COR5). Development should not have an adverse impact on the integrity or setting of a scheduled ancient monument (COR6). Proposal should have particular regard to the quality, integrity, character and settings of heritage assets (DMD7). Where potential for substantial harm is identified it will be necessary to demonstrate that the harm will be outweighed by

substantial public benefit. (DMD8).

REPRESENTATIONS

The concerns raised by Historic England (HE) are set out in detail in the preceding text. While HE has been actively involved in the development of the solution to access issues and has given pre-application encouragement to the design approach, it has always cautioned about the potential for impact on the underlying scheduled monument and the potential for impact on this important aspect. The formal consultation, necessary as part of the application process, has revealed a strong objection to the principle of this development on the basis of the potential for substantial harm to the designated asset and its setting.

It should be noted that the Authority's Historic Buildings Officer and Archaeologist have assessed the matter and after due consideration have reached a conclusion that the harm is less significant and is outweighed by the public benefits that may accrue by allowing better access to this building.

SUMMMARY

This application presents an unusual dilemma where the desire to meet improved public access requirements must be offset against perceived harm to designated heritage assets. The test requires that, where substantial harm is envisaged, there must equally be at least substantial public benefit to outweigh that concern. HE has highlighted a concern in this respect which, it suggests, may be overcome by further informed research and investigation. In many cases a pragmatic approach has been achieved through negotiation however, in this case, HE is maintaining a strong objection.

CONCLUSION

While there are undoubted public benefits to be gained by the provision of improved access for all to the first floor of this important building, Members are advised that to set aside the strong objection of HE would be unwise at this time. The applicants and their agent are fully aware of the concerns raised by HE.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

04 March 2016

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Head of Planning

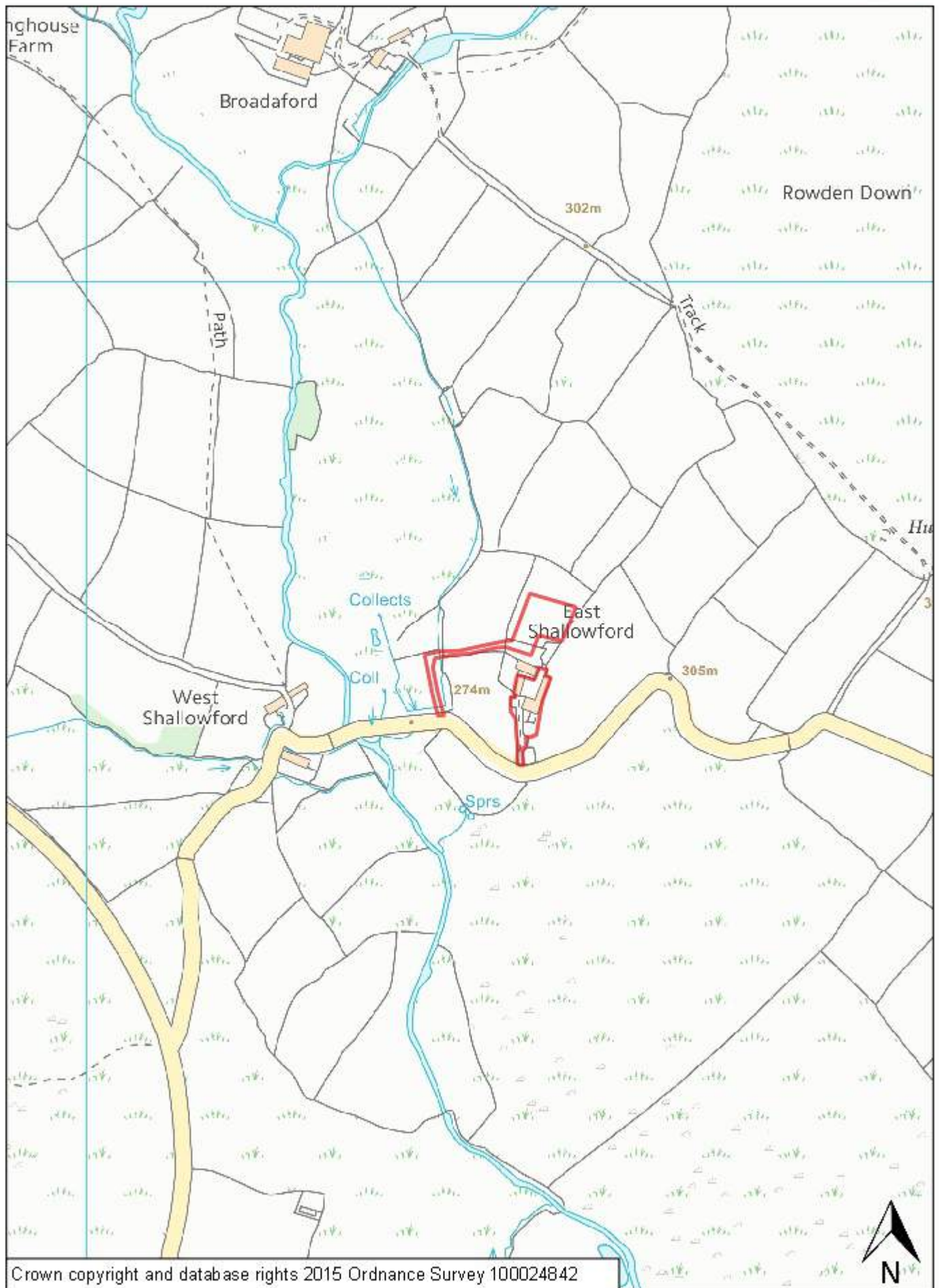
INDEX

<u>Item No.</u>	<u>Description</u>	
1.	0591/15 – Change of use, conversion and extension to existing barns to form accommodation for holiday/educational use including staff accommodation and office facilities and the erection of new agricultural barns – East Shallowford Farm, Widecombe in the Moor	Pg. 29
2.	0592/15 - Change of use, conversion and extension to existing barns to form accommodation for holiday/educational use including staff accommodation and office facilities and the erection of new agricultural barns – East Shallowford Farm, Widecombe in the Moor (Listed Building Consent)	Pg. 45
3.	0658/15 – Conversion and restoration of threshing barn to agricultural workers dwelling; erection of three bay carport and part field converted to domestic curtilage – Holland Park Farm, South Tawton	Pg. 51
4.	0002/16 – Change of use to live-work unit – Kingswood House, Exeter Road, South Brent	Pg. 59
5.	0017/16 – Erection of machinery and hay store – Welltown Farm Walkhampton	Pg. 64

East Shallowford Farm, 0591/15



Scale 1:5,000



1. Application No: **0591/15** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Widcombe-in-the-Moor**
Grid Ref: **SX694756** Officer: **Jo Burgess**

Proposal: **Change of use, conversion and extension to existing barns to form accommodation for holiday/educational use including staff accommodation and office facilities and the erection of new agricultural barns**

Location: **East Shallowford Farm,
Widcombe in the Moor**

Applicant: **East Shallowford Farm Trust**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposal is in an area where the Authority would only permit residential development which is necessary in the interests of agriculture or an established rural business. No over-riding justification for the staff accommodation has been provided. The proposal is contrary therefore to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23 and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The proposal is not a farm diversification scheme that will support the main farm enterprise as the farming activities will become incidental to the main holiday/educational business contrary to policies COR2, COR18, COR20, DMD9, DMD35 and DMD44 the Dartmoor National Park Development Plan and the advice contained in the National Planning Policy Framework 2012.
3. The proposal would result in holiday accommodation in new buildings outside a recognised settlement which is not in association with an acceptable farm diversification scheme. This amounts to unsustainable development in the open countryside contrary to policies COR2, COR18, COR19, COR20, DMD1b, DMD9, DMD35 and DMD44 of the Dartmoor National Park Development Plan and the advice contained in the National Planning Policy Framework 2012.
4. The proposed development of a new agricultural building and farmyard to the north of the listed farmhouse, by virtue of its location, scale, appearance and design would be detrimental to the character and appearance of the wider landscape and cause substantial harm to the setting of the heritage assets, contrary to policies COR1, COR3, COR5, DMD1b, DMD5, DMD8 and DMD34 of the Dartmoor National Park Authority 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.

5. The proposed development of new accommodation to the south of the curtilage listed buildings, by virtue of its location, scale, appearance and design would harm the significance and setting of the heritage assets. Whilst the harm could be adjudged to be less than substantial the Authority is not satisfied that there is sufficient information to assess whether the harm caused is outweighed by the public benefits of the development. The development is therefore considered to be contrary to policies COR1, COR3, COR5, DMD1b, DMD8 and DMD10 of the Dartmoor National Park Authority 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.
6. In the absence of sufficient information regarding ecology, light pollution and surface water drainage, the Authority is unable to assess the impact of the development on these matters and need for mitigation. The proposal is therefore contrary to policies COR7, COR8, DMD4 and DMD14 of the Dartmoor National Park Development Plan Document and to the advice contained in the English National Parks and the Broads UK Government Circular 2010 and the National Planning Policy Framework 2012.

Introduction

East Shallowford Farm is a small working farm of 34.4 hectares in a rural location within the parish of Widecombe in the Moor. The farm is in the ownership of 'The Shallowford Trust' which has been providing farming and countryside experiences for inner city children and young adults for most of the last 40 years.

In order to make the Trust self-financing within the next 5 years, it is proposed to form accommodation for holiday/educational use including staff accommodation and office facilities through a combination of the conversion of the existing historic farm buildings and new build. In association with this a new agricultural building is proposed to the rear of the Listed Farmhouse in order to provide a 'home farm' that complies with current Health and Safety requirements.

The application is brought before the committee in view of it being considered to be a departure from the Development Plan and in view of the public interest.

Planning History

0059/10	Alterations to farmhouse (revised application of some works granted to 0091/09)		
	Listed Building Consent	Grant Conditionally	13 April 2010
0019/10	Timber conservatory		
	Listed Building Consent	Grant Conditionally	16 March 2010
0017/10	Timber conservatory		
	Full Planning Permission	Grant Conditionally	16 March 2010
0090/09	Change of use of attached outbuilding to toilet block and refurbishment		
	Full Planning Permission	Grant Conditionally	18 June 2009
0091/09	Refurbishment and alteration of farmhouse and barn		
	Listed Building Consent	Grant Conditionally	17 June 2009
5/06/296/94/18	Livestock Shed Extension		

5/06/044/94/18	Prior Notification	No objection	02 November 1994
	Animal Shed		
0592/15	Prior Notification	No objection	25 February 1994
	Change of use, conversion and extension to existing barns to form accommodation for holiday/educational use including staff accommodation and office facilities and the erection of new agricultural barns		
	Listed Building Consent	Not yet determined	

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No objections from a highway safety point of view providing conditions are imposed
DNP - Ecology & Wildlife Conservation:	Objection of policy grounds due to the access track being shown as going through an area of Rhos pasture (County Wildlife Site). The protected species report and ecological survey do not contain all the information required and ecological enhancements need to be shown.
DNP - Trees & Landscape:	<p>The proposed conversion and extension of the existing farm buildings will improve the appearance of the cluster of vernacular buildings and in landscape terms this aspect of the development is welcomed.</p> <p>The proposed new farm yard and buildings will be located north of the existing farmstead and will be dug into the slope of the ground. A new access will be created to separate farm vehicles from the residential centre.</p> <p>The removal of a small section of hedgerow will have a minimal impact on the integrity of the hedgerow or the historic field system, however the buildings and access track will have a detrimental impact on the historic field system and the pastoral character of the area and be very visible in the landscape especially from the high ground to the west.</p> <p>The development does not enhance what is special or locally distinctive about the landscape character and is an unsympathetic development that will harm the wider landscape.</p>
Devon County Council:	No objection in principle however further information is required in order to demonstrate that the surface water drainage elements of this application have been fully considered. A surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere is required.
DNP - Ecology & Wildlife Conservation:	The revised plans no longer show an access route through the West Webburn County Wildlife Site and a much

reduced number of new buildings to the north of the existing farmstead. However, no updated ecological report has been submitted, so the comments made in the previous consultation with respect to the surveys and enhancement still stand.

DNP - Trees & Landscape:

While the proposed new farm yard and building is smaller than the earlier submission, it is still a substantial modern building set away from the traditional farmstead. The field system associated with East Shallowford is likely to be medieval and is virtually complete. Concerns remain regarding the impact of the new development on the local landscape in that the new building is set apart from the existing farmstead and will not form an integrated farm unit. The design of the buildings does not reflect traditional design or local vernacular and being dug into the land inevitably change the local topography and destroy the historic field as well as make the building stand out rather than integrate into the landscape.

The new farm building will be visually intrusive and will have a detrimental impact on the character of the local landscape. The development can only be supported if there is an overwhelming justification for the new farm building complex. If permission is granted greater thought needs to be given to integrating the development into the landscape.

Historic Buildings Officer:

Whilst proposed extensions for visitor accommodation and facilities will impact upon the settings of the Listed Building and the curtilage listed buildings, the proposed adjoining development to the south of the farmstead, in my opinion will lead to less than substantial harm to the significance of the designated heritage asset, and the NPPF requires that this harm should be weighed against public benefits of the proposal, including its optimum viable use.

In this case, the charitable nature and aims of the trust where young people are brought from urban locations into a rural landscape and is an important part of their vision, and the degree of harm to significance may be a justifiable when balanced against public benefit.

However, proposed development to the north to create a new agricultural building is of real concern, and whilst it may provide a farming experience for guests it will have a substantial impact on setting and cause harm to the significance of heritage assets and settings.

DNP - Archaeology:

Approval subject to watching brief condition and removal of proposed granite marker posts.

County EEC Directorate:

Following representations from third parties and consideration of the amended plans and additional information it is acknowledged that the roads in the vicinity

of the site are narrow and constrained, however the applicant has been operating the existing facility for many years and it is also understood that visitors to the site currently reside off site and are being transported to the site.

When assessing the suitability of the highway network serving the site, the highway authority has to consider NPPF Para 32 which states that 'development should only be prevented or refused on transport grounds when residual cumulative impacts... are severe'. Although the development will result in a small increase in vehicle movements, there is no evidence that the impact will be 'severe'. There is therefore no sustainable over-riding objection to the proposed development on highway safety grounds.

With respect to the access itself, the highway authority is satisfied that adequate visibility and geometry is available at the access in its current form given vehicle speeds past the access.

Parking standards are a matter for the Local Planning Authority with the highway authority only being concerned if the number proposed is inadequate resulting in parking on the highway. In this case any overspill parking can be accommodated within land in the applicants control.

The proposed travel plan is reasonable and workable having regard to the particular characteristics and location of this site and will lead to vehicle movements to and from the site being minimised.

Parish/Town Council Comments

Widcombe PC:

The Parish Council fully supports the work of East Shallowford Trust and appreciates that in order for the Trust to continue to evolve and comply with regulations etc around the health, safety and well-being of the children changes are inevitable. The Parish Council therefore has no objections to the application.

However, concerns have been voiced about the impact of the development on the environment and the inevitable increased traffic along a narrow road. Potential noise and light pollution together with insufficient car parking were also concerns.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR11 - Retaining tranquillity

COR13 - Providing for high standards of accessibility and design

COR15 - Providing for limited new housing to meet local needs
COR17 - Promoting increased health and well-being
COR18 - Providing for sustainable economic growth
COR2 - Settlement Strategies
COR20 - Providing for agricultural diversification
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
DMD13 - Archaeology
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
DMD2 - Major Development
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD34 - Agricultural and forestry
DMD35 - Farm diversification
DMD4 - Protecting local amenity
DMD40 - Parking provision - Residential
DMD41 - Parking provision - Non Residential
DMD44 - Tourist accommodation

Representations

27 letters of objection 28 letters of support 1 other letter

It should be noted that the majority of the representations hereby reported were received before the submission of the amended plans. A verbal update will be given at the meeting in respect of any new comments resulting from the amended plans.

The majority of the objectors live relatively local to or have land owning interests local to East Shallowford Farm. In addition objections have been received from the Devon Wildlife Trust (in respect of the County Wildlife Site), the Dartmoor Preservation Association and The Open Spaces Society. The majority express support for the original vision and work of Miss Braund and the scale of the activities carried out on the farm over the last 40 years.

The main concerns are that the proposal amounts to overdevelopment, will be very visible and thus impact on the natural beauty of the area and historical integrity of the site, that the narrow lanes are inadequate for the traffic that will be generated by the business, that the development is not a small scale development and by virtue of its commercial nature is inconsistent in this location and with the purpose of National Park designation, that the works to the existing farm buildings will destroy the farmstead and

setting of the listed farmhouse, cause noise and disturbance, cause light pollution and loss of tranquility. Information regarding treatment of waste and water supply is requested and the description of the development as farm diversification is questioned. The provision of such facilities elsewhere on Dartmoor is noted.

Letters of support - The majority of the letters of support have been received either by email or from individuals that do not live on Dartmoor but have benefited from and support the ethos of the Trust. These include the Director of Youth and Community Work at Providence House, the Methodist Minister for Ashburton and Poundsgate and the Bishop of Plymouth.

The provision of suitable residential accommodation is considered to have been designed in a proportionate way that preserves the heritage at East Shallowford, bring the site up to current Health and Safety standards, provide better welfare for animals, remove unsightly buildings, be sympathetic with the landscape, enhance the experience of visitors, maintain the farm unit as a viable holding and ensure the future work of the Trust with all the spiritual, health and education benefits that it brings to vulnerable young people from the most deprived inner city areas of London as well as more local youngsters.

The benefits of accommodation on site rather than having to travel to and from Bellever Youth Hostel are also mentioned.

At the time of writing the report 10 letters of objection had been received in response to the amended plans including one from the Dartmoor Preservation Association. A letter signed by four local farmers states that the impact of the revised proposals will be to relegate East Shallowford farm to 35 acres of grass keep attached to the neighbouring farm and raises the issue of the practicalities of this arrangement in the context of TB testing and the difficulty of taking farm traffic across the fields in the winter. It concludes that the farming activities will become incidental to the main business of education, training etc rather than that development supporting the main farm enterprise. Concerns are also raised that the new buildings will not be in keeping with the character and appearance of the farmyard.

Observations

INTRODUCTION

East Shallowford farm was purchased in the mid-seventies as a “Lung for the City” by the founders of what is now the Shallowford Trust; who had a close relationship with Providence House Youth and Community Centre in Battersea, London.

Visiting school groups will have a programme of activities to include structured activities led by farm tutors: on site such as farm tasks, campfires and treasure hunts and off site away from the farm for example on moorland walks. Team games will be led by accompanying staff in the evenings and some unstructured free play under adult supervision will take place in the front field. The aim of the visits will be to learn about the environment – leaving it as they find it and respecting the peace and quiet of the valley. Examples of visit programmes from 2015 have been submitted and can be seen on the DNPA website under the application reference.

Residential accommodation was previously provided in the farm house but legal requirements to ensure effective segregation and protection of children and leaders in single sex

accommodation have resulted in more space being required than can currently be provided on site. Groups have therefore been accommodated at Bellever Youth Hostel and minibuses are used to transport them to and fro (3 miles each way).

It is proposed to provide residential accommodation sufficient for one class of school children and staff (40 beds) together with associated catering and recreational areas together with a unit of staff accommodation and learning facilities; by converting existing farm buildings and erecting new buildings in the existing farm yard.

A modern farm building is proposed at the rear of the farmhouse to provide safe handling farm stock pens. Large animals will be kept at Broadaford Farm to the north.

LOCATION & TOPOGRAPHY

East Shallowford Farm is a small working farm of approximately 34.4 hectares (85 acres). It is located in open countryside within Widecombe-in-the-Moor parish and sits between 289-340m above sea level. The farm consists of the West Webburn river valley bottom including Rhos pastures, the pasture land surrounding the farm buildings and the farmstead. The farmhouse (the origins of which are late Medieval) is listed and forms the north side of the farm yard enclosed on the other three sides with associated mainly seventeenth century stone curtilage buildings. Twentieth Century buildings are located between the historic farmyard and the lane - from which vehicular access is obtained.

The farmstead is visible from Corndon Down to the west and the lane that runs along its eastern side and the lane that runs from east to west past the farm. It lies at the heart of an area dominated by Bronze age reave systems, many of the field boundaries survive within the modern field layout.

THE FARM

The farm has just under 35 workable acres (14.2 hectares) of land, 80 sheep, pigs, poultry and a small herd of South Devon cattle. The land has formerly been farmed by a tenant who found the existing farm buildings to be inefficient, difficult to use and inadequate for good animal husbandry. It was considered that modern farm buildings were required.

Various options were considered. Following a change to the farming arrangements the farmer at Broadaford Farm to the north will house the cattle and the sheep in existing buildings and accommodate associated education visits. Rather than the three buildings originally proposed, an L shaped mono-pitch modern building is now proposed to create a farmyard to the north of the farmhouse. This arrangement has been designed to meet a 'Code of Practice' produced by the Access to Farms Partnership with a safe zone where everyone can go without danger of encountering farm waste micro-organisms and a farm zone within which PPE will be worn and children and adults equipped to work safely with farm animals.

The farmhouse is owned by the Trust but has not been included in the application site. It is occupied by the resident manager who oversees the running and development of the charity. There are two 'spare rooms' that have been used for overnight stays in the past.

THE PROPOSAL

This is a proposal for accommodation for holiday/education use.

It is proposed to convert the ground floor of the granite long barn into drying room, boot room, toilets and storage with 18 bed spaces above.

It is proposed to convert the shippen into an office/reception space with a new light weight link to the long barn to create the main entrance to the residential buildings.

Two steel framed modern agricultural buildings are to be removed and a stepped barn like structure attached to the existing buildings, will provide the dining/sitting area and kitchen on the ground floor with the remaining bedrooms above.

New staff accommodation will be provided for catering/housekeeping manager in a linked building. All laundry will be done on site.

All accommodation will be fully accessible and has been designed to 'complement the form, yet remain subservient to the existing main granite barn. Stepping the buildings in height and width, will ensure that they relate to the existing context and contours of the site' – Design and Access Statement. On the new buildings a mix of timber cladding, metal cladding and glazing is proposed with profiled metal roofs on the new and converted buildings – "to reflect a contemporary agricultural language. By slightly varying the materials between the structures, it is further intended to articulate both the clear delineation of the existing farm buildings from the proposed new elements and at the same time to offer a legible hierarchy of functionality" – design and access statement.

On the west side of the farmyard the granite pig house will be stripped of later additions and the wall of a much altered linhay retained to provide a meeting room and outdoor education room – a space suitable for visiting school groups and also proposed in association with a rural skills facility.

To the rear of the farmhouse a new L shaped building will form a new farm yard with the existing hedge bank on the east side and a new natural dry stone wall enclosing it to the south. The building will accommodate three (4x4m) and one (6x6m) animal pens, a workshop, store/wcs, teaching room and changing/handwashing space.

POLICY

In accordance with the principles of sustainable development as set out in the National Planning Policy Framework (NPPF) Policy COR2 proposes a settlement pattern for Dartmoor based on a planned approach to development. Outside the Local Centres and Rural Settlements of the National Park, development is only acceptable under very specific circumstances – including where it is necessary to meet the proven needs of farming including farm diversification and other enterprises with an essential requirement to locate in the open countryside, where it will sustain buildings or structures that contribute to the distinctive landscape or special qualities of the Dartmoor National Park and small scale development for the growth of existing businesses.

RESIDENTIAL POLICY

In accordance with the advice contained in the NPPF in respect of sustainable development , policies COR2, COR15 and COR23 only allow for new residential accommodation in the open countryside under very specific circumstances. In this case staff accommodation together with accommodation for holiday/educational use is proposed through the conversion and extension of existing barns.

Currently there are two members of staff including the resident manager together with the farmer. It is stated that future additional staff may be required including a catering/housekeeping manager. There is an opportunity for staff in addition to the resident manager to be accommodated in the farmhouse but instead a new unit of staff accommodation is proposed. The case for staff accommodation has not been made in respect of the functional and financial need for a worker to be readily available at all times as is required by DMD23.

The holiday accommodation should be assessed against policy DMD44. This allows for accommodation to be provided as part of an acceptable farm diversification exercise but only in the form of building conversions. The proposal for new buildings for holiday accommodation in new buildings is strictly contrary to policy although the new buildings will be linked to existing buildings and on the footprint of existing buildings. If considered to be appropriate conditions can be used to control occupancy.

FARM DIVERSIFICATION POLICY

Policies COR18, COR20 and DMD35 support farm diversification subject to a number of criteria. The critical requirements are that any proposal should be based on the scope to add value to the agricultural output of the holding and/or the commercial opportunities offered by the farm's buildings, or environmental qualities or cultural heritage assets and that it is consistent in its scale and environmental impact with the character and appearance of the area.

At East Shallowford the core purpose of the Trust (which is a charity) has always been to maintain East Shallowford as a working farm and provide an opportunity for people, in particular the disadvantaged and the young, to experience and engage with the farm in order to enjoy and understand Dartmoor's special qualities.

The land is farmed in accordance with traditional upland farming practices in order to ensure the long term stewardship of the land, including sustaining and enhancing its nature conservation value. The young people are involved with this process.

It is argued by the Trust that East Shallowford Farm cannot operate purely as a traditional farm and has not done so for over 40 years. Elizabeth Braund, the founder of Shallowford Trust, used her own private wealth to sustain the farm from 1976 to 2013 when she passed away.

At present the farm sales, associated subsidies, other small grants and donations are the only income. In order to generate income to maintain the infrastructure of the farm and providing for the same level of activity in terms of farm and Providence House visits as previous years, taking into account costs such as contract labour there is a deficit of £60,000 per year. This was previously paid by Miss Braund .

The applicants state that in order to ensure a sustainable future for the farm as a viable entity and continue the charitable work of the Trust 'small scale educational use, alongside the enhanced farm facilities and purpose built accommodation' – (Shallowford Farm Management and Diversification Statement), is proposed in order to accommodate a single class of (junior) school children.

The large animals will now be housed and cared for by the farmer at Broadaford Farm to the north. He will accommodate farm visits and work at East Shallowford with the Trust on farm education.

The proposal has been the subject of pre application discussions with planning officers and the plans have been developed to try and address the requirements of COR20 and DMD35. The Trust has stated that it would be prepared to enter a Section 106 agreement to control use of the accommodation to be used by visitors to engage with and enjoy the aims and purposes of the Trust, to prevent the internal arrangement of the buildings being altered and to link the use of the new farm building to those staying on the farm.

Notwithstanding these potential undertakings farm diversification is aimed at providing the extra revenue to sustain the farm enterprise. In the preamble to policy DMD35 it states that 'Care must be exercised to ensure that diversification proposals promote National Park purposes while supplementing farm incomes and sustaining the principal enterprise.' It also states that 'the special needs of hill farming, which has helped to create and shape the character and distinctiveness of upland Dartmoor are recognised'.

Most interested parties acknowledge the good work done by the Trust in giving young people in particular, the opportunity to enjoy and learn about Dartmoor life and the environment. The financial issues have been set out by the Trust and clearly East Shallowford is in a unique position and the reasons for this scheme to 'grow' the small scale education activities that have been taking place on the farm for many years is acknowledged. The business plan makes it clear that the farming activities will become incidental to, rather than that development will be supporting the main farm enterprise and as such it has been concluded that the proposal is not in accordance with policies COR20 and DMD35. This view is expressed by many of the objectors including many local farmers.

The key issue is whether the scale of the development is consistent with this rural location and whether if the application is not in accordance with the Development Plan, there are any material planning considerations which indicate that planning permission should be granted.

OTHER MATERIAL PLANNING CONSIDERATIONS

HIGHWAY SAFETY

The advice from the highways officer is summarised above and on balance having re-visited the site to consider the points made in representations in respect of this aspect of the development, he has concluded that there are no objections to the proposed development from a highway point of view.

ACCESSIBILITY & SUSTAINABILITY

It is proposed that all visiting groups arrive by coach at Widecombe and transfer onto a minibus for the journey to the farm.

In 2015 the Providence House groups visited 16 times and generated 202 minibus journeys. In future they will no longer be travelling to and from Bellever Youth Hostel saving 100 minibus journeys over 16 visits.

The Business Plan anticipates up to 25 school groups visiting during term times. This will result in 200 minibus journeys. Providence House visit 16 times a year generating 64 journeys. Overall the number of minibus journeys will be 264.

There may be other visitors during the holidays, and these will be encouraged to arrive by

shared transport.

Some staff will access the farm by car and there will be food and other deliveries.

The requirements in respect of a Travel Plan can be imposed either through a condition or as part of a Section 106 Legal Agreement.

IMPACT ON LISTED BUILDING

East Shallowford Farm is a historic farmstead with medieval origins. The Historic Buildings Officer considers that the development of the site to the south of the site will ensure conservation benefit for the listed and curtilage listed buildings and that whilst the proposed extensions will impact on the settings of the designated heritage assets, this will lead to less than substantial harm to their significance. In addition the loss of modern structures is considered an enhancement opportunity. When considered against paragraph 134 of the NPPF, the degree of harm to significance has to be weighed against the public benefits of the proposal and in the case of the buildings to the south, the historic buildings officer considers that this 'may' be a case where the nature and aims of the Trust 'may' outweigh the degree of harm to significance.

The views of the Historic Building Officer are acknowledged but having balanced the scale and form of the proposed extensions to the curtilage listed buildings, officers consider that in this case where the scale of the harm to the character, appearance and setting of the listed building and the curtilage listed buildings is significant. The photo montages and drawings confirm that the proposed increase in the length, bulk and massing of the new buildings over and above those that exist at present, will visually compete with and the development will have a negative effect on the setting of the listed heritage assets. In assessing the harm in accordance with para 2.10.12 of the DMDPD it is considered that the works will detract from the setting of the listed farmhouse and the curtilage buildings in particular the former threshing barn and that the extensions will adversely affect the historic interest of the farmstead and will not maintain the historic significance of this important group of buildings.

The Historic England Good Practice Guide identifies character as including the original configuration and subsequent losses and changes. The NPPF states that the setting of a designated heritage asset can contribute to its significance. An assessment needs to be made as to whether the change will further detract from or enhance the significance of the asset. Not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset. In this case, it is considered that the setting is so sensitive that change of this scale will have an unacceptable impact on the setting and cause substantial harm to the significance of the heritage assets.

In respect of listed Buildings, DMD8 allows for extensions to be permitted only where any harm identified is outweighed by the public benefits the proposed development will bring. Although the Historic Buildings Officer concluded that there may be public benefits that outweigh the harm in the form of the work the charity does, officers have concluded that this is not the case and that a reason for refusal that addresses this issue is in this case appropriate.

The proposed development to the north of the historic farmstead is however considered by the Historic Buildings Officer to have a substantial impact on setting and cause harm to significance of heritage assets and it is recommended by him that refusal is appropriate on these grounds.

ARCHAEOLOGY

East Shallowford is a historically important farmstead and there is a high possibility that buried archaeological features and information relating to both the prehistoric reave system and the medieval farm and its consequent development survive in the area of the proposed works.

In accordance with COR6 and DMD13 an archaeological watching brief condition has been requested in respect of the new farmyard and building, the new accommodation building, to record areas of surviving cobbled flooring in the threshing barn and to observe any reduction of the existing floor levels within this building and also the shippen, pig house and linhay.

The proposal to erect granite posts to mark the line of the reave is not supported by the archaeologist.

IMPACT ON LANDSCAPE

East Shallowford Farm is located in Moorland Edge Slopes (Landscape Character Type 2D). Policy DMD5 requires that development proposals conserve and/or enhance the character and special qualities of the Dartmoor landscape.

Although the proposed conversion and extension of the existing farm buildings will improve the appearance of the cluster of vernacular buildings in landscape terms, in respect of the new agricultural building, this will sit apart from the existing farmstead (25m from the rear of the farmhouse) and will not form an integrated farm unit. The design of the buildings does not reflect traditional design or local vernacular and will be dug into the land, changing the local topography and destroying the historic field; having a detrimental impact on the pastoral character of the area.

The intactness of the field system around East Shallowford and the isolated small vernacular farmsteads give a great sense of history. The new farm building will appear as an isolated building and be visually intrusive, especially from the high ground to the west. There is an objection on landscape grounds to this aspect of the development.

ECOLOGY

Although the removal of the track from the scheme addresses the fundamental ecological objection to the application, further information is required to inform the acceptability of the proposal and appropriate mitigation. The issue of light spill from the large windows in the dining room area also needs addressing in accordance with COR7 and DMD14.

TRANQUILITY

Light pollution is also an issue that needs to be addressed under policy DMD4. Some objections have mentioned the noise and disturbance resulting from outside play. The nearest farm at West Shallowford is 200 metres away across the valley. It is not considered that policy DMD4 and COR10 provide a policy basis on which to object to this application on the grounds of noise and disturbance.

SURFACE WATER DRAINAGE

Devon County Council has no objection in principle to the use of soakaways to dispose of surface water, however it has concluded that there is not sufficient information for detailed

observations to be made. Percolation tests need to be undertaken and a surface water drainage management plan needs to be submitted to demonstrate how surface water will be disposed of in a manner that does not increase flood risk elsewhere. Without this information a conclusion cannot be reached as to whether or not the proposal is in accordance with COR8.

CONCLUSION

It is broadly recognised (many objectors wishing to support the work of the Trust carried out to date), that the Trust has demonstrated its commitment to promoting National Park purposes in terms of its management of the land and commitment to promoting the understanding and enjoyment of the special qualities of the National Park. It could be said that this is demonstrated through its work with the Moor than meets the eye project in respect of delivering modules of the Dartmoor Diploma on rural skills.

Planning permission goes with the land and should the Trust vacate East Shallowford Farm, it could be taken over by an organisation or company with less altruistic aims. Members should not therefore be swayed by the history of the site or the identity of the applicants.

This development has been presented as a farm diversification scheme but officers have concluded and many local farmers have come to the view, that rather than being an acceptable farm diversification scheme it amounts to a large scale commercial development – closely linked to the farm and all that entails, but not farm diversification as the policies envisage.

Officers recognise that the Trust has worked hard to address detailed matters raised throughout the pre-application and application process but some specialist information in respect of ecology, surface water drainage and light pollution remains outstanding and some fundamental concerns remain.

Concerns have been expressed by specialists that the provision of the new agricultural building, is not consistent with the character and appearance of the area – in terms of the setting of the listed building, the impact on the character and appearance of the wider landscape and ecology.

In recognition of the need to be flexible to accommodate needs and priorities where the original use of a listed building or non-designated heritage asset can no longer be sustained, there are occasions when securing the future of important heritage assets may only be achievable by deviating from the normal policy framework. Enabling development is development that would be unacceptable in planning terms, but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. In reaching a judgement on enabling development, the Authority has to have regard to the best practice advice of English Heritage (Historic England).

Policy DMD10 does allow for enabling development involving heritage assets where the public benefits of the proposed development decisively outweigh the disadvantages of departing from the development plan or from national policies.

The applicant has argued that the level of the development is the minimum necessary to secure the future of the Trust at East Shallowford Farm and future conservation of the heritage asset (the farmhouse and its curtilage building) and that the design and type of development does not minimise harm to other public interests.

The efforts of the architect to address the impact of the development on the significance of the heritage assets to the south of the historic farm yard are acknowledged but having examined the Historic England guidance and considered the information before the Authority, the development is therefore not considered to be enabling development that complies with DMD10, not least because the farmhouse is excluded from the application site and no assessment of the primary heritage asset has been included in the application

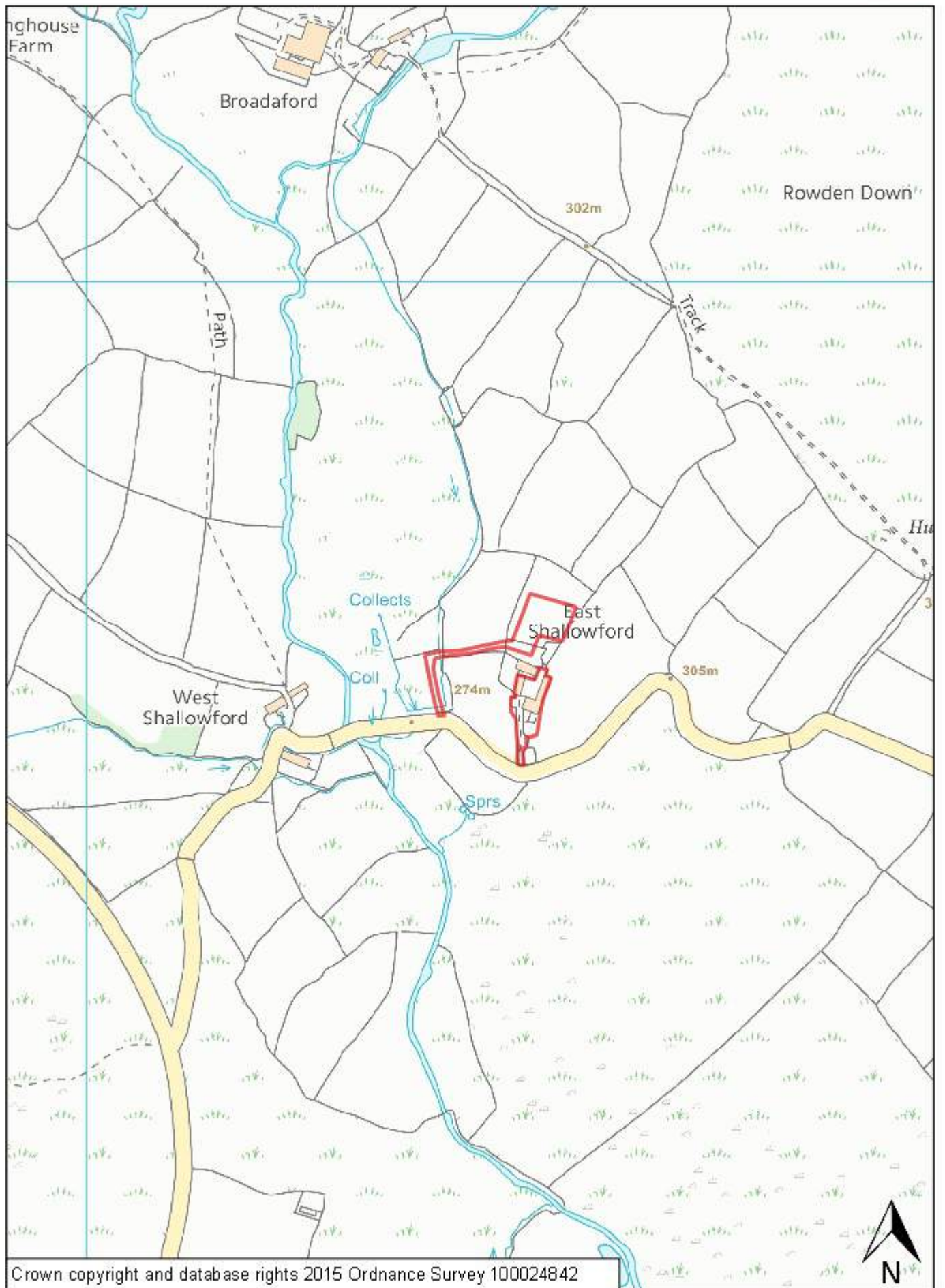
The role of Shallowford Trust in promoting the understanding and enjoyment of the special qualities of the National Park (second purpose) is widely acknowledged. However, when considering the scale of the development as a whole, officers remain concerned that its resultant impact on the natural beauty, wildlife and cultural heritage of the National Park is such that the development is not in accordance with the first purpose. The Environment Act 1995 requires that where there is a conflict between the two National Park purposes, the first purpose should be given greater weight.

It has also been concluded that the application is not in accordance with the development plan and that there are no material considerations which indicate otherwise. It is not sustainable development as set out in the NPPF and therefore it is recommended that planning permission is refused.

East Shallowford Farm, 0592/15



Scale 1:5,000



2. Application No: **0592/15** District/Borough: **Teignbridge District**
Application Type: **Listed Building Consent** Parish: **Widcombe-in-the-Moor**
Grid Ref: **SX694756** Officer: **Jo Burgess**

Proposal: **Change of use, conversion and extension to existing barns to form accommodation for holiday/educational use including staff accommodation and office facilities and the erection of new agricultural barns**

Location: **East Shallowford Farm,
Widcombe in the Moor**

Applicant: **East Shallowford Farm Trust**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. Insufficient detailed information has been provided to enable the Local Planning Authority to assess whether the proposed development, by reason of the alterations to and extensions of the curtilage listed buildings, would be harmful to their heritage interest, character and significance and to the historic interest, significance and setting of the designated heritage asset of East Shallowford Farm. The proposal is therefore contrary to policies COR1, COR5, DMD1b and DMD8 of the Dartmoor National Park Authority Development Plan and to advice set out in the Dartmoor National Park Authority Design Guide, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

East Shallowford Farm is a small working farm of 34.4 hectares in a rural location within the parish of Widcombe in the Moor. The farm is in the ownership of 'The Shallowford Trust' which has been providing farming and countryside experiences for inner city children and young adults for most of the last 40 years.

In order to make the Trust self-financing within the next 5 years, it is proposed to form accommodation for holiday/educational use including staff accommodation and office facilities through a combination of the conversion of the existing historic farm buildings and new build. In association with this a new agricultural building is proposed to the rear of the Listed Farmhouse in order to provide a 'home farm' that complies with current Health and Safety requirements.

This application for Listed Building Consent is brought before the committee in view of the corresponding planning application being considered to be a departure from the Development Plan and in view of the public interest.

Planning History

0059/10	Alterations to farmhouse (revised application of some works granted to 0091/09)		
	Listed Building Consent	Grant Conditionally	13 April 2010
0019/10	Timber conservatory		

0017/10	Listed Building Consent Timber conservatory	Grant Conditionally	16 March 2010
0090/09	Full Planning Permission Change of use of attached outbuilding to toilet block and refurbishment	Grant Conditionally	16 March 2010
0091/09	Full Planning Permission Refurbishment and alteration of farmhouse and barn	Grant Conditionally	18 June 2009
5/06/296/94/18	Listed Building Consent Livestock Shed Extension	Grant Conditionally	17 June 2009
5/06/044/94/18	Prior Notification Animal Shed	No objection	02 November 1994
0591/15	Prior Notification Change of use, conversion and extension to existing barns to form accommodation for holiday/educational use including staff accommodation and office facilities and the erection of new agricultural barns	No objection	25 February 1994
	Full Planning Permission	Not yet determined	

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	Flood Risk Zone 1 - standing advice applies
Historic Buildings Officer:	Whilst the proposed extensions for visitor accommodation and facilities will have impact upon heritage assets and settings, the adjoining development to the south of the farmstead will in my opinion, in this case lead to less than substantial harm to significance.

The level of detail required to demonstrate the expected conservation benefit for the curtilage buildings etc and moderation of the impact of the extensions on the designated heritage assets and settings is such that it would not be appropriate to achieve this through conditions in this case.

Parish/Town Council Comments

Widcombe PC:	The Parish Council fully supports the work of East Shallowford Trust and appreciates that in order for the Trust to continue to evolve and comply with regulations etc around the health, safety and well-being of the children changes are inevitable. The Parish Council therefore has no objections to the application.
--------------	--

However, concerns have been voiced about the impact of the development on the environment and the inevitable increased traffic along a narrow road. Potential noise and light pollution together with insufficient car parking were also concerns.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR5 - Protecting the historic built environment

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

DMD8 - Changes to Historic Buildings

Representations

10 letters of objection 9 letters of support

The letters received in respect of the Listed Building Consent do not raise any different issues to those raised in respect of the planning application.

Observations

INTRODUCTION

The Listed farmhouse does not form part of this application, however Listed Building Consent is required for the works to and extensions of the curtilage listed buildings. Although the description of development includes the new farm building this does not fall to be considered as part of the Listed Building Consent application.

It is proposed to provide residential accommodation sufficient for one class of school children and staff (40 beds) together with associated catering and recreational areas together with a unit of staff accommodation and learning facilities; by converting existing curtilage listed farm buildings and erecting new buildings attached to them in the existing farm yard.

THE LISTED BUILDINGS

The earliest references to a property at East Shallowford is in 1288. The farmhouse is Grade II listed and the listing states that it was formerly a longhouse of sixteenth century origins or earlier. There are a number of stone buildings within the curtilage of the listed building which although not individually significant, as a group impact on the setting of the listed farmhouse and define the courtyard at East Shallowford.

LOCATION & TOPOGRAPHY

East Shallowford Farm is a small working farm of approximately 34.4 hectares (85 acres). It is located in open countryside within Widecombe-in-the-Moor parish and sits between 289-340m above sea level. The farm consists of the West Webburn river valley bottom including Rhos pastures, the pasture land surrounding the farm buildings and the farmstead. The farmhouse (the origins of which are late Medieval) is listed and forms the north side of the farm yard enclosed on the other three sides with associated mainly seventeenth century stone curtilage buildings.

THE PROPOSAL

This is a proposal for accommodation for holiday/education use.

It is proposed to convert the ground floor of the granite long (former threshing) barn into drying room, boot room, toilets and storage with 18 bed spaces above. The barn has been altered

internally in recent times and the height of the barn was raised. Some new openings are to be created.

It is proposed to convert the shippen into an office/reception space with a new light weight link to the long barn to create the main entrance to the residential buildings. Existing openings are to be retained with a new roof structure being proposed.

Two steel framed modern agricultural buildings are to be removed and a new stepped barn like structure attached to the existing buildings, will provide the dining/sitting area and kitchen on the ground floor with the remaining bedrooms above.

New staff accommodation will be provided for catering/housekeeping manager in a linked building.

All accommodation will be fully accessible and has been designed to 'complement the form, yet remain subservient to the existing main granite barn. Stepping the buildings in height and width, will ensure that they relate to the existing context and contours of the site' – Design and Access Statement. On the new buildings a mix of timber cladding, metal cladding and glazing is proposed with profiled metal roofs on the new and converted buildings – “to reflect a contemporary agricultural language. By slightly varying the materials between the structures, it is further intended to articulate both the clear delineation of the existing farm buildings from the proposed new elements and at the same time to offer a legible hierarchy of functionality” – design and access statement.

On the west side of the farmyard the granite pig house will be stripped of later additions and the wall of a much altered linnhay retained to provide a meeting room and outdoor education room – a space suitable for visiting school groups and also proposed in association with a rural skills facility.

IMPACT ON LISTED BUILDING

The development seeks to maintain the courtyard setting of the farmhouse. Details of new joinery in the curtilage listed buildings have been provided but other than the floor layout and location of new openings, no other information regarding the internal alterations have been provided.

The appearance of the extensions will clearly impact on the character of the curtilage listed buildings so fall to be considered under the Listed Building Consent and full details of materials have not been provided and agreed.

It is considered by the Historic Buildings Officer, that in principle the development of the site to the south of the site will ensure conservation benefit for the listed and curtilage listed buildings and that whilst the proposed extensions will impact on the settings of the designated heritage assets, this will lead to less than substantial harm to their significance. As set out in the planning report, on balance officers do not concur with this view.

All parties consider that the proposed development to the north of the historic farmstead will have a substantial impact on setting and cause harm to significance of heritage assets, however this does not fall to be assessed in terms of the Listed Building Consent.

Development should only be permitted where the conservation of cultural heritage is achieved. Although the works to the curtilage listed buildings are considered to be acceptable in

principle, having examined the plans in detail it is clear that significant additional information is required for a full assessment to be made.

Under normal circumstances a number of conditions would be proposed in respect of materials, working practices etc. However it is clear from the guidance in respect of enabling development that any accompanying listed building consent should make the impact of the development on the special interest clear as well as allowing the proper and full consideration of the effect of the development on the listed building to be made.

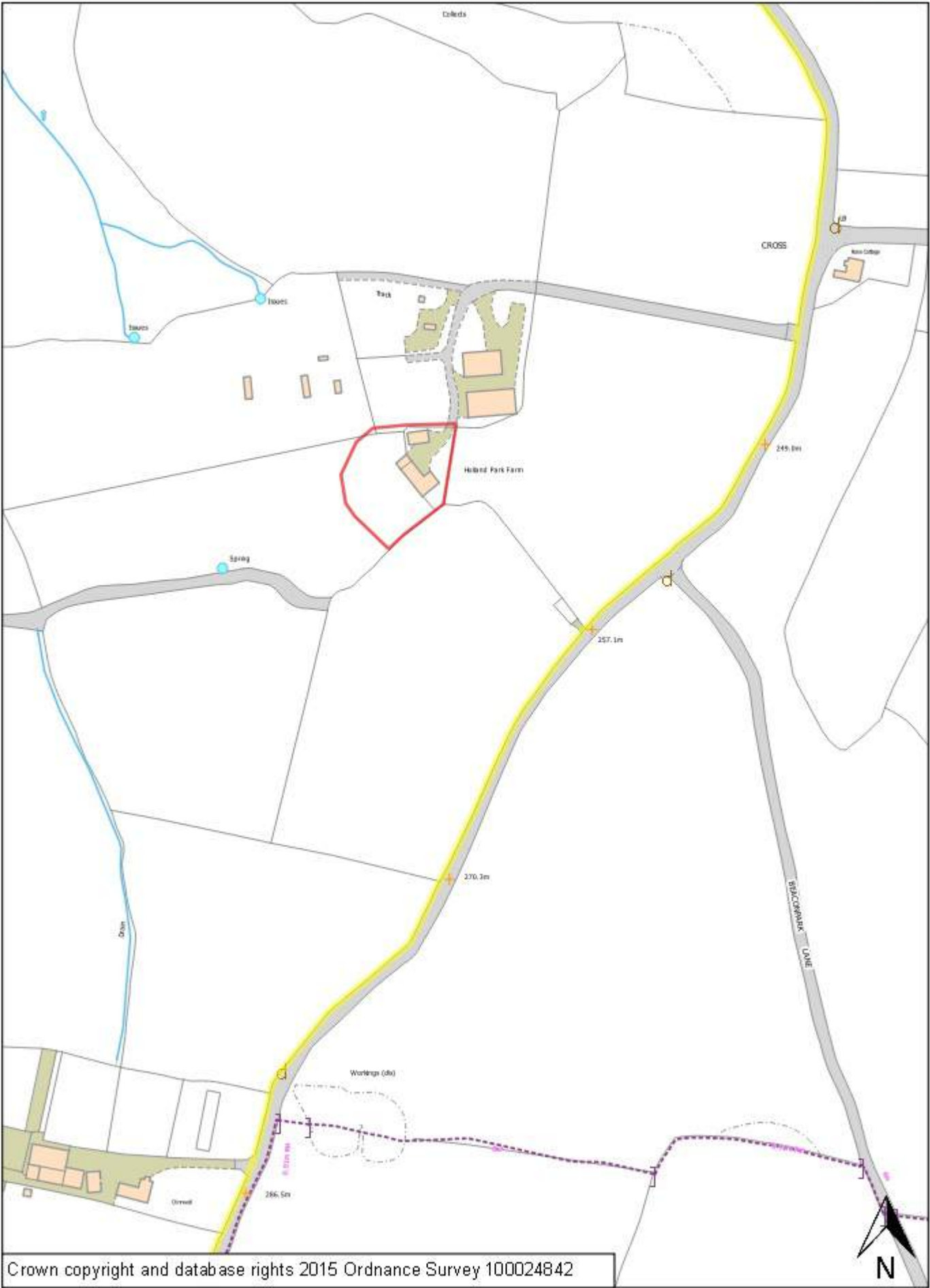
Although details of joinery have been provided no details of the internal alterations to the curtilage listed buildings have been included with the application. In particular a condition requiring vertical sections of the internal construction and internal alterations to the curtilage listed buildings including details of the insertion of new openings is considered to be inappropriate in this context.

CONCLUSION

The works which are the subject of the Listed Building Consent are described in the design and access statement and proposed floor layouts are provided, however the level of detail in respect of the impact on the fabric of the buildings of the alterations to the curtilage listed buildings in particular, is considered to be insufficient and the application is recommended for refusal accordingly.

Holland Park Farm, 0658/15

Scale 1:2,500



3. Application No: **0658/15** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **South Tawton**
Grid Ref: **SX674933** Officer: **Jo Burgess**

Proposal: **Conversion and restoration of threshing barn to agricultural workers dwelling; erection of three bay carport and part field converted to domestic curtilage**

Location: **Holland Park Farm, South Tawton**

Applicant: **Mr C Chalcraft**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposal is in an area where the Authority would only permit development which is necessary in the interests of agriculture or an established rural business. Having considered an assessment of the holding, the Authority is not satisfied that the financial test has been satisfied and therefore that the enterprise is economically viable in the long term. The proposal is contrary therefore to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23 and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. The proposed alterations by reason of their impact on the character and appearance of the threshing barn, will cause harm to the significance of the heritage asset and to this part of the National Park. The proposal is therefore contrary to policies COR1, COR3, COR5, DMD1b, DMD3, DMD9 and DMD23 of the Dartmoor National Park Authority Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012
3. The proposed carport is considered to be an excessively large domestic structure in relation to the size of the barn and it is considered that it would cause substantial harm to the setting of the local heritage asset contrary to policies COR1, COR3, COR4, COR5, DMD1b, DMD7, DMD8 and DMD9 of the Dartmoor National Park Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Holland Park Farm consists of a historic cob barn (not Listed) with the threshing floor evident, attached to which is a modern timber lean to. Immediately adjacent to the barn is the approved timber clad temporary accommodation occupied by the applicants.

To the north are two modern agricultural buildings and a field within which are located a polytunnel and chicken sheds within temporary fenced enclosures. Access is gained to the site from the road by a track.

It is proposed to convert and restore the former threshing barn to an agricultural workers

dwelling, erect a three bay car port and enclose part of the field to form a large domestic curtilage.

The application is brought before the committee in view of the comments by the Parish Council.

Planning History

0280/12	Temporary dwelling for agricultural worker		
	Full Planning Permission	Grant Conditionally	20 July 2012
0184/11	Erection of livestock building (223sqm) and polytunnel (164sqm)		
	Full Planning Permission	Grant Conditionally	10 June 2011
0385/09	Barn for storage purposes (20m x 10m)		
	Prior Notification	No objection	11 September 2009

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No objection

Environment Agency: No objection - Flood Risk Zone 1 - standing advice applies

NPS South West Ltd: There is an established functional need which relates to a full time worker and there is no existing dwelling on the unit and no other suitable accommodation in the area available. The conversion of the barn presents an opportunity to create a dwelling which is appropriate in size and scale to the business operated on the unit.

The unit has been established for at least 3 years, however, although the business showed a small profit in 2015 and the cash flow projections show clear growth in the next three years, the financial test has not been satisfied.

The proposal for a permanent agricultural workers dwelling is currently premature based on the financial test completed using figures provided by the applicant in their application and after inspection of the farm.

DNP - Ecology & Wildlife Conservation: Works to proceed in accordance with the findings and recommendations of the Bat and Breeding Bird Survey Report by JG Ecological Surveys Ltd, dated June 2015.

Historic Buildings Officer: The proposal will help to sustain this important heritage asset, however it is important to avoid over-domestication of the exterior of the barn. Various matters need to be addressed.

Parish/Town Council Comments

South Tawton PC: South Tawton Parish Council supports this application but requests that the temporary living accommodation is removed on completion.

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
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
DMD13 - Archaeology
DMD14 - Biodiversity and geological conservation
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
DMD7 - Dartmoor's built environment
DMD8 - Changes to Historic Buildings
DMD9 - The re-use and adoption of historic buildings in the countryside

Representations

None to date.

Observations

INTRODUCTION

Holland Park Farm has developed over the past six years around a historic barn formerly part of Addiscott Farm to the west. It has been in the applicants family since 1977. The applicants currently occupy temporary accommodation on the site and have spent the last six years building up the farm enterprises that exist today which consist of free range laying hens, table birds, pigs, veal and other produce. The permission for the temporary accommodation expired in July 2015.

POLICY

In accordance with the principles of sustainable development as set out in the National Planning Policy Framework (NPPF), policy COR2 proposes a settlement pattern for Dartmoor based on a planned approach to development. Outside the Local Centres and Rural Settlements of the National Park, a new dwelling will only be granted planning permission where it is required for an agricultural holding, a forestry enterprise or a rural based business. Policy DMD9 allows for the conversion of buildings outside classified settlements where the proposal relates to a historic building and where it will provide accommodation for agricultural, forestry or rural enterprise workers.

Policy COR15 refers to serving proven needs and Policy DMD23 sets out the following criteria to be met;

1) There should be a clearly established existing functional need for a worker to be readily available at most times.

In summary Holland Park Farm comprises 49.68 acres (20 hectares) of which 37 acres (15 hectares) is grassland with the remainder being woodland and woodland pasture. Since inheriting the farm which was farmed by the applicant's mother as away ground, alongside other jobs the applicants have set up and grown a farming enterprise and invested heavily in improving the land, adding suitable agricultural buildings, adding and improving the water supply, providing fencing and other infrastructure.

The applicants have an existing egg round and deliver to a range of outlets including shops, pubs and restaurants in the local area and as far afield as Dorchester. Since the temporary dwelling was approved the free range laying hen enterprise has grown to 1300 birds, a nearby egg round has been purchased and the existing livestock building is to be converted to a chicken house with slatted floor and egg conveyor and grader. This will improve the efficiency of the operation with mechanical rather than hand cleaning of the shed and an egg conveyor reducing the time to collect the eggs. Once the alterations to the livestock building have been completed the number of laying hens will increase to 2300.

Table birds are reared in batches of 25 with 3 or 4 batches per year being reared for sale.

Around 30 weaner pigs are usually on site predominantly residing in the woodland pasture and then brought in to be fattened for pork and bacon with sausage meat for scotch egg production or sausage rolls.

Ten calves are purchased at the appropriate time of the year to produce rose veal. They are predominantly out at pasture and housed to finish at around 10 months during the winter. Previously the applicants had a more traditional beef enterprise but due to feed prices rising and beef prices falling, they decided to establish a market for veal and expand the number of laying hens.

The applicant's wife produces a range of products from the raw ingredients on the farm. There is a food standards approved kitchen in the general purpose building where preparation and cooking takes place. The products are sold from the farm.

The polytunnel has been used for salad leaves but will be focussed on soft fruit production in future. This will be sold to local hotels and restaurants.

Surplus logs are also sold from the woodland, 32 acres of the land is let on an annual grass keep basis to a local farmer but this will be reduced to 25 acres once the alterations have been carried out to the building. The applicant currently spends one day a week off the farm as a thatched roof consultant and residential property surveyor. This supplementary income is not included in the cash flow forecasts.

The standard man days based on the existing numbers of stock is 520.28 and based on the expanded hen flock the calculation is 580.28. There exists a functional need for at least one full time worker based on these levels of stocking and cropping. If the business grows as predicted there will be a theoretical requirement for more than two full time workers at Holland Park Farm. The enterprises are susceptible to fox attacks so animal welfare is at risk if the applicant was not able to live at the site. Monitoring of the temperature of the polytunnel also dictates a need for a worker to be readily available at most times on site. The functional test is

therefore met and criteria (iii) which requires the accommodation need to relate to a full-time worker or one solely or mainly employed on the holding or enterprise are therefore met.

2) Criteria (iv) states that the holding or rural-based business enterprise has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so.

Unaudited accounts for 2014 and 2015 have been provided and the applicants have stated that in 2013 due to the large amount of investment in farm infrastructure the accounts had shown a greater loss. Although a small profit was made in 2015, this was just under two thirds of the £14,922 accepted as the 2016 figure for a basic standard worker rate.

Although the applicants are relatively self sufficient at the farm and probably operate on a lower than average cost of living, the policy requires that the business must be based on a sound financial basis. The lack of profit in this case is compounded when considering the capital account which shows a significant amount of money having been introduced to the business since 2014. Although the cash flow forecast for the next three years predicts a rise in income over the next three years to double the basic standard worker rate in 2016/17, this does not make any allowance for drawings. The applicants pension will subsidise his cost of living so the applicant argues that living expenses would not need to be accounted for in the forecast. The consultant concluded that when considered against the financial test this application is premature.

The full text of the agricultural appraisal was copied to the applicant. He argues that the documentation shows that the farm made a profit in excess of the standard worker rate in at least one year excluding depreciation. He also points out that they own the farm outright and have no mortgage payments and have invested significant sums of money to date and in the on-going conversion of the livestock building to house the chickens. He also argues that stock valuations have risen and that these should be included as working capital within the business.

In response to the question of including depreciation in the consideration of the financial test, the Authority's agricultural consultant has advised that this is not normal practice and depreciation is a real cost to the business. If it was to be excluded it would have a knock on effect on stock valuations and tax paid. Having considered the applicants response to her appraisal, the consultant has concluded that the financial test has not been satisfied at this stage.

3) Criteria (v) requires that the need for permanent accommodation cannot be met by another suitable and available dwelling on the holding or unit or in the locality. This test is met. The applicants sold their house in South Zeal to finance the erection of the temporary accommodation they currently occupy.

4) Criteria (vi) requires that the building should be on a scale appropriate to the functional requirement of the holding. The proposed conversion provides a total internal floor space of 151.67sqm. Putting aside the farm office the floor area is 133.43sqm for domestic accommodation. This is considered by the consultant to be commensurate with the size of the business and unit size.

It should be noted that when considered against the requirement of policy DMD26 in relation to the removal of agricultural occupancy conditions, which requires the property to be reserved for occupation by local people as an affordable dwelling, and the advice in the adopted 'Affordable Housing SPD', the proposed accommodation is twice the unit size for a two bed

house of 62 sqm.

With respect to the farm office which includes a WC and shower, the internal floor area is 18.24sqm. There is a WC and washing facilities in the general purpose building and the footprint of the existing lean-to does provide for a relatively large farm office but the necessary size for a farm office is subjective and in view of the size of the domestic accommodation in relation to the 150sqm previously accepted by DNPA elsewhere, the consultant does not consider it to be excessive.

THE BARN CONVERSION

The Threshing Barn is not listed but by virtue of its age (it is over 300 years old) it is considered to be a local heritage asset. It reflects a period of history when the only way to separate the grain from the chaff was with a flail whilst making use of the prevailing wind to remove the chaff from the threshing floor. The barn was originally constructed from cob but at some point the south facing wall was replaced with stone. There is some historical movement to the west cob gable but there has been no noticeable movement in the last 40 years. The roof was formerly thatch but is now covered with galvanised iron. The roof trusses are not in good condition.

It is proposed to utilise the existing structure as cladding by installing a 'Nudura Walling System'. This will support the ground floor, the first floor and the roof and be tied into the gable end and walls creating a cavity that will be ventilated. The stone lean to will be rebuilt as it is moving outwards despite buttresses, with the insertion of some new openings and a new door way through the gable wall into the main barn. A modern timber lean to is to be replaced and altered to form a farm office with a new door opening in the wall of the barn to gain access to the living accommodation. Two new window openings are to be made, the corrugated iron roof is to be replaced with corrugated fibre cement roofing which will contain six roof lights and two larger glazing panels and a glazed roof panel is also to be introduced into the west facing hip roof. The roof line will be levelled up.

The Historic Buildings Officer is content with the principle of retaining the former threshing barn because the proposal will help to sustain this important heritage asset; however he is concerned to ensure that both the character and significance of the heritage asset are retained through sensitive design and it will be important to avoid over-domestication of the exterior of the barn. In particular some aspects of the proposal will need to be addressed. An extension to form a 'storm porch' is proposed on the south (rear) elevation and the Historic Buildings Officer states that external flue pipes should be located internally and patent glazing should be omitted, with roof lights being adjusted to achieve maximum benefit to first floor rooms. Without these issues being resolved especially the small extension and the introduction of large areas of patent glazing, it is considered that the conversion is contrary to DMD9 in that the proposed scheme includes substantial alterations which appear to be needed to render the building capable of conversion. In order to avoid over-domestication of the exterior of the barn the details of the conversion should be re-considered.

Although Policy DMD23 looks to conversion of satisfactory buildings before new buildings to meet the need for agricultural dwellings in the countryside and the principle of conversion is acceptable, there are detailed issues to be resolved before officers can be satisfied that the proposed conversion complies with policy DMD9.

OTHER MATTERS

A large curtilage is indicated taking in a pond and paddock area. The change of use of this land will change the character of the landscape and setting of the barn and needs to be reconsidered.

A three bay car port is proposed adjacent to the barn. This will be dug into the existing bank and have an open front. It is 12 metres long and is considered to be excessive in relation to the size of the barn which is only 15m long and to be harmful to the setting and significance of the heritage asset. It is considered that it should be reduced in size.

A bat and breeding bird survey has been submitted and although no signs of roosting bats or barn owls was found, nesting house sparrows and great tits were found and signs of breeding swallows were also found. Recommendations regarding timing of works, provision of bat boxes and a barn out box are made in the report and the ecologist has requested that these should be the subject of a condition.

CONCLUSION

Officers recognise the benefits of converting an existing historic building over and above a new dwelling, where the tests for a new agricultural workers dwelling are satisfied. Clearly the applicants have invested considerable financial resources and hard work in attempting to establish Holland Park farm as a viable agricultural unit. The change of circumstances since the approval of the temporary unit of accommodation and doubts regarding the financial test mean that at this time, the provision of permanent accommodation for the agricultural worker required on the farm is considered to be premature. Further work needs to be carried out to ensure that the conversion of the barn meets the requirements of DMD9 and the financial test needs to be met to the satisfaction of the agricultural consultant before planning permission can be granted.

Members are reminded that the earlier planning permission for the temporary dwelling has now expired and is liable to enforcement action. Should Members be minded they can consider under a separate application a further temporary period (no more than 3 years) as a final attempt in proving long term viability.

Crown copyright and database rights 2015 Ordnance Survey 100024842

4. Application No: **0002/16** District/Borough: **South Hams District**
Application Type: **Full Planning Permission** Parish: **South Brent**
Grid Ref: **SX699596** Officer: **Jo Burgess**

Proposal: **Change of use to live-work unit**

Location: **Kingswood House, Exeter
Road, South Brent**

Applicant: **Mr & Mrs C Perry**

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 living accommodation on the first floor of the live/work unit hereby permitted shall not be used or occupied other than for the provision of accommodation to a person (together with their spouse or partner, children and dependents) solely or mainly working in the business on the ground floor of the building, currently known as Kingswood House and shall not at any time be used, let, sold or otherwise occupied as a separate dwelling including for holiday purposes.
3. The ground floor of the premises shall be used for Class B1 purposes only and for no other purpose (including any purpose in Class B8) of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class or permitted by Part 3, Class I(b) in the Town and Country Planning (General Permitted Development)(England) Order 2015 or in any statutory instrument revoking and re-enacting that Order with or without modification.
4. The materials to be used in the finishing of the external walls and roof of the development hereby approved and the new joinery shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.
5. Notwithstanding the drawing hereby approved, the new vehicular access door of the garage hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, be of vertical timber boarded construction.

Introduction

Kingswood House is located within the Local Centre settlement of South Brent and is a stone building with a large opening and roof light on the front elevation. The first floor already has the appearance of residential accommodation.

The ground floor is in use as a workshop used in association with the applicants business which supplies and installs electrical control systems and has been based locally since 1987. The first floor is used as the office associated with the ground floor business.

The rear of the property is fenced from surrounding residential and commercial properties. A small extension is proposed over the garage at the rear that will increase the floor area of the first floor from 87 square metres to 99 square metres. The accommodation to be provided will comprise a living room, kitchen/dining room, bathroom and two double bedrooms. It is

intended that the residential unit will be occupied by Mr and Mrs Perry.

The application has been advertised as a Departure due to there being no policy basis on which to approve a live-work unit.

Planning History

0618/04	Conversion of stone barn to dwelling		
	Full Planning Permission	Refused	27 September 2004
9/45/060/96/03	Extension and alterations to derelict barn to provide offices and stores		
	Full Planning Permission	Grant Conditionally	12 August 1996

Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
South Hams District Council:	Does not wish to comment
County EEC Directorate:	No issues from a transportation point of view

Parish/Town Council Comments

South Brent PC:	No objections
-----------------	---------------

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR18 - Providing for sustainable economic growth
COR2 - Settlement Strategies
COR21 - Dealing with development and transport issues in a sustainable way
COR4 - Design and sustainable development principles
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD21 - Residential development in Local Centres
DMD4 - Protecting local amenity
DMD40 - Parking provision - Residential
DMD41 - Parking provision - Non Residential
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

INTRODUCTION

The building was converted to an office and store in 1996 having been previously derelict and overgrown. The building is in use by the applicants business which falls within B1 (light industry appropriate in a residential area), the same use class as an office. A previous application in 2004 for conversion to residential use by the then owner was refused on the grounds of loss of employment premises.

The applicants have strong local connections having lived in South Brent for many years with their children (now grown up) going to school here and them operating businesses here since 1987.

POLICY

The National Policy Planning Framework contains a particular recommendation for live/work, stating that when drawing up their local plans, councils should 'facilitate flexible working practices such as the integration of residential and commercial uses within the same unit'.

COR18 allows for support for small scale development needed to facilitate the establishment of light industrial units and home-based enterprises, including live work units.

This proposal retains the employment use with the business employing 2 people excluding the applicants and in accordance with COR18 this proposal sustains local employment by supporting a small scale development needed to facilitate a home-based enterprise in the form of a live-work unit. A condition can require the link between the ground floor business and the first floor living accommodation to be maintained in perpetuity.

The text supporting this policy states that the residential aspect of live work units will need to be considered against COR15.

COR15 and DMD21 state that within the Local Centre a new unit of residential accommodation should be affordable. In this case the location adjacent to a garage premises and ability to link the residential accommodation to the business has led to the conclusion that it is not necessary or appropriate to require the accommodation to be affordable in this case.

IMPACT OF PROPOSAL ON CHARACTER AND APPEARANCE OF THE BUILDING

From the front of the building there will be no change to the appearance. The proposed extension will adjoin and fill the corner left by the extension approved in 1996 and will be in keeping with the building.

IMPACT ON RESIDENTIAL AMENITY

The existing B1 use by definition does not have an impact on residential amenity. The impact on the properties to the rear is negligible due to the intervening landscaping and enclosure and the new first floor window will only overlook gardens at London House that are already overlooked. It is considered that the proposal is in accordance with policies COR4 and DMD4.

It should be noted that permitted development rights for the change of use of B1(a) offices to dwellinghouses do not apply in National Parks. However, permitted development rights do exist under Class I in respect of change of use from B1 to storage and distribution (B8). It is therefore considered appropriate to impose a B1 use class restriction of the work element and remove Part I permitted development rights as B8 would not be an appropriate use for this building in such close proximity to residential properties and with restricted manoeuvring spaces available within the site.

CONCLUSION

This application has been advertised as a Departure from the Development Plan because

policy would normally require a new unit of residential accommodation in a Local Centre such as South Brent to be affordable.

However, the NPPF and Policy COR18 give general encouragement to live work units. This proposal has been the subject of discussion with the applicants prior to formal submission.

On balance, officers consider that provided a condition is imposed limiting the occupancy of the first floor to being in association with a business use on the ground floor, the value of the residential accommodation would be reduced and limited in terms of occupancy, so the normal requirement for affordable housing does not have to apply in this case. The conditions restrict occupancy and use of the building but this is not a personal permission. The conditions allow a future occupier and business use to take place without the need for a further planning permission.

The proposal is considered to be sustainable development that will deliver a positive economic, social and environmental outcome, that will deliver National Park purposes and will foster the economic and social well-being of the local community.

Crown copyright and database rights 2015 Ordnance Survey 100024842



5. Application No: **0017/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Burrator**
Grid Ref: **SX541700** Officer: **Jo Burgess**

Proposal: **Erection of machinery and hay store**

Location: **Welltown Farm, Walkhampton**

Applicant: **Mr R Glanville**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed building by virtue of its size and isolated location will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the need for a building of this size is proportionate to the use of the land in the agricultural holding. It is therefore considered that it does not demonstrate a scale and form that is well related to its function, contrary to policies COR1, COR3, DMD4, DMD7 and DMD34 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

Welltown Farm is a Grade II* Listed Farmhouse in a small hamlet near Walkhampton.

The site for the proposed machinery and hay store is in the corner of a field approximately 100m from the Listed Farmhouse with a private access lane alongside and hedge to the east.

The application is brought before Committee in view of the parish council comments.

Planning History

0618/15	Implement and hay store barn		
	Prior Notification	Planning Permission Required	14 December 2015
0266/15	Agricultural building (102sqm) for storage of cattle, hay and tractors		
	Full Planning Permission	Withdrawn	17 July 2015

Consultations

West Devon Borough Council: Does not wish to comment
County EEC Directorate: No highway implications
Environment Agency: Flood zone 1 standing advice

Parish/Town Council Comments

Burrator PC: Support

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR18 - Providing for sustainable economic growth

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

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

DMD5 - National Park Landscape

Representations

None to date.

Observations

INTRODUCTION

The building is a two storey (4.75m high) building measuring 14.6m x 6m - with three bays for the storage of machinery on ground floor and hay storage on the first floor.

PLANNING HISTORY

This application follows an application for Prior Notification for the same building in the same location. The decision in respect of that application was that the proposed building was not reasonably necessary for agriculture on the identified land therefore planning permission was required.

The same building was previously the subject of a planning application in the same field but on a site much closer to the Listed Building. The application was withdrawn due to concerns regarding the proximity to the Listed Building and other dwellings.

LAND OWNERSHIP

At Welltown the applicant owns one field which is 1.45ha (3.5 acres) and has a herd of 15 pedigree Red Poll cattle running on this and rented land nearby. The applicant has recently bought 46 acres (18 ha) at Horndon.

THE BUILDING

The building is proposed for storage of a medium size tractor, a small digger, trailer, flail mower and a quad. Hay is to be stored on the first floor with a access door in the south west elevation.

Additional information has been provided with this application but assessed against policy DMD34 although there is clearly a need to store some machinery, it is not considered that the building is proportionate to the use and size of the land and is too large. Although timber cladding and a profiled roof are proposed as is the norm for modern agricultural buildings the height and length of the building is such that it is not considered to demonstrate a scale and

form related to its function.

The building is located in the corner of a field completely isolated from any other buildings and although the hedge to the north east will provide some visual screening and the building is in a valley, in terms of landscape character it does not relate well to the local landscape and will not conserve or enhance the character and special qualities of this part of the Dartmoor landscape as is required by policy DMD5.

OTHER MATTERS

The site is very wet and there is no information about a track or hardstanding which will only add to the impact on the character of the landscape.

The applicant points to a building nearby. This was approved in 2010, prior to the adoption of the DMDPD and associated guidance in respect of landscape character assessment and assessing the impact on the setting of listed buildings.

CONCLUSION

The proposed building is considered to be too large in proportion to the size of the land and number of stock held. It is to be located in an isolated location well away from other buildings and as such will have a detrimental impact on the character of the landscape. It is therefore not considered to be in accordance with policies DMD5 and DMD34

NPA/DM/16/010

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

04 March 2016

MONITORING AND ENFORCEMENT

Report of the Head of Planning

INDEX

Item No. **Description**

- | | |
|----|---|
| 1. | ENF/0011/16 - Unauthorised use of land as a caravan site, Nurston Bungalow, Dean Prior, South Brent |
|----|---|

ENF/0011/16

Scale 1:1,250



1	Enforcement Code: ENF/0011/16	District/Borough: South Hams District
	Grid Ref: SX720640	Parish: Dean Prior
		Officer: Keith Palmer

Description:	Unauthorised use of land as a caravan site
Location:	Nurston Bungalow, Dean Prior, South Brent
Land owner:	Mr Simon Mabin
Recommendation	That, subject to the consideration of any comment from the Parish Council, the appropriate legal action be authorised to: 1. Cease the unauthorised use of the land for the siting of a mobile home for residential purposes, and 2. Remove the unauthorised mobile home and decking from the land.

Relevant Development Plan Policies

COR1 & DMD1a – Sustainable Development

COR2 – Development in the Countryside

COR15 & DMD23 – Provision of housing to meet the proven needs of rural workers.

DMD1b – Delivering National Park purposes and protecting Dartmoor's Special Qualities

DMD4 – Protecting local amenity.

DMD28 – Residential caravans.

Representations & Parish/Town Council Comments

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

Observations

INTRODUCTION

In 2006 a mobile home was brought onto the land at Nurston Bungalow. It was occupied by Simon Mabin (the son of the land owners), his partner and their children. As the mobile home lacked cooking facilities, Officers allowed the mobile home to remain as ancillary accommodation to the primary dwellinghouse.

In September 2013, it was brought to the Authority's attention that a second mobile home had been brought onto the land and sited within the residential curtilage of Nurston Bungalow. The landowners claimed the mobile home was a replacement for the one brought on in 2006, which they said was leaking and uninhabitable. Despite being advised to remove the leaking and inhabitable mobile home from the land, it was simply dragged towards the boundary of the land and left up against the hedgerow, where, at the time of this report, it remains. The second mobile home is being occupied by Simon Mabin for residential purposes.

This case has been brought to the Committee for consideration as the second mobile home is occupied by Simon Mabin, and the recommended legal action will affect his home. The 2006 mobile home, and a further touring caravan situated on the land, are not occupied and so these cases are being dealt with separately.

BREACH OF DEVELOPMENT CONTROL

In October 2015, a planning enforcement officer visited the land in connection with another matter and noted that there were three caravans within the residential curtilage. One was the mobile home

brought onto the land in 2013, and occupied by Simon Mabin; the second was the mobile home seen on the land in 2006 and now deposited against the boundary hedge; and the third, was a touring caravan stationary on the driveway to the bungalow occupied by Mr Mabin's father Christopher. When questioned about his occupation of the mobile home, Simon Mabin told the officer that a mobile home had been in that position for more than ten years and that it had been approved by the Authority.

The Authority has been advised that the mobile home has both cooking and washing facilities as well as two bedrooms, and that Simon Mabin has chosen to reside in the mobile home as his 11 and 6 year old sons visit him occasionally and because he works nights as a security guard and did not want to disturb his father.

The mobile home is a caravan, as defined by section 29(1) Caravans Sites and Control of Development Act 1960, and is capable of being removed from the land in one piece. A caravan is a chattel, not a building, and so it is the use of the land that calls to be assessed.

The use of a caravan in a residential curtilage for "purposes incidental to the enjoyment of the dwellinghouse", falls within the primary use of the dwelling so it is excluded from the definition because an incidental use of land is not development. It is the actual use of a caravan in relation to the primary dwelling that is determinative rather than its potential to be occupied as a self-contained residential unit.

Unlike the previous mobile home, the use of the mobile home by Simon Mabin is not incidental to the primary use of Nurston Bungalow. Simon is the son of the landowner/occupier of the primary dwelling, not a servant/employee and the primary dwelling has within sufficient accommodation for both Simon Mabin and his father Christopher Mabin.

An area of elevated decking has been erected at the end of the mobile home and is being used in association with it. The decking is considered to be detrimental to this part of the National Park and if allowed to remain, will have an even greater impact if and when the mobile home is taken away. The removal of this area of decking is therefore included as part of the recommendation.

NEED FOR A RURAL WORKER

Christopher Mabin is dairy farmer with approximately 200 head of cattle on an agricultural holding comprising approximately 50ha. Christopher Mabin is disabled and argues that his son Simon is required to assist him on the holding. However, Christopher Mabin has not proven a need for an additional rural worker to reside on the holding. If a need for an additional rural worker was proven, Policy DMD28 restricts the siting of mobile homes for residential use to agricultural holdings in a 'start up' phase. The rural business operated by Mr Mabin is an established farming enterprise; therefore the siting and use of the mobile home by Simon Mabin would be contrary to policy.

Section 171B Town and Country Planning Act 1990, as amended, provides two different time-bars for enforcement action against a 'breach of planning control' according to the type of breach. In summary, it provides a time-bar of four years from substantial completion of building or operational development; four years for the change of use of a building to use as a single dwelling house; and ten years for any other breach, including change of use of land and breach of conditions.

The mobile home was brought onto the land in 2013, replacing a mobile home of similar size that was had been brought to site in 2006. Albeit that a mobile home had been on the land since 2006, the current residential mobile home is being used in a different way. As such, the time-bar for taking enforcement action was restarted in 2013.

The mobile home is currently being used as a separate residential planning unit, not as accommodation incidental to the use of the primary dwelling, and constitutes a "breach of planning control" consisting in "the change of the use" of land within the meaning of s.171B(3).

On the balance of probabilities this change of use occurred less than ten years ago, therefore, enforcement action can still be taken to cease the unauthorised use, should Members be minded to do so.

KEY ENFORCEMENT ISSUES

The expediency for Enforcement action has been assessed with reference to guidance contained in the National Planning Policy Framework (NPPF) and with regard to the relevant Development Plan policies.

The NPPF, Chapter 7, paragraph 55 advises that to promote sustainable development in rural areas, LPA's should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This aim is reflected in Dartmoor National Park Authority Local Development Framework policies.

In this particular case, the owner of Nurston Bungalow has not demonstrated that an additional dwelling on the land is required to meet the needs of an essential rural worker.

HUMAN RIGHTS ACT

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and the Authority's policies. This will enable them to make an informed decision in respect of an application.

In addition, Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Authority to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

The power to issue an Enforcement Notice is discretionary and should only be used where the Local Planning Authority are satisfied that there has been a breach or breaches of planning control. It must also be satisfied that it is expedient to issue the Notice having regard to the provisions of the Development Plan and to any other material considerations. Consequently the decision must be based on the particular circumstances of each individual case.

The decision to take enforcement action must be reasonable and not based on irrational factors or taken without proper consideration of the relevant facts and planning issues or based on non-planning grounds. Enforcement action should not be taken purely to regularise the situation.

CONCLUSION

The siting and use of the mobile home has resulted in an open market unit of residential accommodation in the countryside, outside any defined settlement limit. This is unauthorised development contrary to the DNPA Local Development Framework and to advice contained in the NPPF.

The breach of development control is considered unacceptable and enforcement action to protect the interests of the National Park, its users and the wider community is considered necessary and in the public interest. Having regard to the development plan and other material considerations, the issue of an enforcement notice requiring the cessation of the unauthorised residential use of the land at Nurston Bungalow and for removal of the mobile homes from the land is considered expedient. Consequently, Members are requested to authorise the appropriate legal action.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

04 March 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/15/3135280	District/Borough:	West Devon Borough
Appeal Type:	Refusal of Full Planning Permission - Householder	Parish:	Chagford
Proposal:	New garage and modification to existing entrance		
Location:	Waye Hill House, Chagford		
Appellant:	Mr & Mrs M Driscoll		
Decision:	ALLOWED		

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

1 Application No:	W/15/3140928	District/Borough:	South Hams District
Appeal Type:	Refusal of Prior Approval	Parish:	Dean Prior
Proposal:	Erection of two barns (14.3m x 13.6m and 24.6m x 7.9m)		
Location:	Hillyfield Plantation & Tom's Brake, Harbournford, South Brent		
Appellant:	Mr D King-Smith		

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

04 March 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/0016/15 | District/Borough: West Devon Borough |
| | Grid Ref : SX674897 | Parish : Throwleigh |
| | Breach : Unauthorised alteration to agricultural building (large metal doors/sides) | |
| | Location : North Wonson Farm, Throwleigh | |
| | Action taken /
Notice served
. | Enforce |
-
- | | | |
|---|--|--|
| 2 | Enforcement Code: ENF/0022/16 | District/Borough: South Hams District |
| | Grid Ref : SX618583 | Parish : Cornwood |
| | Breach : Unauthorised treehouse | |
| | Location : The Coach House, Whingreen Court, Cornwood | |
| | Action taken /
Notice served
. | No further action taken |
-
- | | | |
|---|--|--|
| 3 | Enforcement Code: ENF/0072/12 | District/Borough: South Hams District |
| | Grid Ref : SX720620 | Parish : Dean Prior |
| | Breach : Timber & tented buildings, Yurt, caravans and non-forestry vehicles nad trailers | |
| | Location : The Hillyfield, Harbourneford, TQ10 9DT | |
| | Action taken /
Notice served
. | Enforce |

4 Enforcement Code:	ENF/0191/13	District/Borough:	West Devon Borough
Grid Ref :	SX674897	Parish :	Throwleigh
Breach :	Unauthorised shipping container		
Location :	North Wonson Farm, Throwleigh		
Action taken / Notice served	Enforce		
.			

STEPHEN BELLI

enfdelcommrpt