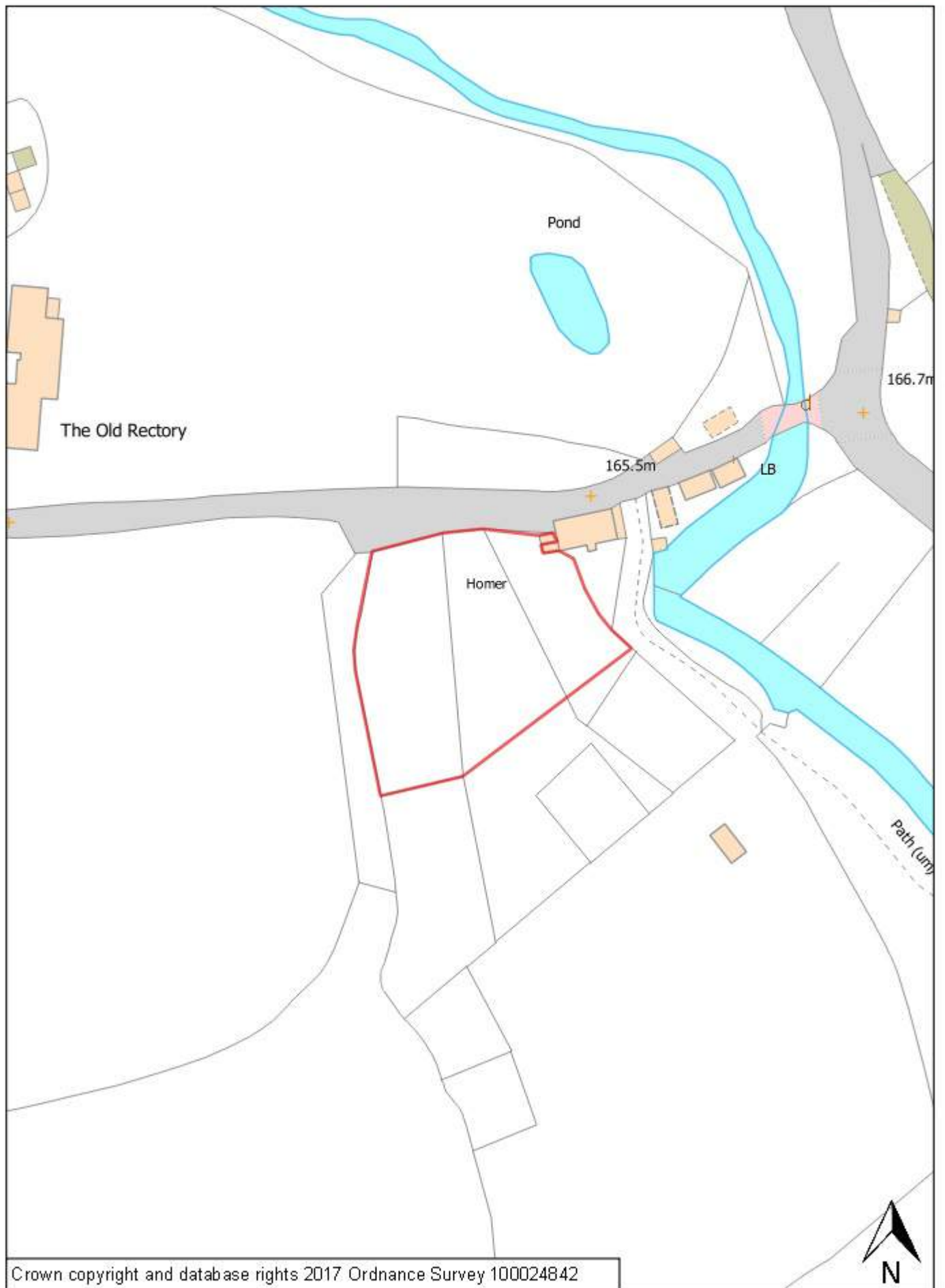


Homer, Mary Tavy - 0653/16



Scale 1:1,000



DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

03 March 2017

SITE INSPECTIONS

Report of the Head of Planning

1 Application No: **0653/16** District/Borough: **West Devon Borough**
 Application Type: **Full Planning Permission** Parish: **Mary Tavy**
 Grid Ref: **SX507788** Officer: **Jo Burgess**

Proposal: **Creation of new access drive and gate to agricultural fields including taking down of existing bank and hedgerow**

Location: **Homer, Mary Tavy**
 Applicant: **Mr & Mrs A Cartwright**

Recommendation: **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed vehicular access by reason of the extent of the loss of an important hedgerow and hedge bank, the engineering works required and dimensions of the access as shown and as required by the highway authority, will have a harmful visual impact on and detract from the character and appearance of this part of the lane and the Mary Tavy Conservation Area. The proposal is therefore contrary to policies COR1, COR2, COR3, DMD3, DMD5, DMD12 and DMD38 of the Dartmoor National Park Authority Development Plan, to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and to the National Planning Policy Framework 2012.

The panel convened at the roadside where the proposed entrance had been marked out on the ground by the applicant. The Highways Officer clarified that the design, surfacing, geometry and drainage of the new access met highways requirements.

The Members attention was drawn to the entrance at 'The Rectory' and the officer confirmed that it was formed some years ago (in 2000) before policy DMD38 and the Landscape Character Assessment were in place. Members walked through the existing entrance to the rear of the dwelling to view the location of the access track which was also marked out.

The Parish Council representative pointed out that there are other new and enlarged entrances further west along the lane, and advised that the Parish Council considered there to be benefits in terms of highway safety and that the new hedges would more than compensate for the loss of hedgerow (from an ecological point of view)

The Borough Council representative was unable to be present and sent his apologies.

Generally Members were concerned that the design was over-engineered in order to meet highway requirements, were cautious about approving such a design but felt that a reliance on the A386 access would be inappropriate. Some Members were in agreement with the recommendation and considered that the impact on the character of the lane was wholly unacceptable. Others considered that in the context of nearby entrances, the arguments were finely balanced between the practical and safety benefits of the access and the impact on the character and appearance of the Conservation Area, the character of the lane and the wider area.

STEPHEN BELLI

ORIGINAL REPORT TAKEN TO DEVELOPMENT MANAGEMENT COMMITTEE ON 02.02.2017

3. Application No: **0653/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Mary Tavy**
Grid Ref: **SX507788** Officer: **Jo Burgess**

Proposal: **Creation of new access drive and gate to agricultural fields including taking down of existing bank and hedgerow**

Location: **Homer, Mary Tavy**

Applicant: **Mr & Mrs A Cartwright**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed vehicular access by reason of the extent of the loss of an important hedgerow and hedge bank, the engineering works required and dimensions of the access as shown and as required by the highway authority, will have a harmful visual impact on and detract from the character and appearance of this part of the lane and the Mary Tavy Conservation Area. The proposal is therefore contrary to policies COR1, COR2, COR3, DMD3, DMD5, DMD12 and DMD38 of the Dartmoor National Park Authority Development Plan, to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and to the National Planning Policy Framework 2012.

Introduction

Homer is a two-storey dwelling located within the Rural Settlement of Mary Tavy. It is also within the Conservation Area. Adjacent to the property are fields totalling 16 acres in the ownership of the applicant.

It is proposed to remove an existing earth bank and hedge in order to form a new vehicular access to the fields to the immediate west of the dwelling to gain access to the fields to the west of the Cholwell Brook.

The application is presented to Committee because of the comments of the Parish Council.

Planning History

0306/08	Extension to provide garden room, new staircase and bedroom		
	Full Planning Permission	Grant Conditionally	06 June 2008
0071/08	Extension to provide garden room, new staircase and bedroom		
	Full Planning Permission	Withdrawn	20 March 2008

Consultations

Environment Agency:	Flood Risk Zone 1 - standing advice applies
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	The proposed access is acceptable in principle from a highway point of view and provided with suitable geometry and visibility. However, the verge back to the fence forms part of the publicly maintained highway so the construction of the access within the limits of the public highway will

need to comply with the highway authority requirements and will need to be the subject of an appropriate licence from the highway authority. The electricity pole will also need to be relocated.

DNP - Building Conservation Officer:

No objection - no built heritage implications

DNP - Trees & Landscape:

The development will require the removal of a section of 'important' hedgerow. The new access will compromise part of a medieval field system and have a detrimental impact on the character of the narrow winding lane, which is identified as a valued attribute of this landscape type. The access will be visually intrusive in comparison to the existing historic boundary.

The development because of its scale, layout and design does not conserve or enhance what is special or locally distinctive of this part of the Dartmoor's landscape.

DNP - Ecology & Wildlife Conservation:

Works to proceed in accordance with the findings and recommendations of the Ecological Scoping and Hedgerow Assessment

Devon County Council (Flood Risk):

No objections from surface water drainage perspective.

Parish/Town Council Comments

Mary Tavy PC:

The Parish Council fully supports the application because current access is very poor. It is felt that the new access would help the small rural business which is run from the property and will have no detrimental effect on the surroundings or near neighbours

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

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

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

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

COR8 - Meeting the challenge of climate change

DMD12 - Conservation Areas

DMD14 - Biodiversity and geological conservation

DMD1a - Presumption in favour of sustainable development

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

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD38 - Access onto the highway

DMD4 - Protecting local amenity

Representations

None to date.

Observations

INTRODUCTION

Homer is a dwelling with 16 acres of land attached on both sides of the Colley Brook. Access to the dwelling is via a 2.2m wide gate adjacent to the house and parking and garaging is located on a small triangle of land on the opposite side of the road.

There are field gates to the land east of Cholwell Brook and a gate is shown off the A386 to the fields to the south west of the dwelling.

The applicant states that access to the fields is proposed to allow convenient access for bringing animal feed, straw, hay and animals onto the land; however site inspection demonstrates that the access terminates within the extended domestic curtilage immediately to the side and rear of the dwelling.

THE PROPOSAL

It is proposed to create a new access point immediately to the west of Homer. The existing earth bank and small stone retaining wall will be removed across the full width of 16m along with the hedge above. The bank height above the road averages around 1.7m with the hedge an additional 1m. The field level is approximately 1.5m higher than the road and thus the bank and hedge are reduced on the field side.

The access drive will be 4m in width and slope up from the road at approximately 1 in 11. A new field gate will be set back 10m from the road to allow vehicles and trailers to pull off the road and thus avoid any interference with traffic flow. Vision splays of 20m are provided, sufficient for the 30mph speed limit as set out by Devon County Highways. These areas will be kept free of any planting and obstructions above 600mm.

The apron to the access will be concrete with a galvanised slot drain across the junction to prevent any surface water spillage onto the road. This will drain into the existing system running down the hill in front of the dwelling.

New timber post and rail fencing will be provided with a hedge planted in front and behind it. The mix of species will match the former hedge.

The access beyond the gate will be surfaced with stone chippings with a hammerhead to provide a turning area.

POLICY

COR1 requires development to respect or enhance the character, quality or tranquillity of the local landscape. COR3 requires development to conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities, including field boundaries, lanes, historic landscapes and features.

The site is in the Conservation Area where policy DMD12 is relevant.

Policy DMD38 applies to new accesses onto the public highway and states that new accesses

will only be granted where a safe access can be provided in a way which does not detract from the character and appearance of the locality. Particular attention should be given to the need to retain hedge banks, hedges and walls and roadside trees.

HIGHWAY SAFETY

The plans show an access that complies with highways and drainage requirements. It therefore complies with COR21.

IMPACT ON CONSERVATION AREA

Although the new access has no implications on the built environment, the lane is an important link between the Mary Tavy Inn and the old village surrounding the church. Stone banks in the Conservation Area make an important contribution to the rural character of enclosures throughout the village.

IMPACT ON HEDGEROW AND LANDSCAPE CHARACTER

The bank and associated hedgerow to be removed appear on the Mary Tavy Tithe map and as such the hedgerow is classed as important. Its removal and the creation of a very large engineered access splay not only has a detrimental impact on the historic hedgerow but also on the rural character of the lane. It will neither preserve or enhance the character and appearance of the Conservation Area or this part of the Dartmoor landscape.

The field system immediately around Homer is likely to be medieval in origin. The site is a small paddock associated with the dwelling which is now being described as a farmhouse. The surrounding landscape comprises medium sized fields enclosed with Devon hedge banks, the fields being used for grazing. Small narrow winding lanes link the settlements and isolated properties.

The Landscape Character Assessment valued attributes for 1D Inland Undulating Elevated Land include the strong medieval field pattern and scattered villages, hamlets and farmsteads linked by narrow lanes. Narrow lanes are a defining feature of this landscape and the proposed access, because of the size and scale of the engineering works, will have a detrimental impact on the character of the lane.

DMD5 is very clear that development should conserve and/or enhance the character of Dartmoor's landscape and this development will not do this because it does not respect the valued attributes of the landscape type. It will be very visible and although a new native hedge is proposed along the new internal field boundary, it will not retain the historical character of the landscape.

Reference is made to a new access at The Old Rectory 50m to the west, however this was permitted in 2000, prior to the Landscape Character Assessment and in this case an existing access was closed and there was no net loss of hedgerow.

CONCLUSION

It is acknowledged that the applicant has complied with highway and drainage requirements and attempted to mitigate the visual impact of the new access. It is also recognised that access to the rear of the dwelling and fields beyond is not straightforward especially when transporting bulk materials or stock.

However, the historic nature of the hedge and hedge bank mean that it contributes to the character and appearance of the lane, the character of the wider landscape and the Conservation Area. The creation of a large engineered access will not conserve or enhance what is special or locally distinctive of this part of Dartmoor's landscape and the proposal is therefore considered to be unsustainable development contrary to the policies set out and the advice in the NPPF.

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

03 March 2017

APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Report of the Head of Planning

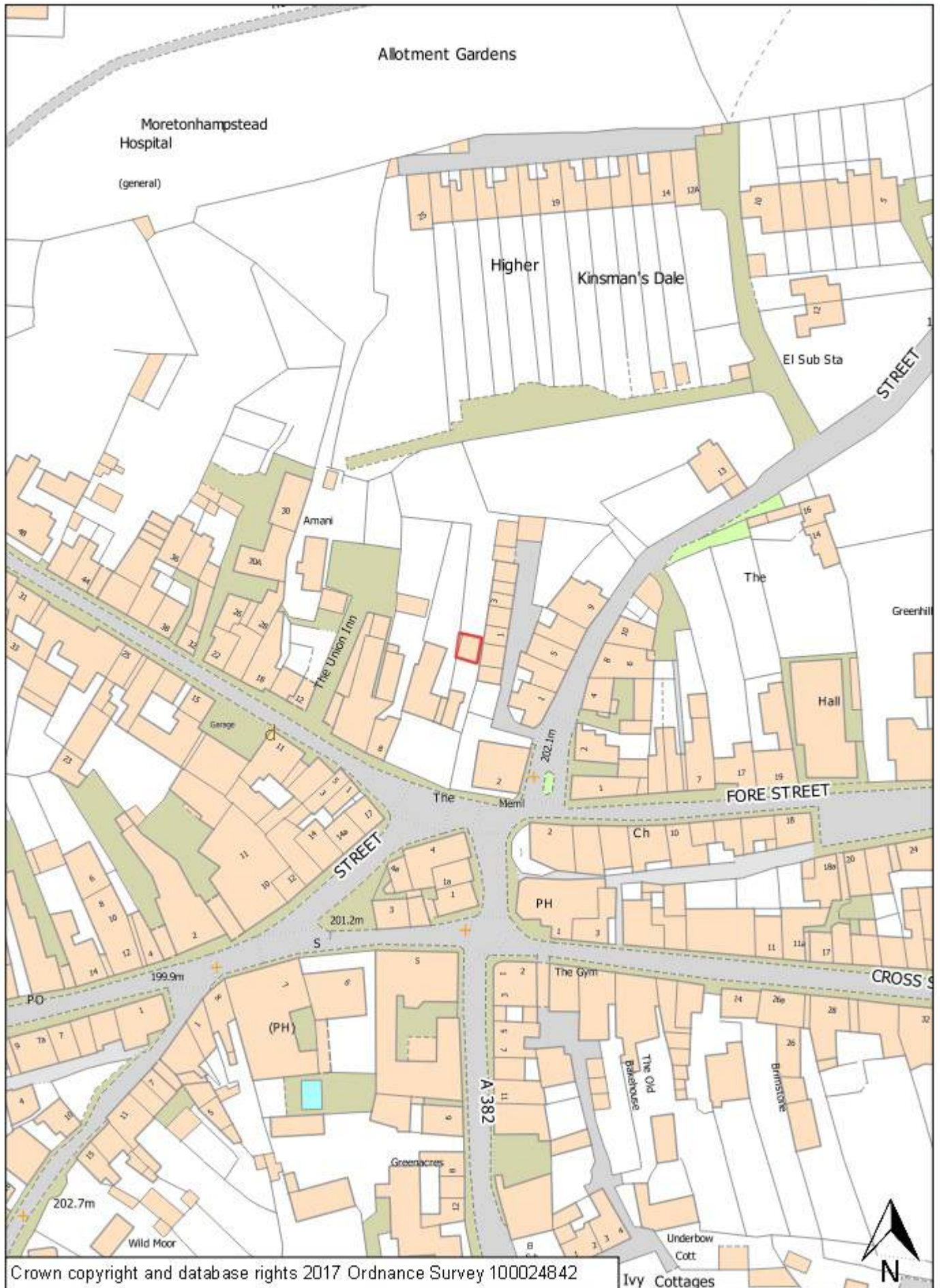
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2 Ford Street Morton'd 0026/17



Scale 1:1,250



1. Application No: **0026/17** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Moretonhampstead**
Grid Ref: **SX753861** Officer: **Jo Burgess**

Proposal: **Removal of monopitch roof, construction of new pitched natural slate roof and re-instatement of window**

Location: **2 Ford Street,
Moretonhampstead**

Applicant: **Ms S Boulton**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. In the absence of sufficient information to demonstrate that the use of and works to the building will not reduce the levels of amenity enjoyed by the occupiers of nearby properties, the development is considered to be contrary to policies COR4 and DMD4 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. In the absence of sufficient information to demonstrate that the development will not have an unacceptable impact on the significance, character and appearance of the building or the wider Conservation Area the development is considered to be contrary to policies COR5, DMD8 and DMD12 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

The building is a monopitch building at rear of 2 Ford Street (the fire damaged site) in Mortonhampstead.

It is proposed to remove the monopitch roof, replace with a new pitched slate roof and the installation of windows at first floor level.

The application is presented to Committee because of the comments of the Parish Council.

Planning History

0639/15	Change of use from former cottages to café and rear toilet extension Full Planning Permission	Refused	08 April 2016
0341/10	Renewal of permission ref 0451/05 in respect of construction of two-storey extension and incorporation of covered way into dwelling Full Planning Permission - Householder	Withdrawn	08 October 2010
0503/08	Removal of monopitch roof, construction of new pitched roof and reinstatement of original window to existing barn Full Planning Permission	Grant Conditionally	24 September 2008

0691/05	Removal of temporary monopitch roof and construction of new pitched roof and reinstatement of original window	Full Planning Permission	Grant Conditionally	28 October 2005
0692/05	Removal of temporary monopitch roof and provision of new pitched roof and reinstatement of original window	Listed Building Consent	Grant Conditionally	28 October 2005
0355/00	Removal of temporary monopitch roof to barn & provision of new pitched roof and reinstatement of original window	Listed Building Consent	Grant Conditionally	04 August 2000
0354/00	Removal of temporary monopitch roof and construction of new pitched roof and reinstatement of original window	Full Planning Permission	Grant Conditionally	04 August 2000

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	Flood Risk Zone 1 - standing advice applies
DNP - Building Conservation Officer:	There is insufficient material submitted to allow an informed assessment of the importance of this building to be made and to assess the impact of the works on the structure. The building is in a poor condition and it needs to be demonstrated that the walls can be raised up without substantial rebuilding. There is no report from a structural engineer to verify this.
DNP - Ecology & Wildlife Conservation:	Works to proceed in accordance with the findings and recommendations of the Bat and Nesting Birds Assessment statement [George Bemment Associates, dated 13 February 2015].
DNP - Archaeology:	To be reported

Parish/Town Council Comments

Moretonhampstead PC:	The Parish Council supports the application for the removal of monopitch roof, construction of new pitched natural slate roof and re-instatement of window at 2 Ford Street. It was suggested an obscured window be considered.
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Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR2 - Settlement Strategies
- COR3 - Protection of Dartmoor's special environmental qualities
- COR4 - Design and sustainable development principles
- COR5 - Protecting the historic built environment
- COR6 - Protecting Dartmoor's Archaeology
- COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
- DMD12 - Conservation Areas

DMD13 - Archaeology

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

DMD8 - Changes to Historic Buildings

Representations

1 letter

The neighbours have made a neutral comment but would welcome consideration of a condition that the proposed windows be in opaque glazing to preserve privacy.

Observations

INTRODUCTION

2-4 Ford Street is part of the fire damaged site at the centre of Mortonhampstead. Following the fire in 2007 the frontage Grade II* buildings on the site were demolished whilst the buildings at the rear have remained. The properties were subsequently de-listed. In order to encourage appropriate redevelopment of this important site at the heart of the Conservation Area, in 2010 the Authority commissioned a consultant to produce a design brief for the site which was adopted as Supplementary Planning Guidance in March 2011.

The building is a stone building with a corrugated roof towards the rear of the plot. The building visible from the front of the site has no authorised commercial or residential use. Unauthorised work has been carried out to this building and is being monitored by the Enforcement team. Planning permission was refused (0639/15) for it to be used as a café.

PLANNING HISTORY

This building has been the subject of several applications to replace the roof, but in the context previously of a mixed residential and commercial use of the site. The 2008 consent restricted the use of the building to 'domestic purposes' as it was envisaged the mixed use would continue in the replacement buildings on the frontage of the site.

USE OF THE BUILDING

It is stated in the application that the building is to be used for storage. The application form indicates that this will not be residential storage. However, as it stands there is no authorised use of the site with which to link the use of the building. It is critical that the Authority has control over the use of the extended building to prevent its use having an impact on the adjoining residents especially in Eagle Place.

The building plans indicates a staircase to the upper level where windows are shown in the new gables of the building, but no details of the floor are given. The properties on Eagle Place have windows at ground and first floor level and without additional information on floor levels and use it is impossible for an assessment to be made regarding the extent of any loss of amenity which may result from the works to and use of the building. This is required in relation to policy DMD4.

BUILT ENVIRONMENT

The site is within the Conservation Area and there appears to have been a building on this site since the mid 1800s. The addition of the pitched roof is speculative as there is no evidence for the alterations proposed and the Building Conservation Officer is concerned that without a structural engineers report, there will have to be substantial rebuilding to enable the addition of the first floor and new roof structure.

The applicant has described the building as a barn, and sets out how it faces onto a small courtyard to the rear of the other buildings. It is argued that the works are an enhancement of the building resulting in a roof which will be lower than the adjacent roofs.

Previously in 2008 the introduction of a pitched roof where a monopitch roof currently exists was considered to be acceptable; however at that time there was no requirement to assess the impact of works on the significance of heritage assets, including designated heritage assets such as the Conservation Area. Although the applicant has included reference to the impact on the Conservation Area and addressed the 2011 design brief, it is considered that in the absence of any evidence to prove that a pitched roof previously existed : on what appears to have been a pigsty, the addition of the roof is speculative. The increase in the bulk of the building will have an impact on the wider area and the hierarchy of the buildings on the former burgage plots. It is not therefore not possible to conclude that the works will preserve or enhance the character or appearance of the conservation area as is required by policy DMD12.

In the nine years since the previous permission the building has deteriorated and in this context the submission of a report from a structural engineer is considered essential to demonstrate that the remaining fabric of the building can be retained. If the building has to be substantially demolished to enable the new roof to be installed, further policy tests will need to be met.

ARCHAEOLOGY

The site is within the Conservation Area where there is a reasonable chance of archaeological deposits. The advice of the archaeologist will be reported at the meeting.

ECOLOGY

The Ecologist has requested a condition in respect of nesting birds in accordance with COR7 and DMD14.

CONCLUSION

The applicant states that the application is effectively a renewal of the 2008 permission. In light of the change to the circumstances of the site, not least the refusal of permission for the café and the absence of an authorised use for the buildings remaining on the site, it is essential that the issue of use and the first floor arrangement within the building is clarified before planning permission can be granted for any works to this building. This is for legal reasons but also in order that an assessment can be made as to whether or not in the context of the close relationship with the neighbouring property, that use is appropriate.

Works to a historic building in a Conservation Area need to be justified and supported by adequate information to demonstrate that the works to the building will preserve or enhance the character and appearance of the Conservation Area. This information has not been

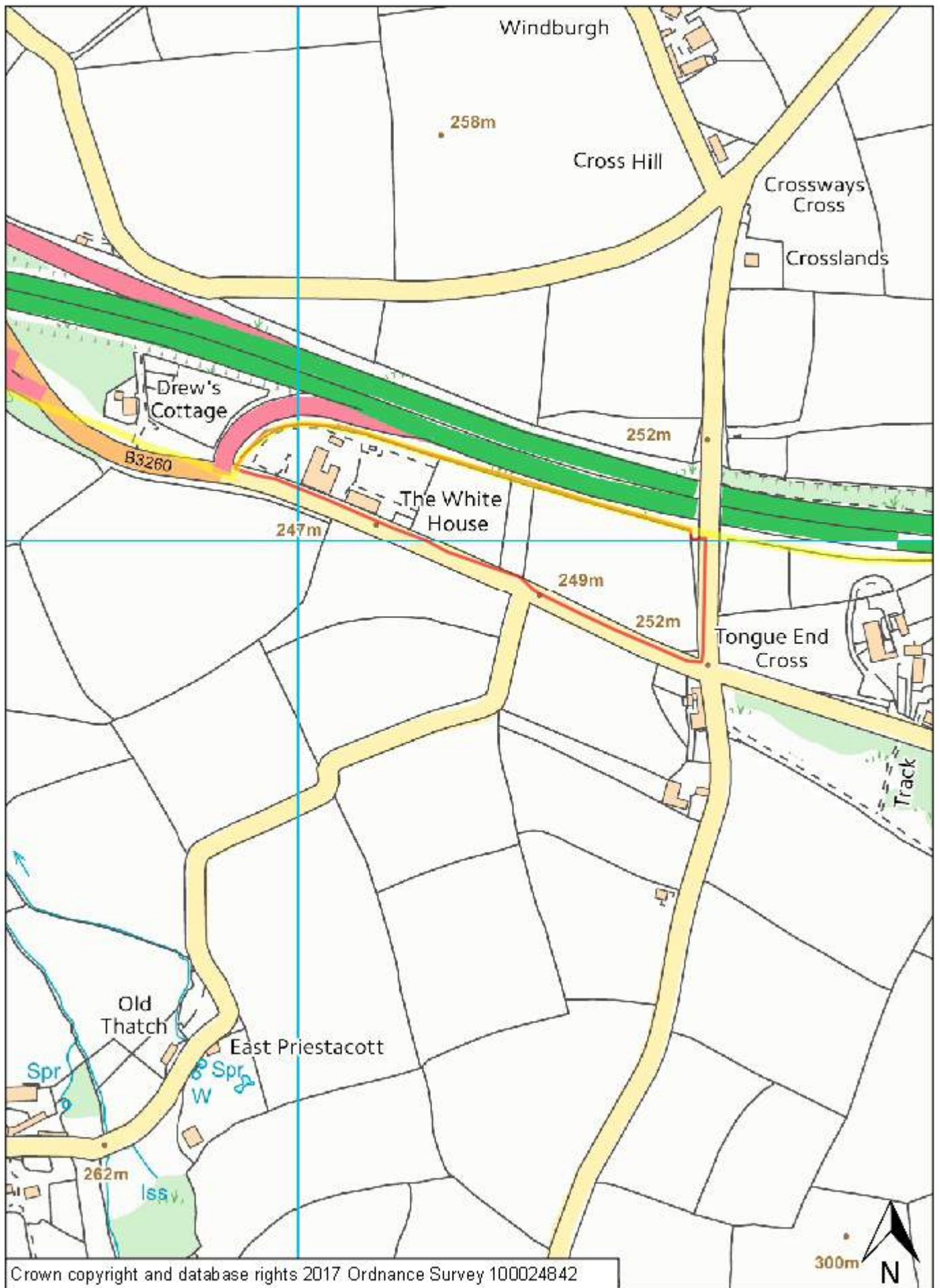
provided.

The Parish Council has supported the application but suggested an obscure glazed window. Officers cannot support the application given the absence of the information set out and the applicant has been asked to withdraw the application in order to gain the additional information required and resubmit in due course. Unfortunately there was no request for pre-application advice on what is considered an important site in the heart of the Conservation Area.

Whitehouse Services, Belstone 0502/16



Scale 1:4,000



2. Application No: **0502/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Sticklepath**
Grid Ref: **SX621949** Officer: **Louise Barattini**

Proposal: **Replacement highway services building, extended car park and HGV parking area and landscaping**

Location: **White House Service Station, Okehampton**

Applicant: **Whitehouse Services**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed development is outside any classified settlement and does not represent the small scale expansion and development of an existing business site, an appropriate sustainable tourism/small scale recreation enterprise based on the intrinsic qualities of the Dartmoor National Park or development needed to promote National Park Purposes. It is therefore contrary to the Dartmoor National Park Core Strategy Development Plan Document and in particular policies COR2 and COR18.
2. The proposed development would, by reason of its scale, design and location, have a detrimental impact on the character and visual appearance of this part of the National Park landscape. The Authority has not been presented with sufficient information to demonstrate an over-riding need for the development in this location sufficient to outweigh this harm. The proposed development is therefore contrary to the Dartmoor National Park Core Strategy Development Plan Document in particular policies COR1 and COR4 the Development Management and Delivery Development Plan Document in particular policies DMD1b, DMD5 and DMD7 and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010, National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

Introduction

Whitehouse services is located along the A30 to the northern limit of the National Park boundary, approximately 1.5km to the north of the centre of Belstone and 3.5km to the east of the centre of Okehampton. The service station is accessed from the B3260.

The site currently provides a petrol filling station with small retail convenience outlet, car wash facilities, parking (51 cars and 2 disability spaces, 5 other vehicle spaces), restaurant and picnic areas.

This application proposes the refurbishment and restructuring of the services to incorporate replacement highway services building, expanded car, caravan and HGV parking, landscaping and revised access arrangements. It is proposed to incorporate the two fields to the east of the existing services, between the site and Tounge End Cross, to accommodate the proposed development.

The application is presented to Members as the proposed development is a major development and due to the level of public interest and comments received from the Parish

Council.

Planning History

0215/09	Erection of automatic roll over car wash, jet wash, plant room and associated drainage Full Planning Permission	Grant Conditionally	03 July 2009
0835/07	Installation of additional (third) above ground LPG storage tank and formation of tanker delivery bay Full Planning Permission	Grant Conditionally	06 December 2007
0598/07	Repositioning of LPG above ground storage tanks Full Planning Permission	Grant Conditionally	12 September 2007
0023/07	Extension to petrol filling station sales building and repositioning (underground) of LPG storage tank Full Planning Permission	Grant Conditionally	05 March 2007
0089/02	Installation of two LPG gas tanks, plus forecourt dispenser and compound fencing Full Planning Permission	Grant Unconditionally	12 April 2002
0391/01	8m telecommunications tower, antenna and equipment cabinet Full Planning Permission	Grant Conditionally	12 November 2001
0266/01	Installation of liquified petrol gas (Propane) storage tank, forecourt dispenser and compound fencing Full Planning Permission	Grant Unconditionally	18 July 2001
0225/00	New car parking to serve existing restaurant Full Planning Permission	Grant Conditionally	14 July 2000
0226/00	Single storey extension to existing restaurant for refrigeration chillers and freezers Full Planning Permission	Grant Conditionally	12 July 2000
0227/00	New canopy to serve lorry diesel forecourt Full Planning Permission	Grant Conditionally	12 July 2000
3.1.2403/91	Development of site to provide petrol filling station, shop and restaurant including demolition of existing dwelling/cafeteria Full Planning Permission	Granted by WDBC	17 March 1992
3.1.2278/89	Erection of additional facilities for existing truck stop, overnight accomodation unit, forecourt facilities and alteration of existing access to highway Full Planning Permission	Granted by WDBC	17 November 1989
03/03/2569/88	Erection of garage Full Planning Permission	Grant Conditionally	30 May 1989
3.1.2095/88	Erection of restaurant with associated car parking and tourist information Outline Planning Permission	Refused by WDBC	23 May 1988
3.1.2218/87	Restaurant and petrol filling station with associated car parking etc Outline Planning Permission	Refused by WDBC	25 September

Consultations

DNP - Archaeology:

Original comments:

It is likely that the construction of the modern filling station facilities will have removed the remains of historic building within the site. Accordingly there are considered to be no significant archaeological implications for the proposed development.

DNP - Trees & Landscape:

No additional comments on revised plans received.

Original comments:

The application should be refused. The proposed development will have a detrimental impact on the character of the area, which is contrary to policy COR1 (h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is contrary to policy DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape because it does not respect the values attributes of this landscape type, specifically the intricate, 'patchwork' landscape of productive farmland, woods, small settlements and rural lanes and the pastoral character with patches of rough grazing serving as a reminder of the close proximity of the moorland. The development because of its scale, layout and design does not conserve or enhance what is special or locally distinctive of this part of Dartmoor's landscape. The development is also contrary to DMD5 because it will increase light pollution.

Comments on revised plans:

The development will have less impact than the previous proposal. However, the development will have a detrimental impact on the character of this part of the National Park and it will have a visual impact. I still stand by my earlier recommendation.

The application should be refused. The proposed development will have a detrimental impact on the character of the area, which is contrary to policy COR1 (h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is contrary to policy DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape because it does not respect the values attributes of this landscape type, specifically the intricate, 'patchwork' landscape of productive farmland, woods, small

settlements and rural lanes and the pastoral character with patches of rough grazing serving as a reminder of the close proximity of the moorland. The development because of its scale, layout and design does not conserve or enhance what is special or locally distinctive of this part of Dartmoor's landscape. The development is also contrary to DMD5 because it will increase light pollution.

DNP - Building Conservation Officer:

Original comments:

No significant adverse impact on built heritage assets is identified within or adjacent to the site.

No comments received on the revised plans.

DNP - Ecology & Wildlife Conservation:

Original comments:

Works to proceed in strict accordance with the Ecological Impact Assessment, the Lighting Impact Assessment and the Landscaping Master Plan.

Comments on revised plans:

A revised scheme has been submitted based on omission of a new hotel together with an updated Landscape and Ecology Masterplan and Ecology Addendum.

Whilst the proposed length of new hedgerow will result in the length being reduced from 635m to 250m this will be offset by new areas of broadleaf planting and retention of hedgerow in the east section of the site.

Providing the mitigation and enhancement measures detailed in the Ecological Impact Assessment are implemented it is considered the development would have a neutral impact on biodiversity.

Works to proceed in accordance with the Ecological Impact Assessment [EAD Ecology, dated June 2016] the Lighting Impact Assessment [SDS Plymouth, dated 17 September 2016] and the Landscape and Ecology Masterplan [Drawing no. P0233C].

County EEC Directorate:

Original comments:

There are no objections in principle from a highway point of view to the proposed development. It has the potential to provide much greater stacking of vehicles within the curtilage of the site, which will reduce the instances of queuing vehicles on the highway in close proximity to the slip road junction. However, there a number of issues that require additional information or clarification before the highway authority is able to recommend the imposition of conditions on any planning permission that the planning authority may grant. These are as follows:-

1. A signage schedule to consider all highway signage for the new and altered accesses.
2. A contribution of £5,000 towards the investigation, consideration and relocation (if appropriate) of the 40 m.p.h. speed limit to the east of Tongue End Cross. This

investigation will also consider the suitability of amending and if appropriate, altering the existing double white line system with its proximity to the new development site.

3. The sight lines of 4.5 metres by 215 metres should be shown from all the access points in general use. They are not shown from the HGV exit from the PFS currently.
4. The car and caravan parking provision appears to require vehicles to reverse in or out, rather than drive through.
5. Details of where the car wash is being relocated to are required
6. Details of where the electric car charging points are being relocated to are required.
7. More details are required of the method of control of the petrol tanker exit and how it is intended to operate.
8. More details are required of the method of control of the eastern access by the hotel and how it is intended to operate. Tongue End Cross is not suitable to accommodate a significant increase in trips through its northern arm as the available sight lines in the trailing traffic direction, to the east, are substandard. There would appear to be some discrepancy between the submitted plans on this particular point.

Comments on revised plans:

The applicants' consulting engineer has responded adequately to all the issues raised in our original response. The signage is acceptable in most respects but there is no signage shown showing the entrance for vehicles entering the site. This omission can be covered adequately by condition. It is noted that the applicant agrees to the highway authority's suggestion for a contribution towards the investigation and imposition, if appropriate of an amendment to the extent of the 40 m.p.h. speed limit. Appropriate conditions and a contribution are therefore recommended in the event that the planning authority are minded to grant planning permission.

Recommendation:

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. No part of the development hereby approved shall be brought into its intended use until the improved access arrangements including signage for entering and exiting vehicles, parking facilities, commercial vehicle parking area, visibility splays, turning areas and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

2. The existing redundant vehicular accesses shall be effectively and permanently closed up

3. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority.

Devon County Council (Flood Risk):

Original comments:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy DMD3 of the Dartmoor National Park Development Management and Delivery Plan which requires developments to dispose of surface water in accordance with sustainable methods that minimise the risk of flooding of property and land or the pollution of watercourses.

The applicant will therefore be required to submit additional information to demonstrate that all aspects of the surface water drainage management plan have been considered.

Comments on revised plans:

The applicant has now submitted the additional information in relation to the surface water drainage aspects of the above planning application.

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that a pre-commencement planning conditions is imposed to require the detailed design of the proposed permanent surface water drainage management system to be submitted for approval.

West Devon Borough Council (Drainage):

No comments received

West Devon Borough Council:

Environmental Health Officer

Original comments:

The Contaminated Land contamination assessment has identified some potential sources of contamination that need further investigation, however the risk from these source is not believed to be so great as to pose a risk to the development. On this basis conditions are recommended to require submission of a preliminary risk assessment, a site investigation scheme, remediation strategy and verification plan and report demonstrating completion and compliance. An unsuspected contamination condition is also recommended.

The lighting impact assessment is based on recognised national standards. It would appear that the design of the lighting is such that at the nearest residential property the light intrusion will be equivalent to 0 lux. This is in accordance with the Institute of Lighting Professionals Guidance and the amenity of these properties should be adequately safeguarded. A condition is recommended requiring the lighting will be installed in accordance with this lighting impact assessment.

The application has identified that the impact of the development will only have a slight impact on noise by way of traffic, and therefore it is acceptable. They have also stated the maximum permissible noise levels from the proposed plant/ equipment and a condition is recommended to ensure the rating level of noise emitted from the site shall not exceed 48 dB(A) between 07:00 and 23:00 on any day and 34 dB(A) at any other time, as measured at the façade of the nearest residential dwellings, taking into account any penalties in accordance with BS4142:2014.

Following completion of the installation of the plant/ equipment the applicant shall undertake a further assessment in accordance with BS4142:2014 demonstrating the noise rating level of the installed plant, and include mitigation measures required to ensure compliance with the limit above. Where further mitigation measures are installed, these works shall be undertaken prior to the use of the plant continues.

Comments on revised plans:

The proposed amendments should not have an overly negative impact on the neighbouring amenity. Should the Planning Authority be minded to approve the application, the noise mitigation measures proposed in regards to HGV's (i.e. the parking bays identified, the provision of electric hook-ups for refrigerated units) should be conditioned so that they are retained for the lifetime of the development.

There is an opportunity for landscaping to achieve betterment of this position to add additional protection in the south east corner of the car park.

Environment Agency:

Original comments:

The proposed development will be acceptable if conditions are included in respect of the risks associated with the contamination of the site requiring a preliminary risk assessment, a site investigation scheme, an options appraisal and remediation strategy, a verification plan, unsuspected contamination

We would normally expect a Foul Drainage Assessment form to be submitted for proposals which involve the disposal of foul drainage to a private package treatment plant. However, we note that the site already has a permit for a discharge. Presumably this proposal will result in additional volumes over that which has occurred previously. We therefore advise that an application to vary the Environmental Permit is likely to be required for the proposed operation.

Highways England:

No comments were received on the revised plan.

Original comments:

No objection in principle to the proposals to improve facilities for the trunk road, however, the modelling issues below need to be addressed before Highways England (HE) can be in a position to fully understand the development's impact and identify any planning conditions that may be appropriate to mitigate impact. A postponement for 6 months is therefore recommended.

The applicant needs to justify/evidence the assumption that 80% of development traffic will be from A30 westbound.

The existing signage does not meet current standards and proposed development would also require upgrading of signage to be made a condition of any consent.

HE have concerns with the modelling submitted and cannot presently accept the conclusion that the development will not have a severe impact on the operation of the off-slips (especially westbound). The modelling uses flat traffic profiles which doesn't give a realistic arrival pattern for traffic at the junction; one hour or direct profiles need to be used. Flows also fail to take account of HGV traffic and this needs to be included in the modelling.

Modelling work has already suggested that with allocated and consented sites, the westbound off-slip is reaching its theoretical capacity. The modelling submitted does not reflect our current understanding and operational concerns and is likely to be due to the way the junction has been modelled with this submission. HE is concerned that when the modelling is updated it will show significantly more queuing and delay than currently shown which may not be able to be accommodated within the extents of the off-slip. The sensitivity test is misleading as it has removed committed development from the modelling to demonstrate the impact of this development in isolation would not cause problems.

Comments on revised plans:

The revised modelling is now considered appropriate. The results of the modelling demonstrate that in 2020, following the inclusion of development traffic, the westbound off-slip

of the A30(T) is expected to operate with a ratio of flow to capacity (RFC) of 1.04, with a resulting queue of 10PCU's. For priority junction such as this an RFC in excess of 0.85 indicates that the junction is reaching its theoretical capacity, and a value of over 1.0 indicates the junction is at capacity. Thus in this instance it is clear that the development will cause an increase in queuing at this junction. The predicted queue length of 10PCU will not extend beyond the end of the diverge nose, furthermore the predicted queuing in the right hand lane will not impede those vehicles wishing to turn left and access the development site. HE is therefore content that the increase in queuing in this location will not have a severe impact on the operation of the Strategic Road Network.

The existing signage doesn't meet current standards and will need updating as part of any improvements (cost to be borne by the developer and delivered through s278 agreement).

No objection is raised to the application subject to the following conditions:

Prior to commencement of improvement works a temporary signing proposal to inform travelling public of the availability of services during to works to be agreed.

Prior to the re-opening of the service area following improvement works, a new signing plan to be agreed.

Parish/Town Council Comments

Belstone PC:

Original comments:

Belstone Parish Council are mindful of the impact that the extension of this site would have on those residents living close by or overlooking the development.

Belstone Parish Council do not support the application for outline planning permission for a new hotel on the site but would consider supporting a scaled down version of the services and restaurant.

The council have concerns about noise and light pollution and would want to see these reduced to a minimum. They would also like the planners to look again at the movement of traffic in and out of the site and its impact on the B3260. This particularly applies to the safe movement of HGVs and the speed of traffic along this section of road.

Comments on revised plans:

Belstone Parish Council understand the need to upgrade and modernise the facilities at White House Services. However, they do not support the latest proposals, as the removal of the hotel from the plans has not scaled down

the overall plan.

The Parish Council consider that the applicant has not addressed their original concerns and indeed there appears to be a likely increase in the number of HGVs using the facility.

The Parish Council's particular concerns are (i) the increase in HGVs with associated noise and pollution from emissions, (ii) Danger to pedestrians particularly in the area of the crossing from parking to restaurant (iii) Light pollution, including light from vehicles moving round the site at night – we do not consider the screening to be adequate considering the proximity of the development to the Dartmoor National Park, (iv) Movement of vehicles both within the complex and entering and leaving the public highway, (v) Problems associated with the increase in vehicle movements, particularly large trucks, caravans, and holidaymakers, at a known danger area, (vi) The latest plans are still disproportionately large and out of keeping with the surrounding countryside and would have a considerable impact on those Belstone residents living close to the site, and (vii) The Parish Council believes that the development may constitute a departure from the Dartmoor National Park structure plan.

Okehampton Hamlets PC:

Original comments:

Councillors do not wish to submit a formal response but have major concerns on the Highways aspect of this application. Traffic is currently a major issue in the area, accidents happening on a regular basis, enlargement of the facilities will increase traffic and there are concerns that the proposals will not resolve the issues. There is also an issue with the volume of traffic using the slip road from the A30. We do not believe the Highways report covers all the relevant issues.

Comment on revised plans:

Councillors resolved to support the amended plans in respect of the above application as they felt the current Highways Issues in the vicinity would be improved by these changes.

Sticklepath PC:

Original comments:

The Parish Council wish to support the proposal. The proposed building design is in keeping and the scheme will improve a poor situation which currently exists in relation to over capacity of users of the service station, traffic congestion on the site and on the road and dangerous road usage by both passing motorists and visitors to the site

There are some common causes of concern from our parish, and neighbouring parish councils, namely;

* We would like to see a signage schedule with the

Highways authority which addresses traffic emerging from the A30 slip road adjacent to the service station, traffic entering and exiting the service station, prevention of traffic passing through or towards Sticklepath by mistake (resulting in vehicles turning around in driveways and increased traffic through Sticklepath), the speed of vehicles along the B road adjacent to the service station and local tourism signing

*The current light pollution from the site is unacceptable and can be seen from some considerable distance – this includes the “BP” sign and green lighting which edges the canopy over the petrol station. We would like to see lighting solutions which reduce this amount of light pollution.

*There is a potential for increased noise pollution as the number of HGVs using the site for overnight parking in area 4 will increase.

*The restaurant/shop area should not increase its hours to 24 hour opening (station/traveller convenience store is open 24 hours a day and are happy for this to continue).

Comments on revised plans:

The Parish Council are disappointed to note the removal of the hotel as this could have had potential financial benefit to our community due to the tourists staying at the hotel. We note that the car parking and HGV/caravan parking has been extended so that the HGV/caravan parking is now on the area originally set aside for the hotel.

The Parish Council supports the application, in principle (particularly as the current situation at the services is unsafe and usage has outgrown the site/facilities), but has the following reservations:

*The HGV/caravan parking area can accommodate 18 lorries. The original proposal shows 12 lorry parking spaces. The noise pollution from the lorries will, therefore, increase significantly.

*The HGV/caravan parking area is now closer to our parishioners who live at Tongue End. If the HGVs are able to park overnight, the noise disturbance to our residents will be considerable – especially from lorries with refrigeration units which will be running all night and also lorries starting up in the early hours of the morning.

In view of this, the Parish Council will only support the amendment to the application if a condition is included to the effect that there is to be no overnight parking by HGVs.

In addition, the Parish Council note that DNPA’s Local Development Framework (Core Strategy Document) requires all development plans to be subject to Sustainability Appraisal. One of the key sustainability objectives is Sustainable Resource use. Accordingly, the

Parish Council requires the applicant to demonstrate ways in which it will reduce the consumption on non-renewable sources of energy, water and minerals. Also, consideration should be given to the use of energy saving equipment – eg in relation to lighting.
Please also refer to our initial response letter of 17 October.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR11 - Retaining tranquillity
COR12 - Meeting the need for local infrastructure, community facilities and public services
COR12 - Meeting the need for local infrastructure, community facilities and public services
COR13 - Providing for high standards of accessibility and design
COR14 - Meeting the infrastructure requirements of new development
COR18 - Providing for sustainable economic growth
COR19 - Dealing with proposals for tourism development
COR2 - Settlement Strategies
COR21 - Dealing with development and transport issues in a sustainable way
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR6 - Protecting Dartmoor's Archaeology
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology
COR8 - Meeting the challenge of climate change
COR9 - Protection from and prevention of flooding
DMD13 - Archaeology
DMD14 - Biodiversity and geological conservation
DMD16 - Hazardous installations and potentially polluting activity
DMD17 - Development on contaminated land
DMD19 - Sustainable Communities
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD2 - Major Development
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD38 - Access onto the highway
DMD39 - Provision of car parks
DMD4 - Protecting local amenity
DMD41 - Parking provision - Non Residential
DMD44 - Tourist accommodation
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

23 letters of objection 3 letters of support 2 other letters

Whilst many of the objectors welcome the removal of the hotel from the scheme, many of the objections still stand. They state that the proposal will have a detrimental impact on the National Park by reason of; light pollution, noise pollution and tranquillity issues, vehicle emissions, increased traffic and highway danger on the strategic and local road network, landscape impact, overdevelopment and disproportionately large building, adverse impact on biodiversity, unjustified in the context of local highway service provision, loss of retail convenience store, poor internal highway layout, loss of grassland and hedgerows and increased surface water run-off.

The supporters acknowledge that the applicants have gone a long way to balance their own requirements with the issues and concerns raised locally and that it will improve existing dangerous highway arrangements. Support was received for Tourist Information opportunity within the building and interest expressed from a local business to run it in conjunction with any other organisation.

Observations

REVISED PROPOSAL

The original proposal was for the replacement highway services building, expanded car and HGV parking, landscaping, revised access arrangements and outline proposal for a 1260sqm hotel over two floors. During the course of the application, the agent withdrew the hotel from the scheme in attempt to reduce the impact of the proposed development

The proposal would extend the existing developed area at Whitehouse Services from 0.77ha to 2.6ha, incorporating the fields to the east.

The scheme seeks to introduce a new central entry and exit access, block off the existing entry access and restricting the existing exit to HGV use only. The petrol filling pumps would be expanded and repositioned. The existing restaurant building (approx. 200sqm) would be demolished and a new highway services building erected in its place incorporating restaurant dining, retail, takeaway food outlets, toilets, back office areas, ATM points, lobby and tourism information point (approx. 1600sqm). Coach drop off, HGV and servicing areas are proposed to the rear of the building. The petrol filling station area would be re-organised and car wash and parking facilities re-sited. The proposed new main car park (113 spaces) and dedicated HGV park (9 spaces) and coach and caravan parking (9 spaces) would be located to the far east of the site.

The revised plans incorporated revisions to the petrol forecourt parking layout, carwash facilities, the expanded carpark and HGV and caravan layout and introduced a landscaping/ecological buffer to the south site boundary and woodland planting to the east site boundary.

MAJOR DEVELOPMENT TEST

Paragraph 116 of the NPPF states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. This is reiterated in policy DMD2 of the Local Plan.

The determination of whether a proposal amounts to 'major development' is a matter of planning judgement to be decided by the decision maker. It is not synonymous with the definition of a 'major planning application', but rather whether the development could be

construed as major development in the ordinary meaning of the word having regard to the character of the development in its local context. Recent headline applications for major developments in England's National Parks include fracking, power line infrastructure, quarrying etc.

Having regard to the character, nature and scale of the proposed development for extended and refurbished roadside service facilities at the established Whitehouse Services adjacent to the A30, and taking the local circumstances and context into account, it is not considered to be a 'major development' under paragraph 116 of the NPPF.

The proposal was screened under the Environmental Impact Assessment (EIA) Regulations and determined not to have a significant environmental impact requiring the submission of an Environmental Impact Assessment. Making this judgement under the EIA Regulations however does not mean in general that a proposed development is concluded suitable in broader environmental and policy terms.

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework (NPPF) states in paragraph 31 that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.

Policy DMD1a addresses the presumption in favour of sustainable development outlined in paragraph 14 of the NPPF. Where there are no policies relevant to an application the local planning authority should grant permission unless material considerations indicate otherwise taking account of (i) whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, and (ii) specific policies in that Framework indicate that development should be restricted. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty.

The site is outside any classified settlement within a National Park where policies of development constraint apply.

There is no specific policy for highway service station development/expansion, however there are a number of policies in the Local Plan which are relevant to the consideration of this application.

Policy COR1 requires development within the National Park to be undertaken in a sustainable manner, taking into account matters such as the support for the socio-economic vitality of the National Park and the provision of essential services to the public.

Policy COR2 sets out the strategic spatial policy for development within the National Park and establishes clear criteria for assessing development within different settlement classifications and in the countryside. Outside settlement locations, development is restricted and the policy sets out a number of clear criteria whereby development will be acceptable in principle. The criteria allows for the 'small scale' expansion to enable the growth of an existing business.

Whitehouse Services is a commercial enterprise and the proposed development could not reasonably be considered as a 'small scale' expansion of this existing business when tested against this policy; the proposed expansion is significant. The proposal is not development needed to promote National Park purposes and does not meet the remaining criteria within policy COR2.

The policies for sustainable economic growth and tourism are outlined in COR18 and COR19. The development does not meet the requirements of the 'small scale' expansion and development of existing businesses and site. Whilst the application proposes a small tourism space/desk within the building, the development is not a tourism development based on and respecting the special qualities of the National Park under policy COR19 or COR18.

Similarly, whilst the site presently incorporates a small retail outlet and restaurant which are used in part by the local community, as well as those travelling on the A30, the proposal could not be said to be a community service or facility in the spirit of policies COR12 and DMD19.

JUSTIFICATION PROVIDED BY THE APPLICANT

The Design & Access Statement (D&AS) sets out the justification for the proposed service station expansion; principally (i) the facilities require investment, expansion and improvement, and (ii) that there is a need to remedy an existing conflict of users and traffic/highway safety (involving congesting and queuing off-site). The statement describes the proposal to reposition the access to reduce conflict with the A30 off-slip as a fundamental element of the scheme. The D&AS states that major investment is required to ensure facilities can support a substantial increase in road usage along A30 and that the existing layout of the business no longer enables the operation of the business to run efficiently and needs redesigning to meet the safety and welfare needs of motorists using the site.

A number of other drivers for the application are cited by the applicant, namely; improvement of WC provision, the need for increased capacity and modernisation of treatment of sewerage and foul waste, re-organisation of petrol pumps to ease through flow, reorganisation of HGV parking and increased general parking capacity together with the need to address convenience store and petrol pump vehicle traffic conflict.

Road User Welfare

The applicant submitted a report titled 'Roadside Facilities Research (research debrief) July 2016'. The report is prepared on behalf of 'Transport Focus' which is an independent transport user watchdog. The report appears to be a general study of users' experience of facilities on strategic road networks, principally of Motorway Service Areas, and compiled by evidence from focus groups, interviews, exit interviews. Whilst this gives a general flavour of road users likes and dislikes of roadside facilities, the report is not specific to the application site or immediate strategic road network nor is evidenced to the development proposal itself. This is the same for the submitted 'Take a Break – Road Users' Views about Roadside facilities' July 2016.

The application is not supported by an appraisal of the need for the proposed development along this strategic road network in the context of nearby highway service station provision and capacity on a local and sub-regional level. There are existing roadside facilities at Whiddon Down, Sourton Cross and Exeter Services (at a distance of 8km, 8km and 35km from the application site respectively which offer a range of facilities); all in locations outside a nationally protected landscape, and therefore less environmentally sensitive. The application does not appraise existing or likely future service station deficiency in the locale and whether any of the

other existing roadside services could be expanded to meet any identified deficiency. The agent does not explain why the proposed facilities need to be at Whitehouse Services and of the scale proposed.

National Parks are afforded the highest level of protection in relation to landscape and scenic beauty in both National and local planning policy and great weight should be given to their conservation. This is consistent with the statutory primary purpose of National Park and the Sandford Principle set out in the Environment Act 1995.

The development will have an adverse impact on the character and appearance of this part of the National Park landscape and no compelling need for the proposed development has been clearly justified in this location.

Road User Safety

The agent states that if a more efficient and capacity suited development is not provided at Whitehouse Services there will be consequential impacts on highway safety. The applicant's transport consultants conclude that the proposal should address a current capacity issue at Whitehouse Services, which should prevent blocking back on the nearby local highway network from the site access and subsequently at the A30 westbound off slip/ B3260 junction.

Conversely, Highways England state that it is clear that the proposed development will actually cause an 'increase in queuing' at the A30 junction (albeit the increase in queuing will not have a severe impact on the operation of the Strategic Road Network so as to justify a refusal).

No evidence has therefore been presented to demonstrate a compelling need on highway safety grounds.

IMPACT OF THE DEVELOPMENT

DESIGN & LANDSCAPE IMPACT

The value of the landscape and scenic beauty of National Parks is made explicit in the National Planning Policy Framework. Policy DMD1b makes clear that the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park will be given priority over other considerations in the determination of development proposals.

Policies COR1, COR4, DMD7, COR3 and DMD5 set out the objectives for the conservation and/or enhancement of the character and special qualities of the Dartmoor National Park Landscape and locally distinctive design. Policy DMD5 requires development proposals to conserve and/or enhance the character and special qualities of the Dartmoor landscape by (i) respecting valued attributes of landscape character types, (ii) ensuring that location, site layout, scale and design conserve and/or enhance what is special or locally distinctive about landscape character, (iii) retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features (iv) avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution, (v) respecting the tranquillity and sense of remoteness of Dartmoor.

The Dartmoor National Park Design Guide advises that for commercial development on Dartmoor, designing a building of appropriate scale is probably the most important factor in making sure the development is not alien or intrusive. Furthermore, it points out that large areas of car parking are never attractive and should be broken up into smaller areas.

The application site is one of the main gateways into the National Park and any development at this gateway should reflect the characteristics of the Park. There is no degradation in status of the National Park towards its boundaries and the Landscape Character Assessment recognises the patchwork of landscape types which characterise and make up the Dartmoor National Park. The periphery of the Park is also important in terms of its setting and relationship with the wider landscape.

The site is located within the Dartmoor landscape character type of 'Inland Elevated Undulating Land'. The land immediately around the site is undulating agricultural land, comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. The sparse settlement pattern is characterized by individual farmsteads with clusters of buildings around older vernacular buildings. Small nucleated villages and hamlets are focused around bridging points. This is a mainly pastoral landscape. The A30 is a dominant linear feature in the landscape. The field system is likely to be late medieval and the field system to the south is mostly complete, but the field system immediately to the north has been compromised by the building of the A30. The medieval field system is a valued attribute of this landscape character type.

The development will be very visible in the landscape and local residents have expressed concerns regarding this impact. It will be visible from the A30, the road running along the southern boundary of the site, from the minor road and bridge running along the eastern boundary, from the minor road to the south, from a footpath cutting across field to the south and from the slopes of Belstone Common. Glimpsed views are seen from a footpath cutting across fields to the south west of the site. Some of the views from the south are screened by high hedgerows, if the management of these hedgerows change and they are cut more frequently or maintained at a lower level the development will become more visible in the landscape. The Authority has no control of hedgerow management across the wider landscape.

The site is at one of the gateways into the National Park and many visitors are coming to the National Park to experience and enjoy the high quality landscape and scenic views. The views from Belstone Common are particularly valued because people visit the site to enjoy the views of Dartmoor and the surrounding landscape.

The development will not be viewed in association with any other development of a similar nature in this part of the National Park; it is a substantial development comprising a large scale building and hardstanding areas which is at odds with the scale and character of development in this pastoral landscape. The scale of development will be readily apparent in relation in the proximity to which people will experience the development from the highway and from within site.

The layout of the scheme extends almost to the full parameters of site and doesn't allow the development to integrate into the landscape. The mitigation proposed will do little to integrate the development into the landscape or mitigate the wider visual impact, especially views from higher ground to the south and the bridge over the A30 to the east. The planting is concentrated at the eastern end of the site with little planting in the centre. The soft landscape will 'not break' up the development, it will be a large area of buildings and hardstanding.

Within the site, most of the landscape features, which reflect the local character of the landscape will be lost; the 'important' hedge dividing the site the large pastoral field and a length of 'important' roadside hedgerow.

The orientation of building and long unbroken mass and scale, together with the expansive areas of hardstanding, will exacerbate its impact in landscape especially in context of the scale and character of existing developments within this pastoral landscape.

The fundamental character of the site will be changed by the proposed development. Whilst there are existing buildings within the site, they are relatively modest and do not dominate the area. The scale of the building, together with the introduction of a large car and lorry park, does not reflect the character of the local landscape. Large buildings are found on the fringes of Okehampton, but there is nothing of a similar nature to the proposal in this part of Dartmoor.

Dark skies are a special quality of the National Park and light pollution and policy DMD5 is very clear that development proposals conserve and/or enhance the character and special qualities of the Dartmoor's landscape by avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution.

The proposed new highway services building has been designed with its principal elevation facing south, incorporating extensive glazing along the this long elevation with potential to exacerbate its impact at night and during winter months. The proposed building is to operate from 06:00 until 22:00, daily. The large car and lorry parking will also mean increased traffic movement onto the site which will inevitably increase light levels with cars moving into and out of the car park, whilst transient it will degrade the quality of local dark skies.

There is light pollution from the A30 and from the existing use of the site, and whilst the consultant's report explains there to be potential to improve existing obtrusive light within the site, it is difficult to see how the proposed development will not add additional light pollution and this will neither conserve nor enhance the character and visual amenity of the local landscape.

RESIDENTIAL AMENITY

Policy DMD4 is concerned with the protection of residential amenity within the National Park. Local residents have expressed concerns about the impact on their privacy, light and noise pollution. Sticklepath Parish Council are in support of the application provided that there is no overnight parking for HGV due to adverse neighbour impact.

The nearest neighbouring dwellings are located to the south east corner of the site at Tongue End Cross ('Oldway') and to the west of the existing petrol filling station ('Drew Cottage').

The dwelling at Oldway is located approximately 27m from site boundary and separated from the development site by its garden and the B3260. The principal outlook of this neighbouring dwelling is to rear (west). Drew Cottage is sandwiched between the A30, slip road and the B3260.

These properties are at a sufficient distance from the proposed new services building to prevent and adverse impact on their residential amenity by virtue of any overbearing impact, loss of light or infringement of privacy.

Other neighbouring dwellings are at a greater distance from the site and further from the proposed developments.

A lighting impact assessment has been submitted with the application and is based on recognised national standards. The design of the lighting is such that at the nearest residential property the light intrusion will be equivalent to 0 lux. This is in accordance with the Institute of Lighting Professionals Guidance and the amenity of these properties should be adequately safeguarded.

The proposed development will increase traffic generation and movement within the site, expanding into the currently undeveloped fields to the east of the existing service station in proximity of neighbouring dwellings at Tongue End Cross. The proposed car park, HGV and caravan park is located to this eastern corner of the site. A Noise Assessment was submitted with the application which assesses the potential effects of the proposed scheme in terms of traffic noise both within the site and on the local road network. The impact of the proposed development is assessed in the context of existing A30 background noise levels. The report concludes that the proposed development will not have a significant impact on either the nearest noise sensitive receptors, or receptors along the local road network. The Environmental Health Officer has assessed the information submitted and considers that proposal should not have an overly negative impact on the residential amenities of neighbouring occupiers so as to sustain an objection on planning grounds. He recommends that the noise mitigation measures in the report with regard to HGV parking bay allocation and provision of electric hook up for refrigeration units should be controlled by planning condition.

The proposed plant/equipment associated with the proposed development is specified at the maximum permissible noise levels which would need to be carefully controlled by planning condition to prevent adverse impact on residential amenity.

HIGHWAY SAFETY

The public have raised specific concerns about the impact on highway safety, citing existing problems with vehicles queuing at fuel pumps and tailing back onto the highway at peak summer times. They are concerned that the proposal will not address this issue and that the increased traffic that will result from the proposed development will cause more accidents. They cite a need for changes to road layout and junctions and question whether alternative junction options at the services been properly considered.

Mixed views on the impact on highway safety have been received from the local Parish Councils.

Highways England is a statutory consultee on this application which has a direct impact on the A30 trunk road. Highways England in their final response to the revised scheme make a clear acknowledgement that the proposed development will cause an increase in queuing at the westbound off-slip junction of the A30, however, they are content that that increase in queuing will not have a severe impact on the operation of the strategic road network.

There are no specific parking standards for this type of development contained within policy DMD41 of the Local Plan. No objection has been raised to the development from the highway Authority who are satisfied with the proposed development, provision for parking and turning and access arrangements in the context of the local highway network, in particular the B3260. A contribution is requested toward an investigation and imposition if appropriate, of an amendment to the extent of the 40m.p.h. speed limit.

Whilst the concerns of the public are acknowledged, the evidence and professional advice on the application is that the proposal will not conflict with the standard, capacity and function of

the local road network, nor will it have a detrimental impact on highway safety. The proposal will therefore not conflict with the objectives of policy COR21.

SUSTAINABLE DESIGN & DRAINAGE

Sticklepath Parish Council wishes to see the development demonstrate how it will reduce the consumption on non-renewable sources of energy, water and minerals.

The revised surface water drainage management system incorporates swales along the southern boundary of the proposed development. This will increase the capacity of the surface water drainage management system and intercept overland flows from across the site. The maintenance requirements of each component of the proposed surface water drainage management system have also been addressed. The proposal will have no adverse impact on drainage patterns or flood storage capacity.

The proposed building seeks to maximise passive solar gain through orientation and design and incorporates shaded area also. An array of solar panels is proposed within the roofline.

The application accords with the principles of sustainable drainage systems and complies with policy COR1 and COR8 in this respect.

POLLUTION

The Contaminated Land Assessment has identified potential sources of contamination that need further investigation, however the risk from these source is not believed to be so great as to pose a risk to the development and planning conditions be applied to address policy DMD17.

ECOLOGY

There are no designated sites in or adjacent to the application site. The site comprises amenity grassland, improved grassland, semi-improved neutral grassland and hardstanding with buildings and several introduced areas of shrub, tall ruderal, dense scrub and bare ground. Species-rich and specie-poor hedges are present along boundaries including several mature trees.

The survey revealed evidence of slow-worms, hazel dormouse and the site assessed as suitable habitat for brown hairstreak butterfly, nesting birds, hedgehog and brown hare. No bat roosts were recorded and the two existing buildings revealed negligible roosting potential. Bat activity on site was assessed as moderate with mainly common pipistrelle species. There are incident records of otter within the study area, however no watercourses/habitat suitable for otter occur within or immediately adjacent to the application site. Loss of hedgerow will be offset by new hedgerow and broadleaf planting.

The development would result in loss of habitat for notable invertebrates and directly affect or result in loss of habitat for nesting birds, badger, hazel dormouse and bats.

The application proposes a number of mitigation measures to address these survey findings and with their implementation, the proposed development would have ecological impacts at a sub-parish level and therefore assessed as 'not significant' against the derogation tests of the Habitat Regulations as such the proposal is unlikely to fail Natural England's assessment under the European Protected Species Licence.

Whilst some concerns have been expressed from the public about the ecological impact of the proposal, the scheme is not considered to conflict with the biodiversity objectives of policies COR7 and DMD14.

HERITAGE ASSETS

There are a number of buildings depicted on the historic maps within the application site dating to the latter half of the 19th Century. The site appears to have followed a classic transition from a 19th Century Smithy to a 20th Century garage. The construction of the existing service station will have removed any surviving remains and therefore the proposed development will have no adverse impact on the surviving archaeological remains in line with policy COR6.

The setting of the cottage and former smithy to the south east of the site and the historic farmstead at Coombe Head Farm (both undesignated assets) will not be significantly compromised by the proposed development to justify and grounds for refusal against policy DMD7.

SOCIO-ECONOMIC IMPACT

The Local Plan, under policy COR18, seeks to foster sustainable economic growth within the National Park and the policy establishes development objectives for economic growth with settlements and the open countryside accordingly. This matter has been discussed earlier in the report with reference to the 'small scale' expansion of rural businesses.

It is stated within the application that the existing business employs 35 full time equivalent workers (22 part time and 23 full time) and that the proposed development would employ 75 full time equivalent workers. These figures were based on the original submission which included the hotel.

Whilst the hotel has now been omitted from the scheme, and updated employment figures have not been submitted, it is not disputed that the proposed development will present a net gain in terms of job creation and that this is a benefit for the economy.

The existing Whitehouse Service Station incorporates a small convenience store within the petrol filling station which operates 24-7 and a restaurant (open 06:00 to 21:00 daily). Whitehouse Services is principally a highway service station for persons travelling along the A30 corridor, although it is acknowledged that the rural community also benefits from the convenience of this retail outlet and local restaurant, albeit the site is also within proximity of Okehampton which has a broader range of services for its rural hinterland.

The proposed development is not in a location where the Local Plan would permit a new retail development; however, the proposal seeks the expansion of existing retail facilities. The proposed application seeks to retain a retail element within the existing petrol filling station as an 'exclusive high convenience store' (to help reduce PFS pump queuing times) and develop an expanded convenience store, restaurant and express food and beverage zones within the proposed new services building. Some community members have expressed concern about changes to the existing convenience retail provision.

The proposed retail space would be below the 2500sq.m threshold set within the NPPF to trigger a retail impact assessment of its impact on the vitality and viability of existing settlements.

OTHER ISSUES RAISED

The Police Architectural Liaison Officer makes a series of recommendations to ensure that the development will contribute to creating a safe environment by addressing crime, fear of crime, anti-social behaviour and conflict building upon urban design principles contained within policy DMD3. These relate to detailed design elements and follow principles set out in 'Secured by Design'.

CONCLUSION

It is clear that the proposed development will fail to conserve or enhance the character and appearance of this part of the Dartmoor National Park Landscape. Indeed, the report outlines that the proposal will harm the local landscape.

However, it is acknowledged that the proposed development could bring about benefits in terms of job creation and enhanced highway services building/provision for users of the strategic road network, A30.

The site is within the open countryside where policies of development constraint apply. The policies of the National Park are explicit about the types of development that will be permitted in such locations. Indeed, the policies for 'sustainable' economic growth are focused on the controlled 'small scale' expansion of business sites outside settlements in the countryside. The development is for a unique development type and there is no specific policy within the local plan for highway service stations. Notwithstanding this, there are policies contained within the local plan which are relevant to the determination of this application and which have been expanded on within this report.

The applicant has failed to demonstrate a clear need for the development in the location proposed; one that would justify departing from policy and which would over-ride the landscape harm that would result. Notably, the application is not supported by an appraisal of the need for the proposed development along this strategic road network and in the context of existing highway service station provision and capacity at a local and sub-regional level. There are existing roadside facilities at Whiddon Down, Sourton Cross and Exeter Services (at a distance of 8km, 8km and 35km from the application site respectively, which offer a range of facilities); all in locations outside a nationally protected landscape. The application does not appraise existing or likely future service station deficiency in the locale and whether any of the other existing roadside services could be expanded to meet any identified deficiency. Fundamentally, the applicant does not explain why the proposed facilities need to be at Whitehouse Services and of the scale proposed. From a highway safety perspective, Highways England concludes that it is clear that the proposed development will actually cause an 'increase in queuing' at the A30 junction, albeit not sufficient to justify a reason for refusal.

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty. Policy DMD1b is explicit that the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park will be given priority over other considerations in the determination of development proposals and this reflect the Sandford Principle within the Environment Act 1995.

The approval of the proposed development without any over-riding justification would harm the implementation of core planning policies within the National Park for the conservation and enhancement of its special landscape qualities. The application is therefore recommended for

refusal. Whilst the current site does suffer from issues relating to access in particular, this is not of such significance to warrant setting aside policies of restraint within the National Park. Neither does the potential economic benefit that may be derived overcome the objections on landscape grounds, the conservation of which underpins the Authority's overriding statutory purpose.

3. Application No: **0002/17** District/Borough: **South Hams District**
Application Type: **Full Planning Permission -
Householder** Parish: **South Brent**
Grid Ref: **SX714605** Officer: **Oliver Dorrell**

Proposal: **Refurbishment of existing dwelling to provide additional living space,
including demolition of outbuildings and construction of new,
detached garage block**

Location: **Marle Lodge, Stidson, South
Brent**

Applicant: **Mr & Mrs A Morrall**

Recommendation **That permission be GRANTED**

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development hereby approved, samples of all proposed surfacing, external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved surfacing, external facing and roofing materials shall be used in the development.
3. The vehicular access doors of the garage hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, be of vertical timber boarded construction.
4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the ecological survey report dated July 2016.
5. The parts of the building shaded in red as shown on drawing number PL100a shall be demolished prior the substantial completion of the extension hereby approved.

Introduction

This application relates to a mid-twentieth century detached bungalow in a large plot north of Stidson Cross, South Brent. The house is set back from and above the level of the road. There are a number of outbuildings within the curtilage, including a garage and a detached workshop which has been converted to study and studio space.

The site is bounded by mature trees and hedgerows. To the north is a domestic property. To the south and east are agricultural fields.

The proposal is for a single storey extension to the southern elevation, the erection of a detached garage and re-alignment of the existing driveway.

This application is presented to Committee due to an objection from the Parish Council.

Planning History

0482/16 Extension to existing dwelling, demolition of outbuildings and construction

	of detached garage block		
	Full Planning Permission - Householder	Withdrawn	01 November 2016
9/45/1024/75	Extension to existing bungalow		
	Full Planning Permission	Grant Unconditionally	17 October 1975

Consultations

Environment Agency:	Standing advice - flood zone 1
South Hams District Council:	Does not wish to comment
County EEC Directorate:	No highways implications
DNP - Ecology & Wildlife Conservation:	Dwelling as a summer day roost by pipistrelle bats. The development will required a licence from Natural England. The mitigation measures

Parish/Town Council Comments

South Brent PC:	Recommend refusal. The cladding of Marle Lodge would be out of character and contrary to the advice contained in the South Brent and DNPA Design Guides
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Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR15 - Providing for limited new housing to meet local needs
COR2 - Settlement Strategies
COR4 - Design and sustainable development principles
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life
and geology
DMD14 - Biodiversity and geological conservation
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National
Park's special qualities
DMD23 - Residential development outside Local Centres and Rural Settlements
DMD24 - Extensions and alterations to dwellings
DMD3 - Sustaining the quality of places in Dartmoor National Park
DMD4 - Protecting local amenity

Representations

1 letter of support
Appropriate and proportionate for updating the property.

Observations

DESIGN, SCALE AND FORM

Marle Lodge is a modest bungalow within a large plot. The current house comprises the original house with a small kitchen extension and attached single flat roof garage to the side which has been converted to a play room. It is proposed to remove the existing kitchen extension and playroom and form an extension the house on the south elevation through

continuation of the existing front gable. A raised terrace will extend along the length of the extension.

Policy DMD7 supports development proposals which conserve or enhance the quality of the local built environment and reflect the principles of the Design Guide. DMD24 seeks to ensure that domestic extensions do not adversely affect the appearance of the host dwelling.

The current property presents a very tired appearance. There is little or no reference to Dartmoor in the current range of buildings. The proposal is for wholesale refurbishment of the house with a focus on extending to the south. Although this extension would be on the principal elevation this part of the house is unremarkable in appearance and there are no features on this southern elevation worthy of preservation. The extension will be subservient to the primary east-west range as it will be below the height of the original building. Where the terrace is proposed it will help to frame the new from the old.

The extension will run parallel with the lane and will be visible from it. The presentation of this elevation has been designed to be lightweight with large glazed panels on both sides of the extension and an open canopy at the end. It is also set back from the edge of the lane. It is considered that the extension will offer a clean, fresh appearance to this part of the house without being imposing on highway users.

The garage is proposed to the rear of the house and accessed via the re-aligned driveway. The building will follow the same design and form as the main house and extension. It will be well-related to the house and will avoid loss of any substantial trees.

The proposal complies with Policy DMD24 in terms of increase in habitable floorspace.

EXTERNAL MATERIALS

The current building hosts an array of modern external materials, including painted render, vertically hung concrete tiles, crazy paving style stone facing and faux timber framing on the principal gable. The roof is covered with concrete tiles. There is nothing of the external presentation of the building which roots it in Dartmoor.

Policy COR4 promotes the use of external materials appropriate to the local environment. DMD7 reinforces distinctiveness through design detailing, materials and finishes.

The proposal is to clad the existing house and proposed extension and garage with black corrugated (sinusoidal) profile sheets as part of a radical overhaul of the appearance of the building. Where applied to the walls it will be interspersed with blocks of vertical timber cladding, notably on the garage and southern gable.

The Parish Council has raised concern over this change, stating that it would be out of character and contrary to the advice contained in the DNPA and South Brent design guides.

There is a tradition of using corrugated metal sheets on Dartmoor buildings, although more commonly on agricultural buildings and smaller ancillary/service buildings. Where it is used on domestic buildings it tends to be limited to the roofs of outshots or outbuildings. They are often painted a dark colour or left to weather naturally.

Marle Lodge is neither locally distinctive nor of architectural merit. It is also located outside of the settlement where there are no immediate points of reference. The proposed cladding will

inevitably lead to a significant change in the appearance of the buildings however it is not considered that such a modification will have an adverse impact. The site is well screened by mature trees and hedgerows. Where there are distant views from the east the buildings will sit quietly in the landscape.

The proposal presents an opportunity to modernise and unify the appearance house while at the same time enhancing its thermal efficiency through the installation of high performance insulation boards behind the cladding sheets.

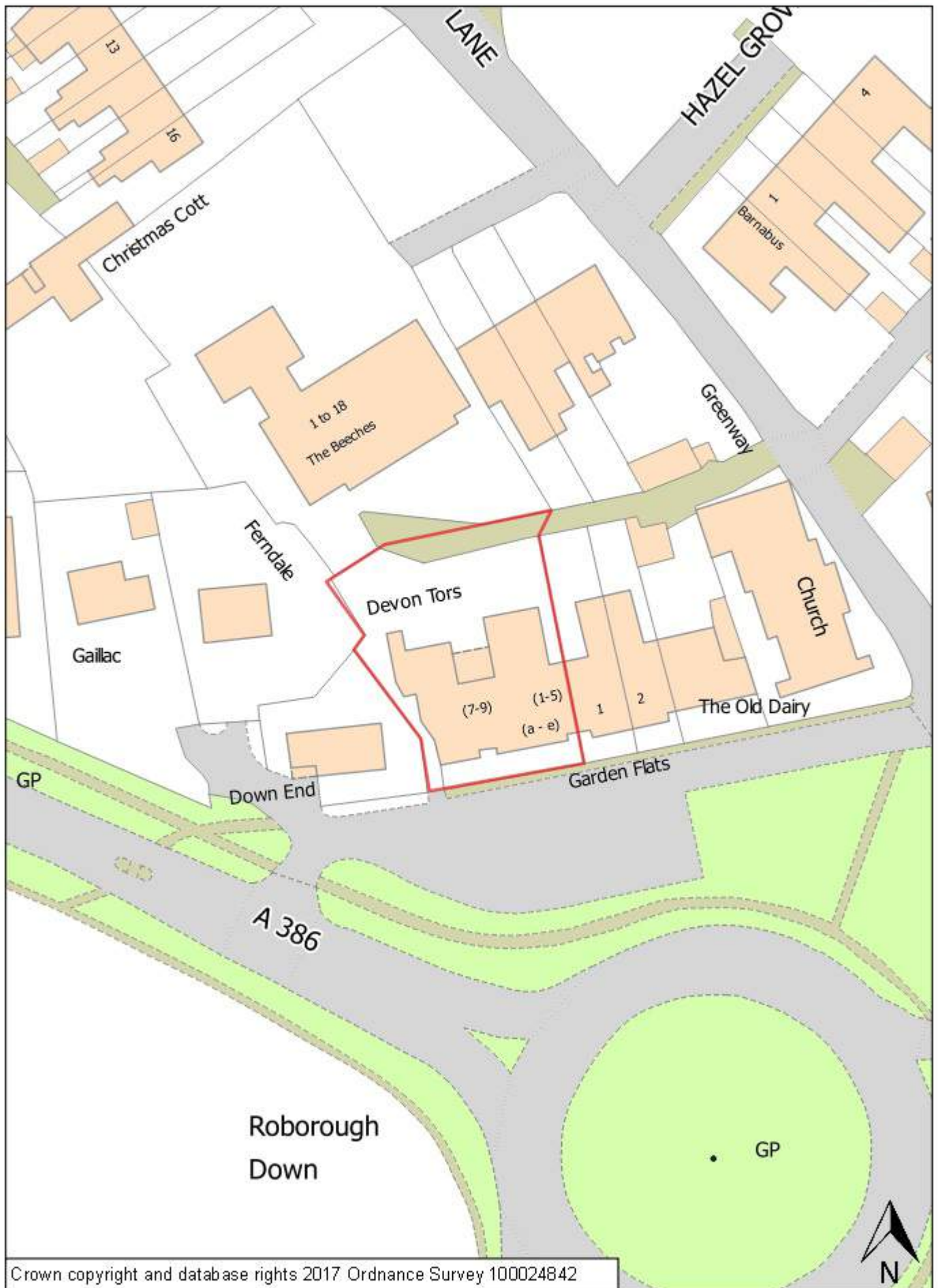
IMPACT ON PROTECTED SPECIES

The ecological surveys submitted identify the existing dwelling as a summer day roost by a small number of common pipistrelle bats. A detailed mitigation has been provided to the satisfaction of the DNPA ecologist. A licence will also be required from Natural England prior to the commencement of any works.

Devon Tors Hotel, Yelverton - 0649/16



Scale 1:750



4. Application No: **0649/16** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Buckland Monachorum**
Grid Ref: **SX520679** Officer: **Helen Herriott**

Proposal: **Change of use from bar/restaurant to five flats**

Location: **Devon Tors Hotel, Yelverton**

Applicant: **Mr R Bisiker**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed change of use would result in the loss of an existing community facility without the Authority being satisfied that the facility is not capable of being sustained and would be detrimental to the well-being of the resident population of the local community contrary to policies COR1, COR2, COR12 DMD1b and DMD19 of the Dartmoor National Park Authority Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision, Circular 2010 and the National Planning Policy Framework 2012.
2. The proposed development would result in unjustified open market dwellings in a Local Centre without any affordable housing and significant positive environmental improvement, contrary to policies COR2, COR15 and DMD21 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.
3. The proposed change of use would result in the loss of an existing and potential employment premises contrary to policies COR1, COR2, COR18 and DMD1b of the Dartmoor National Park Authority Development Plan and to the advice contained in the English National Parks and the Broads UK Government Vision, Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Planning History

0115/15	Replacement windows on all three sides Full Planning Permission - Householder	Grant Conditionally	05 May 2015
0407/07	Formation of two windows in rear wall of existing flat Full Planning Permission	Grant Unconditionally	05 July 2007
03/32/1440/89	Retrospective p/p for 12 self-contained flats (at present tenanted) Full Planning Permission	Grant Unconditionally	17 August 1989
03/32/1050/85	Erection of a dwelling on site of garden and garage Outline Planning Permission	Grant Outline Conditionally	18 April 1986
03/32/1690/80	Conversion of ground floor first and second floors into 9 self-contained flats		

	Change of Use	Grant Conditionally	06 February 1981
03/32/0283/80	Erection of a pair of semi-detached dwellings with garages		
	Outline Planning Permission	Grant Outline Conditionally	25 November 1980
3/32/827/75	Conversion of second floor hotel accommodation to three self-contained flats and construction of a car park		
	Full Planning Permission	Grant Conditionally	13 February 1976

Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: Please note no parking provision made with the application, noted that existing bar/restaurant has no parking either and it is not public highway in front of the site.

Environment Agency: Does not wish to comment.

Parish/Town Council Comments

Buckland Monachorum PC: Supports the application

Relevant Development Plan Policies

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR3 - Protection of Dartmoor's special environmental qualities

DMD19 - Sustainable Communities

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

Representations

1 letter of objection 1 other letter

The general observations received stated that the proposed flats appear cramped and their layout should be reconsidered prior to changing the use. However, if use of the property continues as a bar/restaurant it will add value to the area.

The objection predominantly related to the loss of another local amenity.

Observations

PROPOSAL

The Devon Tors Bar and Restaurant is located on the Lower Ground Floor of the building. The rest of the existing building is currently in residential use in the form of flats. This application proposes the change of use of the Devon Tors Bar and Restaurant, Yelverton to five open market dwellings comprising 4 x 1 bedroom and 1 x 2 bedrooms self-contained flats. The approximate floorspaces of the proposed flats are:

Flat 1: 73 sqm
Flat 2: 38sqm
Flat 3: 38 sqm
Flat 4: 38 sqm
Flat 5: 52 sqm (2 bedroom flat)

The application documents state that, the site has been vacant since 1 March 2016. The applicant advises that the business failed as it was no longer viable in the modern market due to the level of refurbishment and renovation required at the premises and the strong competition on the local area.

Stonesmith Property Specialists advise that the application site was initially marketed at £49,950 between August 2015 and September 2015.

They further advise that in March 2016, the property was advertised as a bar and restaurant with a nil premium on flexible terms with rental offers being invited for a new internal repairing lease. It was noted that 6 parties have viewed the premises; however no interest has been shown.

The application is presented to Members due to the Parish Council support.

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) establishes the requirement for Local Plans to promote a strong rural economy to support economic growth in order to create jobs and prosperity. Local Planning Authorities should guard against the unnecessary loss of valued facilities and services (para 70).

Policy COR12 seeks to sustain and improve the range and quality of community services and facilities that are essential to the vitality of Dartmoor's local community.

Policy DMD19 established the Authority's position on the provision and retention of local services and facilities. It states that "Development involving or comprising the loss of an existing community facility will only be permitted if compensatory provision is made as part of the proposal or the Authority is satisfied that the facility is not capable of being sustained".

COR18 aims to assist in the provision of local employment and business opportunities particularly in Local Centres.

COR15 and DMD21 indicate the circumstances where housing will be permitted in the Local Centres, in all cases, any development must not compromise the character and appearance of the area or the setting of a listed building and should be acceptable in terms of highway safety and the amenity of the surrounding properties. In all cases, except where indicated in a specific settlement policy, the proportion of affordable housing to meet local need should not be less than 50% of the units provided.

The provision of affordable housing to meet local needs is a key element of sustainable development in the National Park, and is a fundamental principle of the Development Plan. Any new development needs to demonstrate that it meets the social element of sustainable development including the need for affordable housing.

Planning decisions must be made in accordance with the local Development Plan unless

material considerations indicate otherwise. The policies set out in the Written Ministerial Statement of 28 November 2014, including in respect of section 106 affordable housing contributions, are material considerations in the determination of a planning application; however, it is still for the decision maker to decide the weight to give to material considerations in each case.

Policy DMD40 states that off street car parking for new residential development should be provided within the curtilage of the property or allocated elsewhere. For flats a minimum of one and a half spaces per dwelling or unit is required. Car free development will be considered favourably where reasonable alternative parking provision exists.

No parking provision assessment has been provided with the application to identify why less than a normal minimum number of car parking spaces would be appropriate. It is noted that there is some available off-road parking space at the front of the building.

Technical housing standards – nationally described space standard (March 2015) advises the minimum gross internal floor areas and storage that should be applied to all new residential properties. A one bedroom one person property minimum GIA is 39sqm plus 1sqm built in storage. A one bedroom two person property minimum GIA is 50sqm plus 1.5sqm built in storage and a two bedroom two person property requires a GIA of 61sqm and 2sqm built in storage.

ASSESSMENT

The supporting information provided by Stonessmith Property Specialists identifies that the property has not been marketed continuously for a period of not less than 12 months.

The marketing is short of the standard 12 month marketing period that the Authority would expect to demonstrate a reasonable test of the market. It is noted that this facility is not within the main shopping area (although it is close by) or the last such facility in the settlement so the marketing requirements contained in DMD19 do not strictly apply, however the policy does require the Authority to be satisfied that the facility is not capable of being sustained. The loss of employment associated with this change of use is also contrary to policies COR1, COR2, COR18 and DMD1b.

Stonessmiths subsequently confirmed, by email, that an offer was made on October 2016 for the freehold of the building (including the flats above the bar). An in principle agreement/acceptance of the offer was agreed at this time. This confirms that there has been interest in the property in its current form as a business unit, although the leasehold has not yet been sold. It is the understanding of the Authority that there has been and continues to be interest in the business use. It is also understood that there is interest from the leaseholders of the flats above the Devon Tors restaurant/bar to purchase the freehold (in its current form).

Yelverton is identified as one of the larger settlements within the Park and defined as a Local Centre. Policies COR15 and DMD21 make provision for the development of market housing where it will facilitate the delivery of affordable dwellings for local persons. Policy DMD21 supports the principle of new housing in Local Centres subject to a number of criteria and a minimum of 50% affordable housing being provided (unless there are significant environmental or community benefits).

In such circumstances, the Authority must consider whether the development offers a sustainable form of development, which in all other respects is consistent with the economic,

social and environmental policies of the Development Plan. The provision of affordable housing to meet local needs is a key element of sustainable development within the National Park and a fundamental principal of the Plan. The English National Parks and Broads UK Government Vision and Circular 2010 acknowledge that the focus is to provide for local needs rather than for market housing generally.

Land is a limited resource within the National Park and this approach ensures also making best use of available land within this nationally important landscape. The proposal for the development of five market dwellings does not meet the social role of sustainability within the National Park and the development will have a harmful impact on the National Park. Notwithstanding the conflict with the criteria for new housing development within Local Centres, the proposal does not offer a socially or environmentally sustainable form of development within the National Park and therefore there is no presumption in favour of this development.

Planning decisions must be made in accordance with the local Development Plan unless material considerations indicate otherwise. The policy requires the proportion of affordable housing to be not less than 50% of the units provided. Where five units are proposed, three affordable and two open market must be provided. Housing needs figures were provided by West Devon Borough Council in 26 January 2017. This identified a need for 17 units. The property is ideally located within the settlement close to shops and other facilities making it suitable for affordable housing.

It is noted that the proposed dwellings fall within the DNPA Intermediate housing model due to their size. Intermediate housing is more affordable and aims to meet a need between affordable rent and market housing where the household is not able to afford market prices. The Authority limits the size of new intermediate dwellings to 80sqm to sustain their affordability. Due to the size of the proposed properties the Authority would be flexible on an appropriate discount rate as necessary.

However, it is noted that four of the five proposed flats fail to meet the requirements of the nationally described space standards (A one bedroom one person property minimum GIA is 39sqm plus 1sqm built in storage. A one bedroom two person property minimum GIA is 50sqm plus 1.5sqm built in storage and a two bedroom two person property requires a GIA of 61sqm and 2sqm built in storage). The space standards aim to improve an occupant's quality of life and ensure that our homes are accessible and able to accommodate changing personal circumstances and growing families. Although these standards are a minimum, exceeding these values is always encouraged. The flats proposed as part of this application are considered to be too small to provide adequate liveable space for occupants.

The change of use of the Devon Tors Bar/Restaurant to five residential properties will have no detrimental effect on residential amenity.

CONCLUSION

The Authority has been presented with evidence which suggests that the property not only has had an offer accepted but also was let as a restaurant/bar by four individuals previously to being marketed for sale. This suggests that there is a demand for this type of facility in Yelverton. This application is considered to be premature, as it has not been evidenced that the application site is not viable as a restaurant/bar.

No affordable housing has been proposed as part of this application and no evidence has

been submitted with the application to suggest that the provision of affordable housing in this location would be unviable. The Written Ministerial Statement has been taken into account but the starting point for consideration particularly where there is evidence of a local housing need must be the Development Plan.

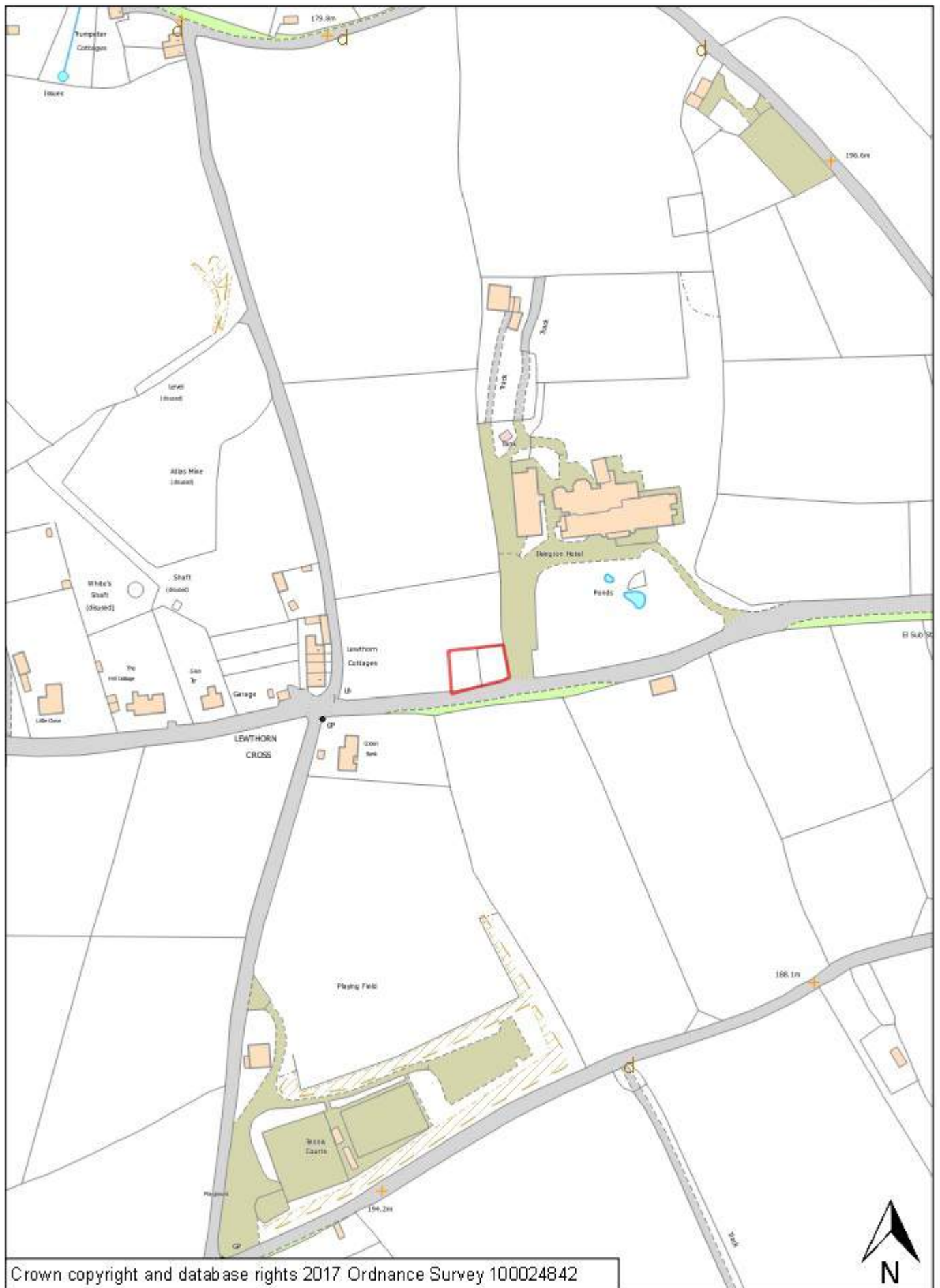
This application for change of use from bar/restaurant to flats does therefore not satisfy the tests set out in local policy and cannot be supported by the Authority.

Therefore the application is recommended for refusal.

Lewthorn Cross, Ilstington - 0634/16



Scale 1:2,500



5. Application No: **0634/16** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission** Parish: **Ilington**
Grid Ref: **SX780761** Officer: **Helen Herriott**

Proposal: **Erection of timber stable block**

Location: **Lewthorn Cross, Ilington**

Applicant: **Mrs K Reece**

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. All the sheds and field shelters currently sited at the application site (within the blue line) shall, unless otherwise agreed by the Local Planning Authority in writing, be permanently removed from the land not later than three months following the commencement of the development, and shall not be erected or placed within the application site.
3. No jumps, enclosures, mobile structures or other equestrian paraphernalia, including field shelters, exterior lighting, horse tape or structures to further subdivide the field shall be sited on the land without the prior written approval of the Local Planning Authority.
4. Any manure or dung heap shall be sited where it will not cause discharge to, or pollution of, any well, borehole, spring, watercourse or other source of water, including any dry ditch forming a connection to a watercourse, by the release of contaminated run-off.
5. The land and stables hereby approved shall be used for private equestrian purposes only and shall not be used for livery, riding lessons, commercial equine breeding or commercial equestrian use of any kind.
6. There shall be no external lighting on the site or buildings hereby approved without the prior written consent of the Local Planning Authority.
7. The proposed development shall, in all respects, accord strictly with site location plan, block plan (amended 17/1/17), drawing R7 and drawing 1 rev 1 (amended 3/1/17)

Introduction

Planning History

5/09/232/94/03	Rebuilding and enlarging existing shed			
	Full Planning Permission	Grant Conditionally	03 October	1994
5/09/017/93/15	Certificate of lawfulness for breach of a agricultural occupancy condition			
	Certificate of Lawfulness for an existing use	Certificate issued	04 June	1993
5/1/1230/09/1	Agricultural dwelling, stores etc. intensive market gardening			
	Outline Planning Permission	Refused	14 March	1975
		Result: Dismissed		

Consultations

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highways implications
Environment Agency:	Does not wish to comment
DNP - Ecology & Wildlife Conservation:	I conclude no significant impact on the South Hams SAC provided there is no external lighting and there is no loss of hedgerows or trees. There is unlikely to be any adverse impact on bat flight lines provided the development does not involve external lighting. Greater horseshoe bats are light sensitive and therefore a condition should be attached regarding external lighting. There are no other legally protected species or priority habitats likely to be affected.
DNP - Trees & Landscape:	No objection, subject to conditions requiring all existing horse related structures to be removed from the land, no horse related paraphernalia being introduced onto the land and no subdivision of the fields with horse tape

Parish/Town Council Comments

Illesington PC:	Initial objection due to the visual impact and siting of block, if sited closer to the hedge, the Council would not have an objection.
Illesington PC:	The Council did not formally comment following the amendments to the drawings but the Chair and Vice Chair were both of the view that their objection still stands. However, one member noted that the previous concerns had been met.

Relevant Development Plan Policies

COR1 - Sustainable Development Principles
COR2 - Settlement Strategies
COR3 - Protection of Dartmoor's special environmental qualities
COR4 - Design and sustainable development principles
COR9 - Protection from and prevention of flooding
DMD1a - Presumption in favour of sustainable development
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
DMD33 - Horse related development
DMD4 - Protecting local amenity
DMD5 - National Park Landscape
DMD7 - Dartmoor's built environment

Representations

None to date.

Observations

PROPOSAL

The application proposes the erection of an L-shaped stable building and associated storage for hay, tack and implement and waste storage. The application does not comprise the change of use of the land to equestrian use or any hardstanding associated with the stable building. No provision has been made for parking at the site, the current parking arrangement for the site is within the grassed area adjacent to the existing access and existing sheds.

The applicant has worked with Officers to improve the scheme's design and scale.

The proposed building has been reduced in size since the initial submission from 80sqm to 75sqm following comments from the Officer that the size of the building was excessive. The proposed building will be clad in brown horizontal timber boarding with an anthracite corrugated plastisol steel sheeting roof. The doors will be vertical tongue and groove timber boarding and rainwater goods will be black PVCu.

The applicant has agreed to the removal of the existing sheds and field shelters located within the blue line with any forthcoming consent.

The application is brought before Members in light of the Parish Council's initial objection.

LOCATION AND DESIGN

The development occupies a fairly discreet location in the south east corner of the field adjacent to the road. Although the proposed structures do not relate well to existing development and are located some 70m away from the residential properties to the west, they are clustered beside the fields' only existing vehicular access. A location closer to existing residential development to the south would likely impact on amenity and require a track which would further impact on the landscape character of this field.

The stable block will provide stabling for three horses. To ensure the welfare of horses and husbandry of the land the British Horse Society standards recommend 1 acre of land per horse and proportional area required falls if the horses are to be stabled. It is considered that the stabling proposed is proportionate to this 9 acre land holding.

EQUESTRIAN USE

Horse related uses have created some contention as to whether they constitute a material change of use from an agriculture use. The grazing of horses on land does not require planning permission.

A planning application is normally required for the use of land for the keeping of horses and for equestrian activities unless they are kept as livestock or the land is used purely for grazing.

The change of use does not form part of this application, therefore the applicant will not be able to ride or exercise horses on this land. Following a grant of planning consent, the applicant will be able to graze the horses and use the stable building for sheltered accommodation for these horses.

POLICY AND LANDSCAPE IMPACT

Policy DMD33 is clear that horse related development should conserve and/or enhance the

character and special qualities of the Dartmoor landscape. The landscape has an agricultural character and the stables and equine use will have an impact on this character. Policy DMD33 recognises that horse related development can negatively impact on the character of the landscape.

The Authority's Landscape Officer advises that the proposed development will have minimal impact on the character of the local landscape and the removal of existing horse related structures will be a landscape enhancement. The land has a pastoral character and it is important to maintain this character. The applicant has not applied for a change of use from agriculture to equine and if permission is granted the pastoral character of the field should be maintained by including a condition preventing horse related paraphernalia being introduced onto the land and or the fields being subdivided with horse tape.

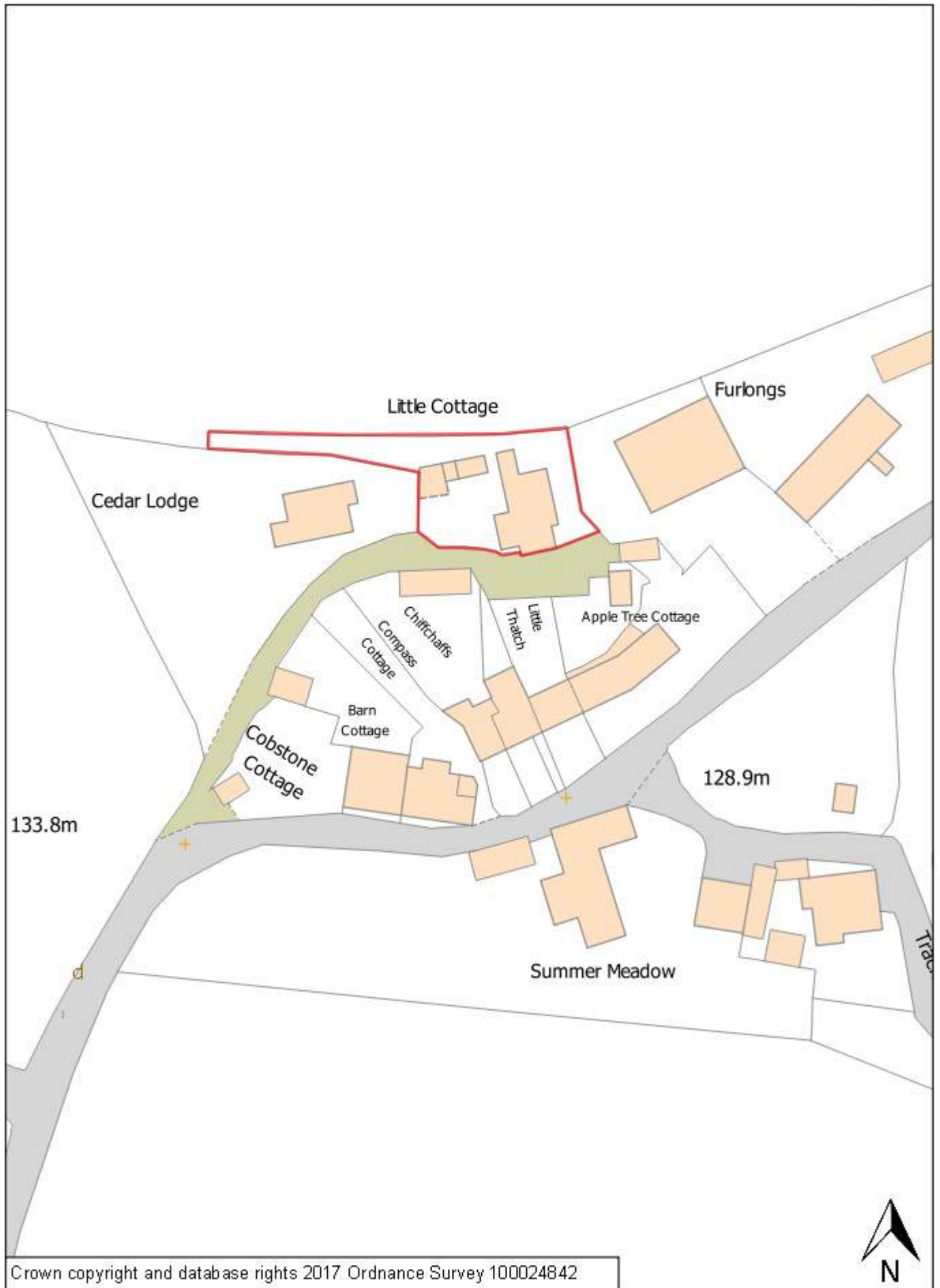
To limit any further landscape impact and prevent the recreational use of the horses on the land a condition is proposed requiring no jumps, enclosures, other equestrian paraphernalia, including mobile field shelters, exterior lighting, horse tape or structures to further subdivide the field to be sited on the land without the prior written approval of the Local Planning Authority.

The application accords with Development Plan Policies, notably policy DMD33, therefore the application for the erection of the stable block is recommended for approval.

Little Cottage, Higher Brimley - 0009/17



Scale 1:750



6. Application No: **0009/17** District/Borough: **Teignbridge District**
Application Type: **Full Planning Permission -** Parish: **Ilington**
Householder
Grid Ref: **SX795767** Officer: **Helen Herriott**

Proposal: **Demolition of existing living area and kitchen and construction of two story extension**

Location: **Little Cottage, Higher Brimley, Bovey Tracey**

Applicant: **Mr & Mrs S & T Harcourt-Smith**

Recommendation **That permission be REFUSED**

Reason(s) for Refusal

1. The proposed extensions by reason of increase in the scale and massing of the dwelling and the design proposed, would have an unacceptable and harmful impact on the character, appearance and historic significance of the existing building and this part of Dartmoor National Park. This would be contrary to policies COR1, COR4, DMD1b, DMD7 and DMD8 the Dartmoor National Park Authority Development Plan and to the advice contained in the Dartmoor National Park Design Guide 2011, the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

Introduction

Planning History

0548/16	Refurbishment and extension of existing residential dwelling Full Planning Permission - Withdrawn Householder	28 November 2016
0041/11	Demolish summerhouse, shed and garage and replace with car port, log store, secure shed and bin storage area in better position Full Planning Permission - Grant Unconditionally Householder	14 March 2011
0009/17	Demolition of existing living area and kitchen and construction of two story extension Full Planning Permission - Not yet determined Householder	

Consultations

Teignbridge District Council: No comment received
County EEC Directorate: No highways implications
Environment Agency: Does not wish to comment
DNP - Ecology & Wildlife Conservation: Having reviewed the planning drawings and Design and Access Statement it is considered that impacts on protected species are unlikely and that a survey is not required. Please can we issue the applicant with the standard informative regarding bats and nesting birds.

Parish/Town Council Comments

Ilington PC: Enhances the site for a family dwelling

Representations

6 letters of support

The letters of support predominantly highlighted the importance of the applicant and their family to the Parish. The letters advised of the need for the extension and improvements to this home to enable the family to afford to stay within the area. Some comments noted that the extension would enhance the existing dwelling.

Observations

PROPOSAL

Little Cottage is a detached dwelling, located within a cul-de-sac in Higher Brimley. The existing dwelling is built on a steeply sloping site. The property is predominantly single storey.

This application proposes a first floor extension and enlarged living accommodation on the ground floor. It is proposed that the existing porch and bathroom to the front elevation of the property are to be demolished.

This application has been re-submitted following Officer comments on a previously withdrawn application (0548/16). The Officer comments predominantly related to the excessive increase in floorspace (contrary to policy DMD24) and the incoherent, poor design (contrary to policies COR4, DMD7 and DMD24).

The applicant has minimally reduced the floorspace and has not taken into account the main design concerns in relation to scale and bulk of the extension raised by the Officer.

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

Application 0548/16 proposed a timber framed first floor extension with white painted render walls and a standing seam metal roof. The proposals comprise the rearrangement of the rooms on the ground floor including alterations to the entrance of the building. The ground floor proposes a recessed entrance and rear extension, with the existing entrance to remain as accommodation. The application also proposes a large first floor extension. The floorspace increase proposed as part of this earlier application was approximately 53sqm.

The application subject of this report is similar to the previously withdrawn application (0548/16 described above). It proposed a ground floor including a recessed porch entrance and rear extension, with the existing entrance to be demolished and a contemporary glass window to replace this.

The first floor extension remains broadly unchanged from the previously submitted application apart from the replacement of a rear rooflight with a dormer window.

The materials proposed in this application are a timber framed, timber clad extension with a slate and zinc or welshed lead roof. The verge boards have been slightly reduced in width and the pitch of the roof has been increased. The floorspace increase proposed as part of this application is approximately 41sqm.

POLICY CONSIDERATIONS

The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people (para. 56).

Planning Practice Guidance advises that Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Reference ID: 26-004-20140306

Policy DMD7 states that high standards of design and construction will be promoted. Development proposals should conserve and enhance the character of the local built environment. Proposals should reflect the principles set out in the Dartmoor National Park Design Guide supplementary planning document.

DESIGN

The Dartmoor National Park Design Guide supplementary planning document seeks to encourage innovative, high quality design, including contemporary solutions.

The proportions of the first floor are overbearing, and provide excessive height and bulk and the extension is not subservient to the existing dwelling.

It was suggested to the applicant that the first floor is reduced in size (particularly width East to West) to provide a more balanced extension. Reducing the bulk could also be achieved by bringing the eaves down, and providing a more traditional pitch on the roof.

The flat front elevation is also not considered good design in terms of Dartmoor vernacular. The flush dormers are fussy and make a flat façade along the West Elevation. The Design Guide gives guidance on porch design and dormer windows.

Domestic porches are modest and should not be too dominant in relation to the overall façade. The porch roof should not project any higher than the underside of the first floor window sills and follow the pitch of the main roof where possible. Dormers should be no wider than a double side hung casement with a simple swept gabled roof.

The following advice was previously given to the applicant to assist in improving the porch and dormer design.

"Dartmoor porches, generally project from the front of the building and provide as simple modest shelter and welcoming feature. A solution for the window on the west elevation may be a rolled lead/zinc flat roof dormer (such as that on p.61 of the Design Guide) or a swept roof dormer. The introduction of the window to the rear in place of the rooflight (in the previous scheme) does not enhance the scheme and increased the bulk of the first floor. There is still lack of coherence between the existing two storey element, and the new extension".

The proposed extension will fail to preserve the character and appearance of the area, in accordance with policies COR1 and COR4.

The application meets the requirements of DMD24 in relation to percentage increase in floorspace.

NEIGHBOUR AMENITY

There were two objections (ChiffChaffs & Appletree Cottage) to the original application that was subsequently withdrawn.

It was considered by the Officer that the change in levels and the distance of approximately 25 metres between the proposed extension and the adjacent properties would not lead to any new or more intensive overlooking opportunities than currently occur and the extension will have no material impact on privacy or loss of light. Therefore it is not considered that the proposed development would have a harmful impact on the residential amenities of neighbouring occupiers. The application accords with policy DMD4.

Six letters of support were received in relation to this application. No letters of objection have been received to date.

ASSESSMENT

The National Park Authority encourages good design. Extensions to existing properties should not overwhelm the existing building, it is noted in the design guide that smaller original buildings have less opportunity for extending. Extensions offer an opportunity to use good contemporary design. Material used should be in sympathy with those on the exterior of the existing house.

CONCLUSION

The application is contrary to policies COR1 and DMD7 and fails to conserve and enhance the special qualities of the National Park. The application is recommended for refusal

STEPHEN BELLI

NPA/DM/17/013

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

03 March 2017

MONITORING AND ENFORCEMENT

Report of the Head of Planning

INDEX

Item No. **Description**

1. ENF/0036/16 - Unauthorised residential use of barn, Barn at Michelcombe Farm, Holne

Michelcombe Farm ENF-0036-16



Scale 1:1,000



Michelcombe Farm

Track



1 Enforcement Code: **ENF/0036/16** District/Borough: **South Hams District**
Grid Ref: **SX699689** Parish: **Holne**
Officer: **Nick Savin**

Description: **Unauthorised residential use of barn**
Location: **Barn at Michelcombe Farm, Holne**
Land owner: **Mr J French**
Recommendation **That, subject to the consideration of any comments from the Parish Council, the appropriate legal action be authorised to:**
1. Secure the cessation of the residential use of the agricultural building;
2. Secure the removal of the residential unit and all domestic paraphernalia from the land, including the removal of all walls, windows, doors, flues, fixtures and fittings that facilitate residential use.

Relevant Development Plan Policies

COR1 – Sustainable Development
COR2 – Settlement Pattern
COR4 - Design Principles
COR15 – Housing
DMD1b – Dartmoor National Park's Special Qualities
DMD3 – Quality of Place
DMD7 – Built Environment
DMD23 – Residential Development outside settlements

Representations & Parish/Town Council Comments

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

Observations

OBSERVATIONS

The building, known as the Barn, is situated on the eastern edge of the hamlet of Michelcombe next to Dartmoor Water Ltd at Michelcombe Farm. Permission was granted for the barn in 2002 (ref. 0812/02) for the "winter housing of sheep".

In February 2016 concern was raised with the Authority that Mr French was residing in the barn at Michelcombe without the necessary planning permission. A visit confirmed that one end of a barn had been converted to living accommodation and that Mr French was residing there.

Mr French has lived and farmed in the Michelcombe area for some 40 years and his family for many years before. As a result of a number of personal and health issues he has ended up living in the barn. He still farms the land there.

APPLICATION ref. 0566/16

In an attempt to try and regularise the use of the barn, an application was submitted seeking a Certificate of Lawfulness for the use of the agricultural building as a dwelling. The application stated that in or around August 2011 he purchased a static caravan and placed it within the barn

for use as residential accommodation.

Mr French further stated that he lived in the caravan until Sept 2013 when he carried out works to the end of the barn to convert it for residential purposes.

The caravan was subsequently removed and Mr French took up occupation of the conversion on 4 October 2013.

The premises were visited in November 2016 as part of the application process and it was confirmed that the converted part of the barn was self-contained and provides all the facilities required for private day to day existence. It was noted that part of the Barn remained in agricultural / equestrian use.

The converted part of the Barn is clearly in use as a single dwelling house and has all the facilities necessary for private day to day existence.

The material change of use of a building or part of a building to use as a single dwelling house will become immune from enforcement action after a period of four years. Given that the barn conversion was first occupied in Oct 2013, the four year immunity period is not met.

The siting of a mobile home for residential purposes in a barn is a material change of use of that building and a breach of planning control. A caravan is not a dwellinghouse however and immunity from enforcement action will not accrue until 10 years have elapsed.

The Authority was not satisfied that the use of the barn as a dwellinghouse was immune from enforcement action and therefore lawful. Accordingly the application for a Certificate of Lawfulness was refused. No appeal against that decision has been received.

POLICY CONSIDERATIONS

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

Policy COR2 refers to spatial development within the National Park and outside Local Centres and Rural Settlements development will only be acceptable if, amongst other things, it is to meet the proven needs of farming. The development is contrary to policy COR2 as this need is not proven.

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

Policy COR15 is associated with housing provision and states that outside Local Centres and Rural Settlements housing development will be restricted to that serving proven needs of agriculture and forestry or other essential rural business. As there is no current proven need for a new dwellinghouse or the residential use of the barn, the development is contrary to this policy.

Policy DMD1b seeks to protect the special qualities of the National Park. The development does

not accord with this policy.

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

Policy DMD7 refers to the quality and distinctiveness of the built environment. The barn conversion does not conserve or enhance the character of the local built environment or reflect the principles set out in the Dartmoor National Park Design Guide and is therefore contrary to this policy.

Policy DMD23 seeks to restrict the erection of new dwellings outside Local Centres or Rural Settlements, except where a proven need for an essential rural worker has been established. Neither the functional or financial requirement for a new dwelling on the holding has been proven.

The HUMAN RIGHTS ACT 1998

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

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

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

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

- The personal circumstances of the occupiers have been considered and fully taken into account.
- There are not understood to be any current education issues
- There is no known social services involvement
- Whilst there may be ongoing health issues in this case, this is insufficient to override a serious breach of local plan policy.

Members are therefore advised that enforcement action would be:

- (i) in accordance with law – s.178(1) T&CPA 1990
 - (ii) in pursuance of a legitimate aim – the upholding of planning law and in particular the Development Plan policies restricting development in the open countryside of the National Park
 - (iii) proportionate to the harm
- and therefore not incompatible with the Human Rights Act.

CONCLUSION

The unauthorised residential use of part of this building is clearly contrary to policy and harmful to the special qualities of the National Park. The development is considered contrary to the advice contained in the National Planning Policy Framework and the National Park Local Plan policies and following the refusal of the Certificate of Lawfulness application, it is now considered appropriate to secure the cessation of the use of this part of the building as a dwellinghouse.

Given the occupiers current state of health, any legal action taken will provide a reasonable period for compliance.

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

03 March 2017

APPEALS

Report of the Head of Planning

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

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

1 Application No: W/16/3155560 District/Borough: Teignbridge District
Appeal Type: Refusal of Full Planning Permission Parish: Bovey Tracey
Proposal: Creation of a new access onto highway
Location: **Land at Brimley Lane, Higher Brimley, Bovey Tracey**
Appellant: **Mr D Ayliffe**
Decision: **DISMISSED**

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

1 Application No: W/16/3165177 District/Borough: Teignbridge District
Appeal Type: Refusal of Full Planning Permission Parish: Ashburton
Proposal: Erection of dwelling
Location: **Land adjacent to 25 Stonepark Crescent, Ashburton**
Appellant: **Effaux Investments Ltd.**

STEPHEN BELLI

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

03 March 2017

ENFORCEMENT ACTION TAKEN UNDER DELEGATED POWERS

Report of the Head of Planning

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

(For further information please contact James Aven)

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

1 Enforcement Code:	ENF/0025/17	District/Borough:	Teignbridge District
Grid Ref :	SX737659	Parish :	Buckfastleigh
Breach :	Provision of a summerhouse		
Location :	105 Plymouth Road, Buckfastleigh		
Action taken / Notice served	No further action taken		

STEPHEN BELLI