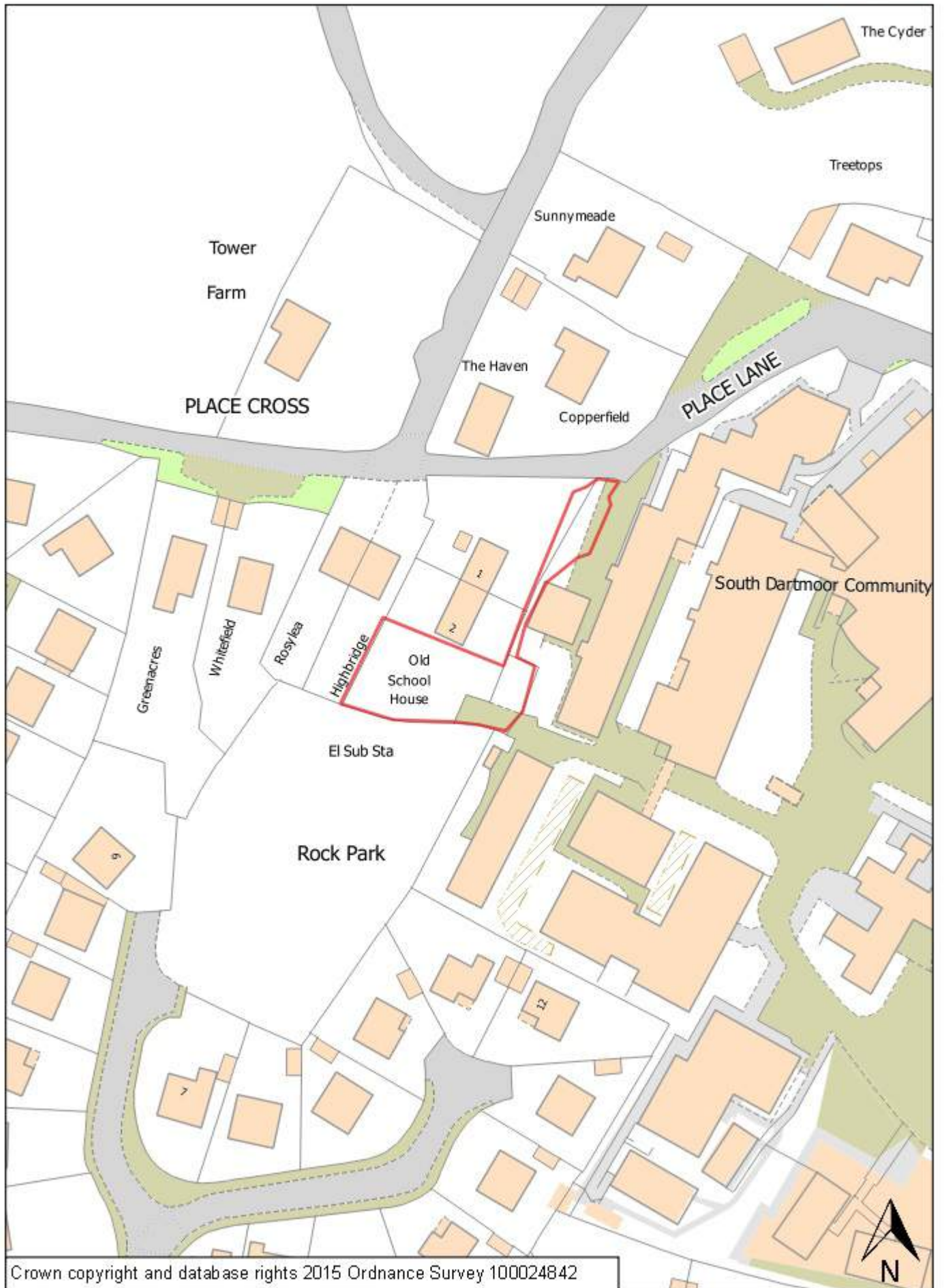


# Land adj 2 Old School House - 0514/16



Scale 1:1,000



DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

02 December 2016

**SITE INSPECTIONS**

Report of the Head of Planning

1 Application No: **0514/16** District/Borough: **Teignbridge District**  
Application Type: **Outline Planning Permission** Parish: **Ashburton**  
Grid Ref: **SX762708** Officer: **Jo Burgess**  
Proposal: **Erection of an additional dwelling (open market)**  
Location: **Land adj 2 Old School House, Ashburton**  
Applicant: **South Dartmoor Community College**  
Recommendation: **That permission be GRANTED**

**Condition(s)**

1. The development hereby permitted shall be begun either (i) before the expiration of three years from the date of this permission, or (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
3. Development shall not begin until detailed drawings have been submitted to, and approved by, the Local Planning Authority showing the design and external appearance of all proposed buildings, the first floor, eaves and ridge levels in relation to a fixed datum point, the materials of which they are to be constructed, the arrangements for the disposal of foul and surface water, surfacing and lighting, landscaping and all other works including walls, fences and other means of enclosure and screening and indicating the location and species of all trees existing on the site. At all times thereafter the development shall be implemented strictly in accordance with the approved details.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission and the pursuant reserved matters approval shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
5. The dwelling hereby permitted shall not be occupied until two of the parking spaces for motor vehicles shown on the approved plan and pedestrian access from the parking spaces to the dwelling hereby approved have been allocated and made available for use in accordance with the drawing hereby approved; thereafter the parking spaces shall be permanently allocated and retained for the use of the proposed dwelling alone.

The panel convened at the site where the officer explained the siting of the new house and pointed out the relationship with the existing dwellings and the new boundary fence that has been erected since the site was last visited. The applicants clarified that 2 Old School House has now been sold.

Before convening in the car park, the officer clarified that policy COR21 and the National Planning Policy Framework provide the policy advice in respect of highway safety. In the car park the Planning Officer confirmed that an appropriately scaled plan has now been received.

The Highways Officer briefed Members that because Place Lane experiences an average traffic speed of 20mph he could not insist on an ability to turn in order to enter and exit the lane in forward gear. However, having measured the car parking area and with the benefit of a plan he had drawn up and circulated to Members, he demonstrated that cars parked square rather than in a herringbone fashion as shown on the submitted drawing will be able to turn around within the site.

Mr Cann joined the Panel in the car park.

With respect to the ownership of the roadside hedge, the Community College representative confirmed that the hedge was in their ownership. Additionally the Panel were advised that the hedge and the parking area are being retained in the ownership of the college so it will retain responsibility for maintenance in the long term.

The panel adjourned to the lane and noted that some work had been carried out to the hedge. The Highways Officer confirmed that the access has been in existence for many years and reiterated his advice that the traffic generated in association with the new dwelling would not be sufficient to justify a highways reason for refusal.

The college representative pointed out that the vast majority of pupils arrive by coach and having carried out a survey, the number of pupils using the lane in the morning was 15.

The Town Council representative raised concerns regarding the sale of the property, the fact that it was not to be affordable, that entry and exit onto the lane was not safe and that turning

was not possible as the Highways Officer had set out and also pointed out that the house has now been sold.

The District Council representatives raised no specific objections.

The Members acknowledged the advice of the Highways Officer and although two Members remained concerned regarding the inability to turn within the site, most felt that although turning will be tight, in light of the small amount of additional vehicular movements associated with the additional house it was not reasonable to object on these grounds. The Planning Officer confirmed that although the arrangement for access to 2 Old School Houses was relatively recent, there would have been no need for a planning application to make such provision.

One Member asked if a condition could be imposed regarding removing the hedge to the north of the access to improve visibility. Having spoken to the College representative, the officer has confirmed that the College would not object to such a condition.

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**STEPHEN BELLI**

7. Application No: **0514/16** District/Borough: **Teignbridge District**  
Application Type: **Outline Planning Permission** Parish: **Ashburton**  
Grid Ref: **SX762708** Officer: **Jo Burgess**

Proposal: **Erection of an additional dwelling (open market)**

Location: **Land adj 2 Old School House,  
Ashburton**

Applicant: **South Dartmoor Community  
College**

Recommendation **That subject to the consideration of any comments from Ashburton  
Town Council, permission be GRANTED**

### **Condition(s)**

1. The development hereby permitted shall be begun either (i) before the expiration of three years from the date of this permission, or (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
3. Development shall not begin until detailed drawings have been submitted to, and approved by, the Local Planning Authority showing the design and external appearance of all proposed buildings, their siting in accordance with the levels information hereby approved, the materials of which they are to be constructed, the arrangements for the disposal of foul and surface water, surfacing and lighting, landscaping and all other works including walls, fences and other means of enclosure and screening and indicating the location and species of all trees existing on the site. At all times thereafter the development shall be implemented strictly in accordance with the approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
5. The dwelling hereby permitted shall not be occupied until the two parking spaces for motor vehicles shown on the approved plan and pedestrian access from the parking spaces to the dwelling hereby approved have been made available for use in accordance with the drawing hereby approved; thereafter the parking spaces shall be permanently retained for that use alone.

### **Introduction**

2 Old School House is located on the north edge of the South Dartmoor Community College campus.

It is proposed to erect a single dwelling in the garden to the side of the existing dwelling. Vehicular and pedestrian access is proposed from Place Lane.

The application is presented to the Committee because it was advertised as a Departure from the Development Plan; due to the creation of an additional open market residential unit in the Local Centre.

### **Planning History**

0560/14	Change of use of residential property (C3) to a non-residential institution use (D1) to allow building to be used for teaching small groups of students/individuals in a non-classroom setting		
	Change of Use	Refused	09 December 2014
	Appeal lodged: 06 January 15	Result: Allowed	

### **Consultations**

Teignbridge District Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Environment Agency:	Flood Risk Zone 1 - standing advice applies

### **Parish/Town Council Comments**

Ashburton TC:	To be reported at the meeting
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### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR15 - Providing for limited new housing to meet local needs  
COR4 - Design and sustainable development principles  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD21 - Residential development in Local Centres  
DMD4 - Protecting local amenity  
DMD45 - Settlement boundaries

### **Representations**

None to date.

### **Observations**

#### **INTRODUCTION**

2 Old School House is a semi-detached property. It was previously occupied by the school caretaker, most recently has been used for educational purposes by the College but is presently not being used.

A retrospective planning application for educational use was refused but allowed by a Planning Inspector.

The application states that 2 Old School Houses will be retained by the College as a

caretaker's residence.

## THE SITE

The property has substantial gardens at the front, rear and to the side. This is an outline application for a two-storey detached dwelling of a similar footprint to the existing dwelling on the garden to the side of the 2 Old School House. Drawings confirm that the proposed dwelling will have eaves and ridge heights not exceeding those of the adjacent dwelling.

## IMPACT ON RESIDENTIAL AMENITY

The site falls away to the Community College to the south.

To the north at a higher level is the garden of a property facing Place Lane (Highbridge). Windows in the rear elevation of the proposed dwelling would overlook the garden of Highbridge but because the house is a much lower level this would only be at first floor level above an intervening hedge.

The garden of Highbridge is already overlooked from the north by another property at a higher level and by the other half of the semi of which it forms part. It is considered under these circumstances that as there would be no direct overlooking of any windows the impact on the amenity of Highbridge is not sufficient to justify refusal on amenity grounds. This point can however be given further consideration at detailed design stage to ensure the level of overlooking is reasonable.

In terms of 2 Old School House, the property would retain garden at the front and to the rear and this would be overlooked no more than at present. There is an existing ground floor window in the side elevation but this is a secondary window so the impact will be minimal.

## HIGHWAY SAFETY

It is proposed to use an existing access from Place Lane which currently serves a motor repair workshop used by the College.

Access from Place Lane to the workshop will no longer be possible as a fenced off parking area for four cars is proposed with pedestrian access by ramp and/or steps to 2 Old School House and the proposed dwelling is proposed. Work has already commenced on this aspect of the development with the ramp and steps having been constructed.

Concerns have been raised by an adjoining resident about parking and access, however the Highways Officer has noted that although the access is constrained, because the trip generation of two houses will be comparable with the authorised use, there is no highway objection.

## POLICY

The proposed dwelling is open market and the Authority is no longer able to require a single property on this site to be affordable. This application has therefore been advertised as a departure from the Development Plan.

Notwithstanding the affordable issue per se the Authority has to assess whether this proposal is sustainable in its broadest sense. A recent appeal decision (APP/J9497/W/15/3136453)

identified that open market housing should facilitate the significant environmental or community benefits or meet the social role of sustainability.

## ENVIRONMENTAL

There are no ecological or other environmental concerns in respect of this site.

Although this is an outline application, details of the levels confirm that there will be no impact on residential amenity. The difference in levels is such that it is not considered that the building would be overbearing and dominant for the neighbours and in that sense is in accordance with COR4 and DMD4.

Although this is not an infill development, it will not be prominent in the streetscene or the wider built environment and it is considered that the form and siting of the proposed dwelling is appropriate to the site and its surroundings and will conserve or enhance the quality and distinctiveness of the built environment contrary to policy DMD7.

In terms of whether this is sustainable development -

- the massing and siting of the dwelling will conserve or enhance the special qualities of the National Park. It therefore meets the Environment test
- it is a new dwelling in a Local Centre but is not affordable by virtue of its size but it is stated that the money generated will provide funds to help support the educational budget of the College so indirectly it does meet the needs of the local community and passes the Society test.
- it would support the economic well being of the local community in a minor way

Affordable dwellings are proposed on larger development sites elsewhere in Ashburton. An open market dwelling in this location would not cause significant environmental harm and the location is a sustainable one within the defined settlement boundary of the Local Centre.

## CONCLUSION

A more intensive development to achieve smaller (more affordable) dwellings would be difficult to accommodate in terms of parking and would result in small plots out of character with the area. The benefits of achieving a new dwelling within the Local Centre are considered to outweigh any adverse impact of granting the a permission which is strictly contrary to policy.

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DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

02 December 2016

**APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Report of the Head of Planning

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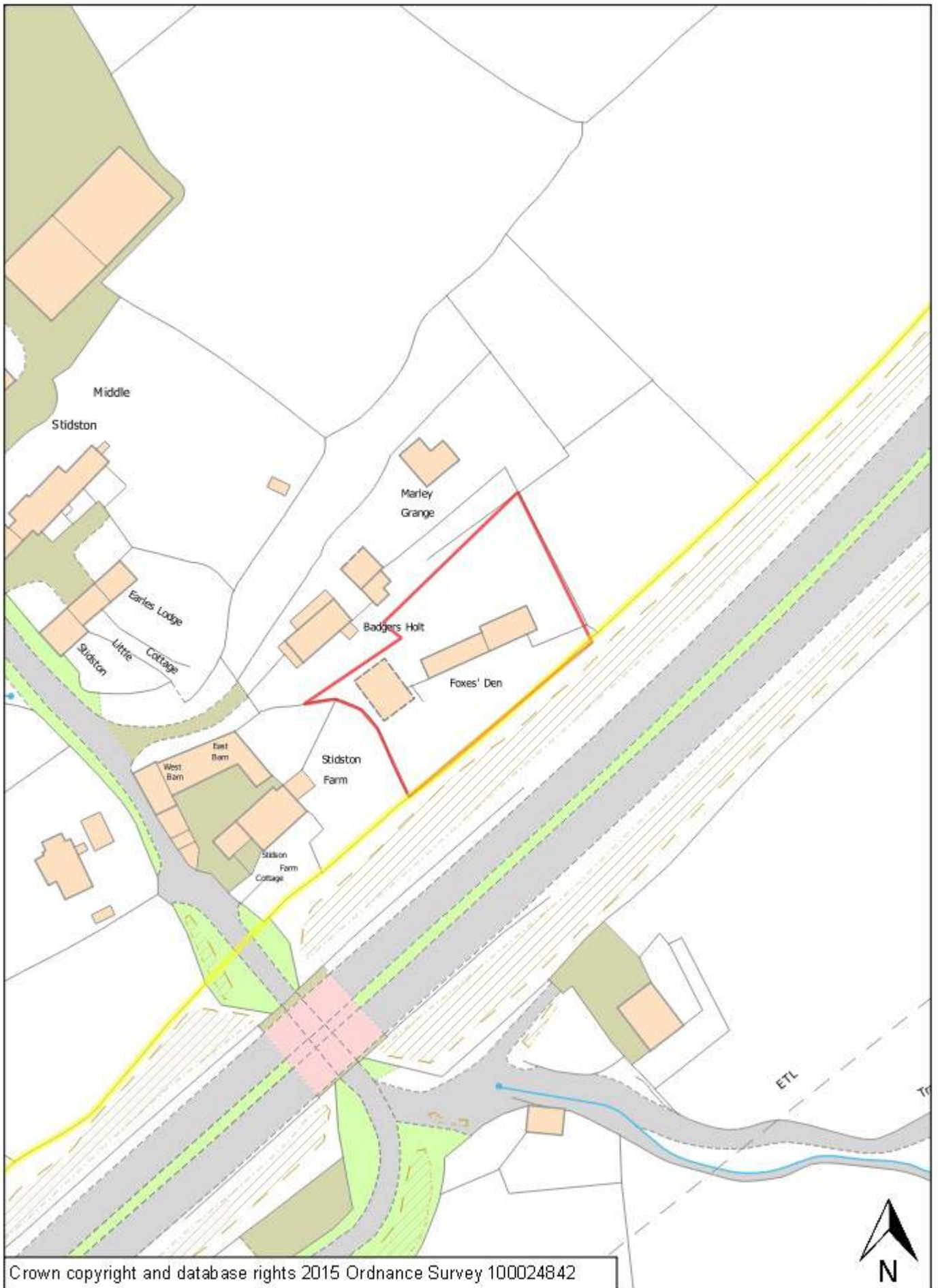
**Item No.** **Description**

1. 0515/16 - Conversion of barn to two units of affordable housing (Full Planning Permission), Barn A, Marley Grange, Stidson, South Brent
2. 0315/16 - New dwelling (revised re-design of existing planning consent 0270/14) on site of former garage (Full Planning Permission), Peter Tavy Garage, Peter Tavy
3. 0533/16 - Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages (Full Planning Permission), Wortleigh, Meavy Lane, Yelverton
4. 0547/16 - Alterations to thatched roof (Listed Building Consent), Dymonds, Dunsford
5. 0534/16 - Repositioning of stone gate pier, enlarging opening and gate (Listed Building Consent), 3/4 The Wilderness, East Street, Ashburton
6. 0565/16 - Construction of agricultural workers dwelling (Outline Planning Permission), Beacon View Farm, Drewsteignton
7. 0491/16 - Construction of extension and associated works (Full Planning Permission - Householder), Foxlands, Willey Lane, Sticklepath
8. 0552/16 - Erection of first floor extension over garage and ground floor extension to garage and porch (Full Planning Permission - Householder), Oak Cottage, Peter Tavy
9. 0483/16 - Variation of condition 6 attached to decision reference 0581/15 and condition 2 of the associated non-material amendment (Full Planning Permission), East Wrey Barton Hotel, Lustleigh

# Barn A Marley Grange, South Brent - 0515/16



Scale 1:1,250



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1. Application No: **0515/16** District/Borough: **South Hams District**  
Application Type: **Full Planning Permission** Parish: **South Brent**  
Grid Ref: **SX717602** Officer: **Jo Burgess**

Proposal: **Conversion of barn to two units of affordable housing**

Location: **Barn A, Marley Grange,  
Stidson, South Brent**

Applicant: **JFJ Builders**

Recommendation **That, subject to the completion of a Section 106 legal agreement in respect of affordable housing, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwellings hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
3. The development shall be completed strictly in accordance with the site location plan and block plan received 14 November 2016 and drawing numbers 859/03 Rev C and 859/04 Rev B received 21 September 2016.
4. Within three months of the first of the dwellings hereby approved being brought into occupation, the mobile home and portacabin shown on the annotated site plan hereby approved, shall be permanently removed from the site and the land laid to gravel, details of which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved gravel shall be retained thereafter.
5. The roofs of the dwellings hereby approved shall be covered in natural slate, sample(s) of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roofs shall be maintained in the approved natural slate.
6. The roofs of the dwellings hereby approved shall be covered in slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
7. All new stonework shall be laid and pointed using traditional techniques and materials so as to match the stonework on the existing building.
8. Prior to the installation of any rooflight in the development hereby approved, details of the proposed rooflight(s) shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, only approved rooflight(s) shall be used in the development.

9. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the building shall be recessed at least 100mm in their openings.
10. Prior to the installation of any joinery, details including 1:5 sections shall be submitted to the Local Planning Authority for written approval. All new external timber on the building hereby approved shall be left to weather naturally unless otherwise agreed by the Local Planning Authority in writing and retained as such thereafter.
11. All gutters and downpipes on the development hereby approved shall be of metal construction and round or half-round in section and, unless otherwise agreed by the Local Planning Authority in writing, shall be painted black not later than 30 days after the substantial completion of the development.
12. Notwithstanding the approved drawings there shall be no internal lining of the existing walls. Details of an alternative treatment shall be submitted to and approved in writing by the Local Planning Authority and the approved treatment shall be retained thereafter.
13. 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 4 April 2016.
14. No external lighting shall be installed without the prior written approval of the Local Planning Authority.

### **Introduction**

Barn A, Marley Grange is a stone building with an upper and lower section, located within the historic farmstead of Marley to the east of South Brent and in close proximity to the A38 to the south.

The application was due to be presented to Committee in November. At that time, it was proposed that the barn was to be converted to two units of open market housing and as such it was advertised as a Departure from the Development Plan.

The application has been subsequently revised to propose two units of affordable housing with smaller curtilages. The proposed parking in the pole barn is omitted.

### **Planning History**

0224/16	Conversion of barn to two units of affordable housing		
	Full Planning Permission	Refused	17 June 2016
0613/14	Conversion of barn into two units of affordable housing		
	Full Planning Permission	Withdrawn	12 November 2014

### **Consultations**

Environment Agency:	Flood Risk Zone 1 - standing advice applies
South Hams District Council:	Does not wish to comment
County EEC Directorate:	No objection
DNP - Archaeology:	The comprehensive heritage statement provided as part of this application notes that the floor has been extensively disturbed in the past. There are therefore no significant archaeological implications for this application.

DNP - Building Conservation Officer:	Externally the scheme would retain the agricultural character of the building. Internally the open character of the barns would not be preserved due to subdivision and lining of the walls. The scheme would cause less than substantial harm to the heritage significance of the barns.
DNP - Ecology & Wildlife Conservation:	Works to proceed in accordance with ecological appraisal report. No external lighting should be installed without the prior approval of the Authority

### **Parish/Town Council Comments**

South Brent PC: No objection

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR15 - Providing for limited new housing to meet local needs  
COR2 - Settlement Strategies  
COR21 - Dealing with development and transport issues in a sustainable way  
COR3 - Protection of Dartmoor's special environmental qualities  
COR4 - Design and sustainable development principles  
COR5 - Protecting the historic built environment  
COR6 - Protecting Dartmoor's Archaeology  
COR7 - Providing for the conservation of Dartmoor's varied plant and animal life and geology  
DMD13 - Archaeology  
DMD14 - Biodiversity and geological conservation  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD23 - Residential development outside Local Centres and Rural Settlements  
DMD3 - Sustaining the quality of places in Dartmoor National Park  
DMD4 - Protecting local amenity  
DMD40 - Parking provision - Residential  
DMD7 - Dartmoor's built environment  
DMD8 - Changes to Historic Buildings  
DMD9 - The re-use and adoption of historic buildings in the countryside

### **Representations**

None to date.

### **Observations**

### **INTRODUCTION**

Marley Barns are located in a small hamlet in the open countryside. The historic farmhouse was replaced in the 1930s and the barn opposite (Barn B) has been converted to two affordable units of accommodation following a grant of planning permission in 2011.

The stone barns have corrugated iron roofs and the eastern end of the building is closed off by

large metal doors. They retain few historic features. They are vernacular in form and are agricultural in character.

## THE PROPOSAL

Marley Grange is in the open countryside although in a very accessible location due to the proximity of the A38 and the bus route on the B3372. The proposal to convert the barn into two dwellings has to be considered against policies COR2, COR15, DMD9 and DMD23.

## PLANNING HISTORY

Planning application 0224/16 was refused because the proposed development would result in the creation of two unjustified dwellings in the open countryside and because there was inadequate information to demonstrate that the proposed development would preserve historic fabric and conserve or enhance the special characteristics of the buildings and the historic farmstead or preserve the archaeological interest of this historic farmstead.

The site is in open countryside and outside of any recognised settlement. Conversion of buildings in such a location to residential accommodation should only be considered acceptable where the applicant has addressed the viability and feasibility of alternative business and community uses. No information was provided in this respect at that time.

Application 0224/16 did however include a development appraisal confirming that the conversion to two affordable dwellings was financially viable and would provide a development profit. The applicant has confirmed that there have been no significant changes which would affect the conclusions reached at that time.

The current application includes a Commercial Viability Assessment examining the suitability of the building, local demand and viability of alternative uses. Details of the suitability, local demand and viability of the light industrial/storage use, offices, community use and holiday letting are covered in detail and it is concluded that all the alternative uses are unviable from a financial perspective.

## HISTORIC ENVIRONMENT

The building is a historic building. The applicant has commissioned a Statement of Significance which revealed the history of the farmstead and concluded that the barn range as part of the wider farm/hamlet group is of local significance. The barns are stated to have retained few if any historic features. The restoration of slate roofs and minimal alterations to the building will retain their agricultural character.

The applicant has confirmed that he is happy for a condition stating that the internal walls should not be lined so as far as possible the internal character of the barns will be retained.

The proposed conversion is in accordance with policies COR5, DMD8 and DMD9 in particular.

## ARCHAEOLOGY

The Archaeologist is content with the comprehensive heritage statement and because the floor has been extensively disturbed in the past. There are no significant archaeological implications presented by the application.

## POLICY

Policy DMD9 states that where business or community use have been shown not to be viable, the conversion of historic buildings in the open countryside should provide affordable housing for local persons.

As Members will be aware, Government guidance has changed in respect of the use of Section 106 agreements in association with affordable housing on any scheme of 5 units or less. The applicant was advised of this change and submitted an application for open market dwellings, having previously proposed affordable housing in 2014 and 2016.

In light of recent advice from DCLG and a recent appeal decision (APP/J9497/W/15/3136453) it has been concluded that the primacy of the Development Plan and in particular DMD9, means that the Authority is able, if circumstances dictate, to require affordable housing.

In this case the applicant has been advised that affordable housing will be necessary and has subsequently revised the description of the application to reflect this stance. This is in line with the viability assessments presented with the previous application, which indicated that this was a viable alternative use.

## PROPOSED WORKS

The drawings show that the building is capable of conversion without the need for substantial extension, alteration or reconstruction of the existing structure and externally the agricultural character of the barns will be preserved. Although the Building Conservation Officer has raised concerns regarding the internal subdivision of the barn, in light of the character of the buildings being largely defined by their external appearance, it is considered that overall, in the context of the information provided in the heritage statement, the benefits of conversion are significant and will sustain the buildings. The new dwellings will be 80sqm and 111sqm in floor area - the latter unit is in excess of the size criteria set out in the Affordable Housing SPD but still a relatively modest dwelling.

The applicant has confirmed that an existing mobile home and portacabin will be removed from the site. The size of the curtilage has been reduced and garaging is no longer to be provided in the pole barn; matters which will assist with affordability of the units once converted.

In view of the close physical relationship between the proposed dwellings and the barn that has already been converted into affordable dwellings, residential use would preserve the residential amenity of the adjacent occupiers.

## CONCLUSION

It has been concluded that in light of the information provided and the requirements of DMD9, the most sustainable use of the barn is for it to be converted into two affordable dwellings.

In view of the proximity to a regular bus route and the A38, although in terms of COR2 the barn is located outside of a recognised settlement, the location is a relatively sustainable one and has previously been considered to be acceptable for affordable housing.

It is not considered that the dwellings would cause significant environmental harm and residential use will make use of barns which are no longer required for agriculture and have no

other suitable viable use. The development is therefore considered to be sustainable development in accordance with the Development Plan and the NPPF.

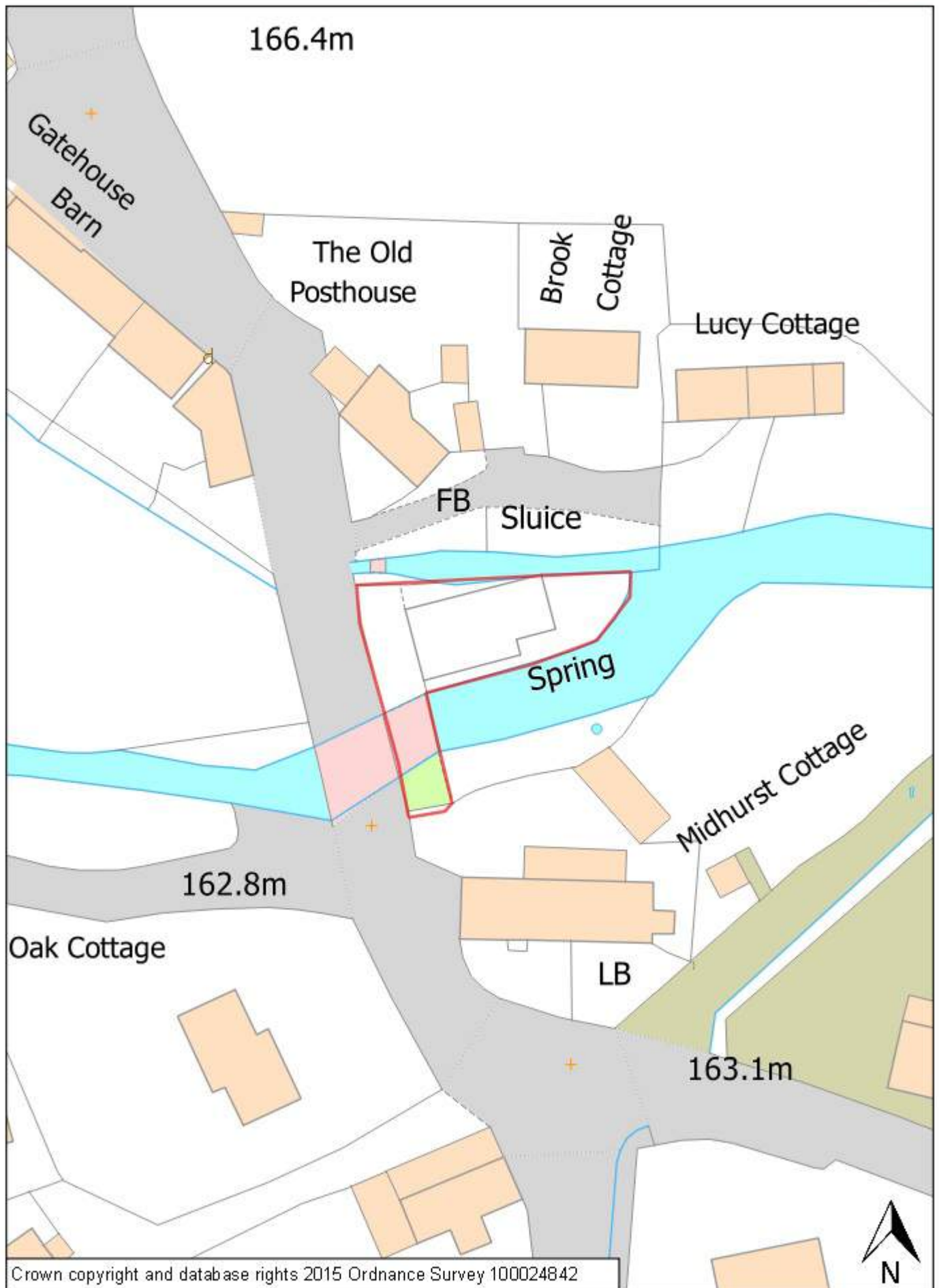
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# Peter Tavy Garage 0315-16



Scale 1:500



2. Application No: **0315/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Peter Tavy**  
Grid Ref: **SX513776** Officer: **Jo Burgess**

Proposal: **New dwelling (revised re-design of existing planning consent 0270/14) on site of former garage**

Location: **Peter Tavy Garage, Peter Tavy**

Applicant: **Mr G Goddard**

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwelling shall be carried out and no extension, building, enclosure, structure, erection, hard surface, raising of the land, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
3. The finished floor levels of the dwelling shall be no lower than 163.790mAOD. Written confirmation of the finished floor level shall be provided in writing to the Local Planning Authority prior to any work being carried out to erect the walls of the dwelling.
4. The roof of the main dwelling and lean-to hereby approved shall be covered in natural slate, sample(s) of which shall be submitted to the Local Planning Authority for approval prior to the commencement of any roofing work. At all times thereafter the roof shall be maintained in the approved natural slate.
5. The slate roof of the dwelling hereby approved shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
6. Prior to the commencement of roofing works on the external canopy hereby approved, samples of the proposed 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 roofing materials shall be used on the external canopy.
7. All new external joinery shall receive a painted finish within one month of its installation.
8. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel shall be prepared for inspection by the Local Planning Authority and no stonework shall be carried out until the sample panel has been inspected, and approved by, the Local Planning Authority.

9. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

### Introduction

It is proposed to erect an open market dwelling on the site of a former garage in the centre of Peter Tavy which is a designated Rural Settlement.

The site has been cleared and fenced. The stream is to the south and a leat to the north with the road forming the west side of this triangular site.

The application is presented to the Committee because it was advertised as a Departure from the Development Plan; due to the creation of an open market dwelling in a Rural Settlement.

### Planning History

0625/15	Erection of dwelling (re-design of existing planning consent ref: 0270/14)		
	Full Planning Permission	Refused	25 January 2016
0270/14	Erection of dwelling		
	Full Planning Permission	Grant Conditionally	15 July 2014
0225/12	Erection of dwelling		
	Full Planning Permission	Refused	13 July 2012
0022/08	Erection of a dwelling		
	Full Planning Permission	Grant Conditionally	28 April 2008
0744/05	Removal of existing garage and erection of a single dwelling		
	Outline Planning Permission	Refused	14 November 2005
	Appeal lodged: 01 December 05	Result: Allowed	
0111/05	Removal of existing garage to erect a pair of semi-detached cottages		
	Outline Planning Permission	Refused	06 June 2005
0117/01	Removal of existing garage workshop and erect a pair of semi-detached cottages		
	Outline Planning Permission	Grant Outline Conditionally	10 July 2001
03/45/1552/91	Extension to provide staff room at first floor rear		
	Full Planning Permission	Grant Conditionally	05 May 1992

### Consultations

West Devon Borough Council: Does not wish to comment

County EEC Directorate: No highway implications

Environment Agency: Following submission of a revised Flood Risk Assessment and plans if the Authority is minded to support the application following the application of the Sequential Test,

the applicant has now demonstrated that it can pass the second part of the Exception Test but the application will only be acceptable of planning conditions in respect of finished floor levels and unsuspected contamination

DNP - Building Conservation Officer:

The design of the building is of paramount importance given the prominence and sensitivity of the site. Following receipt of amended plans the design of the proposed building is not considered to harm the setting of the nearby listed building.

Devon County Council (Flood Risk):

DCC is not a statutory consultee for this application but a surface water drainage management plan is required. A condition to this effect remains relevant

### **Parish/Town Council Comments**

Peter Tavy PC:

Having previously supported the application whilst expressing concerns about flooding, in response to the amended plans the Parish Council has objected: expressing concerns about the free flow of the brook, the materials and suitability of the revised design and pointing to the opposition of the public to a dwelling on a site historically deemed not to be suitable as a development site.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs

COR17 - Promoting increased health and well-being

COR18 - Providing for sustainable economic growth

COR2 - Settlement Strategies

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

COR24 - Protecting water resources from depletion and pollution

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

COR8 - Meeting the challenge of climate change

COR9 - Protection from and prevention of flooding

DMD17 - Development on contaminated land

DMD1a - Presumption in favour of sustainable development

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

DMD22 - Residential development in Rural Settlements

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

### **Representations**

6 letters of objection

Six letters of objection were received in respect of the original plans. The letters address the issue of flooding in particular a flood in February 2016, the affordability of the dwelling, loss of employment land, design, setting of listed buildings and loss of privacy. Following the submission of the revised FRA and plans, to date three of the objectors have written to re-iterate their concerns regarding flooding matters and added concerns regarding the additional height of the dwelling.

## **Observations**

### INTRODUCTION

This application proposes an open market house in a designated Rural Settlement on a site of a former commercial garage which was demolished in 2012.

### PLANNING HISTORY

Outline planning permission was granted in 2001 (ref. 0117/01) for a pair of semi-detached cottages on the site. That permission expired and a subsequent outline application for a pair of semi-detached cottages was submitted and refused on the basis of an unacceptable flood risk. Later in 2005 an outline planning application for a single dwelling was also refused for the same reason. An appeal was submitted and the Planning Inspector, having taken into account the fact that there was already a building on the site and that adequate mitigation could be put in place, allowed the appeal. He considered that the aims of the development plan policies would be well served by the scheme. In addition the National Park Authority failed at that time to provide any detailed evidence of having carried out the necessary sequential test.

Following the appeal decision full planning permission was granted (ref.0022/08) for a house on the site; the appeal decision being a material consideration. The site was slightly larger than that to which the outline planning permission related because it took in additional land to provide car parking.

In November 2010 an application to discharge the conditions attached to the 2008 permission was received. It was not possible to discharge the condition that required a site investigation in respect of contamination prior to the commencement of development and the permission lapsed. The garage was subsequently demolished.

An application seeking to gain permission for a dwelling similar to that previously approved was submitted in 2012. The context of the development was however very different to when it was granted planning permission by the Inspector in that the commercial garage had been removed and policies were in place to prevent open market housing in rural settlements, protect employment land, require development to pass the sequential and exception tests in respect of flood risk and require development to conserve and enhance the built environment.

That application was refused for 4 reasons relating to being an unjustified open market dwelling in a Rural Settlement, design, it being highly vulnerable development in a flood zone and loss of an employment site.

Planning Application 0270/14 was the subject of detailed discussions in respect of design and was approved with the dwelling having a similar appearance to The Post House with stone and slate hanging and facing the road and was approved.

Application ref: 0625/15 was submitted by the architect who has submitted the current

application on behalf of the same applicant for a contemporary dwelling with the gable end facing the road. It was refused permission on design grounds, for being an unjustified open market dwelling in a designated Rural Settlement and for flood risk reasons.

Following the latest refusal pre-application discussions were held with officers.

## PLANNING POLICY

Peter Tavy is a designated Rural Settlement where policies COR2 and COR15 and DMD22 do not normally permit open market housing. These policies seek a more sustainable settlement pattern where all new housing in Rural Settlements is expected to be affordable housing. The application proposes an open market dwelling therefore the application was advertised as a departure.

The 2014 application was considered to be a departure from policy on a brownfield site but in view of the viability appraisal supplied, an open market dwelling was considered acceptable. As Members are aware since then the government policy in respect of the use of Section 106 agreements to achieve affordable housing on single plots has changed. This is reflected in the adopted Interim Statement on Affordable Housing.

The costs of developing this site means that the provision of an affordable dwelling on this site is not viable. However, providing the dwelling meets all the other policy tests, the location in the heart of the settlement means it can be considered to be sustainable development in accordance with the Development Plan and the NPPF.

## LOSS OF EMPLOYMENT LAND

The site was a commercial garage for many years although in the last few years only the applicant was employed. Although the garage has been demolished the use of the land for commercial purposes would be considered less vulnerable in terms of flood risk and several residents have highlighted the possible demand for employment or retail premises on the land. The site was not marketed previously as commercial premises and in terms of COR18 the loss of an employment site would be contrary to policy in the absence of any assessment of the impact on the needs of business and industry in the National Park.

At the time of the previous approval although West Devon Borough Council advised that there was demand for small units on their estates, the applicant provided a letter from a commercial property agency that supports the assertion that the site was not the best location for a commercial unit due to adjacent residential properties and demand would be such that values would be low. None of the residents who raised potential interest in the site previously have stated that they have approached the owner to express that interest. It is unlikely that the Authority would approve anything other than of the highest quality on the site which would in turn affect the likely viability of the site.

## IMPACT ON THE BUILT ENVIRONMENT

The site previously contained a single storey building and before that was an open site. The site is a sensitive site where the single storey garage was less imposing than the presently proposed building. The elevated siting and the layout of the proposed dwelling are determined by the flood mitigation requirements.

The building incorporates slate and stone into the design and presents a simple gable with one

opening on each floor to the road, a canopy along the north elevation providing access to the front door, a lean-to on the east elevation and a flue. There is a new stone wall across the frontage other than where vehicular and pedestrian access is provided.

In conjunction with the revised Flood Risk Assessment (see below), the floor levels of the house have had to be raised by 200mm. This results in the floor level of the building being elevated marginally to the point where it is 76mm higher than the level of the adjacent highway.

The ridge of the proposed dwelling will be 23cm higher than that of the Old Post House and 86cm higher than that of the listed building to the south but present a 5m wide gable. The approved dwelling faced the road and had a 7.3m frontage. Officers agree with the architect that this form will be preferable to the approved form, which mirrored that of the Old Post House. The section drawing demonstrates that the impact of the development on the setting of the grade II listed building to the south is less than substantial.

The presentation of a simple gable end on to the road reflects the arrangement of many of the historic buildings in the village in relation to the road and subject to details and materials, the design of the proposed dwelling is now considered to conserve and enhance the quality and distinctiveness of the built environment and is therefore considered to be contrary to policies COR4 and DMD7. It is considered that the new dwelling will not have a detrimental impact on the setting or character of the Listed Building.

## FLOOD RISK

The National Planning Policy Framework (NPPF) aims to steer new development to areas with the lowest probability of flooding. Advice is provided in the Technical Guidance.

Policy COR9 requires the sequential test to be applied - the aim being to steer new development to the areas with the lowest probability of flooding. The Strategic Flood Risk Assessment provides the basis for applying the Sequential Test. The DNPA Strategic Flood Risk Assessment was published in November 2010.

In terms of the sequential test, the applicant only owns this site which is wholly within Zone 3 so this is a windfall site. There are no other allocated sites in Flood Zones 1 or 2 in Peter Tavy because it is classed as a Rural Settlement where policies COR2 and COR15 only permit affordable housing on previously developed land or where it would facilitate significant environmental or community benefit. The Strategic Flood Risk Assessment states that where windfall sites become available, appropriate development options should take into account the vulnerability classification and the availability of sites with lower flood risks.

The Peter Tavy Garage site is in Flood Risk Zone 3a. The NPPF technical guidance states that Highly Vulnerable uses (including dwelling houses) should not be permitted in Zone 3a and that where they are proposed, the Exception Test should be applied.

The Exception Test requires it to be demonstrated that:-

- i) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by the Strategic Flood Risk Assessment and
- ii) a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

Policy COR9 in accordance with the advice in the NPPF, states that in exceptional

circumstances development which does not satisfy the sequential test will be permitted in flood risk areas when (i) there is sufficient benefit and there are no suitable locations of lower flood risk and (ii) it can be shown that appropriate flood protection and resistance measures can be incorporated and (iii) a sustainable drainage system, designed to a high standard can be secured through conditions.

In view of the time that has elapsed since the last FRA and the change of footprint, the EA requested a revised and updated FRA. The need for this was heightened by a flooding event in February 2016. This has now been submitted and the Environment Agency has advised that if the Authority is satisfied that the Sequential Test has been satisfied, the details provided would pass the second requirement of the Exception Test in that the development can be made safe from flooding without increasing flood risk to others.

It has also advised that if the Authority is minded to support the application following the application of the Sequential Test, that the development would only be acceptable if planning conditions are included in respect of finished floor levels and unsuspected contamination. It has also advised the removal of permitted development rights.

Having applied the Sequential Test and concluded that the proposed dwelling provides wider sustainability benefits to the community in that the design and form will enhance the local built environment, and been advised by the Environment Agency that the development meets the second part of the Exception Test, it is considered that the Exception Test is passed. The proposal is therefore considered to be in accordance with the advice in the NPPF and policy COR9.

## CONTAMINATION

Policies UT2 and DMD17 require appropriate investigation and assessment of contamination. This can be required by condition in accordance with the advice previous received from the Environmental Health Officer.

## CONCLUSION

Although this will be an open market dwelling on land previously used for employment purposes, the flood risk has been shown to be mitigated and although the new dwelling has a marginally higher ridge height than the adjacent listed building, this development offers an enhancement opportunity in the centre of this traditional Dartmoor village.

The development is considered to be sustainable development that improves the economic, social and environmental conditions of the area in accordance with paras 28 and 187 of the NPPF and DMD1a and that planning permission can be granted.

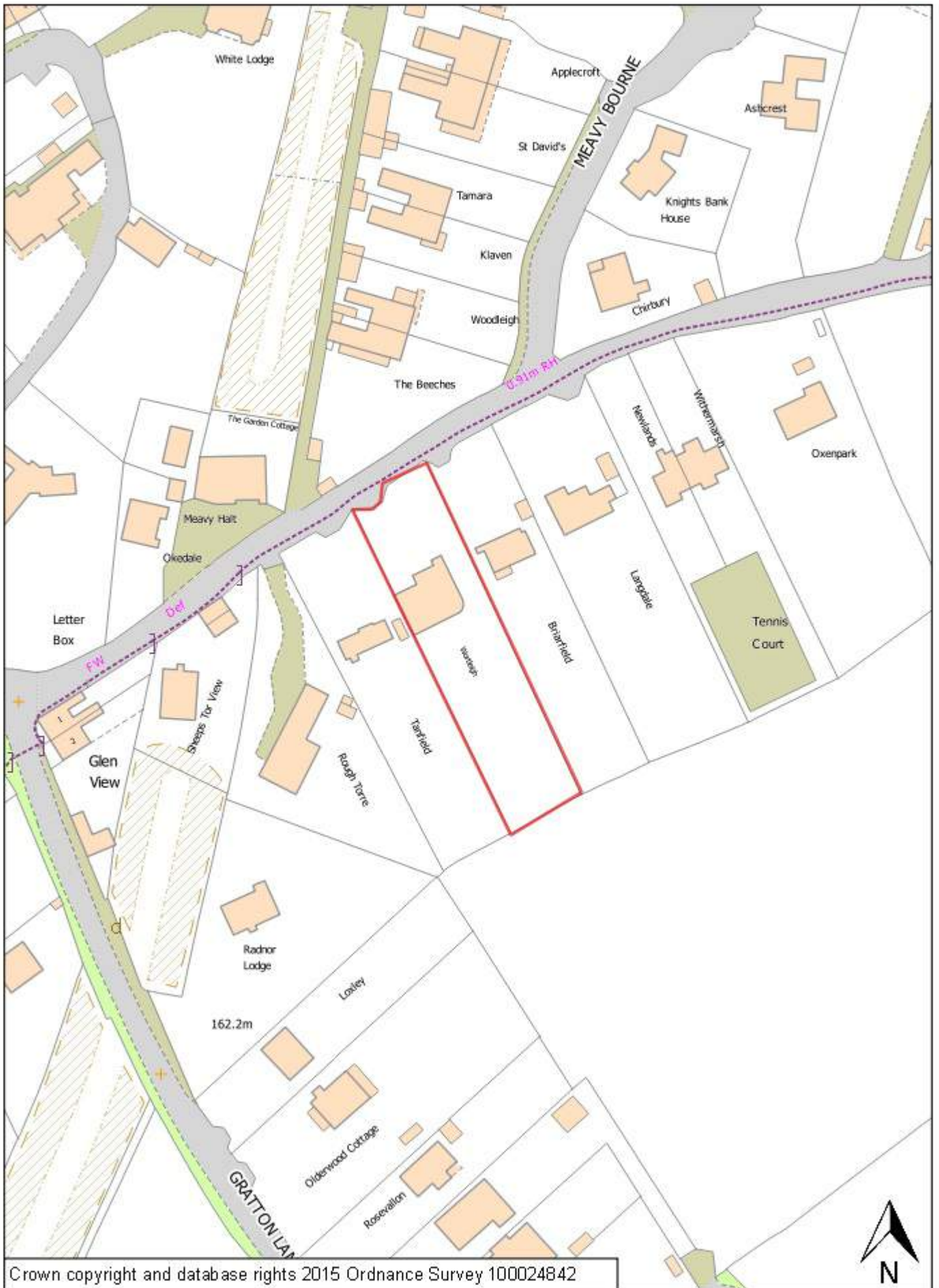
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# Wortleigh 0533-16



Scale 1:1,250



3. Application No: **0533/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Burrator**  
Grid Ref: **SX525674** Officer: **Jo Burgess**

Proposal: **Replacement of existing house and outbuildings with two detached 2-storey houses and two detached garages**

Location: **Wortleigh, Meavy Lane, Yelverton**

Applicant: **Mr M Bishop**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed development by virtue of its layout, size, scale, form and design would be detrimental to the character and appearance of the site and its surroundings contrary to policies COR1, COR4, DMD7 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.
2. The proposed development would result in an additional unjustified open market dwelling in a Local Centre without 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.

### **Introduction**

Wortleigh is a dormer bungalow in large plot with a narrow frontage within the settlement boundary of Yelverton but located in the parish of Meavy. It is set back from road behind the hedge bank separating it from Meavy Lane.

It is proposed to demolish the bungalow and replace it with a smaller bungalow and a two-storey dwelling largely on the same footprint, together with two garages in the front garden. It is proposed to relocate the access to a more central location within the site frontage.

The application is presented to Committee because it was advertised as a Departure from the Development Plan due to the creation of an additional unit of open market residential accommodation in the Local Centre and because the Parish Council has supported the application

### **Consultations**

West Devon Borough Council: Does not wish to comment

Environment Agency: Flood Risk Zone 1 -- standing advice applies

DNP - Trees & Landscape: The proposal will require the removal of a small section of hedge and bank. The intention is to restore the roadside bank to fill in the existing access and landscape the reformed bank. Providing the new section of bank is planted with hazel, it will complement the existing roadside hedgerows

DNP - Ecology & Wildlife Conservation:

Works shall not proceed until a European Protected Species Licence has been obtained from Natural England and works shall proceed in strict accordance with the Bat and Bird Survey and Draft Method Statement for a low impact licence

County EEC Directorate:

The applicant sought pre-application advice and has amended the plans to address issues of visibility. The amended plans now show a centralised access with sight lines optimised in both directions which is acceptable to offset the traffic generation that will result from the additional residential unit.

### **Parish/Town Council Comments**

Burrator PC: Support

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs

COR2 - Settlement Strategies

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

COR24 - Protecting water resources from depletion and pollution

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

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

DMD21 - Residential development in Local Centres

DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD38 - Access onto the highway

DMD38 - Access onto the highway

DMD4 - Protecting local amenity

DMD45 - Settlement boundaries

DMD5 - National Park Landscape

### **Representations**

4 letters of objection 20 letters of support 1 other letter

The neighbouring owners have both objected together with one of their immediate neighbours. They have concerns regarding the 'crowding of two houses' onto the site and the associated proximity of the new dwellings to the boundaries of the site, the prominent position of the garages, the traffic problems associated with the existing business use of the existing property and the use of metal on the roof. The issue of precedent is also raised by another objector who refers to the Authority successfully preventing 'garden grabbing' in Yelverton.

The letters of support consider that the poor build quality and design of the existing house

contributes little to the area and that the proposal represents a significant improvement in terms of the design and massing of the properties and the streetscene. It is also stated that smaller units of housing will be more affordable. Reference is also made to the medical requirements of the applicant.

## **Observations**

### INTRODUCTION

Wortleigh is a large extended dormer bungalow set back 20m from the hedgebank separating it from Meavy Lane. It is roughly in line with the other dwellings on the south side of Meavy Lane. There is vehicular access from Meavy Lane and a small garage to one side. At the rear is a substantial (50m) garden opening onto open countryside and affording expansive views to the open moorland beyond.

### PRE-APPLICATION ADVICE

Pre-application advice was sought in respect of replacing the bungalow with two two-storey detached dwellinghouses and a new access. No design details were submitted. Advice was offered that by reason of the width of the plot, the development may be cramped and therefore harmful to the character and appearance of the area and it may be difficult to achieve any more than one dwelling on the site. Reference was made to the fact that the properties on the southern side of Meavy Lane are typically large dwellings on large plots. The requirement for affordable housing was also highlighted together with the importance of design.

### THE PROPOSAL

It is proposed to erect a dormer bungalow on the eastern half of the plot with a metal roof and substantial dormers in the front and rear elevations. The size of these dormers has been reduced but are still considered to be inappropriate in their form and design. On the western half of the plot it is proposed to build a one and a half storey dwelling with the first floor rooms being contained within the roof and a gable end presenting as a front elevation.

The houses are to be located largely on the footprint of the existing dwelling - set back approximately 2m from the most forward section of the existing house (the integral garage) and largely in line with the building line of the main bungalow. On the western side the building will be 100mm further away from the boundary than the existing single storey extension and on the eastern side 6m closer to the boundary than the existing dwelling. The ridge heights of both dwellings will be marginally lower than that of the existing dwelling.

It is proposed to relocate the access to a central location and re-form the Devon hedgebank to form the new entrance to afford optimum visibility with the hedge being reinstated.

The existing garage is to be demolished and a garage together with a parking space and bin storage provided for each dwelling - one on either side of the new gravel access driveway. The garages will have pitch roofs with gables facing the road and storage in the roofspace.

### IMPACT ON THE BUILT ENVIRONMENT

Policy DMD21 inter alia states that development 'should facilitate significant environmental improvement or the delivery of essential social, cultural or economic infrastructure'. In addition DMD7 is relevant in particular the requirement to 'conserve or enhance urban settings,

settlement layouts and distinctive historical, cultural and architectural features'.

Historical maps and photographs show that these linear plots were developed in the late 1930s or early 1940s. Wortleigh was built post war. The layout is of large dwellings in large plots and this reflects the development of Yelverton before and after WWII.

While in the design and access statement the architect draws comparisons with a former plot to the east which accommodates two dwellings and has provided a plan setting out the plot sizes of surrounding dwellings, it is clear that the layout of Meavy Lane east of the railway was one of single houses in large plots. The replacement of a single house with two houses will not conserve this settlement layout.

The architect has sought to break up the massing of the two dwellings which are sited largely on the footprint of the existing and with a similar ridge height. The two dwellings will however be close to the boundaries with the neighbouring dwellings, two garages will be constructed between the houses and the highway and a central access is to be provided. This results in a form of development that will not conserve or enhance the setting or settlement pattern of this part of the settlement and is not therefore considered to be an acceptable form of development and contrary to DMD7 and DMD21.

## POLICY CONSIDERATIONS

The site falls within the settlement boundary of the Local Centre of Yelverton. Policy DMD21 requires 50% of all new housing to be affordable. In this case one of the two dwelling's proposed as there is a net gain of a single dwelling. An Interim Statement on affordable housing was adopted in June 2016 which led to the conclusion, by the applicant, that there was no requirement for affordable housing.

Recent advice from DCLG following an appeal decision elsewhere in Yelverton has re-iterated the primacy of the Development Plan and means that where a site is considered to be otherwise acceptable, in the interests of sustainable development (policies COR1 and DMD1a) affordable housing can reasonably be required in line with policy DMD21.

The existing dwelling provides 183sqm of internal floorspace. The proposed bungalow is providing 145sqm of internal floorspace. Within the Local Centre if it was proposed to replace the existing dwelling, the size requirements set out in policy DMD27 would not apply, however the design would have to be appropriate. Subject to re-consideration of the dormer design a replacement single storey dwelling on the site of this size would be likely to be acceptable.

Evidence of structural and damp penetration problems with the existing bungalow has been submitted along with information regarding the medical reasons for the applicants wishing to erect a replacement dwelling. The second dwelling is proposed to assist with funding their new home.

In accordance with Policy DMD21 in the Development Plan an additional dwelling should be affordable. In accordance with the Affordable Housing SPD a three bedroom affordable dwelling should be 85sqm. The size of the one and a half storey dwelling is 148sqm.

## AMENITY

The relationship between the new dwellings and the existing dwellings does not create any issues of loss of privacy or amenity and is therefore considered to be in accordance with

DMD4.

## ECOLOGY

A wildlife report has been submitted and conditions would meet the requirements of COR7 and DMD14.

## HIGHWAYS

The relocation and configuration of the access has been the subject of discussion with the Highways Officer and subject to conditions the requirements of DMD21 can be met.

## IMPACT ON HEDGEBANK

The reconfiguration of the hedgebank is considered acceptable within the terms of DMD38 provided hazel is used for the new hedge as this is the predominant species in this section of Meavy Lane.

## CONCLUSION

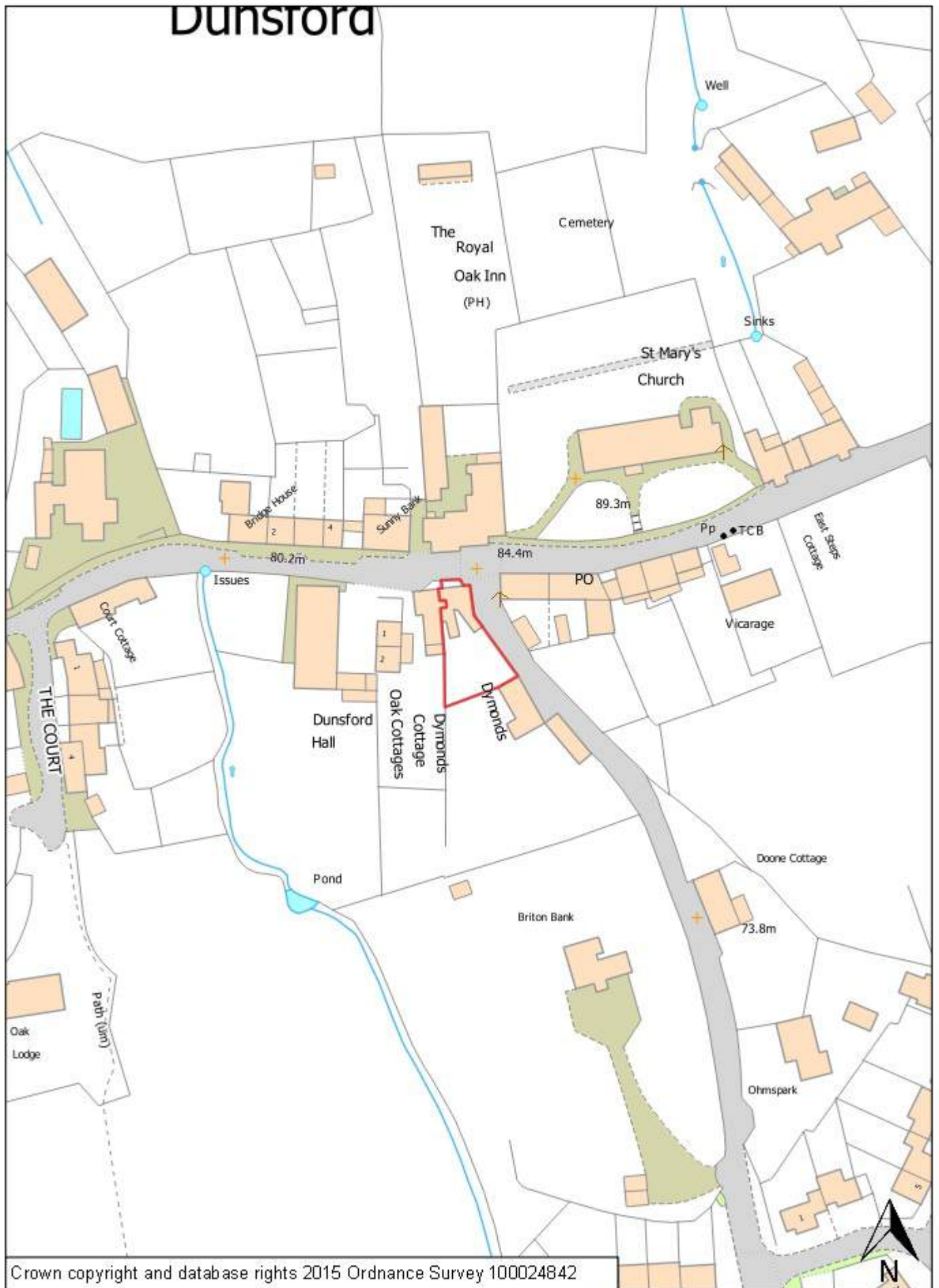
The Development Plan and the NPPF require new development to be sustainable. Within the National Park new residential development should primarily be located within Local Centres. Although the architect has sought to address the matters raised in the pre application advice it is not considered that the tests of the policies – in particular DMD7 and DMD21 are met – in particular with reference to the impact on the built environment. In addition the additional dwelling is not affordable housing as required by DMD21.

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# Dymonds, Dunsford - 0547/16



Scale 1:1,250



4. Application No: **0547/16** District/Borough: **Teignbridge District**  
Application Type: **Listed Building Consent** Parish: **Dunsford**  
Grid Ref: **SX812891** Officer: **Nigel Pratt**

Proposal: **Alerations to thatched roof**

Location: **Dymonds, Dunsford**

Applicant: **Mrs A Drake**

Recommendation **That consent be REFUSED.**

### **Reason(s) for Refusal**

1. The proposed changes to the thatched roof, by reason of materials and design would harm the character, appearance and significance of this grade II listed building and there are no public benefits to outweigh the harm that would result. The proposal is therefore contrary to policies COR1, COR3, COR4, COR5, DMD1b, DMD7 and DMD8 of the Dartmoor National Park Authority Development Plan and to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

### **Introduction**

Dymonds occupies a prominent position in the centre of Dunsford village at the junction of Bridge Street and Briton Street Lane. It is attached to the east of Dymonds Cottage and is one of a number of similar rendered cottages with thatched roofs in the village. Dymonds is understood to date to the 18th century and, along with the thatched cob wall that runs down Briton Street Lane, was listed at Grade II on 4 September 1986. The building is also within Dunsford Conservation Area. There is no previous planning history relating to Dymonds.

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

### **Consultations**

Teignbridge District Council: No objection.  
County EEC Directorate: No highway implications.  
Environment Agency: Flood Zone 1 - standing advice.  
Historic England: Thatch longevity  
The longevity of different thatching materials is a contentious issue that has surfaced during several recent listed building consent appeals regarding a change of thatching material. Unfortunately, there is no comparative research into the durability of water reed and combed wheat reed. Figures originally published in The Thatcher's Craft in 1960 continue to be widely circulated but are out of date; they reflect a time when the use of water reed was generally confined to the drier and colder south east of England, where any thatch material will last longer than in the warmer, wetter south west. Much of the evidence we have for the longevity of the two materials is anecdotal.



Whilst there are examples of both combed wheat reed and water reed that have lasted well in the south west, there are also examples of both types of thatch that have deteriorated in an unacceptably short period of time. There is certainly no robust peer-reviewed research to support the contention that water reed is more durable than combed wheat reed.

#### The issue with this proposal

The main consideration is the effect of the proposals on the significance of the listed building and, if the proposals would harm that significance, whether that harm is justified by public benefits. Combed wheat reed has been used for thatching in Devon for centuries. Historic England considers that the survival of combed wheat reed on this roof makes a positive contribution to the significance of Dymonds in terms of its evidential/archaeological, historic, aesthetic and communal values. Historic England's Conservation Principles, Policies and Guidance explains how authenticity and integrity contribute to the heritage values and significance of historic buildings. When assessing the significance of a historic building such as Dymonds (and indeed the majority of old buildings) it is clear that survival of historic fabric makes a major contribution and confers value that is not held by a modern pastiche.

#### Support for traditional thatching

Although many applications for the use of water reed on listed buildings in Devon have been granted in the past, that does not justify granting consent now or in the future. Unfortunately, in recent decades, the widespread use of water reed in Devon has seriously eroded the authenticity of many thatched roofs. In our opinion, the decline in numbers of combed wheat reed roofs in the county in general and in Dunsford in particular makes it all the more important to retain those that survive, and the national planning policy and advice clearly support retention of traditional materials unless change is justified by public benefits. Furthermore, Devon is a major producer of thatching straw, whereas water reed has to be imported, not only into the county, but in most cases into the country. So, support for traditional thatch also supports the local rural economy of Devon.

#### Conclusions & recommendation

Combed wheat reed thatch at Dymonds makes a major contribution to its heritage significance. A change of material would cause harm in NPPF terms, and it would therefore require demonstration of public benefit to outweigh this harm. This benefit has not been demonstrated, and thus the application should be refused.

## **Parish/Town Council Comments**

Dunsford PC: Supports application - no reasons given.

## **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

DMD7 - Dartmoor's built environment

DMD8 - Changes to Historic Buildings

## **Representations**

3 letters of objection

The National Thatching Straw Growers Association response stated that Devon has been for centuries the traditional heartland for combed wheat reed thatch, so much so that it is sometimes referred to as 'Devon Reed', and wheat has been grown locally for thatching purposes in a sustainable way providing farm diversity and local employment. Over the past three to four decades Devon has seen the increased wholesale stripping and replacement of Devon Reed in favour of water reed firstly from the Norfolk Broads and now with the bulk coming from Eastern Europe and China. This loss of straw thatch in the county has had the effect that growers have had to market their product to other parts of England where Combed Wheat Reed was never used for thatching, this has had a catastrophic effect on the loss of Long Straw thatching traditional to many parts of the UK. Decisions made in Devon are pivotal and have a detrimental knock on effect on conservation of traditional thatch materials and skills elsewhere.

The Devon Buildings Group has stated that research has made it absolutely clear that combed wheat reed [CWR] was until the second half of the 20th century the sole thatching tradition in the county. Water reed was introduced after WW2 for various reasons including its ease of availability but particularly because it was thought to last longer than CWR. Longevity was certainly an important factor at a time when the excessive use of nitrogen fertiliser had affected that of CWR. However CWR should now be produced with a low nitrogen input to give it a good life and there is only anecdotal evidence, not backed up by any scientific testing, that water reed lasts significantly longer than CWR, provided the latter is grown properly. CWR is also now grown more widely and is readily available which was not always the case in the past. In fact water reed is today always imported from abroad from as far away as Turkey; this is a clearly a wholly unsustainable practice by comparison with producing and processing wheat reed on West Country farms. Since the use of CWR for thatching is a tradition in this county which goes back to its earliest standing vernacular buildings, the Devon Buildings Group believes that it is vital that its use should be maintained if the significance and character of its historic buildings are not to be diminished; this must apply particularly in one of its two National Parks. Unless authorities such as your own insist upon it, its use is likely to diminish even further and potentially eventually to die out altogether. Conversely, resisting the use of water reed will encourage greater production of CWR and maintain a centuries old practice in a county famous for its thatched roofs. For these reasons the Devon Buildings Group requests the Dartmoor National Park Committee to refuse this

application.

The Conservation of Traditional Thatch Group responded that the applicant makes a very good case for retaining the roof as combed wheat reed as the applicant states that her cottage is one of the last wheat reed roofs in the village. Water reed is not part of the traditional building material palette of Dartmoor, so a change of material would not only affect the authenticity of the roof but would also contribute to a loss of historic material and detail on a dominant and visually important part of the building. The material and the way the thatching reed has been applied to the roof forms a significant part of the building's historic significance, both materially and architecturally. The loss and change of this material will have a detrimental impact on the listed building. Imported water reed will have a much higher carbon footprint, than locally farmed wheat, grown for thatching but also affects sustainability of traditional low input farming methods and jobs. There is absolutely no evidence that water reed is more durable than wheat reed and would advise that this is no argument for a change in the material on a Devon thatched roof. However, we can see there is probably a good case for reinstating the earlier rope ridge (a tradition that is also disappearing).

## **Observations**

### PROPOSAL

This application is to: 1) change the thatch material on the south elevation of the cottage and the ridge from the current traditional combed wheat reed to water reed; and 2) add a patterned block-cut ridge to the roof. This would involve stripping the top coat of thatch and spar coating with water reed over the existing base layer of combed wheat reed. There are no objections in principle to rethatching the roof, and if the proposal was to continue to use combed wheat reed no application would be needed. The proposed use of water reed and adoption of the block-cut patterned ridge are, however, considered to be alterations affecting the special interest of the listed building and require an application for listed building consent.

### PRE-APPLICATION ADVICE

A pre-application enquiry (PRE/0105/16) was received in April 2016. The applicant was advised that a listed building consent application was required to change the roof material. They were also informed that a plain ridge detail is traditional for Dartmoor. The advice given referred to the importance of traditional thatching methods and that this was not just about appearance.

### POLICY AND GUIDANCE

Core Strategy Policy COR1 is of particular relevance as it seeks to sustain local distinctiveness and conserve or enhance important historic features. It should be noted that combed wheat reed is the indigenous thatching tradition and the material is locally available. In contrast, water reed is not a traditional south west material and must be imported, usually from Eastern Europe or China. Conserving Dartmoor's special environmental qualities is also supported by Policy COR3, COR4(b) and COR5, which endorse using external materials appropriate to the local environment and local distinctiveness.

Also of relevance are Policy DMD1b of the Local Plan which sets out National Park Purposes and establishes that the conservation and enhancement of cultural heritage of the National Park will be given priority over other considerations in the determination of development

proposals. Policy DMD7 reinforces the distinctive qualities of a place, including design detailing, materials and finishes. Policy DMD8 and Section 134 of the National Planning Policy Framework (NPPF) state that proposals for the alteration and change of use of listed buildings will be granted if any harm identified is outweighed by the public benefits that the proposed development will bring. In assessing harm, the impact on the original scale, form, quality, setting, architectural and historical interest, and cultural significance of the building will be considered. It should also be noted that the Dartmoor National Park Design Guide (p. 74) states that: 'Combed wheat reed thatch and a plain ridge are the local traditions, giving a neat, simple and rounded appearance to the roof.'

National guidance also has a bearing on this application. Section 12 of The National Planning Policy Framework deals with conservation of the historic environment. Of particular relevance are: paragraphs 132 which states that, any harm or loss should require clear and convincing justification; and 134 Paragraph 134 of the NPPF requires that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Historic England's Conservation Principles, Policies and Guidance explains how authenticity and integrity contribute to the heritage values and significance of historic buildings. When assessing the significance of a historic building, such as Dymonds, it is clear that survival of historic fabric makes a major contribution and confers value that is not held by a modern pastiche. Advice about maintaining the significance of heritage assets is given in Historic England Advice Note 2: Making Changes to Heritage Assets. Paragraph 11 states that 'Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste'. The importance of materials is also included in Paragraph 12 which advises that 'Replacement of one material by another may harm significance and will in those cases need clear justification. Therefore, while the replacement of an inappropriate and non-original material on a roof, for example, is likely to be easily justified, more justification will be needed for changes from one type of thatch, slate or tile to another, or for changes in the way the material is processed, applied and detailed.'

## JUSTIFICATION

The applicant gives longevity and economic reasons as the justification for wishing change thatching material but provides no evidence as to why she believes water reed would outlast combed wheat reed on this cottage. To attempt to clarify this, specialist expert advice was sought by the case officer from Historic England who have provided a very full explanation received by letter (dated 4 November). In summary, Historic England's position is that the factors dictating the longevity of thatch are varied and complex and there is no evidence for one material outlasting another. This view was accepted by the Planning Inspector in the recent appeal relating to Park Cottage in Wiltshire (APP/Y3940/E/13/227654), who concluded that 'the balance of the evidence before me does not clearly demonstrate that, in the particular case of the appeal property, there is a reasonable probability that water reed would be more durable than combed wheat reed.' Historic England also point out that in the case of Dymonds the applicant 'makes no mention of how long the existing thatch on her property has lasted. Had it deteriorated in an unacceptably short period of time it might be expected that this would be advanced as evidence to support her request for a change of material, but no such claim is made. It is therefore reasonable to assume that the existing combed wheat reed has lasted reasonably well on Dymonds.' DNPA grant aided rethatching the wall and an unspecified part of the cottage roof in combed wheat reed in 1980, although if this thatch has lasted 36 years it

would be exceptional.

The applicant also states that the majority of thatched roofs in Dunsford are water reed. The case officer is not in a position to verify this, but as this information has come via the applicant's thatcher this is not disputed. What can be said is that where a building is listed, a change of thatching material does require listed building consent from the local planning authority. No instances of listed building consent being granted for such a change of thatch have been identified in Dunsford, this includes the Grade II\* house known as Lewishill that is cited by the applicant as having a water reed roof. Again, planning appeal's can offer guidance here. In determining an appeal regarding a cottage in Dorset (APP/B1225/E/12/2187662) the Planning Inspector, stated that as roofs in the village had been thatched in water reed without going through the process of application and consent (as appears to also be the case at Dunsford), only limited weight should be given to this fact. It should also be noted that as Dymonds has one of the last surviving examples of traditional Dartmoor thatch in the village, this rarity makes it more, as opposed to less, significant and its conservation becomes even more important. This reasoning is supported by the Planning Inspector for a dismissed appeal to use water reed thatch at a cottage in the New Forest (APP/B9506/E/08/2092965).

## IMPACT ON LISTED BUILDING

The longevity of water reed versus combed wheat reed and the number of buildings in Dunsford with water reed roofs are not considered to be the principal issues in determining this application. Neither is the visual appearance of the thatch material a major consideration, as while combed wheat reed has a softer and more rounded appearance when applied, the visual differences between combed wheat reed and water reed to the untrained eye will diminish over time.

The main issue regarding the use of water reed is the loss of authenticity. In the aforementioned Park Cottage appeal for spar coating combed wheat reed with water reed, the Planning Inspector found that 'the proposed use of an entirely different thatching material for the top coat of the thatch would not make an appropriate contribution to the evolution of this vernacular building, but would be significantly detrimental to its authenticity. It would materially diminish the historic character of the listed building and would have a harmful impact on its value as a heritage asset. As a result, in detrimentally affecting its importance, the proposal would also diminish the contribution made by the appeal building to the character of the local area and, as such, would cause some harm to the significance of the Conservation Area.'

In terms of the NPPF, the harm caused would be regarded as less than substantial, but it is harm nonetheless. In such a case, Paragraph 134 of the NPPF requires that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Dymonds is already in its optimum viable use as a dwelling, and there is no reason to believe that if water reed was not approved this use would cease. The main public benefit of the proposal would be the improvement in the appearance of the rear roof slope of the cottage and its contribution to the conservation area. It should be noted, however, that the same benefit would arise from the use of combed wheat reed, so this does not weigh in favour of the proposal. The potential economic benefit of using an alleged longer-lasting material is a private benefit, not a public one.

Regarding the ridge detail, the current ridge is not block cut. There is evidence that it had a more decorative appearance in the inter-war years but this was to a far lesser extent than the proposed scallop and triangle pattern. The proposed block-cut patterned ridge is not the traditional treatment for Dartmoor and would detract from the character and appearance of the

cottage. This would be exacerbated by the fact that the neighbouring attached cottage has traditional flush ridge.

There are also wider issues to consider concerning the use of water reed than just the impact on the listed building. The National Park are committed to the use of traditional materials as set out in the Dartmoor National Park Management Plan (2014-2019), which states that 'The continuation of traditional building skills and materials is essential for retaining the character and historic interest of these buildings.' It is important that the National Park support traditional thatching skills, which can be done through the planning process by not supporting the introduction of alien material. The risk of not doing so is that traditional skills die out. Further to this, Devon is a major producer of thatching straw and promoting the use of combed wheat reed also helps sustain the local rural economy of Devon. This has a further knock effect elsewhere in the country as wheat reed not taken up locally can actually put indigenous thatching traditions in other part of the country under threat - as has been highlighted by the representation received from National Thatching Straw Growers Association. This is a further reason to support local materials being used locally.

## SUMMARY

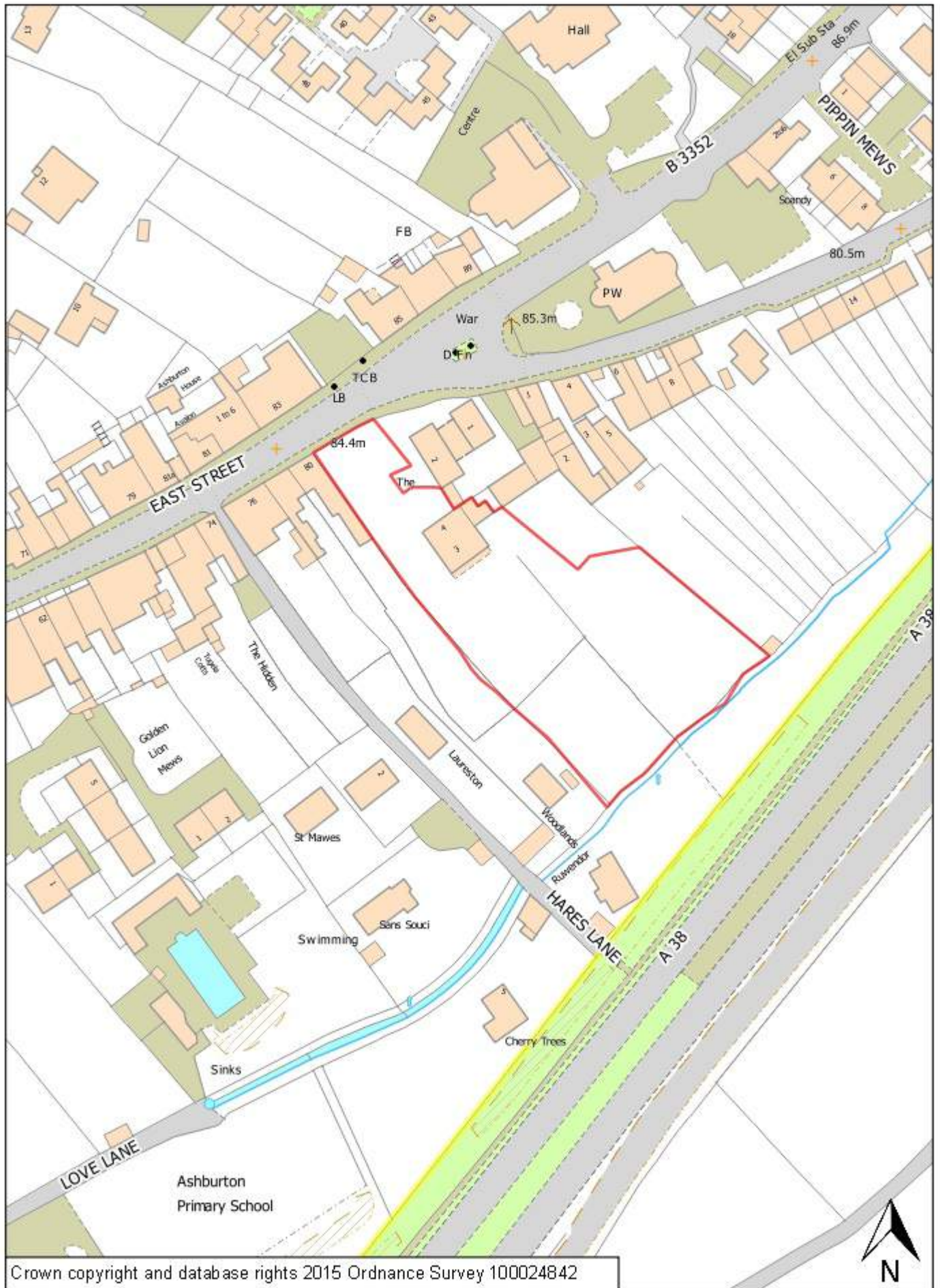
The combed wheat reed thatch at Dymonds adds to its value and special interest. The proposed change from this traditional material to the alien and inappropriate water reed would undoubtedly cause harm to this heritage significance by diminishing its authenticity. No public benefit to outweigh this harm is demonstrated and there are no reasons why an exception should be made for this current proposal which is clearly contrary to local and national policy and guidance and best conservation practice.

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# 3/4 The Wilderness, Ashburton - 0534/16



Scale 1:1,250



5. Application No: **0534/16** District/Borough: **Teignbridge District**  
Application Type: **Listed Building Consent** Parish: **Ashburton**  
Grid Ref: **SX759700** Officer: **Nigel Pratt**

Proposal: **Repositioning of stone gate pier, enlarging opening and gate**

Location: **3/4 The Wilderness, East Street,  
Ashburton**

Applicant: **Mrs S Smith**

Recommendation **That consent be REFUSED.**

### **Reason(s) for Refusal**

1. The proposed alterations to the railings, gate pier and gates, by reason of design and construction would harm the character, appearance and significance of this grade II listed feature and there are no public benefits to outweigh the harm that would result. The proposal is therefore contrary to policies COR1, COR3, DMD1b, DMD7 and DMD8 of the Dartmoor National Park Authority Development Plan and to the advice contained in The English National Parks and The Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2012 and the Dartmoor National Park Design Guide 2011.

### **Introduction**

This application is to adapt part of the Grade II listed iron railings and entrance gates on the south side and fronting East Street, between Hares Lane and Dolbeare Road. Specifically, it concerns the entrance way immediately adjacent to 80 East Street, which is at the end of an almost continuous line of mainly late 18th-early 19th century houses directly fronting the street. The line of the houses is continued by the railings, now partially obscured by a hedge, enclosing the house of c.1911 known as The Wilderness and the now converted mid-19th century coach house, tack room and stables to Ireland House opposite, which are set back from the street frontage. The Wilderness is not a listed building but the railings and gate piers fronting East Street are explicitly included in the listing for the Coach House, which was listed at Grade II on 1st September 1992. The site is also within Ashburton Conservation Area.

The railings are understood to date to the mid-19th century and extend for a total length of approximately 40m, punctuated by three entrances comprising iron gates and stone piers. The railings and gates have moulded finials and are set into a granite plinth approximately 200mm high. The gate piers have pyramidal caps. The westernmost entrance which is the subject of this application has one gate pier as the gates are hung directly on the side of 80 East Street, which is also Grade II listed, and two small rounded kerb stone that are not depicted on the submitted drawings. The middle entrance, which serves The Wilderness and The Old Stables also has one gate pier with an attached house name plaque for The Wilderness. The gate here is crudely hung from the railings by wire. The listed building description refers to a total of 5 gate piers and there is physical evidence that this middle entrance formerly had two piers. This shared entrance pier was almost certainly removed after 1992, although no application for listed building consent appears to have been made. The easternmost gate serves only the Coach House and has two piers of a different rusticated finish to match this building.

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



## Planning History

05/31/2454/88	Two storey extension at rear of dwelling	Full Planning Permission	Grant Unconditionally	10 October 1988
05/31/0829/87	Dwelling	Full Planning Permission	Grant Conditionally	15 July 1987
05/31/2200/86	Tow storey cottage dwellinghouse in courtyard	Full Planning Permission	Refused	06 March 1987
05/31/2413/82	Change of use of storage area to garden shop	Change of Use	Grant Conditionally	14 January 1983
05/31/0767/82	Change of use from part old school now in use as a store to dentist's surgery	Change of Use	Grant Unconditionally	07 May 1982

## Consultations

Environment Agency:	Flood Zone 2 - standing advice applies.
Teignbridge District Council:	No objection.
County EEC Directorate:	No highway implications.

## Parish/Town Council Comments

Ashburton TC:	<p>This application is for repositioning of a stone gate pier to enlarge entrance and entrance gates to improve access to "The Wilderness", a large house on East Street Ashburton. The Wilderness is a 1920s house with a large garden and a 30m driveway. Oddly the house is not listed but the iron fencing and stone gate pillars/piers are listed.</p> <p>The existing entrance is 210cms wide and the applicant proposes to widen this entrance by 60cms to enable modern cars to access the property with ease. The applicant proposes to shift the stone gate pier which is in 3 pieces sideways and add the railings removed to the existing gate so original materials are reused and the listing is not compromised. Highways have stated that the change is acceptable and there are no highways issues. I believe that the applicant has sought to improve access for modern, usually wider, cars whilst maintaining the integrity of the listing of the street frontage.</p> <p>Ashburton Town Council SUPPORT this application.</p>
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## Relevant Development Plan Policies

- COR1 - Sustainable Development Principles
- COR3 - Protection of Dartmoor's special environmental qualities
- DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities
- DMD7 - Dartmoor's built environment
- DMD8 - Changes to Historic Buildings

## **Representations**

No responses have been received.

## **Observations**

### THE PROPOSAL

This application seeks listed building consent to alter one of the two listed entrance gates now serving The Wilderness for the purpose of creating a wider entrance way for vehicles. The proposed work would involve dismantling the listed gate pier and rebuilding it 600m to the east. The railings and part of the stone plinth displaced by the relocated gate pier would be moved, with the railings attached by hinges to the neighbouring 80 East Street and the stone plinth - no longer attached to the railings - isolated below. The existing gates would be attached to these relocated railings, to form an extended gate. It should be noted that because of the relocated stone plinth - which in effect would form a solid kerb - the width of the gateway at ground level would not be increased. The existing rounded kerb stones are not shown on the existing or proposed drawings but would presumably be removed.

### PRE-APPLICATION

The applicant contacted DNPA at a pre-application stage and was advised that the proposed alterations would cause a degree of harm to the significance of the listed gates and railings and that to be acceptable this harm needed to be outweighed by public benefit. On the basis of the information submitted the applicant was further advised that the necessary application for Listed Building Consent would not be supported at officer level.

### POLICY AND GUIDANCE

The proposed works need to be considered in the light of policies and guidance relating to managing change in the historic built environment. Core Strategy Policy COR1 seeks to sustain local distinctiveness and conserve or enhance important historic features. Policy COR3 sets out the objectives for conserving and enhancing the features that contribute to Dartmoor's special environmental qualities, having particular regard to vernacular and other historic buildings. This is emphasised in policy DMD1b of the Local Plan which sets out National Park Purposes and establishes that the conservation and enhancement of cultural heritage of the National Park will be given priority over other considerations in the determination of development proposals. The principal of retaining street furniture of historical or architectural interest is encapsulated in Policy DMD7. Policy DMD8 and Section 134 of the National Planning Policy Framework (NPPF) state that proposals for the alteration and change of use of listed buildings will be granted if any harm identified is outweighed by the public benefits that the proposed development will bring. In assessing harm, the impact on the original scale, form, quality, setting, architectural/historical interest and cultural significance of the building will be considered. The NPPF also establishes that great weight should be given to the conservation of cultural heritage within National Parks and the need to sustain and enhance the special interest and significance of heritage assets. The NPPF recognises that significance can be harmed through alteration of the heritage asset or development within its setting and that any harm or loss requires clear and convincing justification.

### JUSTIFICATION

The Wilderness is currently for sale and the applicant believes a wider gate would make the

house more 'saleable'. Further justification is stated as that by allowing easier vehicular access from East Street it would relieve parking pressure on the street. It should be noted that the property does have two entrances. According to the sales particulars 'There are two gated entrances (one of which is shared with a small neighbouring property – The Old Stables) with gravelled driveway providing off road parking for at least six vehicles and with car port.' The applicant's plan shows that the shared gate, which is slightly wider than the gate that is the subject of this application, within the red line. The gate pier has a house plaque for 'The Wilderness' so there is little doubt that this is the main entrance for the property and during a site visit this entrance was negotiated by a large van at some speed. The turning restrictions identified by the applicant are reliant on speculative future events, such as a fence being erected at The Stables. It should also be noted that the many of the houses on both sides of East Street have no off-street parking provision, so the parking available at the Wilderness is exceptional for the area. The applicant has provided no evidence to demonstrate that easier access to the Wilderness would relieve parking pressure on East Street.

## IMPACT ON THE LISTED BUILDING

Railings from this period are comparatively rare, many having been removed for scrap in 1941. Where surviving, they invariably make a positive contribution to the streetscape, in this case as well as being listed in their own right they are in the Conservation Area and are an important element of Ashburton's architecture and townscape.

The adapted gate arrangement would represent a significant intervention into this listed feature, involving taking down the gate pier and cutting out the listed railings and their plinth. Achieving this is not as straightforward as presented in the application. Contrary to the submitted drawing No. 9, the railings are staved into the stone plinth and do not have a bottom rail as shown. They would need to be cut off at the base. The addition of a bottom rail to support the railings in their new position would require the introduction of new material. It has not been established, and is not stated in the application, whether the railings are cast iron or wrought iron, although given the date they are most likely to be the former. Cast iron is very difficult to weld and would require an experienced craftsman to do this work off site. The material for the new bottom rail is not identified in the application. Given the age of the railings and that would be asked to perform a function they were not designed to do, it is questionable whether they would be capable of taking the extra weight of the gates being attached without further adaptation or damage.

Assuming that these practical considerations, which are not addressed in the application, could be overcome and the physical impact on the historic gates minimised, the finished result would still be far from satisfactory. In visual terms, this would equally be the case with the gate closed, where the out of context four railings next to No. 80 would give the gate an unbalanced appearance, or when open where the stub of stone plinth and the cut-off bottom of the railings would look isolated and inauthentic. The presence of this plinth would also mean that at pavement level the entrance had the same width as at present, which given its lack of visibility from within a vehicle could be potentially hazardous to the vehicle or pedestrians were this to be accidentally mounted.

Although the proposal does involve a significant and damaging intervention into the historic fabric of the railings, gate pier and gates, the level of harm is less than substantial. It is still nevertheless represents harm and the adaption of the gate and railings must be seen as diminishing rather than preserving or enhancing the special heritage interest.

In terms of public benefit, no evidence is presented to demonstrate that having one of the two

vehicular entrances of a narrow width, although still useable by a car, is a significant factor preventing The Wilderness from being sold, and it could be argued that the parking provision here is far better than other properties in this part of the town, many of which have no off-street car parking provision. In any event, the perceived improved marketability of the house is a private and not public benefit. There is also no evidence to suggest that a wider entrance would impact to any marked degree on any wider parking issues in Ashburton.

## SUMMARY

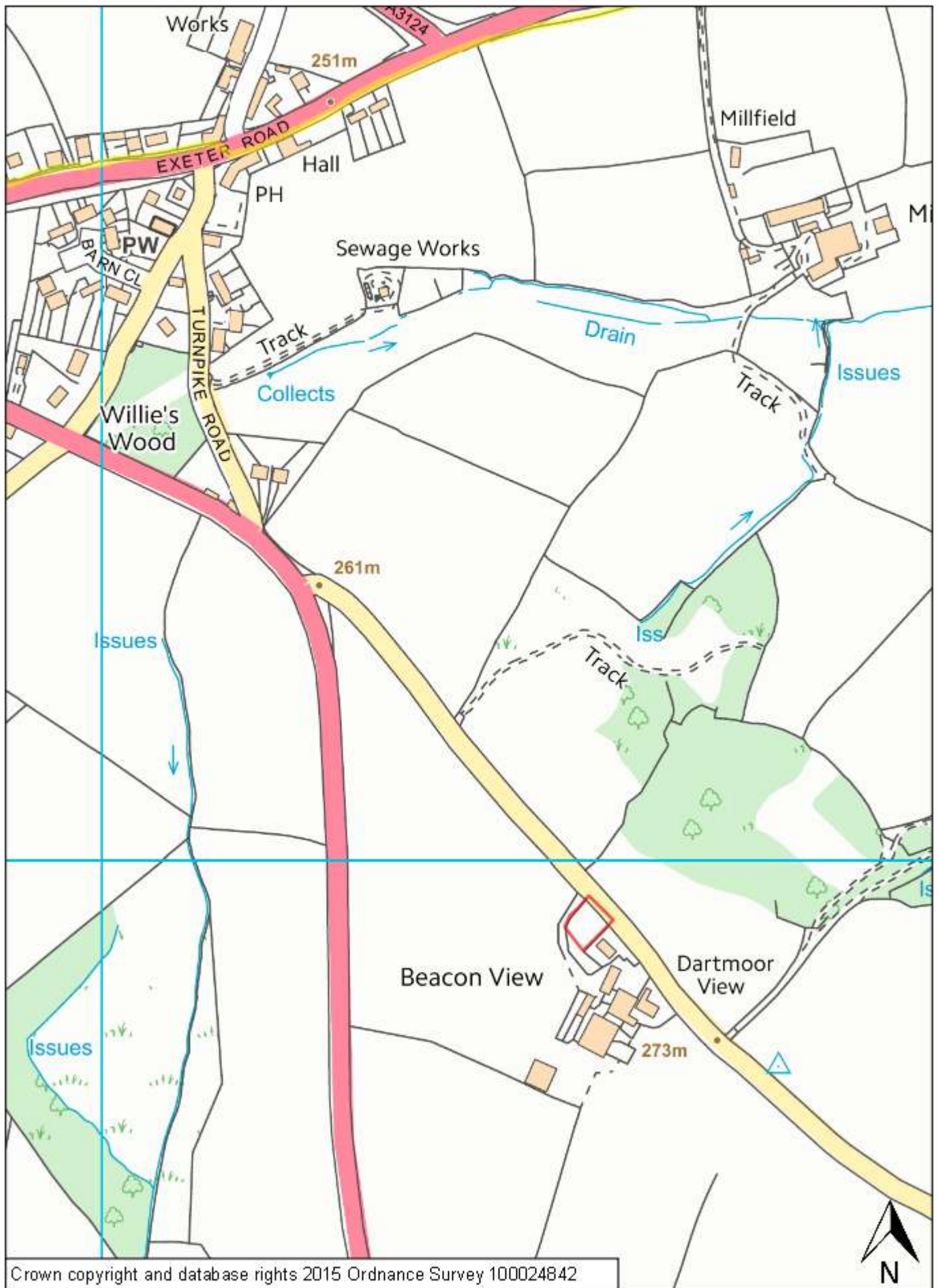
Overall, this seemingly straightforward proposal would severely disrupt the heritage significance of this listed feature. While the difficulty in negotiating this gateway identified by the applicant is acknowledged, given that another wider entrance exists and is in use, the justification for harming this listed feature is neither, clear and convincing, nor outweighed by any public benefit. The proposed works must therefore be considered contrary to local and national policy and guidance, in particular Core Policies 1(i and j) and 3 and Development Plan Policies DMD1b, DMD7 and DMD8 and Section 12 of the NPPF, which require the conservation and enhancement of historic features. For these reasons it is recommended that listed building consent is REFUSED.

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# Beacon View Farm 0565-16



Scale 1:4,000



6. Application No: **0565/16** District/Borough: **West Devon Borough**  
Application Type: **Outline Planning Permission** Parish: **Drewsteignton**  
Grid Ref: **SX693919** Officer: **Louise Barattini**

Proposal: **Construction of agricultural worker's dwelling**

Location: **Beacon View Farm,  
Drewsteignton**

Applicant: **Mr H Dunn**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposal is in an area where the Authority would only permit a new dwelling where it is required for an agricultural or rural-based business where there is a clearly established existing functional need for a worker to be readily available at all times. The Authority is not satisfied that there is an existing functional need for a third on-site dwelling at Beacon View Farm and the proposal is contrary therefore to the Dartmoor National Park Development Plan in particular policies COR1, COR2, COR15 and DMD23 and to advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

### **Introduction**

Beacon View Farm is located approximately 600m to the south east of Whiddon Down and is operated as a dairy enterprise. The holding extends to approximately 94 acres (38ha) and comprises a range of modern farm buildings clustered around the farm yard and worker dwellings.

The existing family business benefits from 2 on-site farm worker dwellings and the application proposes a third on-site dwelling. Outline permission is sought (with all matters reserved for future consideration) for a third on site dwelling to replace the existing unauthorised mobile home which is the subject of enforcement investigation.

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

### **Planning History**

3/09/034/94/18	Extension to Dairy	Withdrawn	23 February 1994
3/09/120/92/03	Timber agricultural building for stock housing	Grant Conditionally	01 December 1992
3/09/120/92/03	Timber agricultural building for stock housing	Grant Conditionally	01 December 1992
03/09/0266/77	Siting of temporary caravan	Grant Conditionally	29 April 1977
3/9/74/988R	Agricultural Dwelling	Approve Conditionally	14 February 1975
03/09/1974/322	Proposed agricultural dwelling		

**Consultations**

Environment Agency:	No objection - flood zone 1 standing advice only
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highway implications
Land Agent Consultant:	The farm is family run and presently Mr & Mrs Dunn senior live in one dwelling on site, their daughter in the other on-site dwelling and the other daughter in an unauthorised mobile home on the land (which is the subject of an enforcement investigation). The holding comprises approximately 94 acres (38ha) of owner occupied land and, at the time of inspection, there were 55 milking cows, 24 young cattle and 8 beef bulls. It is the intention of the applicant to increase the dairy herd to approximately 120-130 milking cows. Milk is processed on a daily basis (1,500 litres was quoted in the application and 700 litres quoted to the Land Agent on his visit).

With regard to the financial test, the Land Agent is satisfied that the business has been established for at least three years, profitable for at least one and would expect it to remain financially sound for the short to medium term.

With regard to the functional need, the Land Agent concludes that there is no need for a third worker to be on-site at most times day and night to help with the livestock enterprise or the processing of the milk. He states that a dairy enterprise of 130-140 milking cows would only require one person to be on site at most times for the proper management and welfare of the animals. At present, there is only 50-60 milking cows and therefore this enterprise on its own only marginally warrants one full-time worker to be on site. With the intention to increase to 130-140 milking cows this would still only require one full time worker to be on site at most times for the proper management and welfare of the animals. Notwithstanding this, it is important to note that a permanent dwelling application needs to look at the existing enterprise/business. With regard to the milk processing unit, he states that it has not been proven by the applicant that there is a need for a worker to be on site at most times of the day and night to oversee this processing unit/machinery. The milk processing takes place during normal working hours, albeit sometimes unsocial, but this is not a 24 hour a day requirement to be on-site to manage the machinery as it would be for a livestock enterprise where there may be calving/farrowing/lambing. There is no evidenced need for a third worker to be living on site to either help with the livestock enterprise or help with the processing of milk; this worker could live within a reasonable commuting distance

of the holding.

His conclusion is that the proposal does not satisfy the functional test set out in policy DMD23 to justify an exceptional permission for a new dwelling in the countryside.

He states that the existing rural business can be serviced quite comfortably by two existing on-site dwellings and there is no proven need for a third worker to be on-site.

DNP - Ecology & Wildlife  
Conservation:

Recommendations of the Preliminary Ecological Appraisal to be followed

### **Parish/Town Council Comments**

Drewsteignton PC:

The Parish Council support the application and the need for an additional dwelling to allow 24 hour access to the livestock, to ensure their wellbeing, extend the herd and continue the livelihood for the next generation.

The following views were firmly expressed by councillors;

(i) The dwelling should have an agricultural tie.

(ii) The building should be sited further downhill on the plot and the roofline kept low to reduce visual impact.

(iii) Adequate planting should be required to screen the dwelling from the various public roads, from which the site is visible.

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR15 - Providing for limited new housing to meet local needs

COR2 - Settlement Strategies

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

COR3 - Protection of Dartmoor's special environmental qualities

COR4 - Design and sustainable development principles

COR5 - Protecting the historic built environment

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

DMD14 - Biodiversity and geological conservation

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

DMD23 - Residential development outside Local Centres and Rural Settlements

DMD4 - Protecting local amenity

DMD40 - Parking provision - Residential

DMD5 - National Park Landscape

DMD7 - Dartmoor's built environment

### **Representations**

3 letters of support

The letters received support this hard working farming family and the need for a dwelling



to meet the demands of the dairy.

## **Observations**

The key issues are whether the proposal provides over-riding justification for a new dwelling in the countryside and the impact on the character and appearance of this part of the National Park landscape.

## **FUNCTIONAL & FINANCIAL JUSTIFICATION**

Policy DMD23 sets out the stringent tests to be applied when considering proposals for new farm worker dwellings in the countryside.

The policy requires the following criteria to be satisfied in assessing such proposals:

- (i) there is no satisfactory existing building that could be converted to provide the accommodation;
- (ii) there is a clearly established existing functional need for a worker to be readily available at most times;
- (iii) the accommodation need relates to a full-time worker or one solely or mainly employed on the holding or enterprise;
- (iv) the holding or rural-based business enterprise has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so;
- (v) the need for permanent accommodation cannot be met by another suitable and available dwelling on the holding or unit or in the locality;
- (vi) the building should be on a scale appropriate to the functional requirement of the holding or rural-based business and sited such that it does not cause harm to the character and appearance of the site or the landscape character of the area. A site adjacent to existing buildings will generally be regarded as the most appropriate.

The independent land agent has appraised the information submitted by the applicant's agent and has concluded that a third on-site dwelling is not justified against the functional need policy test to justify an exceptional permission for a new dwelling in the countryside.

With regard to the financial test, the independent Land Agent is satisfied that the business has been established for at least three years, profitable for at least one and would expect it to remain financially sound for the short to medium term.

With regard to the functional need, the independent Land Agent concludes that there is not a need for a third worker to be on-site at most times day and night to help with the livestock enterprise or the processing of the milk. He states that a dairy enterprise of 130-140 milking cows would only require one person to be on site at most times for the proper management and welfare of the animals. At present, there is only 50-60 milking cows and therefore this enterprise on its own only marginally warrants one full-time worker to be on site. With the intention to increase to 130-140 milking cows this would still only require one full time worker to be on site at most times for the proper management and welfare of the animals. Notwithstanding this, it is important to note that a permanent dwelling application needs to look at the existing enterprise/business. With regard to the milk processing unit, he states that it has not been proven by the applicant that there is a need for a worker to be on site at most times of the day and night to oversee this processing unit/machinery. The milk processing takes place during normal working hours, albeit sometimes unsocial, but this is not a 24 hour a

day requirement to be on-site to manage the machinery like it would be for a livestock enterprise where there may be calving/farrowing/lambing. There is no evidenced need for a third worker to be living on site to either help with the livestock enterprise or help with the processing of milk; this worker could live within a reasonable commuting distance of the holding.

His conclusion is that the proposal does not satisfy the stringent functional test set out in policy DMD23 to justify an exceptional permission for a new dwelling in the countryside.

## IMPACT ON LANDSCAPE CHARACTER AND VISUAL AMENITY

The application is in outline form with all matters reserved, however, the submitted plans clearly identify the position of the proposed dwelling on the application site and identify the site connecting with the existing access to the highway.

Policy DMD23 requires agricultural dwellings to be “sited such that it does not cause harm to the character and appearance of the site or the landscape character of the area”. Further to that it states that “a site adjacent to existing buildings will generally be regarded as the most appropriate”. This reflects the requirements of policies COR1, COR3, COR4, DMD1b and DMD5, all of which establish the requirement for new development to conserve and enhance the character and special qualities of the Dartmoor National Park landscape.

The site proposed is logical in that it would be closely associated with the core farming operations at Beacon View Farm, being located adjacent to the existing farm workers dwelling and the farm buildings beyond. Notwithstanding the assessment of need, it would be difficult to sustain an objection to the principal of a dwelling in this location on landscape grounds.

The Parish Council in their comments have observed the visibility of the site from the public highway. This small corner of the field has already been subdivided by the farm access which bisects this corner of the field and the formalisation of this by the introduction of for example a Devon hedge bank around this small enclosure would not compromise the character and appearance of this part of the National Park.

## ECOLOGY

The application has been supported by a Preliminary Ecological Assessment which makes a series of recommendations to protect nesting birds (timing of works and retention of hedgerows). The proposal therefore complies with the objectives of wildlife conservation policies COR7 and DMD14.

## HIGHWAY SAFETY

The illustrative plans indicate that the proposed dwelling could be served by the existing highway access and the Highway Authority raises no objection to the principle of a dwelling in the location proposed. The proposal would not prejudice highway safety and would align with the objectives of policy COR21.

## RESIDENTIAL AMENITY

The proposed dwelling would be situated at the centre of the farming operations away from neighbouring dwellings and no adverse impact under policy DMD4 is considered.

## CONCLUSION

The independent land agent has appraised the information submitted by the applicant's agent and has clearly concluded that a third on-site dwelling is not justified against the functional needs test to justify an exceptional permission for a new dwelling in the countryside.

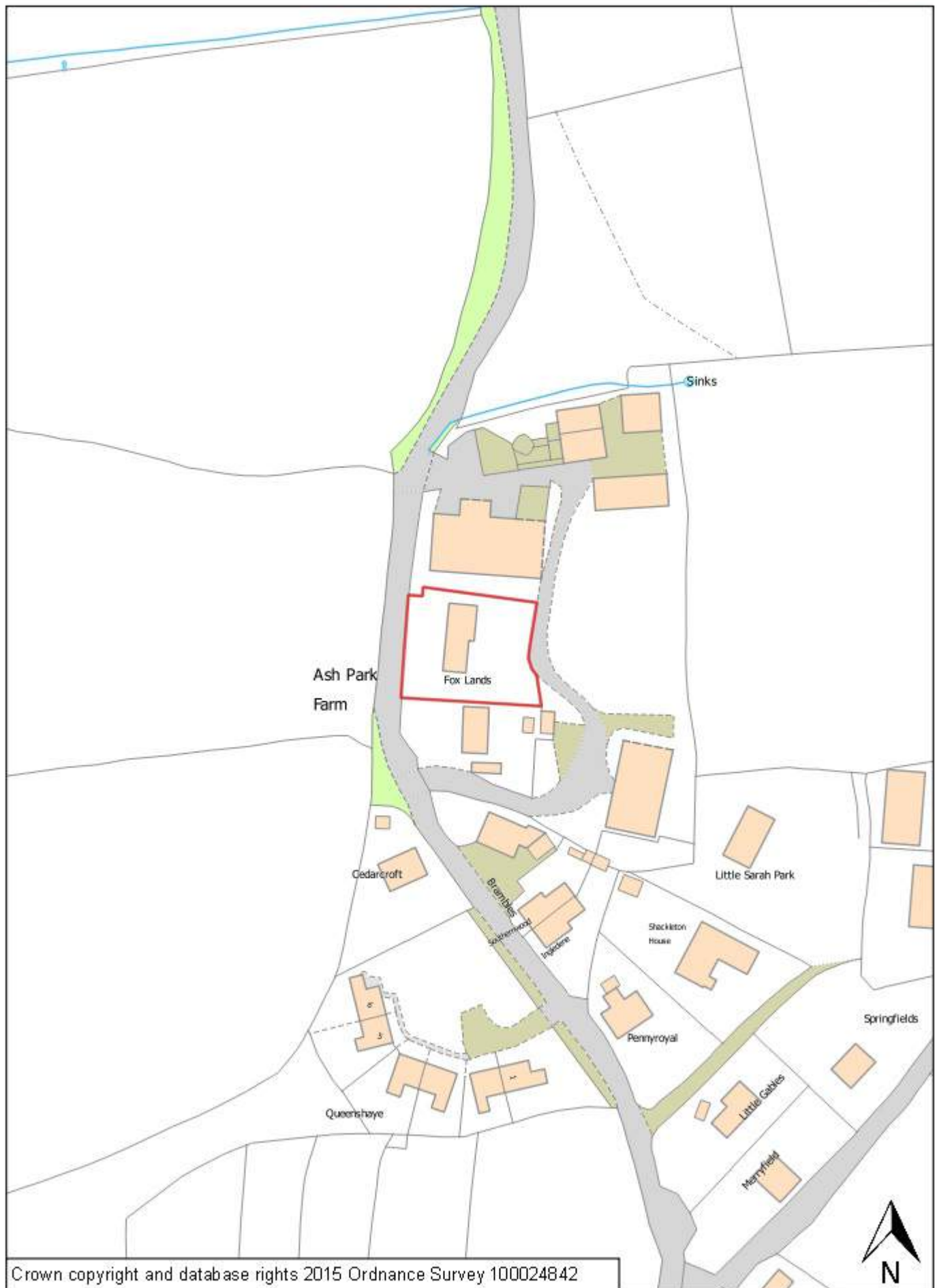
He states that the existing rural business can be serviced quite comfortably by two existing on-site dwellings and there is no proven need for a third worker to live on-site.

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# Foxlands, Willey Lane, Sticklepath - 0491/16



Scale 1:1,250



7. Application No: **0491/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission - Householder** Parish: **Sticklepath**  
Grid Ref: **SX642944** Officer: **Oliver Dorrell**

Proposal: **Construction of extension and associated works**

Location: **Foxlands, Willey Lane, Sticklepath**

Applicant: **Mr & Mrs Mallett**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed extension by reason its increase in habitable floorspace would result in significant enlargement of an agricultural workers dwelling, contrary to policy DMD24 (e) of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.

### **Introduction**

Foxlands is a modern detached dwelling located off Willey Lane, north of Sticklepath. The present house comprises a simple linear building with a dual pitch roof. The walls are painted render and the roof is natural slate. There are uPVC windows throughout.

The house is subject to an agricultural tie.

This proposal is for the erection of an extension to the northern end of the building to provide a living room and farm office.

This application is presented to committee at the request of Authority Member William Cann who expressed a comment regarding the size of the finished building needing further consideration.

### **Planning History**

0586/02	Erection of an agricultural worker's dwelling		
	Full Planning Permission	Grant Conditionally	18 September 2002
0737/01	Erection of agricultural worker's dwelling		
	Outline Planning Permission	Grant Outline Conditionally	22 January 2002

### **Consultations**

West Devon Borough Council: Does not wish to comment  
County EEC Directorate: No highway implications  
Environment Agency: Standing advice - flood zone 1  
DNP - Ecology & Wildlife Conservation: Protected species unlikely to be affected by proposed development.

## **Parish/Town Council Comments**

Sticklepath PC: No objection/neutral view

## **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR2 - Settlement Strategies  
COR4 - Design and sustainable development principles  
DMD24 - Extensions and alterations to dwellings  
DMD4 - Protecting local amenity  
DMD7 - Dartmoor's built environment

## **Representations**

None to date.

## **Observations**

### **PLANNING HISTORY**

The house was granted planning permission in 2002 (ref: 0586/02). At the time the habitable floorspace was almost exclusively confined to the ground floor with the exception of a small gallery formed by a mezzanine over the kitchen.

Subsequently a large part of the loftspace was converted to habitable floorspace without the need for planning permission. This included introduction of rooflights on the front and rear elevations carried out under permitted development.

### **IMPACT ON CHARACTER AND APPEARANCE**

The proposed extension comprises an enlargement to the northern end of the building into a space currently laid to gravel and used for domestic vehicle parking. The extension would project back from the rear wall into the garden however it would not compromise how the amenity space is used. The pitch of the roof would match the main house and the external materials would be sympathy with the existing finishes.

The extension would not adversely affect the appearance of the host dwelling. It is therefore considered acceptable under policies COR4 and DMD7.

The house is visible from Willey Lane where it is seen between an existing bungalow and a modern farm building. The extension would not be detrimental to the appearance of the area.

### **POLICY CONSIDERATIONS**

The house is the subject of an agricultural tie. It is therefore subject to criterion (e) of policy DMD24 which states that extensions to dwellings limited by condition for agricultural workers should not be permitted where the habitable floorspace of the existing building combined with the extension would exceed 120sqm. This is to ensure that the dwelling remains affordable for an agricultural worker in the future and its potential future occupancy as an affordable dwelling should the tie be removed.

The floorspace of the original house was 102sqm. The floorspace of the existing house is

149sqm. The proposed floorspace would be 192sqm. This represents clear conflict with policy.

There has been no information submitted to demonstrate why the additional floorspace is required for the effective management of the agricultural holding to which it relates. The accommodation currently comprises three bedrooms (one en-suite), a dressing room and a utility room.

It should also be noted that the above figures are based on accommodation only being provided on the ground floor as shown on the submitted plans, and that planning permission would not be required for any subsequent internal enlargement the first floor accommodation over the proposed farm office and living room.

The applicants have pointed out that permitted development rights remain for the property and that this would allow for a single storey extension to the rear of the property. This is correct and remains a fall back position for the applicants to pursue however it is not considered a material consideration in this case as it would this would relate to distinctly seperate proposal on a different part of the building. It is also questionable that such a development would be carried out as doing so would mean a significant reduction in the level of private rear amenity space to serve the dwelling.

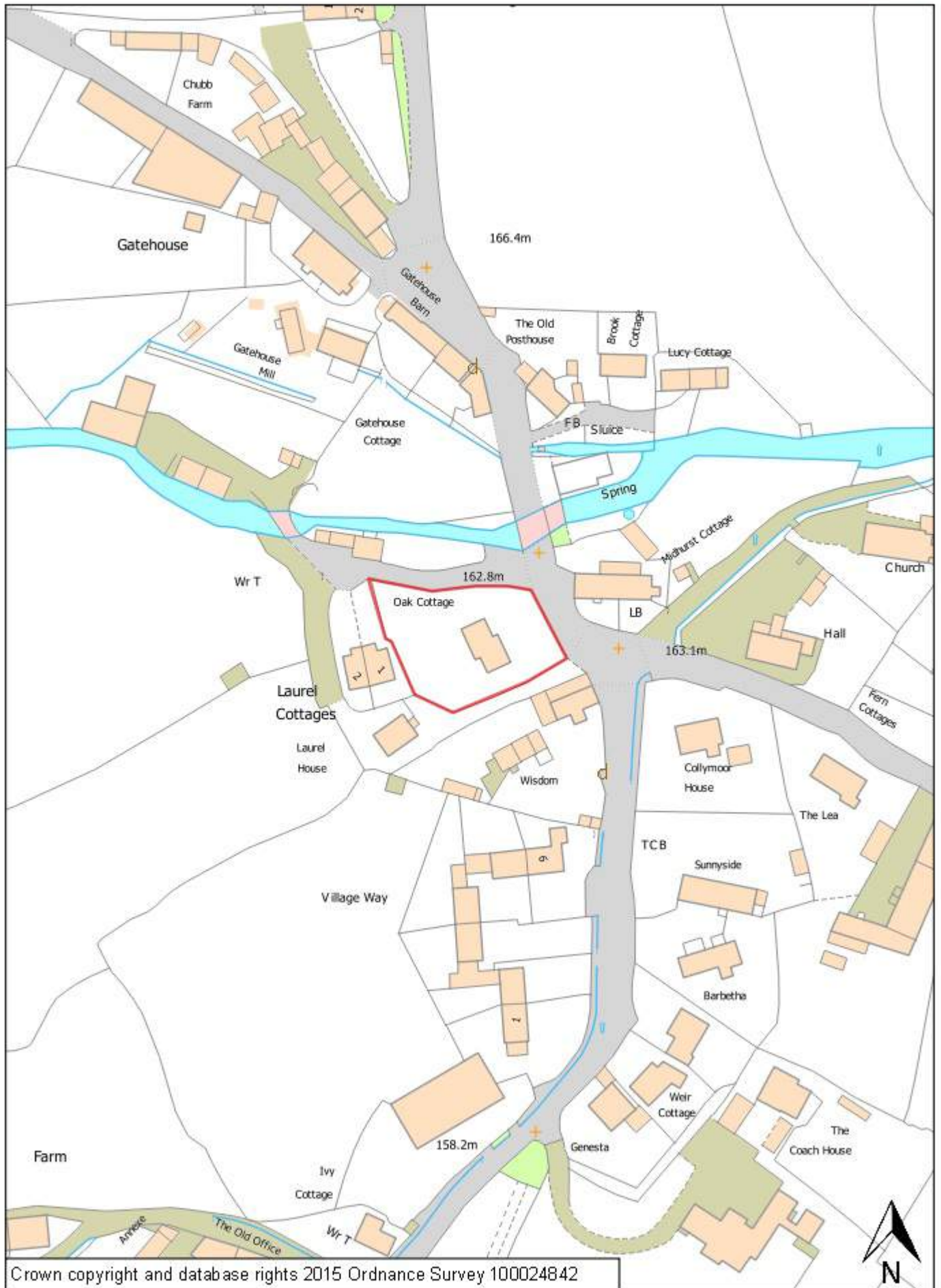
The applicants have also suggested that they would agree to the removal of permitted development rights should permission be granted for the proposed extension, however it is not considered that the use of planning conditions to restrict further development is appropriate based on a theoretical development and where granting planning permission would otherwise be a departure from adopted policy.

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# Oak Cottage, Peter Tavy - 0552/16



Scale 1:1,250





8. Application No: **0552/16** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission -  
Householder** Parish: **Peter Tavy**  
Grid Ref: **SX513775** Officer: **Oliver Dorrell**  
Proposal: **Erection of first floor extension over garage and ground floor  
extension to garage and porch**  
Location: **Oak Cottage, Peter Tavy**  
Applicant: **Mrs E Mackintosh**  
Recommendation **That subject to consideration of the protected species statement to be  
submitted and any required mitigation measures, permission be  
GRANTED**

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used in the finishing of the external walls and roof of the development hereby approved shall, unless otherwise previously agreed by the Local Planning Authority in writing, match those used on the existing building.
3. Unless otherwise agreed in writing by the Local Planning Authority, all external doors and windows in the development hereby permitted, shall be of timber construction and shall at all times thereafter be retained as timber framed windows and doors.

### **Introduction**

Oak Cottage is a modern detached dwelling located in the centre of the village. It comprises a two-storey house with single storey attached garage. The house is roughly centrally positioned within the plot. The site is surrounded by hedgebanks on three sides with a timber fence forming the boundary with the houses to the west.

The application is presented to the Committee in view of the comments made by the Parish Council.

### **Planning History**

03/45/1126/89	Conversion of garage to study and provision of bedroom over. Erection of a new garage and conservatory		
	Full Planning Permission	Grant Conditionally	06 October 1989
03/45/0393/76	Erection of a house and garage		
	Outline Planning Permission	Grant Outline Conditionally	25 June 1976

### **Consultations**

Environment Agency:	Standing advice - flood zone 2 & 3
West Devon Borough Council:	Does not wish to comment
County EEC Directorate:	No highways implications
Devon County Council (Flood	The applicant has not submitted sufficient information in

Risk): relation to the surface water drainage aspects of the planning application in order for it to be determined at this stage.

### **Parish/Town Council Comments**

Peter Tavy PC: Object. Not in-keeping with the character of the village and question the need for an extension.

Peter Tavy PC: No comment received

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR2 - Settlement Strategies

COR4 - Design and sustainable development principles

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

DMD24 - Extensions and alterations to dwellings

DMD4 - Protecting local amenity

DMD7 - Dartmoor's built environment

### **Representations**

None to date.

### **Observations**

#### DESIGN

Oak Cottage is a modern house surrounded by older properties. It has a simple form and uncomplicated palette of materials.

The proposal is to provide a first floor extension above the attached existing garage to the side of the house. The materials proposed would match the existing finishes. The roof of the extension would remain below the height of the main house and set back from the front wall. This presentation will mean that the extension will appear subservient to the main house, in accordance with design guidance. The floorspace increase is 28% and therefore within the upper limit set out in policy DMD24 for domestic extensions.

The house is set back from, yet visible from the road. The surrounding properties are of varying styles, designs and sizes. Some have a larger footprint than the application property. There are also dormer windows present nearby. The proposed extension will be well integrated with the existing house. It will be set off the boundaries of the plot and will not appear cramped or dominant. It is considered that the proposal will preserve the character and appearance of the area, in accordance with policies COR4 and DMD7.

#### IMPACT ON RESIDENTIAL AMENITY

There are windows present in the first floor of the existing house on both the front and rear elevations. The extension would be 19m from the nearest window in the neighbouring property to the west. It is not considered the proposed extension will lead to any significant loss of privacy through overlooking and there will be no overbearing impact arising from the extension. The proposed development is therefore considered to comply with policy DMD4.

## FLOOD RISK

The whole site is within flood zone 3 due to its proximity to Colley Brook beyond the lane to the north. Flood resilience measures have been included in the supporting statement in accordance with Environment Agency standing advice. The details submitted are considered acceptable to ensure that the development does not put the occupiers at greater risk or lead to increased flooding nearby.

There is no need to carry out a sequential test as the development relates to a householder extension under 250sqm.

In addition to the fluvial flood risk the site is also identified as being at risk of surface water flooding. It is stated that rainwater from the extension roof will discharge to existing soakaways. As the proposed extension involves only minimal increase in the footprint of the building and the size of the roof it is considered that the development will have a neutral impact on surface water flooding and therefore further percolation tests on the existing soakaways are not considered proportionate.

## IMPACT ON PROTECTED SPECIES

The proposed extension is to be formed above the existing garage which is understood to have a large roof void. The proposed development therefore has the potential for impact on protected species, namely bats and/or nesting birds. An ecological report/statement has been requested to consider any impacts and the findings will be reported at the meeting.

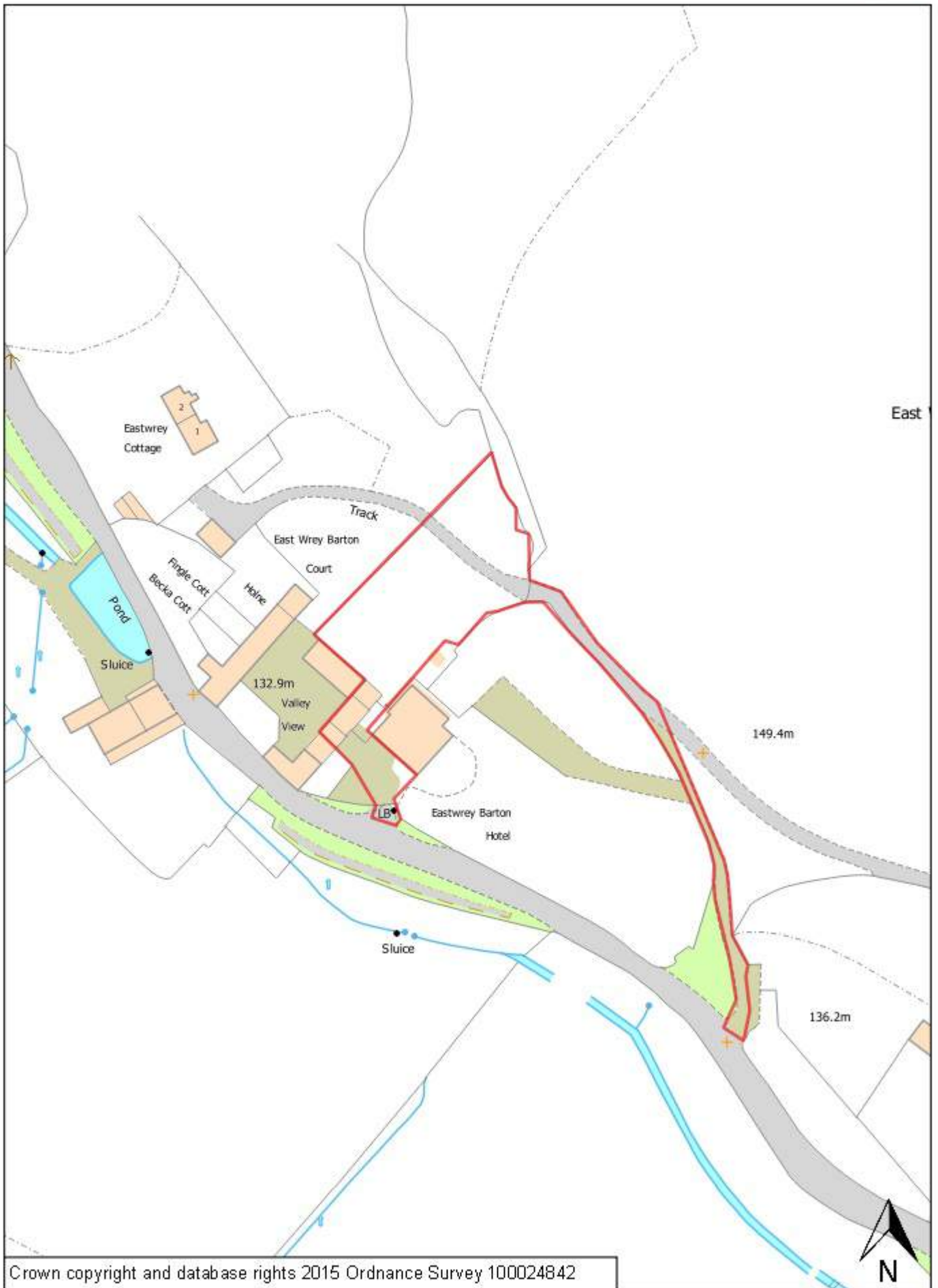
If any evidence of any protected species is found then a full ecological survey will be required prior to determination of the application.

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# East Wrey Barton Hotel, Lustleigh - 0483/16



Scale 1:1,250



9. Application No: **0483/16** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Lustleigh**  
Grid Ref: **SX781828** Officer: **James Aven**

Proposal: **Variation of condition 6 attached to decision reference 0581/15 and condition 2 of the associated non-material amendment**

Location: **Barn at East Wrey Barton Hotel, Lustleigh**

Applicant: **East Wrey Barton Hotel**

Recommendation **That permission be GRANTED**

### **Condition(s)**

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.
2. Unless otherwise agreed in writing by the Local Planning Authority, the garage attached to the northwest side of the building subject of this permission shall be used for the storage of private motor vehicles and incidental domestic storage only and for no other purpose.
3. The dwelling hereby permitted shall not be occupied until the parking spaces for motor vehicles shown on the approved drawing numbered 528/WD/037, received 4 November 2015, have been made available for use; thereafter the parking spaces shall be permanently retained for that use alone.
4. The timber louvres approved 21 April 2016 shall be fixed in their frame and non-adjustable.
5. The timber louvres hereby approved shall be installed within one month of the date of this permission and thereafter retained in their approved form, unless otherwise agreed in writing by the Local Planning Authority.
6. The first floor archway window and louvres in the south-west elevation shall be kept locked shut at all times, apart from in the case of an emergency and for maintenance purposes only. Unless otherwise approved in writing by the Local Planning Authority, the window shall be fitted with a 'Redlam Panic Bolt' which shall remain in the locked position except in the circumstances mentioned above.

### **Introduction**

The building the subject of this application is a converted barn that forms part of a complex of converted barns arranged around a courtyard located adjacent to the A382 Bovey Tracey to Moretonhampstead road.

Planning permission was granted in 2015 (ref: 0581/15) for the conversion of the barn to a single dwellinghouse, with external alterations including the provision of timber louvres over the first floor window in the archway.

This application seeks to vary Condition 6 attached to planning permission 0581/15, and condition no.2 attached to a subsequent non-material amendment, and is presented to Members at the discretion of the Head of Planning given the local objections raised by nearby residents.

### **Planning History**

0181/16	Variation of condition 6 in relation to approval under reference 0581/15		
	Full Planning Permission	Refused	27 May 2016
0581/15	Conversion of former barn to single dwelling with external alterations		
	Full Planning Permission	Grant Conditionally	22 December 2015

### **Consultations**

Environment Agency:	Flood risk zone 1 - Standing advice applies
Teignbridge District Council:	Does not wish to comment.
County EEC Directorate:	No objection

### **Parish/Town Council Comments**

Lustleigh PC:	No objection
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### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR4 - Design and sustainable development principles  
DMD4 - Protecting local amenity

### **Representations**

3 letters of objection

Three letters of objection have been received, two of which were submitted by the owners of the adjacent dwelling. The objectors point out that this window was granted permission retrospectively on the basis that it would remain closed and ask that the window and shutter remain permanently closed in order to preserve their privacy. As it is less than 3m from their bedroom window, they feel overlooked and susceptible to visual and audible intrusion. They state that the proposed 'panic bolt' is no guarantee that the window will remain closed as the protective glass or bolt itself could be removed. They state that the applicants continue to flout existing conditions regarding the fixing of the shutters and that access for maintenance purposes is unnecessary as the window is protected by the shutters and the shutters protected by the covered passageway. The objectors suggest that the shutters could be lifted off their hinges when the windows need cleaning. They state that alternative means of emergency egress could be provided within the building, including an existing second window in the bedroom, and that another option would be to keep a sledge hammer or axe in the room to smash open the window and shutter. The objectors state that there is no proven need for the window to act as an emergency escape route; this is merely the applicants preference. Finally, the objectors state that the proposed condition is unenforceable.

In response, the applicants solicitor confirms that his clients take no issue with the need to protect privacy or ensuring that there is neither visual or audible intrusion. However, he states that this need not preclude the use of the window as a means of escape in the

case of a genuine emergency or external access for occasional cleaning and maintenance. The applicants solicitor considers the proposed condition to be both reasonable and enforceable.

The applicants agent has previously stated that the window is required as a means of escape and whilst acknowledging that alternative methods of providing a safe means of egress such as interconnecting doors and protected stairs may be available, he states that re-planning the house at this stage would be excessive and untenable.

No evidence of what is or is not required under the Building Regulations has been submitted by either party.

## **Observations**

### PLANNING HISTORY

The building has been subject to a long and varied planning history. Planning permission was originally granted in 1983 for a change of use of the whole of the south-east range of the courtyard to four holiday units. A subsequent application for conversion to four open market dwellinghouses was granted on appeal in 1990. This permission was renewed in 1995, whereupon the Authority accepted a commencement of development had taken place.

A further planning permission led the conversion of the south-western end of this range to a single open market dwellinghouse.

In 2014 permission was granted for the conversion of the north-eastern end to two open market dwellinghouses (ref: 0352/14). Permission was then granted in December 2015 to amend this approval and create a single dwelling in the barn, rather than the two dwellings. This application, ref 0581/ 15, included some external changes, including the addition of a window and timber louvres in the archway of the South-West elevation.

A non-material amendment to the louvre design was subsequently approved in April 2016.

### PROPOSAL

There are two conditions from application reference number 0581/15 and the subsequent non-material amendment which relate to the existing window and louvres under the archway on the South West elevation, which are as follows:

Application reference number 0581/15; Condition 6:

'Within one month of the date of this permission, all panes in the first floor window in the South-West elevation hereby approved shall be adjusted so that they are fixed and non-opening; thereafter, the window shall be permanently retained as non-opening.'

Non-material amendment; Condition 2:

'The shutters hereby approved shall be permanently fixed closed and non-opening.'

This application seeks to vary the above conditions relating to the non-opening of the existing window and timber louvres to allow for emergency egress and access for maintenance purposes only. The louvres and window are to remain shut at all other times.

## OFFICERS COMMENTS

The window is located within an original opening in the south-east elevation of the building. On the opposite side of the covered archway there is a corresponding window in the neighbouring property. Both windows currently serve bedrooms and are clear glazed; the window the subject of this application does however have louvres attached. The distance between the two windows is 2.7m.

Policy DMD4 states that development proposals which would lead to a significant reduction in privacy for occupiers of nearby properties should not be supported. The window in question is directly opposite the neighbours window. This arrangement would allow the occupiers to look straight into each others bedroom at close quarters if the louvres were open. The window also has two openable casements which would allow noise to travel freely between the two properties should both sets of windows be opened concurrently. This would have an unacceptable impact on the privacy of the neighbouring property and prevent the quiet enjoyment of their dwellinghouse.

In order to mitigate the impact of this window on the occupiers of both properties, conditions were attached to permission ref. 0581/15 requiring the timber louvres to be fixed in their frames and be non-adjustable and for the window to be non-opening.

The original condition no.6 required all panes in the window in the archway to be adjusted so that they fixed closed and thereafter retained as non-opening. This was considered necessary to protect the amenity of the occupiers of the neighbouring property. Although consent has since been granted for a non-material amendment to the design of the louvres, the original permission still stands. The reason for attaching the condition remains valid and an unrestricted opening would conflict with policy DMD4.

The applicants have suggested that the window is required to be opened as a means of escape and the Authority has been asked to consider a system whereby the window and louvres are secured closed at all times except in the case of a genuine emergency when the locking mechanism would be released.

Objections have been received from the occupiers of the neighbouring property, on the grounds of loss of privacy.

## CONCLUSION

The objectors and the applicants comments regarding the need for this window to act as an emergency escape route are noted, however, regardless of whether there is or is not a need under the Building Regulations for the window to be available as a means of escape, it would be considered unreasonable not to allow this window to be used in a genuine emergency situation. No condition would prevent such a use of the window in these circumstances.

The neighbours concerns in respect of the risk of visual and audible intrusion are also acknowledged but are not considered to be sufficient to warrant the refusal of this application based on the terms set out in the recommended condition.

It is therefore recommended that the application be granted and the condition varied accordingly.

STEPHEN BELLI



DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

02 December 2016

**APPEALS**

Report of the Head of Planning

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

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

1 Application No:	C/15/3139040	District/Borough:	Teignbridge District
Appeal Type:	Enforcement Notice	Parish:	Bridford
Proposal:	Change of use of land to a mixed use as a former quarry and salvage business and the siting and residential use of a caravan		
Location:	<b>The Old Quarry, Pound Lane, Bridford EX6 7LQ</b>		
Appellant:	<b>Mr B Darke</b>		
Decision:	<b>DISMISSED AND NOTICE UPHELD</b>		

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

1 Application No:	F/16/3156412	District/Borough:	Teignbridge District
Appeal Type:	Enforcement Notice	Parish:	Moretonhampstead
Proposal:	Unauthorised alterations to a listed building, incl. the rebuilding of the derelict farmhouse including the installation of 2x uPVC casement windows (with internal Georgian Bars) into the suthern gable of the Grade II listed farmhouse.		
Location:	<b>Pepperdon Farm, Mortenhampstead, TQ13 8SF</b>		
Appellant:	<b>Mr GM Keep</b>		

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2 Application No:	F/16/3156416	District/Borough:	Teignbridge District
Appeal Type:	Enforcement Notice	Parish:	Moretonhampstead
Proposal:	Unauthorised alterations to a listed building, incl. the rebuilding of the derelict farmhouse including the installation of 2x uPVC casement windows (with internal Georgian Bars) into the suthern gable of the Grade II listed farmhouse.		
Location:	<b>Pepperdon Farm, Mortenhampstead, TQ13 8SF</b>		
Appellant:	<b>Mr GM Keep</b>		

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**STEPHEN BELLI**