

# West Devon Development Management and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Tuesday, 29th October, 2019</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Yelland <b>Vice Chairman</b> Cllr Pearce</p> <p><i>Members:</i>                    Cllr Cheadle                    Cllr Moyse    Cllr Crozier                    Cllr Ratcliffe    Cllr Hipsey                    Cllr Renders    Cllr Mott                      Cllr Vachon</p>
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
<b>Committee administrator:</b>	Kathy Trant Specialist - Democratic Services 01803 861185

**1. Apologies for Absence**

**2. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

*[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]*

**3. Items Requiring Urgent Attention**

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

**4. Confirmation of Minutes**

Meeting held on 3 September 2019

**1 - 4**

**5. Planning Applications**

**5 - 22**

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

<b>WARD NAME</b>	<b>Buckland Monachorum</b>
<b>APPLICATION NUMBER</b>	<b>1719/19/VAR</b>
<b>LOCATION</b>	<b>"Land adjacent to Yelverton Business Park", Yelverton Business Park, Crapstone</b>
<b>DEVELOPMENT</b>	<b>Application for variation of condition 2 to subdivide single business unit into 3no. units with associated amendments to external fenestration, following grant of planning permission 4005/16/FUL (Appeal ref. APP/Q1153/W/17/3180733 - schedule 1, condition 2)</b>

<b>WARD NAME</b>	<b>Hatherleigh</b>
<b>APPLICATION NUMBER</b>	<b>2467/19/FUL</b>
<b>LOCATION</b>	<b>"Owls Oak", Highampton</b>
<b>DEVELOPMENT</b>	<b>Retrospective change of use of chalet within boundary from residential use to holiday let</b>

**6. Planning Appeals Update**

**23 - 26**

This page is intentionally left blank

# Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **3<sup>rd</sup>** day of **SEPTEMBER 2019** at **10.00am**

**Present:**

Cllr J Yelland – Chairman

Cllr T G Pearce – Vice Chairman

Cllr R Cheadle

Cllr S Hipsey

Cllr D E Moyse

Cllr M Renders

Cllr P Crozier

Cllr C Mott

Cllr B Ratcliffe

Cllr P Vachon

Development Management Senior Specialist (AHS)

Development Management Specialist (OG)

Solicitor (DF)

Specialist Democratic Services (KT)

**Other Members also in attendance:** Cllrs L Daniel, T Leech, J Spettigue and T Southcott

**\*DM&L 14 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllrs P Crozier and C Mott both declared a personal interest in application 3910/18/OPA Re-advertisement – revised site address) Outline application with all matters reserved for construction of Farm Managers dwelling – Land at Southcott Cross, Yelland Farm, by virtue of knowing the applicant as a fellow farmer and they remained in the meeting for the duration of the debate and vote thereon;

Cllr T G Pearce declared a personal interest in all applications by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on the item.

**\*DM&L 15 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 30 July 2019 were confirmed and signed by the Chairman as a correct record.

**\*DM&L 16 PLANNING PERFORMANCE INDICATORS**

Members were presented with the latest Performance Indicator data. The Planning Senior Specialist drew Members attention to the key details.

**\*DM&L 17 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the applications that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other

representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

**(a) Application No: 2199/19/FUL**                      **Ward: Tavistock North**

**Site Address: Land at SX479750, North of Buddle Close, Butcher Park Hill, Tavistock**

**Construction of single dwelling on disused former agricultural land (resubmission of 2851/18/FUL)**

Case Officer Update:        Three additional letters of objection had been received raising points such as impact on landscape, impact on biodiversity and concerns over privacy. A letter had been submitted by the applicant's solicitor and a response from the Council solicitor also circulated.

Speakers included: Supporter – Mr Christopher Tofts: local Ward Member – Cllr Hipsey

**RECOMMENDATION:** Refusal

**COMMITTEE DECISION:** Refusal

**(b) Application No: 3910/18/OPA**                      **Ward: Okehampton North**

**Site Address: Land at SX2551948 near Southcott Cross, Yelland Farm EX20 4NB**

**Re-advertisement – Revised site address Outline application with all matters reserved for construction of Farm Managers dwelling**

Case Officer Update:

Speakers included: Supporter – Mr Mark Bunt: local Ward Member – Cllr Mott

**RECOMMENDATION:** Refusal

**COMMITTEE DECISION:** Refusal

**(c) Application No: 2518/18/NMM**                      **Ward: Tavistock North**

**Site Address: 22 West Street, Tavistock**

Case Officer Update:        An additional condition should be included that car parking was to be provided on occupation of the first dwelling and maintained in perpetuity

Speakers included: Supporter – Mr James McDowall: local Ward Member – Cllr Hipsey

**RECOMMENDATION:** Conditional Approval

**COMMITTEE DECISION:** Conditional Approval

Conditions:

Time  
Approved Drawings  
SUDS details  
Cill details  
Window and door/garage door details  
Gable end details  
Stone sample  
Natural slate roof  
Ecology mitigation  
HRA mitigation  
CEMP  
PD Removal  
Written scheme of investigations  
Landscape Plan  
Details of car parking layout to be provided prior to occupation

**\*DM&L 18 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals, including Enforcement Appeals.

(The Meeting terminated at 11.40 am)

---

**Chairman**

This page is intentionally left blank



## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

**Parish:** Buckland Monachorum  
**Ward:** Buckland Monachorum

**Application No:** 1719/19/VAR

**Agent/Applicant:**

Mr Nigel Passmore - Unitbuild Ltd  
Unitbuild Ltd  
14 Reynolds Park  
Bell Close  
Plympton, Plymouth  
PL7 4FE

**Applicant:**

Hill / Greeno / Hopkinson  
Yelverton Business Park  
Crapstone  
PL20 7LS

**Site Address:** Land adjacent to Yelverton Business Park, Yelverton Business Park, Crapstone, PL20 7LS

**Development:** Application for variation of condition 2 to subdivide a single business unit into 3no. units with associated amendments to external fenestration, following grant of planning permission 4005/16/FUL (Appeal ref. APP/Q1153/W/17/3180733 - schedule 1, condition 2)

**Reason this item is at the Planning Committee:** Councillor Cheadle has requested that this application be heard by the Committee for the following reasons: Large units were required for the previous application because there were none available. Allowing this application will reduce the number of larger units ( which are claimed to be in short supply) available to attract larger businesses and increase the number of smaller units for which supply outstrips demand



**Recommendation: Approval**

**Conditions** (list not in full)

1. Time limit
2. Accord with plans (changed plans)
3. Materials
4. Soft landscaping scheme
5. Contamination condition
6. Verification of remedial works having taken place.
7. Unexpected contamination
8. Surface water scheme
9. Access roads
10. Not occupied until a noise assessment undertaken (whilst this was discharged, it is considered necessary to add it again on this variation because of the potential different users of the buildings.)
11. Adherence to ecology report prior to commencement of use.
12. Time limit for deliveries 07.00 to 20.00 Mon to Sat No deliveries on Sunday and Bank Holidays
13. Use classes B1, B2 and B8 only
14. No external lighting unless details of design etc. have first been agreed by the LPA
15. No internal mezzanine floor without a further grant of planning permission.

**Key issues for consideration:** Impact of the variation on the content and conditions of the main consent; whether there will be any traffic impacts; design impacts, impacts on landscape

---

**Site Description:**

The application site is the site granted permission under the appeal reference APP/Q1153/W/17/3180732, following refusal of permission under planning reference: 4005/16/FUL. The appeal decision allowed for the extension of the existing Yelverton Business park with 3 new industrial units, measuring 960sqm 1x384sqm and 2x288sqm (576sqm) Use Class B1 (c) light industrial, Use Class B2 general industrial and Use Class B8 storage & distribution, together with associated access, parking and landscaping. 22 parking spaces were allowed. The buildings approved were 6.5 metres high to the ridge but only single storey use. They were approved with painted render walls and profile aluminium roofs. Timber effect panels were also approved.

**The Proposal:**

This application seeks to divide one of the three units into 3 smaller (1030 sqft) units. Plot 3, which is the unit on the far east of the site is proposed to be changed to three units. In terms of alterations to the building the proposal shows 3 large openings, with three pedestrian doors with a glass panel adjacent and a window in the upper parts of the front elevation. Both sides of the buildings remain the same and are blank in terms of fenestration and the rear elevation indicates 3 doors and 3 single windows.

**Consultations:**

- County Highways Authority: No comments
- Environmental Health Section:

- Town/Parish Council: No comments to make.

Tamar Valley AONB Unit: It is noted that the subdivision will not require any enlargement of the building or overall site from that previously approved. The proposal will therefore not result in a landscape visual or character impact that would harm the AONB.

It is noted that the number of units will result in an intensification of use and associated activities such as traffic flows. Given the sites context and use of existing infrastructure for access as well as that which has been approved to service the site, there does not appear to be a significant change to the likely impacts upon the AONB, which have already been deemed both during the previous application assessment process and at appeal as being acceptable.

In light of the above, the TVAONB does not object to the proposed variation.

### **Representations:**

#### **Representations from Residents**

One letter of objection has been received with the following comments:

6 car parking spaces is inadequate for 3 units; no toilets kitchen spaces or amenities are shown on the plans, nor drainage

It is important that the use classes and hours of work and noise and lighting are tightly defined and controlled, also that the original landscaping design and conditions are restated.

#### **Relevant Planning History**

00396/2010 Extension to existing business park for B1, B2 and B8 units (33 units 6,216sqm total [4,200sqm light industrial and 2,016sqm office space]) Refused 28/08/2010 on the grounds that there is no exceptional need for development on this scale and that it would have a detrimental impact on the character of the AONB.

0124/16/FUL

Construction of a small single storey business unit with associated parking (A2/B1 use).

Conditional Approval 22/3/16

4005/16/FUL

Land Adjacent To Yelverton Business Park, Yelverton Business Park, Crapstone, PL207LS  
Three business units, 960sqm (1x384sqm 2x288sqm (576sqm) Use Class B1 (c) light industrial / Use Class B2 (general industrial) / Use Class B8 Storage & Distribution), together with associated access, parking and landscaping.

Refused: 1/6/17

Appeal allowed: 29/6/18

3016/18/ARC

Application for approval of details reserved by conditions 3, 4, 5, 8

& 9 of appeal decision ref: APP/Q1153/W/17/3180733 (planning case 4005/16/FUL)

Decision: Discharge of condition Approved 30/11/18

0375/19/ARC

Application for approval of details reserved by condition 3

(Materials) of planning consent 4005/16/FUL (APP/Q1153/W/17/3180733).

Decision: Discharge of condition Approved 11/7/19

## ANALYSIS

Principle of Development/Sustainability:

The principle of industrial buildings on this site was established under the original approval (granted at appeal) in 2018. This Section 73 application seeks to change the size of one unit to make 3 smaller units. The original application was approved at appeal. The Inspector imposed a number of planning conditions on the consent. A number of these conditions, 3,4,5,8 and 9 have subsequently been discharged.

It is worth noting the Inspectors comments in relation to the appeal when considering this current Section 73 application. The Inspector identified the main issues in the case as:  
*a) whether the type and scale of development being proposed is appropriate, having regard to the location of the sites outside the settlement boundary and their accessibility by modes of transport other than the private car; and*  
*b) the effect of the proposed developments on the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty and Dartmoor National Park.*

He concluded that: *“The proposal would meet the identified needs of a number of established companies who either wish to expand or consolidate their operations onto a single site. The scheme would bring significant economic benefits which are consistent with the objectives of national and local planning policy – adopted and emerging – to support economic growth in rural areas in order to create jobs and prosperity. This attracts considerable weight in the planning balance.”*

He also concluded that *“I have given great weight to the need to conserve landscape and scenic beauty, but am content that the sites are capable of accommodating the modest development being proposed, without material detriment to the special qualities of the AONB and DNP.”*

The Inspector gave great weight to the economic benefits the proposal would bring to this rural area which was consistent with the national and local policy at the time. He did acknowledge also that the proposal was meeting a need for local businesses to expand and consolidate. Some concerns have been raised that the proposal was originally for 3 large units which were meeting a local need. The proposal to split one of those units into 3 it has been suggested would not meet that previously identified local need. It has also been suggested that there are a number of smaller units available on the business park which could meet the need for smaller units.

In considering the Inspectors comments and the proposed variation to the consent, it is considered that the change is only proposed to one of the three units and that the original need no longer exists 3 years on. Provided the proposal meets current planning policy then there is no planning reason to refuse the proposal.

In planning policy terms since the approval of the main consent the JLP has been adopted. It is therefore appropriate under this section 73 application to consider the changes to planning policy and ascertain whether there are any additional matters or policies that may have changed since the consideration of the original planning application, which need considering in relation to this section 73 application.

Policy SPT4 is the strategic policy in relation to employment provision and indicates that *“The LPAs will provide for a net increase of at least 375,208 sq. of employment floorspace land within the plan period (equating to approximately 82 ha. of land) to ensure that land is available in sufficient quantity and of the right quality to drive the economic growth of the city*

*and support the prosperity of rural South West Devon". Policy DEV15 provides more detailed advice on supporting the rural economy. The policy is supportive of, amongst other things "Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment."*

The changes proposed through this section 73 application support this requirement. Part 8 of Policy DEV15 requires developments to:

- i. Demonstrate safe access to the existing highway network.
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.

In this case, the access is as approved under the appeal decision; the site is located adjacent to Crapstone and so walkable and there are also buses which stop near to the site taking travellers to Yelverton and further to Plymouth. No Travel Plan has been submitted to support this Section 73 application. However in reviewing the Transport Assessment for the previously refused application, it concluded that it is a walkable site (within easy walking distance of Crapstone; 2 km walk from parts of Yelverton. It also concluded that the surrounding roads are suitable for cycles because of the relatively rural nature of the surrounding area. In terms of public transport the Assessment identified 3 bus stops within easy walking distance of the site. In terms of parking the Transport Assessment for the previous application indicated one car space for every 44sqm of GFA, plus one disabled space per unit. The current proposal to divide the same floor area into 3 units would still meet the general parking provision required.

The relationship of the building remains unchanged as it is located in the same place but merely divided into 3 units as proposed to one larger unit. The building is not isolated, or incongruous.

The proposal thus meets policy SPT4 and DEV15 in the current development plan policy.

The Buckland Monochorum Neighbourhood Plan has reached Stage 14 and so has limited weight in the decision making process. However Policy ED1 in the plan is supportive of the proposal. The proposal will provide local employment opportunities; it is not major development in the AONB; the previous traffic assessment provide suitable access; parking and vehicle movement information and the Highway Authority have raised no objection to the changes proposed; the proposed use has been accepted through the original planning consent and by complying with the planning conditions will comply with the other policies in the NP.

Design/Landscape: The alterations to the elevations of the building do not give cause for concern. The changes are typical for industrial buildings and reminiscent of other buildings in the vicinity.

Neighbour Amenity: There are no immediate residential properties which will be affected by the changes proposed.

Highways/Access: The Highway Authority have made no comments on the application. The proposed changes do not involve any changes to the parking arrangements. A letter of objection has raised a concern that there are insufficient parking spaces for the development. There are 5 spaces plus 1 disabled space available for the 3 units. There are no longer specified parking standards in the Joint Local Plan. Highways standing advice states: *On-site car and commercial vehicle parking and commercial vehicle loading and unloading facilities for all vehicles likely to attend the site(s) should be provided. Its design should be such that all vehicles can be parked within the site, with no necessity to reverse from or on to a public highway.*

In this case there are 5 parking spaces provided plus a disabled space and sufficient space for a commercial vehicle to park in front of the relevant unit as well as space to turn both commercial and domestic vehicles within the site. It is therefore considered that the parking and turning is acceptable.

Drainage: The drainage for the site will remain the same as for the original consent. A condition was attached to the original planning approval (APP/Q1153/W/17/3180733) which required a surface water drainage scheme to be submitted and then implemented (conditions 8 and 9). These conditions were discharged in November 2018. The proposed changes will need to discharge into the same approved drainage scheme.

Objection: The one letter of objection indicated concerns with regard to parking not being sufficient; the need for stringent conditions in relation to noise, use and lighting. no toilets kitchen spaces or amenities, nor drainage.

The parking issue has been addressed above and is considered to meet current planning policy. The drainage for the whole site has been implemented and the appropriate conditions discharged. The building will drain into that system. The conditions that were imposed on the original permission which have not already been discharged in relation to noise, lighting etc. will be re imposed on this Section 73 consent.

With regard to the lack of toilet and kitchen facilities, the application must be considered as it is proposed and it is therefore assumed that no such facilities will be provided in these smaller units.

#### Conclusion and Planning Balance:

The proposed changes to the original planning consent meet current planning policy and as such should be approved. It is accepted that the original planning permission was controversial and that the Inspector did acknowledge in his conclusions that the 3 units were meeting a locally identified need for larger units. However the greatest weight by the Inspector was on the fact that the proposal was supporting "*economic growth in rural areas in order to create jobs and prosperity*". This proposed change would also support that economic growth albeit in a different format. Two of the units are still meeting the need for larger units, this final one which has yet to be constructed is focussing on a different need, three years on from the original consent.

It is considered that the proposal is policy compliant and therefore should be approved.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

### **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT4 Provision for employment floorspace  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV24 Site allocations in the Smaller Towns and Key Villages  
TTV25 Development in the Sustainable Villages  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 83 and 84 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Tamar Valley AONB Management Plan.

**Neighbourhood Plan:** Crapstone lies in the area covered by the Buckland Monochorum Neighbourhood Plan. The plan has reached Regulation 14 stage in the Neighbourhood Plan process. It can be given only limited weight in the decision making process at this time.

## Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### Proposed conditions

1. The development to which this permission relates must be begun not later than (insert date), which is the date of expiration of planning permission (insert original permission ref), which this application varies.

Reason: To comply with Section 73 of the Town and Country Planning Act, 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. No development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: To ensure the contamination risks have been appropriately dealt with on the site.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amended investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: This condition is required where no desktop study has been carried out, or if the desktop study failed to completely characterise a site.

5. No part of the development shall be occupied until a noise impact assessment in accordance with BS4142:2014 has been undertaken and a report submitted to the local planning authority. The assessment shall detail the current background noise levels, and stipulate both day time and night time noise ratings which future activities at the site shall not exceed. This limit once agreed with the local planning authority shall not be exceeded by activities on site without reasonable cause.

Reason: To ensure that noise emanating from the site is kept to a reasonable level.



6. The recommendations, mitigation and enhancement measures of the Ecological Report, by Eco Logic on 13/12/2016, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.  
Reason: In the interests of ecology
7. Goods shall not be dispatched or delivered to any of the premises hereby approved except between the hours of 07:00 to 20:00 Monday to Saturday. There shall be no dispatch or deliveries on Sundays or bank holidays.  
Reason: In the interests of residential amenity
8. The business units hereby approved shall be used for purposes within Use Class B1 (business), Use Class B2 (general industrial) and Use Class B8 (storage or distribution) and for no other purpose.  
Reason: To control the acceptable uses in this area.
9. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no external lighting shall be installed on the site unless details of its design (including the type, position, orientation and luminance of the fitting to be used, and any timer/sensor to turn the lighting off when not needed) has been submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the details approved by the local planning authority and maintained in its approved form thereafter.  
Reason: In the interests of ecology and the dark skies of the AONB.
10. There shall be no internal mezzanine floors installed within the buildings hereby permitted without a further grant of planning permission.  
Reason: To enable control over the size of the units in the future.

This page is intentionally left blank

## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Highampton **Ward:** Hatherleigh

**Application No:** 2467/19/FUL

**Agent/Applicant:**

Mr R Wheatley  
Owls Oak  
Church Road  
Highampton, Beaworthy  
EX21 5LF

**Applicant:**

Mr R Wheatley  
Owls Oak  
Highampton, Beaworthy  
EX21 5LF

**Site Address:** Owls Oak, Highampton, EX21 5LF

**Development:** Retrospective change of use of chalet within boundary from residential use to holiday let

**Reason item is being put before Committee**

The Applicant is a WDBC employee.



**Recommendation:** Conditional approval

**Conditions**

- Accord with plans
- Holiday accommodation only in connection with main dwelling
- Drainage in accordance with submitted details
- Approved parking/turning to be retained in perpetuity
- No external lighting
- Removal of residential pd rights

## **Key issues for consideration:**

Principal of the change of use of the land and building to a holiday use, landscape, neighbour amenity and highways.

---

## **Site Description:**

The site lies within largely open countryside to the north east of Highampton. The site forms part of a larger holding which includes a detached residential property located to the West of the application site and open agricultural land to the north of the application site. The application site is served by an existing access to the public highway to the south. The main residential property benefits from an existing access to the highway adjacent to the dwelling. The application site is well screened from the public highway by an extensive tree line, and comprises an existing chalet building which has previously been in ancillary residential in connection with the dwelling at Owls Oak. The chalet is horizontally clad in timber boarding coloured green with white UPVC windows and doors.

## **The Proposal:**

The proposal is a retrospective application for the change of use of the chalet from residential use (in connection with the main dwelling) to a holiday let.

## **Consultations:**

- County Highways Authority – No highways related issues
- WDBC Drainage – Standard compliance with submitted details condition
- Tree Specialist – No objection
- Highampton Parish Council – *“Highampton Parish Council supports this application, in line with its policy of encouraging tourism in the parish.”*

## **Representations:**

No letters of representation received.

## **Relevant Planning History**

- 0279/19/PRE Pre-application enquiry for the proposed conversion of an existing dwelling to holiday let / B & B accommodation. Partial Support.

## **ANALYSIS**

### Principle of Development/Sustainability:

The NPPF and Policies SPT1 (Delivering sustainable development) and SPT2 (Sustainable linked neighbourhoods and sustainable communities) of the JLP sets out the principals of sustainable development. In addition, Policy TTV 2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area) of the JLP states that in rural locations the

Local Planning Authority will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver prosperous and sustainable patterns of development. In addition to the provisions of Policies SPT1 (delivering sustainable development) and SPT2 (sustainable linked neighbourhoods and sustainable communities), specific objectives of rural sustainability are identified in Policy TTV2 which include:-

*“3. The growth and expansion of rural business and enterprise.”*

*“5. The delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.”*

Policy DEV15 (Supporting the rural economy) supports development proposals in suitable locations which seek to improve the balance of jobs within rural areas and diversify the rural economy. Amongst a number of provisions it includes:

*“3. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.”*

*“7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.”*

The applicant has sought to demonstrate that there is a proven need for additional holiday accommodation in this location by virtue of a description of identified local need which is supported by documentation from a holiday accommodation letting agent. They confirm that a holiday use in this location would be viable in the current market. The highway adjacent to the site is part of the ‘Ruby Way’ cycle trail. To the north of the site the holiday accommodation facilities at Legge Farm have continued to develop, indicating there is demand in the area generally. The proposal relates to the use of an existing building which would not require any alterations to facilitate holiday use. Whilst previously used on an ancillary basis to the main unit the chalet is laid out as a self-contained unit of accommodation. Officers consider the principal of holiday use of the existing chalet can be supported having regard to the above policy framework and site history. Conditions are recommended to ensure the use remains for holiday purposes only and not as a separate dwelling which would be subject to different policy tests (including assessment against the Nationally Described Space Standards). The holiday use shall be kept within the control of the occupiers of the main dwelling by condition. It is also recommended that residential permitted development rights are removed from the chalet so that any future developments can be appropriately considered.

#### Design/Landscape:

The application is merely for the change of use of the existing chalet and land and does not propose any additional works. The existing chalet consists of a modern single storey timber boarded building measuring approximately 10m in length by 6m in width. The chalet is

surrounded by an existing concrete hardstanding and gravelled area. The main issue to be considered is whether or not the impact of the proposed use will have an unacceptable impact upon the wider landscape. Given the limited size restrictions of the chalet and the total number of guests it would be able to accommodate at any one point, it is considered that the impact of the proposed use would be negligible upon the surrounding landscape. Conditions are recommended to ensure the existing parking/turning area (as shown on the submitted site plan) is kept permanently available for this use and also in relation to external lighting to restrict additional environmental impacts.

#### Neighbour Amenity:

Policy DEV 1 (protecting health and amenity) states that development proposals will be required to safeguard the health and the amenity of local communities. There are a limited number of residential properties surrounding the site. Two residential properties appear to lie to the South of the application site (Glebe Farm), one to the East (North Glebe) and one to the North of the application site (Legge Farm), all in excess of 100m from the application site. Given the separation distances the use of the chalet for holiday purposes would have a negligible impact upon the amenities of nearby properties.

The use of the chalet for holiday purposes in connection with Owls Oak would provide for an acceptable relationship with this dwelling.

#### Highways/Access:

The application site is served by an existing access from the public highway which is a single rack country road, with good visibility in both directions. This access appears to be a secondary access to the site which has historically been used by both the residents of Owls Oak and in connection with the use of the chalet. The existing hardstanding around the chalet provides space for a number of vehicles in addition to the space adjacent to Owls Oak itself. Given the limited size of the chalet, the limited number of users of the existing residential property known as Owls Oak and the holiday chalet at any one time, it is considered that additional vehicular movements to and from the site would not have a detrimental impact upon the surrounding highway network.

#### Other Matters:

The Drainage Specialist has agreed suitable drainage details and ongoing maintenance can be secured by condition.

There is a TPO in place at some distance to the north of the application site at Legge Farm. The Tree Specialist has reviewed the application and raises no objection.

#### The Planning Balance:

The current proposal for a holiday use is considered to provide an acceptable use, and subject to the above conditions it is considered impacts on the surrounding landscape, adjoining highway and neighbour amenity would not be so unacceptable as to warrant refusal. The application is recommended for approval on this basis.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act.***

## Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

## Neighbourhood Plan

Highampton Neighbourhood Plan at early stages of development.

## **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Recommended conditions in full:**

1. The development hereby approved shall in all respects accord strictly with drawing numbers A-2023-01 and Site Location Plan received by the Local Planning Authority on 14th August 2019; 'Treatment Plant Discharge into Water Course' plan and Tricel Certificate received by the Local Planning Authority on 19th September 2019.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The holiday let hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday let, and shall make this information available at all reasonable times to the Local Planning Authority. The holiday let shall be operated/managed by the occupiers of the main dwelling known as Owls Oak (as shown edged in blue on the approved Site Location Plan).

Reason: The use of the holiday let in connection with the occupation of the main dwelling is considered acceptable. Any proposal for an alternative use would need to be made the subject of a separate application to be considered on its own merits.

3. The development shall be maintained in accordance with the approved foul drainage details ('Treatment Plant Discharge into Water Course' plan and Tricel Certificate) for the lifetime of the development.

Reason: In the interests of the prevention of pollution.

4. The parking & turning area shown on the approved plans to the north of the holiday let shall be kept permanently available for the parking and manoeuvring of motor vehicles by the occupiers of the holiday let.

Reason: To ensure that adequate and satisfactory provision is made for the parking and manoeuvring of vehicles clear of all carriageways in the interests of road safety and amenity.

5. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect the countryside from intrusive development

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)



(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 2, Class A (means of enclosure).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

This page is intentionally left blank

**West Devon Borough Council** Agenda Item 6  
**PLANNING AND LICENSING COMMITTEE 29-Oct-19**  
Appeals Update from 13-Sep-19 to 15-Oct-19

**Ward Buckland Monachorum**

APPLICATION NUMBER : **3451/18/FUL** APP/Q1153/W/19/3228301  
APPELLANT NAME: Charles Gray Ltd  
PROPOSAL : Development of 3 No detached four bedroom dwellings with integral  
garages, new access road and external works (Resubmission of 1697/18/FUL)  
LOCATION : Challoch Bungalow The Crescent Crapstone PL20 7PS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 12-June-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 25-September-2019

**Ward Exbourne**

APPLICATION NUMBER : **0851/19/OPA** APP/Q1153/W/19/3237111  
APPELLANT NAME: Mr Robert Collett  
PROPOSAL : Application for Outline planning permission (with all matters  
reserved) for erection of 2no. dwellings  
LOCATION : Land at SS599023 North of B3217 Exbourne EX20 3SH  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 26-September-2019

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **2694/18/PIP** APP/Q1153/W/19/3224643

APPELLANT NAME: Mr Anthony Morris  
PROPOSAL : Permission in principle for development of land for up to 3 houses.  
LOCATION : Land at SX 624 101 Sampford Chapple Sampford Courtenay Okehampton  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 11-July-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 14-October-2019

This page is intentionally left blank

**West Devon Borough Council**  
**PLANNING AND LICENSING COMMITTEE 29-Oct-19**  
**Appeal Hearings/Public Inquiry from 13-Sep-19**

**Ward Drewsteignton**

APPLICATION NUMBER : **2542/18/FUL** APP/Q1153/W/19/3232939  
APPELLANT NAME: CH & RJ Jordan & son  
PROPOSAL : Erection of temporary agricultural workers dwelling and ancillary  
access works  
LOCATION : Begbeer Farm Spreyton Crediton Devon EX17 5AR  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 02-August-2019  
TYPE OF APPEAL **Informal hearing**  
DATE OF APPEAL HEARING OR INQUIRY: 08-October-2019  
LOCATION OF HEARING/INQ: Rooms 3 & 4, WDBC,  
Kilworthy Park, Drake Rd,  
Tavistock  
  
APPEAL DECISION:  
APPEAL DECISION DATE:

This page is intentionally left blank