

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **1st** day of **March 2022** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present: Cllr J Yelland – Chairman
Cllr T Pearce – Vice Chairman

Cllr R Cheadle	Cllr T Leech
Cllr N Heyworth	Cllr C Mott
Cllr D Moyse	Cllr B Ratcliffe
Cllr T Southcott	Cllr P Vachon

Head of Development Management (PW)
Planning Case Officers (CMB and JH)
Monitoring Officer (DF)
Democratic Services Officer (KH)

***DM&L.31 APOLOGIES FOR ABSENCE**

There were apologies for absence from Cllr M Renders for whom Cllr R Cheadle was substituting and Cllr C Mott for whom Cllr N Heyworth was substituting.

***DM&L.32 DECLARATION OF INTEREST**

Cllr Cheadle declared an interest in application 2530/21/FUL by virtue of being the Chairman of Buckland Monachorum Parish Council Planning Committee and therefore there was a real possibility that he might be seen to be biased or to have pre-determined the application. He remained in the room for this application but did not take part in the debate or vote. He was a registered speaker in his capacity as Ward Member.

***DM&L.33 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.34 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 12th December 2021 were confirmed as a correct record.

***DM&L.35 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the report that had been prepared by the relevant Development Management Specialists on each of the following Applications 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:

(a) Application No: 0811/21/FUL Ward: Buckland Monachorum

Site Address: Axtown Lodge, Green Lane, Yelverton

Development: Proposed single-story dwelling with associated landscaping, including provision of Devon bank and tree planting.

RECOMMENDATION: Refusal

Reasons for refusal:

1. The proposed development is located in the countryside, outside of any defined settlement, without sufficient essential justification or access to basic services and facilities, contrary to Policies SPT1, SPT2, TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan and paragraphs 7, 8, 79 and 80 of the NPPF 2021.
2. The proposed dwelling would lead to a change in character to the site, harmful to the rural landscape within which it sits, contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan and para's 174 of the NPPF 2021
3. The proposal for a 3 / 4 bedroom dwelling fails to meet the local housing needs and that of the District for smaller dwellings and for those with specific needs as outlined in Policy DEV8 of the Plymouth and South West Devon Joint Local Plan and para. 78 of the NPPF 2021.
4. The proposal does not provide sufficient carbon reduction measures, in line with the energy hierarchy and contrary to policy DEV32 of the Plymouth and South West Devon Joint Local Plan, and para. 154 (b) of the NPPF 2021.
5. The proposal to introduce a new dwelling in this location which lies within the Zone of Influence of the Tamar Estuaries SAC, with no mitigation proposed, creates the potential for harm to the integrity of the European site contrary to policy DEV26 of the Plymouth and South West Devon Joint Local Plan and para. 174 of the NPPF 2021.

Speakers who addressed the Committee on the application were:

Objector: Mr Andrew Pett

Supporter: Mr Mark Evans

West Devon Borough Council Ward Member: Cllr R Cheadle

Mr Pett spoke against the application. In doing so, he referred to previous planning inspectors' decisions on this site and an adjoining site. He referred to their conclusions highlighting the unacceptable impact on landscape and AONB despite the appeal developments including extensive landscaping proposals.

Mr Mark Evans, agent for the applicant, spoke in support of the application citing the Council's recently declared housing emergency. He said that the proposal had followed the pre-application advice. Landscaping scheme had been agreed with officers as preserving and enhancing the AONB. He drew the Committee's attention to the Council's Supplementary Planning Document and in particular that a three-bed dwelling with a study was considered to be a three-bed

dwelling for the purpose of Policy Dev8.

Cllr Cheadle spoke as Ward Member and as Chairman of the Buckland Monachorum Parish Council Planning Committee.

The Head of Development Management agreed with Mr Evans on the view that the proposal was for a three-bed dwelling and proposed that reason 3 was withdrawn as it would not be sustainable at appeal in view of the guidance in the Supplementary Planning Document.

During the following debate a member spoke about his concerns of how the proposed development was down a green lane and extending the urbanisation of a country lane. Another member commended the design of the dwelling but nevertheless could not see how it preserved or enhanced the AONB.

After discussion and debate it was proposed and seconded and

Resolved that: the application be refused for the reasons set out in the report with the removal of condition number 3.

(b) Application No:2530/21 /FUL Ward: Bere Ferrers

Site Address: Harling Farm, Bere Alston

**Development: READVERTISEMENT (Updated advert reason)
Erection of indoor equestrian arena (revised Location Plan received)**

RECOMMENDATION: Conditional Approval

Conditions: (list not in full)

- Time
- Approved drawings
- Materials
- Landscaping
- House of operation/max no. users
- Archaeology
- Ecology
- Highways
- Drainage
- Sustainable construction
- Public right of way

Pre-commencement Conditions: (lit not in full)

- Ecology – Lighting
- Ecology - LEMP
- Ecology - CEMP

Speakers who addressed the Committee on the Application were:

Supporter: Mrs Nicola Quick
Bere Ferrers Parish Council: Cllr Brian Lamb
West Devon Borough Council Ward Member – Cllr Peter Crozier

In response to Member questions the Planning Officer responded:

- Why the visual impact report wasn't included. The Planning Officer explained that having gone on site and seen how significantly the ground levels would change the building it would not have an impact on the landscape. The new proposed hedgebanks would enhance the area/landscape.
- Impact of solar panel reflection across on the landscape would be mitigated as would be built of non reflective material.

Mrs Nicola Quick, agent for the applicant, spoke in support of the application. She cited the use of the arena for disabled riders as well as enhancing existing local facilities for riders. The arena would be cut into the ground and soil excavated would be retained onsite for use in new hedges.

Cllr Brian Lamb, spoke as a Bere Ferrers Parish Councillor stating that the Parish Council were unanimous in their support of the application. He cited Bere Ferrers as being an isolated peninsula with few recreational facilities and stated there were over 300 horses kept in the parish.

Cllr Peter Crozier spoke as Ward Member for Bere Ferrers.

In response to a Members request to impose a condition should the application be approved, to remove the building if it was not being used for the purpose proposed in the report, the Monitoring Officer advised that such a condition would not meet the tests for a valid planning condition and therefore the Committee should not impose such a condition.

During the following debate a member commended the application stating it would be safer for riders to use the facilities than riding the narrow lanes in the vicinity. Another member voiced concerns over the way the integrity of the AONB was being eroded. The provision of a disabled riding facility and the opportunity to allow a farm to diversify was given as a reason another Member supported the application.

After discussion and debate it was proposed, seconded and

RESOLVED that: the Application be approved subject to the conditions set out in the Report.

***DM&L.36 PLANNING APPEALS UPDATE**

The Head of Development Management updated the Members on the recently determined planning appeals. In so doing, he made particular reference to: 3960/20/TPO which was dismissed at appeal.

***DM&L.37 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Head of Planning took Members through the undetermined Major applications. The Monitoring Officer said he would give an update on the S106 on Plymouth Road application once he has heard from the Solicitors acting on behalf on the Council.

(The Meeting terminated at 11.40am)

Chairman