



NPA/DM/25/003

Dartmoor National Park Authority
Development Management Committee

7 February 2025

Applications to be Determined by the Committee

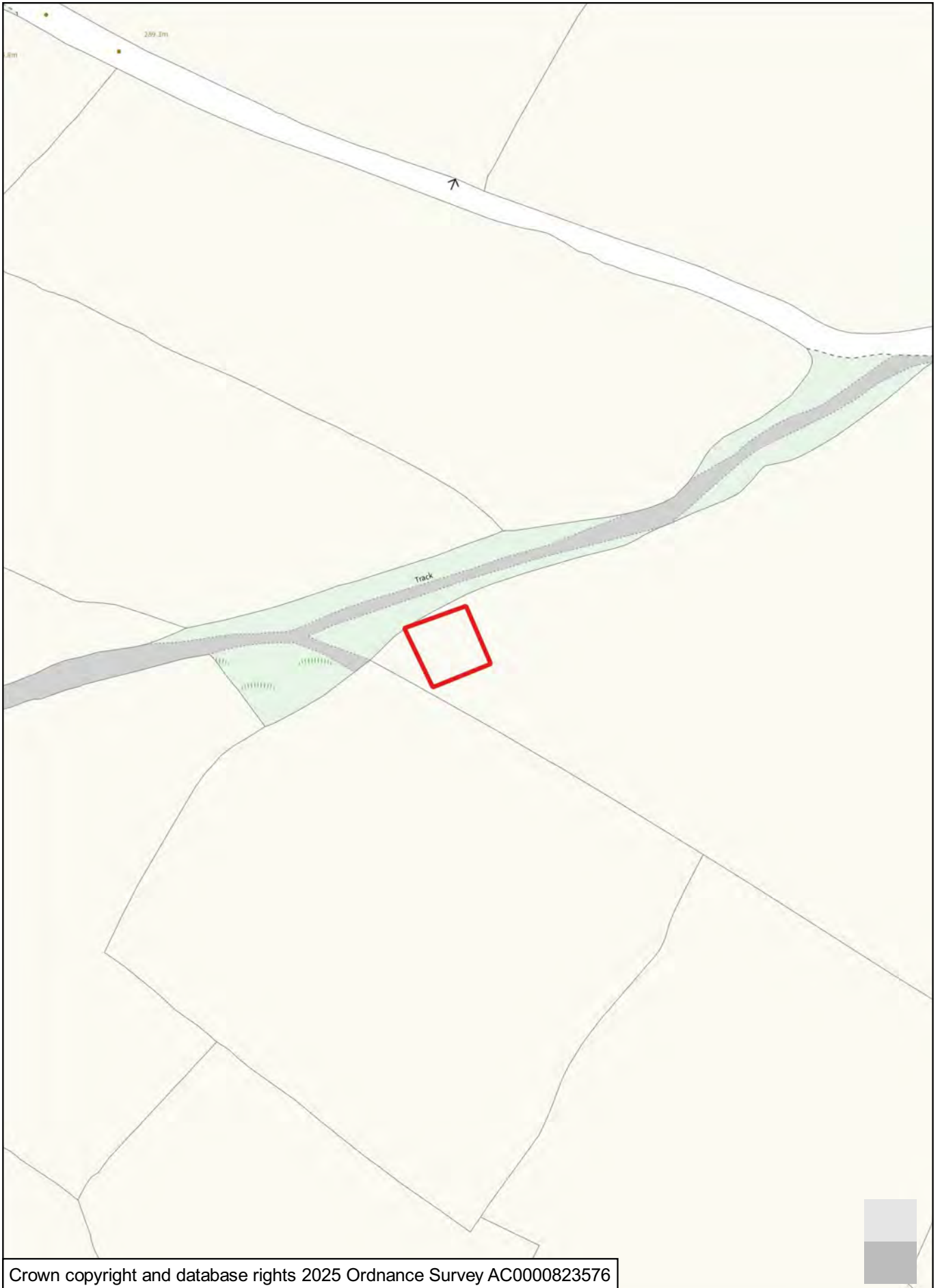
Report of the Director of Spatial Planning

INDEX

<u>Item No.</u>	<u>Description</u>	<u>Pg. No.</u>
1	0210/24 - Installation of 20m lattice telecommunications tower supporting 9 no. antennas, 2 no 600mm dishes, together with 1no. foul weather enclosure, 1 no. generator and 1no. meter cabinet plus a 1.2m satellite dish and compound fencing for the EAS and Shared Rural Network projects - Challamoore Field, Buckland In The Moor, Newton Abbot, TQ13 7TG	5
2	Repairs, alterations and the erection of a single storey extension - Glebe House, Holne	24
3	Repairs, alterations and the erection of a single storey extension - Glebe House, Holne (Listed Building Consent)	36
4	Retrospective alterations and extension to dwelling with upgrading and re-roofing together with provision of disability footway (amended plans) - Foxview, Christow, Exeter, EX6 7QB	48

0210/24

Scale 1:1,250



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Item 1

Application No: **0210/24** District/Borough: **Teignbridge**
Application Type: **Full Planning Permission** Parish: **Buckland-in-the-Moor**
Grid ref: Officer: **Oliver Dorrell**

Proposal: **Installation of 20m lattice telecommunications tower supporting 9 no. antennas, 2 no 600mm dishes, together with 1no. foul weather enclosure, 1 no. generator and 1no. meter cabinet plus a 1.2m satellite dish and compound fencing for the EAS and Shared Rural Network projects**

Location: **Challamoore Field, Buckland In The Moor, Newton Abbot, TQ13 7TG**

Applicant: **BT/EE**

Recommendation: **That permission be APPROVED, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved, shall be carried out strictly in accordance with the following approved drawings: Amended Site Location Plan – numbered 002A-Issue-E6 received 18-11-2024, Amended Proposed Site Plan – numbered 150-Proposed-Site-Plan-E6 received 10-12-2024, Amended Proposed Elevation South – numbered 252-Issue-E6 received 18-11-2024, Amended Proposed Elevation East – numbered 251-Issue-E6 received 18-11-2024, Proposed Elevation North – numbered 250-Issue-E6 received 18-11-2024, Amended Proposed Elevation West – numbered 253-Issue-E6 received 18-11-2024 and Amended Arboricultural Layout plan – numbered arb-plan-nov-24 received 05-12-2024.
3. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. Thereafter, the development shall be carried out in full accordance with the approved CEMP at all times.
4. The mast and equipment attached to the mast hereby approved shall, unless otherwise agreed in writing by the Local Planning Authority, be painted Olive Drab RAL6022 in colour not later than 30 days after the substantial completion of the development.
5. Prior to substantial completion of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Local

Planning Authority for approval. The landscaping and planting shall include a suitable replacement for the oak tree (T1) and shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.

6. No vegetation clearance or demolition works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless a suitably qualified ecologist has confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
7. The development and ecological enhancements hereby approved shall be implemented in accordance with the recommendations and requirements stated in the Ecological Assessment (Feb 2024, The Ecology Practice). This planning condition shall only be discharged when a suitably qualified ecologist confirms in writing to the Local Planning Authority that the recommendations and requirements have been implemented.
8. The telecommunications mast and equipment shall be permanently removed upon redundancy and the land reinstated to its former condition within a period of six months unless otherwise agreed in writing by the Local Planning Authority.
9. No external lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all lighting on the site shall accord with the approved scheme and other than those expressly approved by this grant of planning permission, no external lighting shall be installed at the application site.
10. Notwithstanding the details shown on the approved Amended Arboricultural Layout plan, precise details of the construction of proposed gravel access path from the gateway to the compound shall be submitted to and approved in writing by the Local Planning Authority prior to the works being carried out. Thereafter, only the approved method of construction shall be used.
11. Prior to the commencement of development on site, details of a method of below ground investigation to confirm the assumed root protection area for the group of trees growing on the bank (G1) to the south-west of the site, as shown on the approved Amended Arboricultural Layout plan, shall be submitted to and approved in writing by the Local Planning Authority. The below ground investigation shall be carried out in accordance with the approved details.
12. Notwithstanding the approved drawings, details of the position of any soakaways shall be submitted to and approved in writing by the Local Planning Authority. The soakaways and surface water drainage shall be carried out in accordance with the approved details.

1 Introduction

- 1.1 This application proposes a 20m slimline lattice telecommunications tower supporting 9 no. antennas and 2 no 600mm dishes – colour Olive Drab RAL6022. The tower would be 2m by 2m at the base, tapering to 1.5m by 1.5m at the top.

- 1.2 The tower would be located within a 12m x 12m compound formed of 1.8m high post and rail with deer netting fence.
- 1.3 Also located within the compound would be located 1 no. foul weather enclosure, 1 no. generator and 1 no. meter cabinet together with ancillary development thereto including 1.2m satellite dish.
- 1.4 The application is submitted on behalf of EE / BT as part of the EAS (Extended Area Service) and SRN (Shared Rural Network) projects. It will provide a radio base station which will be utilised by all four of the main telecommunications operators to provide high quality 4G service provision to this rural area of Dartmoor.
- 1.5 This application follows pre-application extensive engagement with planning officers in Autumn 2023.

2 Site and Surroundings

- 2.1 The application site is located in a field between Higher Pudsham and Challamoor. The village of Buckland in the Moor is approximately 1.2km to the south; Widecombe in the Moor is approximately 2.4km to the north.
- 2.2 The field comprises improved agricultural pasture. There is a hedgebank to the north-east of the site with a farm gateway in the corner and a small copse of several mature deciduous trees to the north and west sides of the proposed compound.
- 2.3 The site is adjacent to a farm track which, although is not a designated public right of way, has permitted public access.
- 2.4 The nearest building group at Higher Pudsham is approximately 200m to the west.
- 2.5 The site and surrounding land falls within Landscape Character Type 2D: Moorland Edge Slopes.

3 Consultations

- 3.1 Teignbridge District Council – No comments received at the time of report
- 3.2 County EEC Directorate - No highways objection
- 3.3 Environment Agency - Standing advice – Flood Zone 1
- 3.4 Historic England

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- 3.5 DNP Ecology & Wildlife

The habitats onsite are of limited quality ecologically, and the development is located a sufficient distance enough away from sites of national and international designation (SAC/SSSI) to have a material impact.

There is a small amount of hedgerow loss which may have some limited impacts upon bats, badgers, nesting birds and dormice; however, these can be mitigated through the conditioning a Construction Environmental Management Plan for approval prior to construction.

3.6 DNP Trees

The loss of one C category tree, T1 oak is acceptable subject to suitable replanting; this could be required by condition.

The existing gateway next to T2 will give access onto a proposed gravel area, presumably for vehicle access. No details of the new surfacing have been provided and this will likely cause damage to the trees root systems by compaction and severance depending on construction, a non-dig surface within the RPAs should be considered to protect the tree roots

While the trees are growing in a hedge bank the adjustment of the RPAs for G1 is questionable without evidence the roots are not growing in the soil of the field to the north, e.g., trial pits or trenches to check for root depth, density and distribution within the RPAs. This may result in significant root disturbance during site works.

Structure located within the RPA of T2 labelled 'Proposed 2No. Rainsmart Ellipse Doubletank module' needs to be explained.

3.7 DNP Archaeology

No heritage assets will be directly impacted by the proposed development. As indicated in the original comments from Historic England the proposed development would have a minor negative impact on the setting of Scheduled prehistoric settlements and fields to the east and north-east of the site (NHLE Nos: 1004589 and 1003283).

However, the proposed development is also situated in a landscape rich in non-designated heritage assets and its impact on these is presented in an excellent addendum to the heritage assessment accompanying the original application in accordance with paragraph 216 of the NPPF. These assets vary considerably in their significance but of particular interest are the various hut circles and enclosures dating to the Bronze Age. These form part of extensive prehistoric landscapes the rarity, extensive preservation and group value of which grants them considerable significance, arguably at a national or even international level despite their largely non-designated status. This is emphasized by the designation of some individual component elements such as the two monuments mentioned above. In its assessment of the impact of the proposed development on these heritage assets, the amended heritage statement displays a fundamental lack of understanding of their significance in the assertion that "Their location would have been in a prehistoric landscape that is no longer readily assessable" (Appendix 1, pg16). In fact, it is precisely because these assets together comprise readily legible and assessable Bronze Age landscapes that grants them their significance. The result of this is a downplaying of the impact of the proposed development. Although, this is not substantial and the ability to comprehend the individual features and landscape is not diminished, the proposed development represents the imposition

of a new, modern, vertical element which detracts from the ability to appreciate them, especially at a landscape scale. It is also worth mentioning in this regard that the fieldscape, settlement pattern and routeways in the area around the site of the proposed development consists of a coherent and extensive medieval landscape which would be similarly impacted.

In summary, although the impact of the proposed development on each visible heritage asset is individually minor, cumulatively it represents an intrusion which neither conserves nor enhances the historic environment and thus does not accord with National Park purposes.

Based on the above comments, refusal is recommended for the proposed development.

Refusal recommended.

3.8 DNP Building Conservation Officer

A Heritage Addendum has been received (confusingly entitled Killarney Manor Cottages.). It contains information with respect to heritage matters I and others have raised. With respect to my matters, raised 12 June 2024 the report now discusses additionally non-designated heritage assets, buildings, structures and archaeological features.

I remain concerned, but my objection is removed.

The matter will now come down to the weighing and balancing processes of the decision-making system under Strategic Policy 2.7 of the Dartmoor Local Plan and Section 16 of the NPPF in relation to the harm on the significance caused by the proposal, the great weight which is attached to the conservation of all heritage assets, and the public benefits of the scheme.

- 3.9 Widecombe Parish Council (Neighbouring Parish) – Support - Whilst acknowledging that a mast is not aesthetically pleasing, a mobile signal is much needed in the parish of Widecombe. Representations from parishioners have previously been made to the Parish Council regarding the need for a mobile phone signal and this mast would provide this much-needed facility.

4 Parish Council Comments

4.1 Buckland in the Moor Parish Meeting – 19 June 2024

The application was discussed at a Parish Meeting on Wednesday 12 June 2024 attended by 15 parishioners, including myself and the Secretary to the meeting. We were fortunate to have representatives of EE, KTL and Perry Williams at the meeting, so we were able to ask detailed questions about the proposed tower.

One attendee voted in favour of the mast and 12 voted against it - the Secretary and I both abstained. Please note that the Parish Meeting was not against improved coverage for the Emergency Services or the Shared Rural Network (SRN) per se. However, we are very much against the choice of site for the tower and think that it would have been much better to have consulted the Buckland in the Moor

community before choosing a site.

Our objections are as follows.

Need for a new tower

There is an existing Airwave mast east of Widecombe in the Moor (national grid reference E271256 N076856, option D1 considered by KTL). Our understanding is that a tower could use this site to provide coverage instead of the proposed tower in Buckland in the Moor, and that this tower would only need to be 20 m tall, not 30 m as set out in the planning application. Furthermore, our understanding is that once a new tower is in place, the existing mast at Glebe Farm will be redundant.

We think that a replacement mast at Glebe Farm would be permitted development under Schedule 2 part 16 of The Town and County Planning (General Permitted Development) (England) Order 2015. So there should be no significant planning reasons to prevent EE erecting a replacement mast on site.

One of the objectives of the SRN is to avoid a proliferation of masts. Policies 1.2 1 d) and 4.7 of the Local Plan 2018 - 2036 also try to achieve this. A new mast where an existing site could be used instead seems to us to be counter to both the SRN objectives and the Local Plan.

Lack of benefit to Buckland in the Moor residents from the proposed tower

We have been told that the proposed tower will not provide significantly improved coverage in Buckland in the Moor. We understand that existing coverage in the parish is provided by EAS0545 in Holne, and that upgrades are planned to this. We understand that most of any improvement in our mobile phone signal will come from these upgrades and not the new tower.

Lack of consultation on site

There has been no consultation with Buckland in the Moor in the selection of the actual site for 0120/24. Instead, the site has been presented as a fait accompli as far as we are concerned.

The code of practice for wireless development in England para 76 says that “Pre-application discussions are important in helping to identify the most appropriate solution for any proposed individual development. Consultation is important for ensuring the appropriate design and **siting** for wireless infrastructure and should take place as part of the pre-application process, where appropriate” (my emphasis)

Para 84 of the same code says “For some applications, it may be appropriate for the operator to consult with local residents. For example, a greater level of community consultation may be considered *for a new site or where there is a high-level of community interest in development*, though the type of engagement should be considered on a case by case basis” (again my emphasis).

It seems obvious that a new tower in Dartmoor National Park will be of considerable interest to any affected community. We choose to live in the National Park because of its character and landscape, which are inevitably affected by any new infrastructure.

Buckland in the Moor residents who own land adjacent to any proposed site needed to be consulted during the site selection process. Not only are their views important, they could also have provided input into what sites are likely to be acceptable to the local community.

Impact on landscape

We think that there has been insufficient attention to the impact of the proposed tower on the landscape. We appreciate that work has gone into deciding from where the tower would be visible and that some screening is possible.

However, the Photomontage Report shows that the mast will be visible from a number of viewpoints, both close by and at a distance. The mast will be an obtrusive vertical structure obviously at odds to the landscape and its character. We think that its impact on the landscape does not meet the requirements of Local Plan policies 1.1 1 a), 2.1, or 4.7.

There will be an impact on the landscape wherever the mast is sited. But at least if an existing site is used, no new damage is done to Dartmoor.

We note that Widecombe in the Moor Parish Council also considers that the mast is not aesthetically pleasing.

Summary

This application seems to us to be unnecessary and at odds with the Dartmoor Local Plan 2018 - 2036, given there is an alternative site already in use which could be enhanced under permitted development.

Furthermore, the proposed site seems to be of little benefit but significant harm to Buckland in the Moor and we don't really understand why, if Widecombe needs this coverage, the existing site in Widecombe cannot be used.

Finally, we think that it would have been better to talk to Buckland in the Moor residents, and particularly local landowners, about choice of site before applying for planning permission

Please let me know if you have any questions about this letter.

We do also have one last request. Please could the name of the site be changed from Challamoore Field as residents particularly object to the name being the same as nearby properties. We would also point out that the post codes for the site and that for Challamoore are different with the possibility of confusion as a result.

4.2 Buckland in the Moor Parish Meeting – 26 October 2024

Thank you for your letter of 16 October regarding amendments to application 0210/24 for planning permission for a Telecomms Mast at Challamoore Field, TQ13 7TG.

We have not had a Parish Meeting to discuss the amendments, but we did have

one in June this year to discuss the planning application. You will recall that I wrote to you on 19 June 2024 as a result of the meeting.

In that letter I explained that the Parish Meeting considers that the case for a mast at Challamoor Field has not been made, and that the case against using the existing Airwave site at Glebe Farm is insufficient to rule it out. Just to be clear, as you know under the Local Government Act 1972 (Part II sch 12 s13(4)), as Chair of the Parish Meeting, I am able to act its behalf in any way which does not conflict with a direction of the Parish Meeting. This current letter is based on the views expressed in June. However, I have also circulated it as a draft to the village and I am confident that it does represent the views of the majority of the Parish.

I think it is worth a quick summary of our understanding. We have been told that • The purpose of a new Telecoms mast is to replace the existing Airwave mast with one which provides cheaper and higher quality voice and data for the Emergency Services Network (ESN) • Ideally the Shared Rural Network (SRN) project will also use the mast for mobile phone and data coverage by individuals and businesses, but that this is not the priority • There will be a gap in ESN coverage for Widecombe in the Moor without a new mast • A mast at Challamoor will point towards Widecombe to remove the gap in coverage • There will be little or no improvement in ESN or SRN coverage for Buckland in the Moor from a mast at Challamoor Field; most improvements in our coverage will come from a new mast at Holne.

With regards to the amendments, as far as I can see they consist of four documents: • An email from the Home Office (HO) to Rachel Gormley at Perry Williams which says it provides coverage plots for the Glebe farm site but does not in fact include them • An email from Rachel to DNPA regarding questions raised by DNPA about alternative sites and other issues • A design showing what a 'covered solution' for a mast up to 17.5m looks like • Drawings from 2019 of a lattice tower for ESN and Airwave at Glebe Farm (my italics)

The email from the HO adds very little clarity. It seems designed to misdirect and confuse rather than addressing the issues. Perhaps if the data plots were available it would be easier to understand where the HO is coming from. But for example, the email claims that: • A mast at Glebe Farm will not provide adequate system availability. There is no evidence submitted to support this claim; there is a deal of information provided on how every mast always has plenty of redundancy in transmission and power and hence (presumably) excellent availability • A mast at Glebe Farm is deemed to be a poor location for the ESN. There is no data supplied to support this statement • A mast at Challamoor would provide "18 km of major road coverage". By HO definition, there are no major roads in Widecombe in the Moor nor are there any in the maps we have seen showing the gaps in ESN coverage. Moreover, the nearest major roads are in the opposite direction to that of the antennae on a mast at Challamoor Field • A mast at Glebe Farm provides little extra coverage regardless of whether it is 17.5 m tall or 30m tall - it does not make it clear if this is ESN or SRN coverage, but regardless • we have been told that SRN coverage is not the priority, so if ESN coverage in Widecombe can be achieved by a 17.5m mast, this should be the preferred option Airwave will be replaced by the ESN yet the Glebe Farm mast is taller because it has an Airwave antenna on top of it. Even if some overlap between Airwave and ESN is needed while the new system beds in, surely the extra antenna can be removed so the mast is lower when it is no longer needed.

The email to DNPA also makes it clear that only a 17.5m mast is needed for ESN at Glebe Farm. This suggests that alternative designs would be possible to a lattice tower because the mast is shorter. The email says that EE either do not use alternative designs or they are not an option available to EE. This is an application for full planning permission in a National Park. Surely DNPA have some say in the design of the mast? Finally, as I understand it one of the issues for Glebe Farm is trees at the site. As far as I know these are conifers which are not native to Dartmoor. If this is correct, then perhaps consideration could be given to removing or cutting back conifers which are blocking the signal and replacing them with native trees. Admittedly this will take time to screen the site, but again, DNPA could ask for larger specimens to be planted.

In summary, I do not think that the additional information adds anything to the case for Challamoor Field as opposed to Glebe Farm. There seems to be a clear desire by the HO to avoid Glebe Farm and determination to use a site in a different parish which will not see benefit from it. Also, the wishes of the landowners of the sites seem to have priority over those who do not own the land but do live next to the Challamoor Field site.

5 National Planning Policy and Guidance

- 5.1 Paragraph 189 of the National Planning Policy Framework (NPPF) is explicit that Great Weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation of landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and The Broads.
- 5.2 Paragraph 120 sets out the strategic approach to supporting high quality communications infrastructure to support sustainable economic growth. It is made expressly clear that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate'.
- 5.3 Paragraph 121 states that 'Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development'.
- 5.3 Paragraph 123 goes onto state that 'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure'.

- 5.4 The Code of Practice for Wireless Network Development in England (Dept for Digital, Culture, Media & Sport) provides guidance to Code Operators (referred to as 'operators' throughout the Code of Practice), including the Mobile Network Operators and wireless infrastructure providers, their agents and contractors, local planning authorities, and all other relevant stakeholders in England on how to carry out their roles and responsibilities when installing wireless network infrastructure. The aim of the Code of Practice is to support the government's objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. The guidance provided by the Code of Practice brings together the principles agreed between operators and local planning authorities, in relation to the siting and design of mobile infrastructure, and the approach to consultation and engagement.

6 Relevant Local Plan Policies

- 6.1 Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
Strategic Policy 1.2 Sustainable development in Dartmoor National Park
Strategic Policy 1.3 Spatial Strategy
Strategic Policy 1.5 Delivering good design
Strategic Policy 1.6 Sustainable construction
Policy 1.7 Protecting local amenity in Dartmoor National Park
Strategic Policy 2.1 Protecting the character of Dartmoor's landscape
Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity
Strategic Policy 2.3 Biodiversity Net Gain
Strategic Policy 2.4 Conserving and enhancing Dartmoor's moorland, heathland and woodland
Strategic policy 2.5 The Water Environment and Flood Risk
Strategic Policy 2.6 Protecting tranquillity and dark night skies
Policy 4.7 Telecommunications Development

7 Representations

- 7.1 Support – 4

- 7.2 Summary of support comments:

- The emergency services are reliant on their ability to communicate effectively with their control rooms and other partner agencies and to be able to do this, coverage is crucial.
- We know that our National Parks are rural, sometimes inaccessible, and often a significant time away from major receiving hospitals. This makes it incredibly important that responding agencies can get to the people we are responding to as quickly and as safely as possible.
- Lack of mobile signal effects how medical equipment can be used and monitored remotely.
- Dartmoor is subjected to various permanent, manmade additions to its landscape. These include strings of telegraph and electricity poles complete with large grey substation transformers. Communication masts are in exactly the same category.

- We, like others, do not find the masts visually appealing but consider that the benefits outweigh this and hope that the proposed siting of this mast will impact on the landscape as little as possible. We are delighted to see that the application will comply with the Shared Rural Network scheme, ensuring that all 4 UK mobile network operators, along with emergency services, are able to utilise the mast. This will help to ensure that the number of masts is kept to a minimum whilst delivering connectivity across our rural areas.

7.3 Object – 8

7.4 Summary of objection comments:

- The proposed mast would be highly intrusive in public viewpoints both close by (much of Pudsham Down, and the road leading from Cockingford) and from the other side of the valley. It would be an alien feature, with little potential for effective screening. It would contribute unnecessarily to the proliferation of masts which government policy has sought to minimise – especially so in this protected environment, and when it could replace the existing mast at Widecombe.
- The installation at Challamoor field is going to remain a blot on the landscape long after it becomes redundant and outdated.
- The site will bring no benefit to the residents of Buckland in the Moor whose parish it will sit.
- The disruption from construction and the eventual visual impact on that part of the moor would be very unwelcome and permanently damage this part of the moor.
- At the heart of this issue is the lack of a coherent plan from DNPA to manage the proliferation of masts on Dartmoor. There is a new application appearing every month or two, without a framework for saying where masts are needed or what the correct placement of masts should be to achieve maximum comms coverage with minimum masts.
- The mast will also be clearly visible from some of the most visited areas on Dartmoor during the peak visitor season. This is the wrong message to be sending to external visitors to Dartmoor NP. This proposal for a mast at Challacombe Field will lead to irreversible damage to the visual appearance of Dartmoor in that area, huge inconvenience during the construction phase and cause disruption to the local wildlife, birds and those members of the public who work so hard as volunteers to maintain Pudsham Meadows and other areas nearby.
- The location of the proposed mast is detrimental to the landscape of the area. There is already a mast in Widecombe in the Moor which can be altered to meet the requirements of Widecombe residents. There is no benefit to residents of Buckland in the Moor but rather an intrusive large structure which is not necessary in the proposed site.
- The mast will not fit in at all with the landscape and will be an eyesore to many of the historic houses and cottages and to much of the land in the area.
- Whilst I can see from KTL's supplementary information that other sites were considered, it does not appear that all options were considered within the specified search area and I am not satisfied that the site strikes the optimum balance between the aims of the network programme and the minimisation of visual impact. It is noteworthy that other sites were discounted because the masts would be skylined and have a detrimental impact on the sensitive

landscape, but the chosen site clearly also falls into this category for large areas of land and many properties.

- Various surveys and studies have suggested that a mobile mast of this type within 500 metres of a home has a detrimental effect on health especially for young, growing children.
- I do not agree that a 66ft trellis galvanised mast compares to telegraph poles etc especially on a skyline and landscape that is currently unspoilt.
- Following our Parish Council Meeting (Buckland in the Moor) we know that there is already a mast, situated at Bowden Hill in the parish of Widecombe in the Moor that, with only a small amount of improvement work, would provide identical amenities to the proposed mast at this new site.

8 Observations

PROPOSAL

- 8.1 The Home Office is leading a cross-government programme to deliver the new telecommunications network for the emergency services. The current emergency services network (known as e 3 Emergency Services or 3ES) is operated by Airwave, a Motorola Solutions Company. This network has excellent coverage and provides a secure voice communication method for the users; however, the data capability is limited and the network is very expensive to operate. Additionally, Airwave will be decommissioned in the future.
- 8.2 The successor to Airwave will be the Emergency Services Network (ESN) currently will be operated over EE's 4G Network
- 8.3 EE is expanding their network for ESN Operation, as not all areas that require coverage are provided by the existing EE complement of sites. Furthermore, the coverage must be equal to or better than the current Airwave Service. It is worth noting that due to the existing Airwave Network operating on an entirely different frequency band to the EE/ESN Network, there will be negligible network infrastructure/technology commonality.
- 8.4 There are 40 Areas (Polygons) across Great Britain that are not included within the EE Primary Area. These areas will be known as the Extended Area Service (EAS) Network and are the responsibility of the Home Office to ensure coverage, similar to the coverage being provided in the EE Primary Area.
- 8.5 There are circa 292 EAS sites/locations across Great Britain and each location has been determined as critical by the 3ES, which is based upon call/incident data gathered over time. The EAS masts will primarily provide coverage to Major and Minor Roads (defined by operational needs), for voice and previously unavailable high-speed mobile data services to the 3ES in the 292 locations. The EAS masts will be government owned.
- 8.6 The proposal is also part of the Government backed scheme called Shared Rural Network (SRN) which is a collaboration between the MNO's Vodafone and VMO2 (formerly O2/Telefonica) and the Government to improve 4G coverage for people living, working and travelling in poorly served rural areas. An installation in this location will ensure that 4G coverage is provided by the four MNOs – EE, H3G, Vodafone and VMO2.

PRINCIPLE OF DEVELOPMENT

- 8.7 English National Parks were created with two purposes (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and (ii) To promote opportunities for the understanding and enjoyment of the Special Qualities of the National Park by the public.
- 8.8 There is also a social and economic duty on National Park Authorities to seek to foster the economic and social wellbeing of the local communities within the National Park.
- 8.9 Strategic Policy 1.2 supports sustainable development which, amongst other things, supports National Park purposes, makes efficient use of land and infrastructure, in particular by prioritising the use of previously developed land and buildings, and conserves and enhances the character, quality and tranquillity of the National Park and sustains and enhances the setting, character and local distinctiveness of settlements.
- 8.10 The provision of utility, service, transport or recreational infrastructure is one of those development types is permitted in principle in the open countryside of the National Park under Spatial Strategy Strategic Policy 1.3.
- 8.11 Policy 4.7 states that new telecommunications infrastructure will only be permitted where;
- a) evidence demonstrates the service cannot be delivered less harmfully by installing equipment on existing masts, buildings or other structures;
 - b) the equipment is located and designed to minimise its impact; and
 - c) the equipment does not cause substantial harm to the character and appearance of the built environment and/or the National Park's Special Qualities, particularly landscape character, heritage significance and tranquillity.
- 8.12 It is of note that while there is a requirement to ensure that mast and equipment sharing is prioritised over new installations, neither national guidance within the National Planning Policy Framework nor Dartmoor Local Plan policies require a specific assessment of need for new telecommunications development.

ALTERNATIVE SITES/MAST SHARING

- 8.13 The applicants supporting statement advises that utilising existing masts is always progressed where it is technically and legally possible, and new sites are only developed where there are no viable or accessible alternatives.
- 8.14 There is an existing telecommunications base station at Glebe Farm (NGR E: 271256 N: 076856) approximately 550m to the west of Widecombe which currently accommodates a 10m shrouded Airwave monopole.

- 8.15 According to the supporting documentation, in 2019 a proposal was submitted to Airwave to utilise the site a site and design survey was undertaken. At this time this location was only designed to incorporate the Extended Area Services (EAS). If it were to accommodate SRN antennas, due to local topography and the presence of tall trees in the vicinity of the site, the applicant advises that the height a replacement mast in this location would likely exceed 25m. Furthermore, the Home Office has confirmed they have been refused by the landowner to redevelop this site.
- 8.16 There is also an existing telecommunications base station at Blackslade Farm (NGR E: 272530 N: 075320) approximately 1.5km to the south-east of Widecombe which currently accommodates a 17m slimline lattice TV mast. The owners have confirmed the lease is restricted and it cannot be further developed. Also, it would require significant redevelopment, with suggestion that 30m+ lattice mast would be required to accommodate all apparatus required to serve the EAS & SRN.
- 8.17 Regarding possible alternative sites, the applicant has provided details of nine further sites (all greenfield) which were considered as part of the selection process and discounted, along with the reasoning for not proceeding.

VISUAL AND LANDSCAPE IMPACT

- 8.18 Strategic Policy 2.1 states that all development should conserve and enhance the character of the Dartmoor landscape by respecting the Valued Attributes of the Landscape Character Types identified in the Dartmoor National Park Landscape Character Assessment and ensuring its location, layout, scale and design conserves and/ or enhances what is special or distinctive about landscape character.
- 8.19 The application site is located in the corner of a pastoral field within the rolling northwest-facing hillside of Pudsham Down. To the northeast lies Blackslade Down, to the east is Rippon Tor, and to the southeast is Buckland Common. To the east the land falls steeply to the East Webburn River valley and Cockingford Bridge.
- 8.20 The application site is within Landscape Character Type 2D: Moorland Edge Slopes. Valued attributes of this landscape type include the following:
- A rich and intricate landscape full of contrasts.
 - Strong pattern of medieval fields with prominent Devon hedgerows and dry stone walls.
 - Pastoral character of fields contrasting with areas of heathy moorland.
 - Strong local vernacular of granite, colourwash and slate.
 - Spectacular views to the moorland core of Dartmoor as well as the surrounding countryside outside the National Park, including granite church towers as landmarks.
 - Traditional orchards
 - Features associated with the area's mining heritage and historic land uses.
- 8.21 An Increased numbers of telecommunications masts on the periphery of the moor as a result of increased demand for mobile infrastructure and superfast broadband is identified in the Landscape Character Assessment as one the threats/forces for change for this landscape type.

- 8.22 The proposed mast and compound would be located adjacent to a hedgerow within a small copse of mixed trees. The application site is away from the public road but adjacent to an existing farm track along which there is public access. The proposed mast, fence compound and associated equipment would be visible for users of the track. The proposed mast would also be plainly visible from the public road, most notably for those users travelling west from Buckland Common direction.
- 8.23 The landscape surrounding the site comprises undulating medium sized agricultural fields enclosed by Devon hedge banks. To the north and west there is a mosaic of conifer, mixed and broadleaved woodland, less so to the south and open moorland to the east/northeast.
- 8.24 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). In its summary of landscape effects it concludes that the receiving landscape is of high sensitivity but has the capacity to accommodate the proposed development due to the deeply folded landform and screening from public roads afforded by the dense hedgerows flanking the winding sunken lanes, together with small blocks of woodland. The steep sided valleys would help to obscure the proposed telecommunication mast from medium-long range views. While the mast will inevitably break the skyline from views that are slightly below, the rising land to the east and north will help to backcloth it, subsuming it within the wider landscape. It is considered that any landscape effects would be long term but reversible.
- 8.25 The LVIA includes an appraisal of the visual effects of the proposed development from 11 viewpoints which were selected to represent typical views from key receptors at varying distances and orientations from the site. The visual effects range from being graded 'major-moderate' for closer range views (less than 251m) and 'moderate-minor' for longer range views. It concludes that there are likely to be significant effects only at close range to the proposed mast and there would be no significant impact on nearby sensitive receptors, such as neighbouring properties, cultural heritage assets, local roads and public rights of way
- 8.26 The submitted LVIA has been independently appraised and confirmed as being carried out in an appropriate manner and acceptable in terms of its quality and comprehensiveness.
- 8.27 The applicant has been challenged on the design of the proposed mast, with a suggestion that a shrouded pole might be preferable in this location, however officers have been advised that an alternative design solution is not possible in this location due to difficulties over maintenance and access. The antennas are all unshrouded for technical reasons. The higher the radio frequency the more signal attenuation there is. The higher frequency of the latest 4G antennas are unable to operate effectively through the Glass Reinforced Plastic that the shroud is made up of and as such if these antennas were to be shielded then they would not be able to provide the necessary coverage to the target coverage area.
- 8.28 A modern lattice communications tower is clearly not a traditional feature in the landscape. The proposed installation would be in an undeveloped field and remote from buildings. Although the mast would be near to mature trees, given its height and position on a hillside it would be visible from long distances away including from a variety of public rights of way and open access land. It would also be visible from

close quarters, including from the access track and public road to the east where it would appear as an overtly modern structure.

- 8.29 There are however building groups in the vicinity of site as well as a network of dense hedgebanks with sporadic mature trees growing out of them which add vertical features to the landscape. There is also consideration for the rising ground to the west which some distant views will reduce the prominence of the structure.
- 8.30 Having regard for all matters, it is considered that the proposed development would not conserve and/or enhance the character of the local landscape and would have a negative visual impact on the area, contrary to the Strategic Policies 1.2 and 2.1 of the Local Plan.

AMENITY

- 8.31 Policy 1.7 states that development should not have an overbearing and dominant impact or introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health or quality of life.
- 8.32 The proposed mast will require a generator which will have a noise output associated with it however as the site is approximately 200m from the nearest residential property it is not considered that there would be a material impact on local residents.

ECOLOGY

- 8.33 An ecological appraisal has been submitted with the application which reports that the application site is not within or adjacent to any area of priority habitat and no evidence of presence of badgers or hazel dormice were identified. This notwithstanding, the habitat off site in particular the intact species-rich hedgerows immediately north of the demise area, are considered to make a significant contribution towards local biodiversity, providing habitat and foraging opportunities for species.
- 8.34 In light of the above the appraisal recommends a precautionary approach, including requiring a badger survey to be carried out within 3 months prior to commencement of proposals (and should evidence be found a method statement should be provided to the LPA for approval prior to works commencing) and avoiding ground disturbing activities during dormice hibernation species.
- 8.35 A Construction Environment Management Plan (CEMP) is also recommended to ensure habitat in the vicinity of the site is protected during construction. This would be a condition of any approval.

TREES

- 8.36 The boundaries of the corner of the field where the application site is located are formed by traditional hedgebanks with vegetation (including trees) growing from the top.
- 8.37 The proposed development requires the removal of one oak tree (T1). The tree is classified in the submitted Arboricultural Impact Assessment as a Category C and

described as 'unremarkable with limited merit and low landscape value'. The loss of this tree is considered acceptable, subject to suitable replanting nearby.

- 8.38 The proposed access to the site compound would comprise a short section of gravel track. No details of this track have been submitted and without mitigation it is likely that it would have a negative impact on the root system of the oak tree (T2) growing out of the bank adjacent to the access through compaction and severance during construction. A condition is recommended to further consider the most appropriate method for ensuring this tree is adequately protected during construction.
- 8.39 It is also recommended that further exploratory works (for example, trial pits or trenches to check for root depth, density and distribution) are undertaken to confirm the assumed root protection area for the group of trees growing on the bank (G1) to the south-west of the site to ensure that satisfactory protection is afforded to these trees given their importance in association with the proposed development. This could take the form of a pre-commencement condition requiring details of exploratory works to be submitted, followed by submission of a method statement for this part of the site.

PLANNING BALANCE

- 8.40 The proposal to provide a new ground-based telecommunications site at Challacombe is part of government drive to provide reliable 4G coverage to the Emergency Service Network (ESN). The site at Widecombe one of 40 areas identified within the Extended Area Service (EAS) network which forms some of the most rural and remote parts of the country. The installation in this location would provide coverage to approximately 18km of major roads (in this case the B3387) and approximately 100km of minor roads in the area, as well as to the village of Widecombe in the Moor and increased coverage to Buckland in the Moor, Cockingford, Higher Dunstone, Jordan, Ponsworthy, and Poundsgate.
- 8.41 The proposed development is also part of the Shared Rural Network (SRN), a government backed scheme between the mobile network operators to get geographical coverage from at least one operator over 95% of the country by the end of 2025. It has been designed so that all four operators can use the same structure and radio base station to also provide 4G coverage to this area of Dartmoor. Currently there is very limited mobile coverage in this area by any mobile operator. The provision of coverage will not only allow for 999/112 Calls to be made by the public in areas that have historically had insufficient commercial mobile phone coverage (known as 'Not-Spots') but also provide high quality 4G service provision to residents, businesses, and visitors alike to this area of Dartmoor.
- 8.42 Paragraph 118 of the National Planning Policy Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 119 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

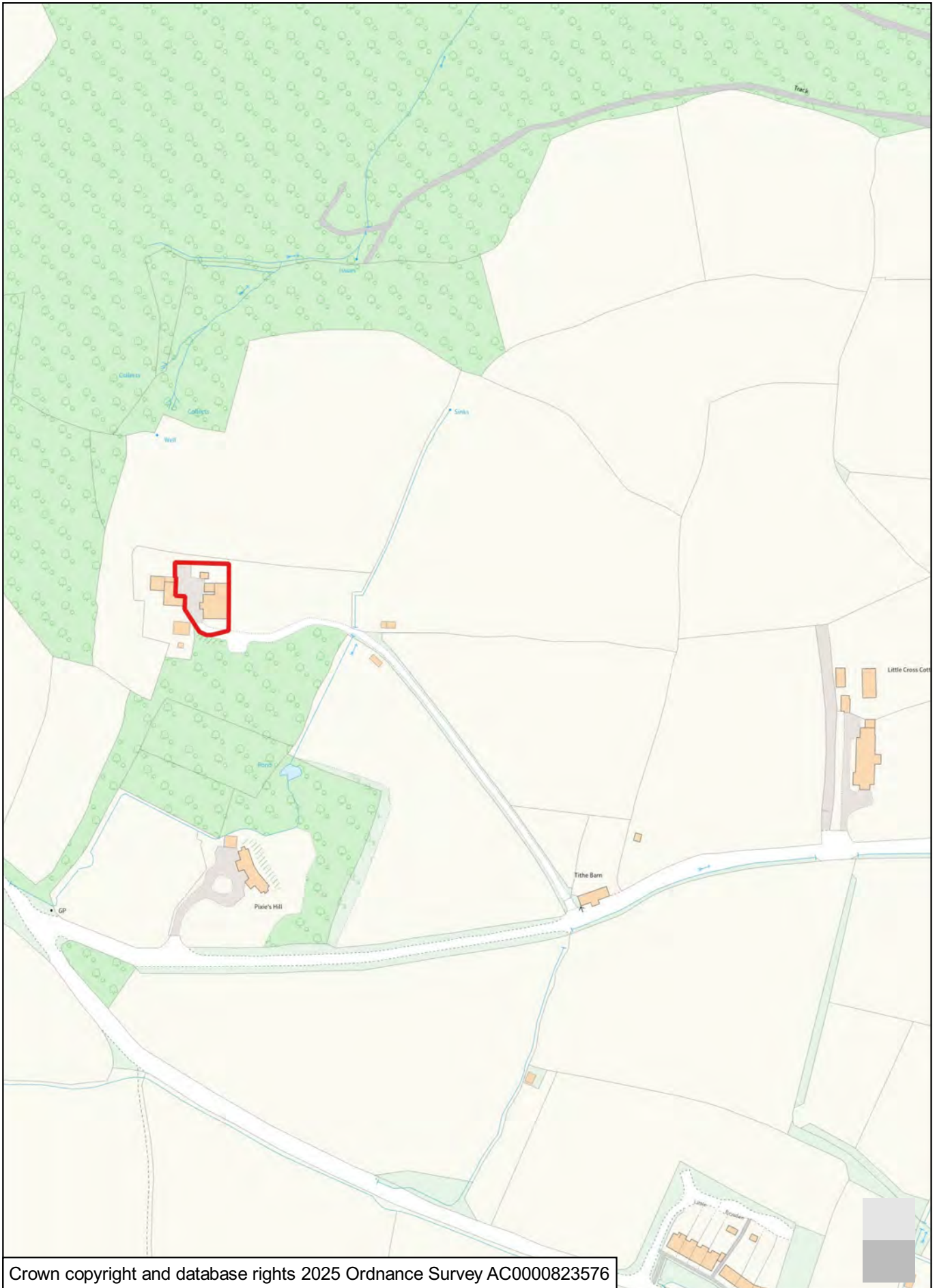
- 8.43 The location of the alternative sites explored by the appellant and an explanation on why these have been discounted has been provided. It is considered that the appellant has provided adequate justification for discounting other sites.
- 8.44 There is no doubt the lattice tower would have a clear visual impact, contrasting with the prevailing character of the National Park landscape. Despite the slimline lattice design of the tower, the overall height and antennas/dishes at the top of the tower would draw the eye. The visual impact would be negative as it would be a modern utilitarian feature with vertical prominence, incongruous in the National Park landscape.
- 8.45 The impact would be compounded by fenced enclosure and associated equipment within which would be clearly visible at close quarters by users of the adjacent field track and which would further erode the sense of tranquillity and peace which is currently enjoyed for those passing by the site.
- 8.46 There is also an archaeological objection regarding the cumulative impact of the proposed development which it is considered fails to conserve and/or enhance the local historic environment.
- 8.47 Notwithstanding these matters, the consideration of officers in respect of this proposed development is that, on balance, the harm identified would be outweighed by the considerable public benefits of delivering reliable mobile coverage to both the emergency services network and residents, businesses and visitors through the SRN. Consequently, this material consideration outweighs the conflict with the development plan in the particular circumstances of this case.

DEAN KINSELLA

Glebe House, Holne



Scale 1:2,500



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Item 2

Application No: **0024/24** District/Borough: **South Hams District**

Application Type: **Full Planning Permission** Parish: **Holne**

Grid ref: **SX 7015 6978** Officer: **Christopher Hart**

Proposal: **Repairs, alterations and the erection of a single storey extension**

Location: **Glebe House, Holne**

Applicant: **Mr & Mrs Hobbs**

Recommendation: **That permission be GRANTED.**

Subject to the following Condition(s)

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the approved drawings.
- 3 The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements stated Ecological Impact Assessment. This planning condition shall only be discharged when a suitably qualified ecologist confirms in writing to the Local Planning Authority that the recommendations and requirements have been implemented.
- 4 Any internal and external rendering and repointing of the building shall be completed using lime-based mortar and traditional techniques and materials.
- 5 Prior to their use, details or samples of all proposed surfacing, window modules, external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter, only approved surfacing, external facing and roofing materials shall be used in the authorised works.
- 6 No external lighting shall be installed or used in association with the development hereby approved.

1 The Proposed Development

- 1.1 The application seeks planning permission for the refurbishment of the existing dwelling and the addition of a single storey extension on the northeastern aspect.
- 1.2 The original proposal has been revised to address concerns raised by consultees during the consideration of the application. References to a 'three-car garage' have been removed from the revised proposal. Matters related to design issues and mitigation measures for protected species have delayed determination.

- 1.3 The application (together with the corresponding application for listed building consent) is presented to the Committee in view of the continuing concerns expressed by consultees.

2 Planning History

DOC/0227/23 7 Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Discharged - 8 July 2024

DOC/0227/23 7 8 Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Part Discharged, Part not Discharged - 18 March 2024

DOC/0227/23 8(E) Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Part Discharged, Part not Discharged - 15 February 2024

0401/23 Partial demolition of staircase, timber treatment and replacement to match the existing (part retrospective) - Listed Building Consent – Granted 23 October 2023

DOC/0227/23 Repairs and alterations including new staircase and installation of insulation, damp-proofing and internal finishes to enable existing ancillary building to use as office/study - Part Discharged, Part not discharged - 25 October 2023

DOC/0279/23 6 Purpose built bat house – Discharged - 1 September 2023

DOC/0039/23 3 6 Proposed re-thatching of existing roof including repairs to fascias and soffits – Discharged - 8 August 2023

0227/23 Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Listed Building Consent – Granted - 7 August 2023

0279/23 Purpose built bat house - Full Planning permission – Granted - 27 July 2023

0240/23 Agricultural storage barn - Full Planning permission- Granted- 19 July 2023

0039/23 Proposed re-thatching of existing roof including repairs to fascias and soffits - Listed Building Consent – Granted - 14 March 2023

0402/22 Proposed alterations to existing vehicular access - Full Planning permission – Granted - 20 December 2022

3 Consultations

- 3.1 All consultees have been notified of the revised plans.
- 3.2 South Hams District Council - Does not wish to comment
- 3.3 Ecology & Wildlife (DNP Consultant Ecologist)
The design of the extension allows for retention of the bat roosts located at Glebe House. The reduction in glazing is welcomed.
- 3.4 Revised plans showing removal of window facing into western courtyard – this removes concerns regarding the suitability of this window and impacts from lights.
- 3.5 Historic England
Comments presented on initial application. No comments received on revised application.
- 3.6 Glebe House is a dwelling of 18th century origins that was subject to a remodelling in around 1832 in the cottage orné style. The house is listed at Grade II recognising its special interest and warranting every effort to preserve it. The application proposes to repair the building, add a ground floor extension and make alterations to the planform on the first floor. Historic England's interest relates to the proposed alterations to the first floor. The proposed scheme fails to respond to the historic planform of the building and would cause harm. National Planning Policy Framework (NPPF) paragraph 201 outlines that it is the duty of your authority to identify and assess the significance of any heritage asset and seek opportunities to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. There are opportunities to devise a scheme that better responds to the historic layout of the first floor. The Council should work with the applicant to identify a solution that allows the proposals to offer a more suitable response to the historic character of the building within the existing floorplan. (NPPF 201). You should seek advice from your specialist conservation staff with regard to this, and other elements of the proposals.
- 3.7 Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraph 201 of the NPPF. In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 3.8 Georgian Group
We have reviewed the revised Heritage Statement and Design Statement (issued 19 November) and welcome these amendments which considerably reduce the level of harm to the listed building. However, we remain concerned about the impact of the proposed extension. Notwithstanding the redesign of its roof, this heavily glazed new addition will still dominate the host dwelling – a rare example of a cottage orné within the National Park. We thank the applicant for the amendments to date but recommend your authority seeks further revisions in respect of the proposed extension to reduce its impact still further.

3.9 Council for British Archaeology

Following our previous comments (dated 2 July 2024), the CBA are pleased to note that the proposed removal of internal walls to the first floor of the building is limited to modern fabric, and therefore will cause limited harm to the building's significance. We are also pleased to note that the proposed alterations to the first floor appear to be largely confined to the removal of modern fabric and that the timber panelling will be replaced like-for-like. Provided that a suitable materials palette is secured by condition, we do not object to the proposed thermal lining of the existing utility room. However, the CBA's previous concerns regarding the large area of glazing proposed to the northern and eastern elevations have not been addressed. The contrast with the deliberately rustic style of the main house is considerable and we are concerned about the visual effect of this. The CBA are therefore unable to support this application in its current form. We recommend that the applicants submit revised plans which reduce the extent of the glazing to the proposed extension, or that additional information is provided to justify the proposed design.

3.10 Historic Buildings and Places (Ancient Monuments Society)

Comments presented on initial application. No comments received on revised application.

3.11 For the sake of brevity, HB&P support the comments already provided by your conservation officer and the CBA and Georgian Group regarding the internal alterations to the house. The issues and concerns already raised about the alteration and loss of historic building fabric do need to be addressed to ensure the scheme minimises its impact on the significance of the building and we defer to the advice of your CO on these matters. The new kitchen extension is also a concern. While modern extensions often work well within historic environment, in this case, the hard angular design of the extension clashes with the much softer and picturesque 'Cottage Orne' architecture of the host heritage asset. Picture 43 in the Built Heritage Assessment: Statement of Significance shows the eastern elevation is the principal elevation in terms of how the house is experienced within its open, landscaped setting and viewed as one travels up the driveway. The extension would intrude and become part of those principal longer distance views and the design isn't subservient enough to mitigate that visual impact on the wider setting. The house is in a poor state and we hope that these issues can be addressed and result in positive outcome for the house. In addition to the internal and structural issues noted above, HB&P encourage further design revisions of the kitchen extension to minimise the visual and physical impact on the setting of Glebe House. Policy: Chapter 16 of the NPPF (2023), particularly paragraph 205, that states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Recommendation: Amended plans and justification should address the above design and conservation concerns. HB&P would be happy to review the application again once the additional details are submitted.

3.12 DNP Building Conservation Officer

Further to my comments on 12 June and my response of 21 February, I provide the following advice in relation to the revised drawings submitted in November. There are minor changes to Section 16 of the National Planning Policy Framework on 20 December 2024, when compared to the earlier version of the guidance referred to as December 2023. This relates to the numbering of paragraphs only, there is no change in wording. The size of the extension has reduced, its roof pattern changed in a positive manner, and some of the harmful alterations to the listed building have been removed from the proposal. However, the negative and harmful impact on significance of the listed building and the setting of the listed buildings remains high. This level of harm is now considered to be high on the “sliding scale of less than substantial harm” (and no longer substantial harm). Much of the harm remains unjustified and there are still many changes to the proposal which could be undertaken to minimise the negative impact on the significance of these designated heritage assets. These details are set out in the earlier responses. My objection to the proposal is maintained.

3.13 DNPA Archaeologist

The archaeological assessment of the site of the proposed development indicates that it has been landscaped and truncated. There is thus little potential for unidentified buried archaeology and, accordingly, no archaeological concerns are anticipated.

4 Parish Council Comments

- 4.1 Holne Parish Council objects to this application on the following grounds: Overdevelopment - loss of character of a Listed Building which has historical interest (birthplace of Charles Kingsley); concerns that the collective planning applications for this property exceed the 30% rule which limits residential development so that a dwelling can only be expanded by 30% of its original floor area. (Received November 2024)

5 Relevant Local Plan Policies

National Park Circular 2010

Dartmoor National Park Design Guide Adopted Version November 2011

National Planning Policy Framework 2024

Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor’s Special Qualities

Strategic Policy 1.2 Sustainable development in Dartmoor National Park

Strategic Policy 1.5 Delivering good design

Strategic Policy 1.6 Sustainable development

Strategic Policy 2.2 Conserving and enhancing Dartmoor’s biodiversity and geodiversity

Strategic Policy 2.3 Biodiversity Net Gain

Strategic Policy 2.6 Protecting tranquility

Strategic Policy 2.7 Conserving and enhancing heritage assets.

Policy 3.7 Residential alterations, extensions and outbuildings

6 Representations - None

7 Observations

SITE DESCRIPTION

- 7.1 Glebe House is a Grade II Listed Building situated to the northwest of the village of Holne which lies on the upper slopes on the edge of Dartmoor above the River Dart Valley. It is accessed via a lane from the public highway and consists of the main dwelling, a series of period outbuildings, each historically serving an original function in subservience to the principal house, lawn and paddock area.
- 7.2 The property is a former vicarage that was the birthplace of social reformer, historian and novelist Charles Kingsley, author of 'The Water Babies.' The listing identifies the property as being 18th Century but substantially remodelled around 1832 according to the 'cottage orné' style.
- 7.3 The dwelling has been vacant for some years and fallen into a state of disrepair until the applicants purchased the property. Following this, there have been a number of applications – see above for full list - granted to repair and renovate the dwelling and outbuildings.

PROPOSAL

7.4 Original Proposal:

The original submitted proposal included a large single storey extension, which included a three-car garage, terrace and kitchen/living/dining area.

7.5 Amended Proposal:

During its consideration the planning application has been amended to address concerns. It is now limited to;

- A single storey extension to house a kitchen/diner, boiler room & boot room – the extension will be accessed from the house through a new structural opening formed from the existing dining room;
- Works to the existing courtyard including new paving and surface water drainage;
- Removal of an oil tank and its replacement with an underground tank;
- Replacement of rainwater goods with cast aluminium heritage goods;
- Repair of external render; general repair, refresh and decoration.

7.6 There is a corresponding application for Listed Building Consent, (ref 0025/24), detailed in the following report.

ASSESSMENT

- 7.7 The current owners have inherited a dwelling which had fallen into significant disrepair following substantial water damage as a result of a defective thatch roof which has also led to a major outbreak of dry rot. Their aim is to return the property to a family home and invest in its future by addressing the acknowledged structural issues. While it is currently vacant, it retains its planning use as a single dwelling

- 7.8 The applicants have already carried out essential repairs, rethatching the property to make it weather tight. The next phase is to address the internal damage, reconfiguring some internal arrangements to bring the building back to use while preventing further deterioration and consequent loss of historic fabric. This is important context for the proposals and needs to be weighed into the balance when considering the merits of the proposed works.
- 7.9 With the benefit of a site visit and the opportunity to inspect the property it is clear that whilst some historic features have been retained, the internal spaces have been altered over time. There is evidence of more modern materials (plasterboard and fibreboard) and other late 20th Century alterations that suggest the current layout is a result of several re-modelling episodes and is not the historic plan form assumed by the amenity bodies.

PRINCIPLE OF DEVELOPMENT

- 7.10 Local Plan Policy 3.7 states that ‘Residential alterations, extensions and outbuildings will be permitted provided that, either individually or cumulatively with previous works, they:
- a) reflect the design principles set out in the Design Guide;
 - b) are subservient to the original dwelling and conserve or enhance its character, appearance, curtilage and immediate surroundings; and
 - c) do not increase the habitable floorspace of the original dwelling by more than 30%’.
- 7.11 The proposed single storey extension, is located on the site of a previous relatively modern outbuilding (now removed), in a location which is set back and subservient to the main, southern, elevation of the house as viewed from the main entrance drive. The proposal is therefore not intrusive from this important aspect; there is a clear visual contrast between the historic fabric and the new extension. The contemporary design will sit comfortably and will complement the existing building and landscape. It would be constructed of natural stone with a contemporary standing seam zinc roof. The design of the extension has been revised to reduce light spill to minimise any potential impact on the existing bat roosts.
- 7.12 The existing and additional floor areas are as follows:
- | | |
|--|-------------------|
| Original dwelling habitable floorspace | 206m ² |
| Proposed habitable increase | 62m ² |
| Total habitable floorspace | 268m ² |
| Percentage increase | 30% |
- 7.13 The recent planning permission for conversion of the detached 'laundry room' for use as a home office is not considered to be a significant addition given the overall size of the property. There is no increase to the number of bedrooms and it will remain a substantial property. The aim of the policy is to ensure a range of housing is protected, avoiding a loss of smaller sized housing from the local housing stock. This application does not materially affect or compromise that objective. The planning permission will be subject to a condition removing the permitted development rights to ensure there is no further increase to the dwelling without the relevant permission.

- 7.14 Local Plan Strategic Policy 1.5 is aimed at achieving good design, appropriate to its setting and the wider National Park. It does not dictate design solutions and allows for consideration of quality, contemporary solutions where these are respectful of setting.
- 7.15 In this case, there is no prescription that extensions should conform to a traditional form or design. The applicant has presented a contrasting contemporary approach which in form, scale and chosen materials sit comfortably with the existing.

ECOLOGY

- 7.16 Protected species surveys have revealed the importance of a bat roost within the main dwelling and, in particular, Bats using access to the cellar as a day/hibernation roost.
- 7.17 Roosting bats may be negatively impacted by the proposed development. There have been extensive discussions around this issue with the result that plans have been amended to remove potential light spill into the rear courtyard area, protecting the flight path towards the cellar roost.
- 7.18 The Authority is obliged to consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPSL which would permit the proposal to lawfully proceed.
- 7.19 The first two tests (below) are essentially planning tests and are for the case officer to conclude. The third test has been concluded by Authority's appointed Ecologist.
- i) The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';

The consultant ecologist has confirmed that there is;

- a Lesser Horseshoe maternity, hibernation and day roost in the house roof void
- a Lesser Horseshoe day roost in the cellar
- Greater Horseshoe hibernation and day roost in the house roof void
- Greater Horseshoe hibernation roost in the cellar
- Brown long eared day roost in the house roof void
- Occasional/transitional roost for single pipistrelle in southern elevation lead flashing

He suggests that;

- construction lighting will not be used from 30 mins before sunset to 30min after sunrise.
- External lighting to be installed only when necessary and to follow the BCT and ILP (2023) lighting guidance.
- Large window proposed to northern elevation (extension) to have light spill reduced through the addition of a 1m overhang above.

- No external lighting to be fitted in association with extension, cellar and main house, with no additional light spill on cellar roost entrance. External lighting to be motion censored, on short duration timers in garages. Flight paths to remain at low lux levels across the wider site.
- No skylights on the extension or windows on the southern or western elevation to be installed.

7.20 A previously constructed standalone bat house (0279/23) provides supplementary roosting opportunities for the duration of the works and supports existing roosts post works.

7.21 The proposed works will not impact the roof void roost or access.

7.22 The Authority's consultant ecologist is satisfied with the proposed and previous mitigation.

ii) There must be 'no satisfactory alternative';

7.23 Whilst there are alternative proposals, they may potentially have a greater impact on the appearance of the listed building and its immediate surroundings. Given the proposed mitigation the proposed alterations to Glebe House are considered the most appropriate.

iii) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

7.24 Given the mitigation measures included within the Ecology Impact Assessment, which includes timing of works, external light restrictions, and availability of previously constructed bat house the third test of the Habitats Regulations is satisfied.

7.25 Given the mitigation measures included within the Bat and Protected Species Survey and Bat and Protected Species Survey & Bat Emergence Survey, which includes recreation of bat roosting areas and lighting measures it is the Consultant Ecologist's opinion that the third test of the Habitats Regulations is satisfied. It is reasonable to conclude that Natural England would grant an EPS licence for this development. The proposal is therefore in accordance with Strategic Policy 2.2 of the Dartmoor Local Plan.

BIODIVERSITY

7.26 The Authority are satisfied that the enhancements are satisfactory described in the Ecological Impact assessment and will be secured via condition. The proposal is in accordance with Strategic Policy 2.3 of the Dartmoor Local Plan.

ARCHAEOLOGY

7.27 The archaeological assessment of the site of the proposed development indicates that it has been landscaped and truncated. There is little potential for unidentified buried archaeology and, accordingly, there are no archaeological concerns.

CONSERVATION AND HERITAGE

7.28 The dwelling is listed, grade II. The Historic England listing states;

'House, formerly the vicarage. Circa C18 house with cottage ornee remodelling of circa 1831 by Elliot of Ashlawton. Stone rubble, plastered on south and east fronts. Thatched hipped roof with deep eaves, with thin moulding to eaves soffit. L-shaped on plan. 2 storeys. East front 5 bays, not quite symmetrical. Circa 1832. Moulded cross mullion-transom casements with leaded panes and hood moulds. South entrance front similar but 3 bays with central fielded panel door and reveals. Cast iron verandah across south front with ornate spandrels and glass roof. Slate hung side and central stacks. Interior: staircase with stack balusters and wreather handrails ramped after column newels. Some C18 fielded panelled interior doors. Tablet on east front states that Charles Kingsley was born here in 1819. He was born on 12 June while his father was curate-in-charge of Holne for a few months'.

7.29 The National Planning Policy Framework (NPPF2024) states that; *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'.*

7.30 A comprehensive Statement of Significance and Heritage Statement was supplied with the application. This has been updated to reflect the revised proposal. This shows that the applicant/agent has provided a level of detail of the works, which is deemed proportionate to the assets' importance, and which is sufficient to understand the potential impact of the proposal on their significance, as required by paragraph 200 of the NPPF.

7.31 The extent of the proposed single storey extension has been significantly reduced in size. It will be sited to the northwest of the main house and therefore will alter the setting of the listed building.

7.32 The submitted Heritage Impact Assessment identifies that the extension has been located to ensure there is no impact on the east and south facades of the main house. These provide the key arrival experience as well as providing the main decorative features that contribute to the 'cottage orné' style. This includes painted render, thatched roofs, deep eaves, the veranda and leaded windows.

7.33 In contrast, the north and west facades relate to the more functional role and activity that this space has served in association with the house, with the more functional features on these facades reflecting this. Whilst the extension will therefore alter the building's setting, it will not change the key elements of the building that contribute to its historic and aesthetic values, from which its historic significance is derived, nor will it detract from how the building is experienced within its setting. The revised extension sits back, where previously a large timber shed was located. The principal views of Glebe House will be maintained, with landscaping introduced to the east elevation to reduce the impact of the extension, this will be secured via condition.

7.34 The revised and reduced extension scheme, including the use of appropriate materials and a more subservient scale ensure the extension will be in keeping with the historic context whilst reading as an evolution of Glebe House and associated outbuildings. In locating the extension on this elevation, the ground floor of Glebe House maintains much of its historical layout and original features that remain. Ensuring the dwellings future and viable optimum use in order that its statutorily protected 'character as building of special architectural or historic interest' can be conserved and continue to be enjoyed for future generations. This is a clear public benefit that should be given great weight in the determination of this application.

CONCLUSION/PLANNING BALANCE

7.35 In the planning balance, it is considered that the public benefit of the proposed development outweighs the less than substantial harm resulting from the proposed works.

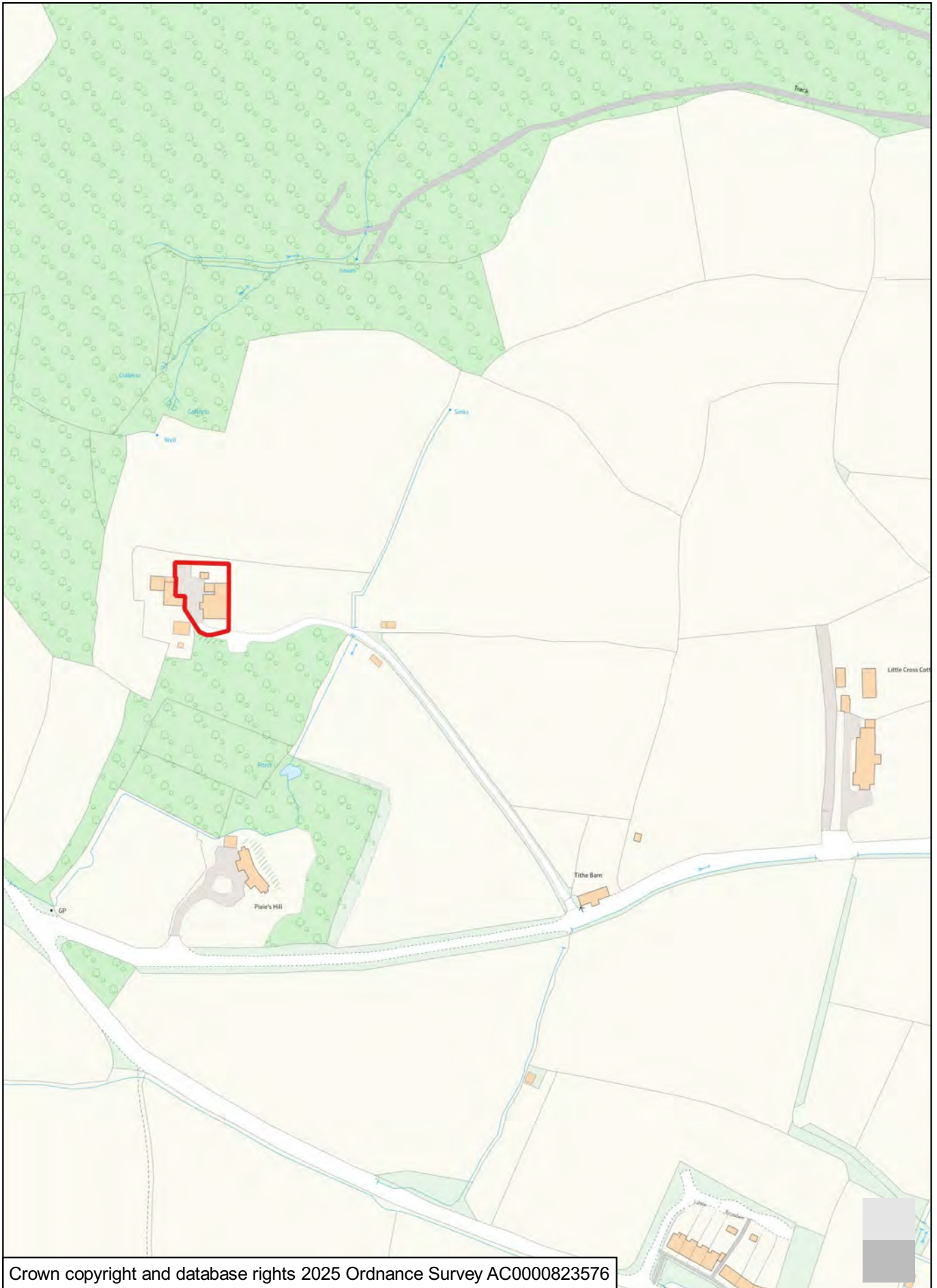
7.36 The proposed development will support the building to be re-occupied, resuming the authorised use as a dwelling and supporting its optimum viable use, in accordance with the policies of the Development Plan.

DEAN KINSELLA

Glebe House, Holne



Scale 1:2,500



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Item 3

Application No: **0025/24** District/Borough: **South Hams District**

Application Type: **Listed Building Consent** Parish: **Holne**

Grid ref: **SX 7015 6978** Officer: **Christopher Hart**

Proposal: **Repairs, alterations and the erection of a single storey extension**

Location: **Glebe House, Holne**

Applicant: **Mr & Mrs Hobbs**

Recommendation: **That consent be GRANTED.**

Subject to the following Conditions:

- 1 The works shall be begun before the expiration of three years from the date of this consent.
- 2 The works hereby permitted shall be carried out strictly in accordance with the approved drawings.
- 3 The works hereby permitted shall be implemented strictly in accordance with the recommendations and requirements stated Ecological Impact Assessment. This planning condition shall only be discharged when a suitably qualified ecologist confirms in writing to the Local Planning Authority that the recommendations and requirements have been implemented.
- 4 Notwithstanding the submitted details and prior to the commencement of internal works, a full schedule and methodology for the renovation and repair of all authorised internal works shall be submitted to the Local Planning Authority for approval in writing. Thereafter all works shall be in accordance with the agreed schedule.
- 5 Any internal and external rendering and repointing of the building shall be completed using lime-based mortar and traditional techniques and materials.
- 6 Prior to their use, details or samples of all proposed surfacing, external facing, glazing modules and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter, only the approved surfacing, external facing and roofing materials shall be used in the authorised works.
- 7 No external lighting shall be installed or used in association with the works hereby approved.

1 The Proposed Development

- 1.1 The application seeks listed building consent for the refurbishment of the existing dwelling and the addition of a single storey extension on the northeastern aspect.

- 1.2 The original proposal has been revised to address concerns raised by consultees during the consideration of the application. References to a ‘three-car garage’ have been removed from the revised proposal. Internal alterations have been adapted to meet concerns. Matters related to design issues and mitigation measures for protected species have delayed determination.
- 1.3 The application (together with the corresponding application for planning permission) is presented to the Committee in view of the continuing concerns expressed by consultees.

2 Planning History

DOC/0227/23 7 Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Discharged - 8 July 2024

DOC/0227/23 7 8 Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Part Discharged, Part not Discharged - 18 March 2024

DOC/0227/23 8(E) Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Part Discharged, Part not Discharged - 15 February 2024

0401/23 Partial demolition of staircase, timber treatment and replacement to match the existing (part retrospective) - Listed Building Consent – Granted 23 October 2023

DOC/0227/23 Repairs and alterations including new staircase and installation of insulation, damp-proofing and internal finishes to enable existing ancillary building to use as office/study - Part Discharged, Part not discharged - 25 October 2023

DOC/0279/23 6 Purpose built bat house – Discharged - 1 September 2023

DOC/0039/23 3 6 Proposed re-thatching of existing roof including repairs to fascias and soffits – Discharged - 8 August 2023

0227/23 Proposed repairs and alterations including new staircase and the installation of insulation, damp-proofing and internal finishes to enable the existing ancillary building to be used as a home working office/study - Listed Building Consent – Granted - 7 August 2023

0279/23 Purpose built bat house - Full Planning permission – Granted - 27 July 2023

0240/23 Agricultural storage barn - Full Planning permission- Granted- 19 July 2023

0039/23 Proposed re-thatching of existing roof including repairs to fascias and soffits - Listed Building Consent – Granted - 14 March 2023

0402/22 Proposed alterations to existing vehicular access - Full Planning permission – Granted - 20 December 2022

3 Consultations

3.1 All consultees have been notified of the revised plans.

3.2 South Hams District Council - Does not wish to comment

3.3 Ecology & Wildlife (DNP Consultant Ecologist)
The design of the extension allows for retention of the bat roosts located at Glebe House. The reduction in glazing is welcomed.

3.4 Revised plans showing removal of window facing into western courtyard – this removes concerns regarding the suitability of this window and impacts from lights.

3.5 Historic England
Comments presented on initial application. No comments received on revised application.

3.6 Glebe House is a dwelling of 18th century origins that was subject to a remodelling in around 1832 in the cottage orné style. The house is listed at Grade II recognising its special interest and warranting every effort to preserve it. The application proposes to repair the building, add a ground floor extension and make alterations to the planform on the first floor. Historic England's interest relates to the proposed alterations to the first floor. The proposed scheme fails to respond to the historic planform of the building and would cause harm. National Planning Policy Framework (NPPF) paragraph 201 outlines that it is the duty of your authority to identify and assess the significance of any heritage asset and seek opportunities to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. There are opportunities to devise a scheme that better responds to the historic layout of the first floor. The Council should work with the applicant to identify a solution that allows the proposals to offer a more suitable response to the historic character of the building within the existing floorplan. (NPPF 201). You should seek advice from your specialist conservation staff with regard to this, and other elements of the proposals.

3.7 Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraph 201 of the NPPF. In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

3.8 Georgian Group
We have reviewed the revised Heritage Statement and Design Statement (issued 19 November) and welcome these amendments which considerably reduce the

level of harm to the listed building. However, we remain concerned about the impact of the proposed extension. Notwithstanding the redesign of its roof, this heavily glazed new addition will still dominate the host dwelling – a rare example of a cottage orné within the National Park. We thank the applicant for the amendments to date but recommend your authority seeks further revisions in respect of the proposed extension to reduce its impact still further.

3.9 Council for British Archaeology

Following our previous comments (dated 2 July 2024), the CBA are pleased to note that the proposed removal of internal walls to the first floor of the building is limited to modern fabric and therefore will cause limited harm to the building's significance. We are also pleased to note that the proposed alterations to the first floor appear to be largely confined to the removal of modern fabric and that the timber panelling will be replaced like-for-like. Provided that a suitable materials palette is secured by condition, we do not object to the proposed thermal lining of the existing utility room. However, the CBA's previous concerns regarding the large area of glazing proposed to the northern and eastern elevations have not been addressed. The contrast with the deliberately rustic style of the main house is considerable and we are concerned about the visual effect of this. The CBA are therefore unable to support this application in its current form. We recommend that the applicants submit revised plans which reduce the extent of the glazing to the proposed extension, or that additional information is provided to justify the proposed design.

3.10 Historic Buildings and Places (Ancient Monuments Society)

Comments presented on initial application. No comments received on revised application.

3.11

For the sake of brevity, HB&P support the comments already provided by your conservation officer and the CBA and Georgian Group regarding the internal alterations to the house. The issues and concerns already raised about the alteration and loss of historic building fabric do need to be addressed to ensure the scheme minimises its impact on the significance of the building and we defer to the advice of your CO on these matters. The new kitchen extension is also a concern. While modern extensions often work well within historic environment, in this case, the hard angular design of the extension clashes with the much softer and picturesque 'Cottage Orne' architecture of the host heritage asset. Picture 43 in the Built Heritage Assessment: Statement of Significance shows the eastern elevation is the principal elevation in terms of how the house is experienced within its open, landscaped setting and viewed as one travels up the driveway. The extension would intrude and become part of those principal longer distance views and the design isn't subservient enough to mitigate that visual impact on the wider setting. The house is in a poor state and we hope that these issues can be addressed and result in positive outcome for the house. In addition to the internal and structural issues noted above, HB&P encourage further design revisions of the kitchen extension to minimise the visual and physical impact on the setting of Glebe House. Policy: Chapter 16 of the NPPF (2023), particularly paragraph 205, that states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to

grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recommendation: Amended plans and justification should address the above design and conservation concerns. HB&P would be happy to review the application again once the additional details are submitted.

3.12 DNP Building Conservation Officer

Further to my comments on 12 June and my response of 21 February, I provide the following advice in relation to the revised drawings submitted in November. There are minor changes to Section 16 of the National Planning Policy Framework on 20 December 2024, when compared to the earlier version of the guidance referred to as December 2023. This relates to the numbering of paragraphs only, there is no change in wording. The size of the extension has reduced, its roof pattern changed in a positive manner, and some of the harmful alterations to the listed building have been removed from the proposal. However, the negative and harmful impact on significance of the listed building and the setting of the listed buildings remains high. This level of harm is now considered to be high on the “sliding scale of less than substantial harm” (and no longer substantial harm). Much of the harm remains unjustified and there are still many changes to the proposal which could be undertaken to minimise the negative impact on the significance of these designated heritage assets. These details are set out in the earlier responses. My objection to the proposal is maintained.

3.13 DNPA Archaeologist

The archaeological assessment of the site of the proposed development indicates that it has been landscaped and truncated. There is thus little potential for unidentified buried archaeology and, accordingly, no archaeological concerns are anticipated.

4 Parish Council Comments

- 4.1 Holne Parish Council objects to this application on the following grounds: Overdevelopment - loss of character of a Listed Building which has historical interest (birthplace of Charles Kingsley); concerns that the collective planning applications for this property exceed the 30% rule which limits residential development so that a dwelling can only be expanded by 30% of its original floor area. (Received November 2024)

5 Relevant Local Plan Policies

National Park Circular 2010

Dartmoor National Park Design Guide Adopted Version November 2011

National Planning Policy Framework 2024

Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities

Strategic Policy 1.2 Sustainable development in Dartmoor National Park

Strategic Policy 1.5 Delivering good design

Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity

Strategic Policy 2.3 Biodiversity Net Gain

6 Representations - None

7 Observations

SITE DESCRIPTION

- 7.1 Glebe House is a Grade II Listed Building situated to the northwest of the village of Holne which lies on the upper slopes on the edge of Dartmoor above the River Dart Valley. It is accessed via a lane from the public highway and consists of the main dwelling, a series of period outbuildings, each historically serving an original function in subservience to the principal house, lawn and paddock area.
- 7.2 The property is a former vicarage that was the birthplace of social reformer, historian and novelist Charles Kingsley, author of 'The Water Babies.' The listing identifies the property as being 18th Century but substantially remodelled around 1832 according to the 'cottage orné' style.
- 7.3 The dwelling has been vacant for some years and fallen into a state of disrepair until the applicants purchased the property. Following this, there have been a number of applications – see above for full list - granted to repair and renovate the dwelling and outbuildings.

PROPOSAL

7.4 Original Proposal:

The original submitted proposal included a large single storey extension, which included a three-car garage, terrace and kitchen/living/dining area.

7.5 Amended Proposal:

During its consideration the planning application has been amended to address concerns. It is now limited to;

- A single storey extension to house kitchen/diner, boiler room & boot room - extension will be accessed from the house through a new structural opening formed from the existing dining room.
- Existing cellar floor replaced with new concrete floor and drain to improve management of surface water;
- Replacement of rotten timber panelling;
- Repair and replacement of rotten windows and doors with the introduction of secondary glazing to all retained windows;
- Removal of modern fabric, including polystyrene ceiling tiles and false timber beams;
- Reinforcement of rotten beams, reposition of loft hatch and replacement of all existing collapsed ceilings with fireline plasterboard to improve fire resistance and provide increased fire protection for a significant bat maternity roost;
- Thermal insulation of external walls to reduce heat loss;

- Replacement of a modern fireplace;
- Alterations to the layout of the first floor to provide for new bedroom/bathroom layout;
- Removal of outer doors to provide traditional open porch;
- Works to the existing courtyard including new paving and surface water drainage, Removal of an oil tank and its replacement with underground tank;
- Replacement of rainwater goods with cast aluminium heritage goods;
- Works to the existing verandah;
- New internal soil vent and ventilation ducts to the roof;
- Repair of external render; and general repair, refresh and decoration.

7.6 There is a corresponding application for Planning Permission, (ref 0024/24), detailed in the preceding report.

ASSESSMENT

7.7 The current owners have inherited a dwelling which had fallen into significant disrepair following substantial water damage as a result of a defective thatch roof which has also led to a major outbreak of dry rot. Their aim is to return the property to a family home and invest in its future by addressing the acknowledged structural issues. While it is currently vacant, it retains its planning use as a single dwelling

7.8 The applicants have already carried out essential repairs, rethatching the property to make it weather tight. The next phase is to address the internal damage, reconfiguring some internal arrangements to bring the building back to use while preventing further deterioration and consequent loss of historic fabric. This is important context for the proposals and needs to be weighed into the balance when considering the merits of the proposed works.

7.9 With the benefit of a site visit and the opportunity to inspect the property it is clear that whilst some historic features have been retained, the internal spaces have been altered over time. There is evidence of more modern materials (plasterboard and fibreboard) and other late 20th Century alterations that suggest the current layout is a result of several re-modelling episodes and is not the historic plan form assumed by the amenity bodies.

POLICY PRINCIPLES

7.10 Protection and enhancement of Dartmoor's historic and cultural environment is fundamental to its Special Qualities. The National Planning Policy Framework (NPPF2024) refers to significance as being the value of a heritage asset to this and future generations because of its heritage interest. That significance is derived from its physical characteristics, its setting and in some cases its cultural identity or associations.

7.11 Local Plan policy 2.7 amplifies this, requiring all development proposals that may affect heritage assets to be supported by reasoned justification. Works that may result in identified harm should be minimised and reflect careful analysis and mitigation. Any harm should be 'less than substantial', justified and be able to demonstrate clear public benefits.

THE PROPOSED WORKS

- 7.12 The proposed single storey extension, is located on the site of a previous relatively modern outbuilding (now removed), in a location which is set back and subservient to the main, southern, elevation of the house as viewed from the main entrance drive. The proposal is therefore not intrusive from this important aspect; there is a clear visual contrast between the historic fabric and the new extension. The contemporary design will sit comfortably and will complement the existing building and landscape. It would be constructed of natural stone with a contemporary standing seam zinc roof. The design of the extension has been revised to reduce light spill to minimise any potential impact on the existing bat roosts.
- 7.13 Local Plan Strategic Policy 1.5 is aimed at achieving good design, appropriate to its setting and the wider National Park. It does not dictate design solutions and allows for consideration of quality, contemporary solutions where these are respectful of setting.
- 7.14 In this case, there is no prescription that extensions should conform to a traditional form or design. The applicant has presented a contrasting contemporary approach which in form, scale and chosen materials sits comfortably with the existing.

ECOLOGY

- 7.15 Protected species surveys have revealed the importance of a bat roost within the main dwelling and, in particular, Bats using access to the cellar as a day/hibernation roost.
- 7.16 Roosting bats may be negatively impacted by the proposed development. There have been extensive discussions around this issue with the result that plans have been amended to remove potential light spill into the rear courtyard area, protecting the flight path towards the cellar roost.
- 7.17 The Authority is obliged to consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPSL which would permit the proposal to lawfully proceed.
- 7.18 The first two tests (below) are essentially planning tests and are for the case officer to conclude. The third test has been concluded by Authority's appointed Ecologist.
- i) The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';

The consultant ecologist has confirmed that there is;

- a Lesser Horseshoe maternity, hibernation and day roost in the house roof void
- a Lesser Horseshoe day roost in the cellar
- Greater Horseshoe hibernation and day roost in the house roof void
- Greater Horseshoe hibernation roost in the cellar
- Brown long eared day roost in the house roof void

- Occasional/transitional roost for single pipistrelle in southern elevation lead flashing

He suggests that;

- construction lighting will not be used from 30 mins before sunset to 30min after sunrise.
- External lighting to be installed only when necessary and to follow the BCT and ILP (2023) lighting guidance.
- Large window proposed to northern elevation (extension) to have light spill reduced through the addition of a 1m overhang above.
- No external lighting to be fitted in association with extension, cellar and main house, with no additional light spill on cellar roost entrance. External lighting to be motion censored, on short duration timers in garages. Flight paths to remain at low lux levels across the wider site.
- No skylights on the extension or windows on the southern or western elevation to be installed.

7.19 A previously constructed standalone bat house (0279/23) provides supplementary roosting opportunities for the duration of the works and supports existing roosts post works.

7.20 The proposed works will not impact the roof void roost or access.

7.21 The Authority's consultant ecologist is satisfied with the proposed and previous mitigation.

ii) There must be 'no satisfactory alternative';

7.22 Whilst there are alternative proposals, they may potentially have a greater impact on the appearance of the listed building and its immediate surroundings. Given the proposed mitigation the proposed alterations to Glebe House are considered the most appropriate.

iii) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

7.23 Given the mitigation measures included within the Ecology Impact Assessment, which includes timing of works, external light restrictions, and availability of previously constructed bat house the third test of the Habitats Regulations is satisfied.

7.24 Given the mitigation measures included within the Bat and Protected Species Survey and Bat and Protected Species Survey & Bat Emergence Survey, which includes recreation of bat roosting areas and lighting measures it is the Consultant Ecologist's opinion that the third test of the Habitats Regulations is satisfied. It is reasonable to conclude that Natural England would grant an EPS licence for this development. The proposal is therefore in accordance with Strategic Policy 2.2 of the Dartmoor Local Plan.

ARCHAEOLOGY

- 7.25 The archaeological assessment of the site of the proposed development indicates that it has been landscaped and truncated. There is little potential for unidentified buried archaeology and, accordingly, there are no archaeological concerns.

CONSERVATION AND HERITAGE

- 7.26 The dwelling is listed, grade II. The Historic England listing states;

'House, formerly the vicarage. Circa C18 house with cottage ornee remodelling of circa 1831 by Elliot of Ashlawton. Stone rubble, plastered on south and east fronts. Thatched hipped roof with deep eaves, with thin moulding to eaves soffit. L-shaped on plan. 2 storeys. East front 5 bays, not quite symmetrical. Circa 1832.

Moulded cross mullion-transom casements with leaded panes and hood moulds.

South entrance front similar but 3 bays with central fielded panel door and reveals.

Cast iron verandah across south front with ornate spandrels and glass roof.

Slate hung side and central stacks.

Interior: staircase with stack balusters and wreather handrails ramped after column newels. Some C18 fielded panelled interior doors.

Tablet on east front states that Charles Kingsley was born here in 1819. He was born on 12 June while his father was curate-in-charge of Holne for a few months'.

- 7.27 The National Planning Policy Framework (NPPF2024) states that; *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'.*
- 7.28 A comprehensive Statement of Significance and Heritage Statement was supplied with the application. This has been updated to reflect the revised proposal. This shows that the applicant/agent has provided a level of detail of the works, which is deemed proportionate to the assets' importance, and which is sufficient to understand the potential impact of the proposal on their significance, as required by paragraph 200 of the NPPF.
- 7.29 The extent of the proposed single storey extension has been significantly reduced in size. It will be sited to the northwest of the main house and therefore will alter the setting of the listed building.
- 7.30 The submitted Heritage Impact Assessment identifies that the extension has been located to ensure there is no impact on the east and south facades of the main house. These provide the key arrival experience as well as providing the main decorative features that contribute to the 'cottage orné' style. This includes painted render, thatched roofs, deep eaves, the veranda and leaded windows.
- 7.31 In contrast the north and west facades relate to the more functional role and activity that this space has served in association with the house, with the more functional features on these facades reflecting this. Whilst the extension will therefore alter the

building's setting, it will not change the key elements of the building that contribute to its historic and aesthetic values, from which its historic significance is derived, nor will it detract from how the building is experienced within its setting. The revised extension sits back, where previously a large timber shed was located. The principal views of Glebe House will be maintained, with landscaping introduced to the east elevation to reduce the impact of the extension, this will be secured via condition.

- 7.32 The revised and reduced extension scheme, including the use of appropriate materials and a more subservient scale ensure the extension will be in keeping with the historic context whilst reading as an evolution of Glebe House and associated outbuildings. In locating the extension on this elevation, the ground floor of Glebe House maintains much of its historical layout and original features remain.
- 7.33 The concerns raised by consultees regarding the proposed alterations to the first floor are acknowledged. These have been the subject of further detailed discussion and assessment. Investigation has revealed that a number of the partition walls that are intended to be altered are, in fact, modern stud and plasterboard. Those that have historic value (inc lathe and plaster detailing) are now retained. The revised plans present a more sympathetic layout. These include reconfiguration from six bedrooms to four and installation of bathrooms. The first floor, unlike the ground floor of the dwelling, has limited remaining historic features, with modern alterations, partitions and loss of the traditional layout. Therefore, the first-floor proposals are now considered acceptable and will cause 'less than substantial' harm to the historic fabric.
- 7.34 The works will ensure the dwelling's future and the optimum viable use returns in order that its statutorily protected character as building of special architectural and historic interest can be conserved and continue to be enjoyed for future generations.
- 7.35 This is a clear public benefit that should be given great weight in the determination of this application.

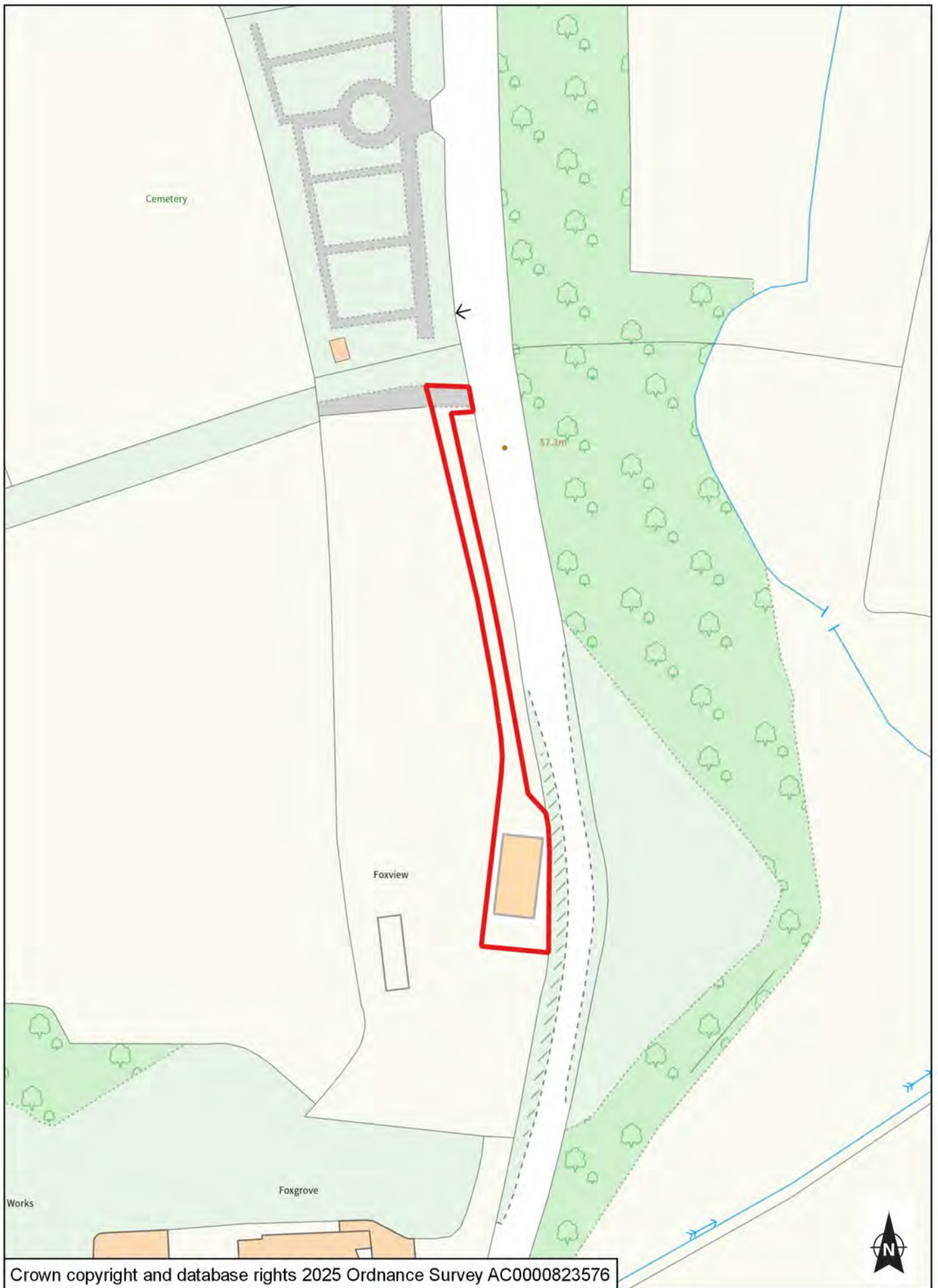
CONCLUSION/BALANCE

- 7.36 On balance, it is considered that the public benefit of the proposed works outweighs the less than substantial harm resulting from the proposed works.
- 7.37 The proposed works will support the building to be re-occupied, resuming the authorised use as a dwelling and supporting its optimum viable use, in accordance with the policies of the Development Plan.

DEAN KINSELLA



Scale 1:950



Item 4

Application No: **0484/24** District/Borough: **Teignbridge**

Application Type: **Full Planning Permission** Parish: **Christow**

Grid Ref: Officer: **Nicky Hand**

Proposal: **Retrospective alterations and extension to dwelling with upgrading and re-roofing together with provision of disability footway (amended plans)**

Location: **Foxview, Christow, Exeter, EX6 7QB**

Applicant: **Mr & Mrs R Westcott**

Recommendation: **That permission be REFUSED**

Reasons:

1. The proposed extension is contrary to policy 3.7 of the Dartmoor Local Plan. The area created by the proposed extension would exceed 30% of the original floorspace. Furthermore, policy 3.7 does not permit extensions to dwellinghouses that have become immune to enforcement action and benefit from a Certificate of Lawfulness.
2. The proposed extension by reason of its inappropriate scale, massing and design has a negative impact on the character and appearance of the host dwelling and does not reinforce the distinctive qualities of the place in this part of the National Park. The proposal is, therefore, contrary to the advice contained in the English National Parks and the Broads UK Government Vision 2010, Dartmoor Local Plan policies SP1.1, SP1.2, SP1.5, SP1.6, and P3.7 and the Dartmoor Design Guide.

1 Introduction

- 1.1 Foxview is a single storey dwellinghouse accessed from and set above the B3193, approximately 0.5.km to the northeast of Christow.
- 1.2 The application site extends to approximately 1 acre and includes the access from the highway via a permeable track of approximately 85m in length which leads to the dwellinghouse.
- 1.3 A timber post and rail fence divide the land adjacent to the dwelling, which was used to house sheep at the time of the officer site visit.
- 1.4 The application seeks retrospective permission for a single storey extension to the dwelling including a disabled footway in the form of a small patio area to the south of the dwelling, in an existing area of garden.
- 1.5 The application is presented to the Committee at the request of the Director Spatial Planning due to public interest and wider policy considerations.

2 Planning History

0362/10 - Use of building as a single dwellinghouse (Use Class C3). Certificate issued, December 2010.

0063/11 - Use of building and land as a single dwelling house (C3). Certificate issued in part for the house only, April 2011.

0246/11 – Change of use of agricultural land to domestic garden and the construction of a carport adjoining the building. Certificate issued in part for the carport only, September 2011. Appeal Dismissed.

ENF/0241/10 – Enforcement Notice issued concerning domestic use of agricultural land - Appeal dismissed.

ENF/0151/11 - Enforcement Notice issued concerning the construction of a track - Appeal dismissed, with variations.

0347/12 - Construction of hardcore track and change of use of land to mixed agricultural/domestic use. Grant Conditionally, February 2013.

0409/12 - Erection of four polytunnels, formation of hardcore turning area and hardcore aprons on the east side of the polytunnels, and the construction of the hardcore track. Refused, October 2012.

0564/12 - Erection of polytunnels and associated works for the growing of plants. Refused, December 2012.

0501/13 - Erection of agricultural building (90sqm) on existing foundations and walls for calf rearing and fodder storage plus retention of hardcore track and hardstanding in front of building entrance. Refused November 2013.

0285/17 - Erection of mixed use building for agricultural use, textile workshop, stabling and cattery and erection of kennels building. Refused July 2017. Appeal Dismissed.

0474/18 - Erection of an agricultural building with cattery, kennels and car parking. Refused, October 2018.

ENF/0168/22 - Non compliance with condition relating to enclosure of domestic curtilage – Resolved June 2023.

0546/23 - Retrospective extension to dwelling with upgrading and re-roofing together with provision of disability footway. Refused, March 2024. (Appeal in progress).

3 Consultations

3.1 Christow Parish Council –reflecting the community support for the new planning application the Parish Council Support the proposal.

3.2 County EEC Directorate – No highways implications.

3.3 Environment Agency – Standing advice applies – Flood Risk Zone 1.

4 Representations

4.1 Seventeen letters of support were received. The comments are summarised as follows:

- Owners are local people who wish to stay within the local community.
- Offered a homeless person to live in original building and the tenant damaged the property.
- Property was uninhabitable prior to the works the current owners undertook.
- Teignbridge Building Control and Empty Homes Officer visited on numerous occasions during the renovation works.
- Dartmoor National Park Authority was aware the applicants were undertaking works to the property.
- Modest extension to create a habitable dwelling.
- Dwelling was tiny to begin with.
- Scale and style in keeping with local area.
- Not visible to public.
- No impact on National Park.
- Eco friendly small-holding.
- Low impact house.
- Owners contribute to wildlife; have planted lots of trees.
- Current housing crisis; shouldn't be making people homeless.
- Good neighbours.
- Modest design.
- Created a disability friendly, low-cost dwelling.
- Improved access and showed respect for the land.
- Sympathetic to surroundings.
- Previous building was an eyesore and not fit for human habitation.

6 Relevant Development Plan Policies

- National Planning Policy Framework 2024
- The English National Parks and Broads UK Government Vision and Circular 2010
- Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
- Strategic Policy 1.2 Sustainable development in Dartmoor National Park
- Strategic Policy 1.3 Spatial Strategy
- Strategic Policy 1.5 Delivering good design
- Strategic Policy 1.6 Sustainable construction
- Policy 1.7 Protecting local amenity in Dartmoor National Park
- Strategic Policy 2.1 Protecting the character of Dartmoor's landscape
- Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity
- Strategic Policy 2.3 Biodiversity Net Gain

- Policy 3.7 Residential alterations, extensions and outbuildings

7 Proposal

- 7.1 This application seeks retrospective permission for an extension to a single storey dwellinghouse. This is a revised scheme to that refused under delegated powers in March 2024. The applicants have appealed this refusal, and a decision is awaited from the Planning Inspectorate.
- 7.2 This current application amends the previous refused scheme by reducing the internal habitable floorspace from that previously submitted, changing one of the existing bedrooms to a 'store', and creating a replacement, second bedroom at the opposite end of the building that was previously shown as a dining area. The overall scale of the building remains unaltered.
- 7.3 The application also proposes a disabled footway/patio area measuring 3.7m x 2.8m to the south of the dwelling within an existing garden area directly outside existing French doors.

8 Planning History

- 8.1 There is a long planning history on the site, much of which refers to a larger site which was formally associated with the adjoining property 'Foxgrove'. It is understood that a former owner sold off this part of his land, that included an outbuilding referred to as a 'garden room', some years ago.
- 8.2 Various Certificates of Lawfulness applications have been determined relating to the original building on this land and the residential use of the property.
- 8.3 Application ref 0362/10 sought a Certificate of Lawfulness for an Existing Use or Development (CLEUD) for the 'use of building as a single dwellinghouse' and, having satisfied the Authority that this use had continued for more than 4 years, a certificate was issued in December 2010.
- 8.4 Application ref 0063/11 sought a CLEUD for the use of the building as a dwellinghouse and the use of adjoining land as residential curtilage/garden. This resulted in the Authority issuing a split decision, approving the use of the single dwellinghouse, but refusing the part of the application which related to the garden as the evidence did not prove a change of use of the land for 10 years. The plan accompanying the decision notice has a red line drawn tightly around the building.
- 8.5 Application ref 0246/11 sought a CLEUD for the erection of a carport on land adjoining the dwellinghouse, and for the use of land as a domestic garden. This also resulted in the Authority issuing a split decision; issuing a certificate for the erection of a carport but not for change of use of land to a garden.
- 8.6 Previous owners made a full planning application for the 'construction of a hardcore track and change of use of land to mixed agricultural/domestic use', which was granted conditional permission in February 2013 (ref 0347/12). One of the conditions removed permitted development rights for any material alterations to the

external appearance of the building, and for any extensions, buildings, enclosures, structures, erections, hard surfaces, and swimming or other pools in or around the curtilage of the dwellinghouse.

- 8.7 The applicant's purchased Foxview in 2014 and rented the property to a tenant from December 2017 until August 2019. Unfortunately, the applicants advise that their tenant left the property in a state of disrepair and uninhabitable.
- 8.8 In July 2014, the applicant sought advice from the Authority concerning plans for the property that included an extension to the building existing at the time. In his formal response to the applicant of 11 August 2014, the Authority's Principal Planning Officer advised, in part, that *"you are already aware that the residential use of this building was regularised through the Certificate of Lawfulness procedure rather than a planning application Policy DMD24 of the Authority's Development Plan states that extensions will not be permitted where the building used as a dwelling has the benefit of a Certificate of Lawful Use, as is the case with Foxview. Furthermore, 'permitted development rights' have been withdrawn meaning that the use and any proposed developments within the limited curtilage area the building does benefit from is tightly controlled. In view of the above, I must advise that any proposed extension to this building is unlikely to be supported by this Authority."*
- 8.9 Contrary to what the applicants' agent states in her Planning Statement, the applicants were made fully aware, shortly after buying the property, that the building did not benefit from any Permitted Development Rights and that extending the building would be contrary to policy and therefore unlikely to receive officer support.
- 8.10 The applicant's commenced renovation work on the property in August 2021, whilst living in a caravan on site. However, due to being liable for two council tax payments, the applicant's moved into Foxview to complete the renovation works in December 2021.
- 8.11 The current owners first made an application to regularise the unauthorised extension in 2023 under application ref 0546/23. This was refused under delegated powers in March 2024 for the following reasons;
1. *The proposed extension is contrary to policy 3.7 of the Dartmoor Local Plan, which does not permit extensions to dwellinghouses that have become immune to enforcement action and benefit from a Certificate of Lawfulness.*
 2. *The proposed extension by reason of its inappropriate scale, massing and design has a negative impact on the character and appearance of the host dwelling and does not reinforce the distinctive qualities of the place in this part of the National Park. The proposal is, therefore, contrary to the advice contained in the English National Parks and the Broads UK Government Vision 2010, Dartmoor Local Plan policies SP1.1, SP1.2, SP1.5, SP1.6, and P3.7 and the Dartmoor Design Guide.*

9 Design & Access

- 9.1 The property has been extended, renovated and upgraded to provide comfortable accommodation whilst also future proofing it to suit the applicants' needs. The applicant's state that they both have ongoing health issues that necessitates

accessible living space and a second bedroom to allow undisturbed sleep and potentially for a carer in the future.

- 9.2 The original building contained two double casement windows and an entrance door. The window at the southern end of the building was screened by double garage doors which could be opened to reveal the window. The dwelling as it exists today, contains five windows, two external pedestrian doors, a French door leading out onto the patio, and a double garage door.
- 9.3 The proposed plan shows a similar arrangement to that currently existing, but the window in the northern elevation is to be replaced by an additional pedestrian door to access the store.
- 9.4 There is not considered to be any neighbour amenity harm as a result of the fenestration details, with the nearest property being Foxgrove located approximately 60m to the southwest.
- 9.5 A stainless steel flue pipe extends at the south-west corner of the roof. If planning permission was sought for this element of the development, it would have been conditioned to be painted black to minimise the visual impact and the owners have confirmed in their planning statement they would be willing to undertake this should permission be granted.
- 9.6 The applicant's state that they have increased thermal efficiency to the building through insulation of the walls and roof.
- 9.7 The development is considered vastly out of scale against the original building, there is no identifiable level of subservience to the original building, and it does not follow the principles of policy 3.7 or the Dartmoor Design Guide.
- 9.8 The design of the dwellinghouse is considered acceptable in principle in terms of being of low impact with a shallow pitched metal sheet roof. The siting at the lowest point of the land helps assimilate the building into the land and mature trees and hedging which run adjacent to the public highway below also ensure a good level of screening.
- 9.9 Nevertheless, the extension constitutes an increase in habitable floorspace which is well above the 30% predicated in policy 3.7 for residential extensions.

10 Policy

- 10.1 Dartmoor Local Plan Policy 3.7 relates to residential alterations, extensions and outbuildings. This states at part 1. that "*Residential alterations, extensions and outbuildings will be permitted provided that, either individually or cumulatively with previous works, they:*
- a) *reflect the design principles set out in the Design Guide;*
 - b) *are subservient to the original dwelling and conserve or enhance its character, appearance, curtilage and immediate surroundings; and*
 - c) *do not increase the habitable floorspace of the original dwelling by more than 30%".*

- 10.2 The design and impact of the proposed development are discussed at section 9 above.
- 10.3 The original dwellinghouse which was granted under the CLEUD decision ref 0063/11 was referred to as a 'garden studio' with a habitable floorspace measuring approximately 24sqm. The original dwellinghouse took the form of a shallow pitched roof, single storey building. Internally, it comprised of a studio type dwelling with one room for the kitchen, living and bed area, with a small separate shower room.
- 10.4 The extended dwellinghouse now has a habitable floorspace amounting to approximately 84sqm. This equates to an increase in habitable floor space of 250%. Internally, the dwellinghouse comprises of two bedrooms, a bathroom, kitchen and lounge/dining area with integral garage.
- 10.5 The current application differs to the previously refused application (ref 0546/23) in that it now proposes to adapt one of the existing bedrooms to a store, creating a second bedroom internally in an area currently used for dining, which, will reduce the increase in habitable floorspace. This would result in a habitable floorspace of approximately 73sqm, with an additional store room amounting to approximately 12sqm (non habitable). This equates to an increase in habitable floor space of 204% if you do not include the 'store'. Still well over the 30% increase allowed.
- 10.6 However, Policy 3.7 states that "*in exceptional circumstances an increase in habitable floorspace which exceeds the 30% allowable will be permitted where:*
- a) the original dwelling's size is below technical housing standards, in which case a 30% increase from the applicable technical housing standards will be permitted.*"
- 10.7 The Governments nationally described space standards for new dwellings states that for a 1 bedroom, 2 person dwelling, the habitable floorspace should amount to a minimum internal floor area of 50sqm (with 1.5sqm built-in storage). For a 2 bedroom, 3 person dwelling, which this application proposes, the habitable floorspace should amount to an area of 61sqm (with 2.0sqm built-in storage).
- 10.8 If it is considered that the first scenario is applicable in this case, i.e. a 1 bedroom, 2 person dwelling, the proposed development results in a habitable floorspace which marginally exceeds the nationally described space standards but also exceeds the increase in habitable floorspace allowed under Policy 3.7. If the latter scenario is accepted, as claimed the applicants, i.e. a 2 bedroom, 3 person dwelling, the increase in habitable floorspace would be compliant with part 1.c) of Policy 3.7.
- 10.9 Policy 3.7 states at part 4 that extensions will not be permitted where the building used as a dwelling has the benefit of a Certificate of Lawful Use, as is the case with Foxview;
- "4. Extensions and/or outbuildings will not be permitted if the dwelling is:*
- a) unauthorised or has become immune from enforcement action through, for example, the passage of time or with the benefit of a Certificate of Lawful Use or Development;..."* (page 77, Dartmoor Local Plan).
- 10.10 The unauthorised residential use of this former garage building was regularised

through the Certificate of Lawful Use procedure (ref 0063/11) rather than a full planning application. Therefore, and notwithstanding the other parts of Policy 3.7, approving the extension of this building would be contrary to policy.

11 Personal circumstances

- 11.1 The Authority has been advised through this and the previous application (ref 0546/23) that both of the applicants have ongoing health issues.
- 11.2 The Planning Statement submitted makes reference to the need to consider disability as a material consideration, however, no formal evidence of disability has been provided.
- 11.3 Paragraph 48 of the NPPF states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”
- 11.4 Whilst the Authority has considered the applicant’s situation, the personal circumstances in this case are not considered sufficient on this occasion to outweigh the conflict with policy 3.7.

12 Parish Council comments and Third-Party Representations

- 12.1 Christow Parish Council supports the application on reflection of the community support received.
- 12.2 Seventeen letters of support have been received. Views are summarised above, but centre around the low impact of the development, providing a much needed affordable dwelling for local people who are positively involved in the community. Comments are made in relation to the setting being well screened, using quality materials, and the main theme relates to the fact the owners had no option but to rebuild the original building due to it having been made uninhabitable by the previous tenant.
- 12.3 further letters of support comment that the original building as being small to begin with, and the increased size forming a viable affordable dwelling that is adequate for the smallholding it serves. They also note the lack of modest, affordable accommodation within the ownership and rental sectors.
- 12.4 While the property may be considered low value in Dartmoor terms, the application has not been proposed, nor considered, under the Affordable Housing Policies with the Local Plan. Officers recommend that any decision is based on the proposal being an open market dwelling.

13 Conclusion

- 13.1 The Authority appreciates the applicants attempts to reduce the increase in habitable floorspace through the conversion of one of the bedrooms to a ‘store’.
- 13.2 Paragraph 57 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

- 13.3 If Members were minded to approve this application, conditions would need to be included to ensure that the garage remains in use as a private garage and that the store remains in domestic storage use. However, officers do not believe such conditions would meet the tests when considering imposing such a condition. Such a condition would, in the view of officers be difficult to monitor and require an intolerable degree of supervision.
- 13.4 It should be noted that carrying out works to any building which affect only the interior of the building, or do not materially affect the external appearance of the building, do not constitute 'development' requiring planning permission. As such, the internal doors that currently link the garage and bedroom/ proposed store with the residential accommodation could be re-opened at any time.
- 13.5 Whether the 204% increase in habitable floorspace complies with Policy 3.7 2.a) as a 30% increase above 'technical housing standards', or is a 'minor increase' which 'conserves or enhances' the special character of the dwelling sufficient to allow for the deviation applied under Policy 3.7 2.b), the proposed extension does not accord with Policy 3.7 part 4.a).
- 13.6 Given the lack of evidence of ongoing health issues or disability, consideration should be given to the 'technical space standards' for a 1b, 2p dwelling (minimum of 50sqm) as there is no evidence that suggests a carer is needed at this time.
- 13.7 As mentioned earlier, residential use of this building was regularised with a Certificate of Lawfulness, and Policy 3.7 explicitly states in part 4.a) that *"Extensions and/or outbuildings will not be permitted if the dwelling is: a) unauthorised, or has become immune from enforcement action through, for example, the passage of time or with the benefit of a Certificate of Lawful Use of Development..."*.
- 13.8 Paragraph 48 of the NPPF states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."
- 13.9 Officers acknowledge the points made by the applicant's in their Planning Statement with regard to their health, and the apparent confusion over permitted development rights when constructing the unauthorised extension.
- 13.10 The application is nevertheless recommended for refused on the basis that it is not compliant with policy 3.7 of the Dartmoor Local Plan or to the recommendations of the Dartmoor Design Guide, and the personal circumstances in this case are not considered to outweigh the conflict with policy 3.7.

DEAN KINSELLA



NPA/DM/25/004

Dartmoor National Park Authority
Development Management Committee

7 February 2025

Monitoring and Enforcement

Report of the Director of Spatial Planning

INDEX

<u>Item No.</u>	<u>Description</u>	<u>Pg. No.</u>
1	ENF/0073/24 - Unauthorised change of use from domestic garage to separate dwelling, The Cloves, Raddon Farm, Lydford, Okehampton, EX20 4BP	58

Dartmoor National Park Authority

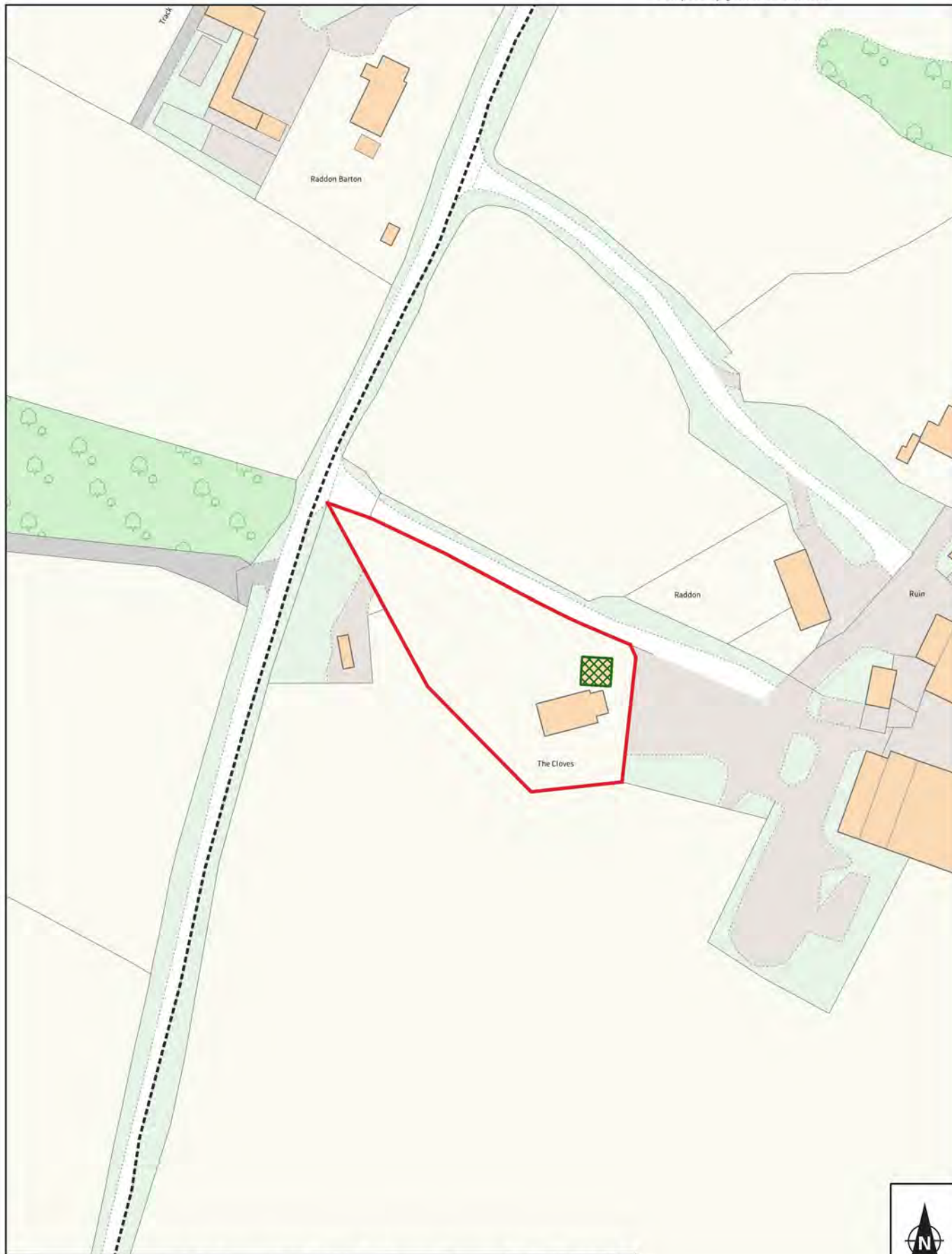
ENF/0073/24 - Garage at The Cloves, Raddon Farm,
Lydford, Okehampton, EX20 4BP

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Item 1

Case No: **ENF/0073/24** District/Borough: **West Devon BC**
Grid Ref: Parish: **Lydford**
Officer: **Christopher Booty**

Description: **Unauthorised change of use from domestic garage to separate dwelling**

Location: **The Cloves, Raddon Farm, Lydford, Okehampton, EX20 4BP**

Recommendation: **That legal action in the form of an enforcement notice is authorised.**

1 Relevant Planning History

- 1.1 In August 2024 a complaint was received that a domestic garage at The Cloves was being rented out as a separate unit of accommodation.
- 1.2 The garage was granted as part of planning permission ref.0373/11 for an agricultural dwelling.
- 1.3 Planning application number 0441/23 was submitted for “change of use of garage to mixed use as annexe/holiday let and erection of a porch”. This was refused on 11 September 2024.
- 1.4 The applicant’s appeal against this decision, ref.APP/J9497/W/24/3338340, resulted in a split decision being issued on 6 November 2024. The appeal was dismissed insofar as it related to the change of use of the garage to a mixed use as annexe/holiday let. The porch was allowed.

2 Site Description and Alleged Breach

2.1 Site Description

The Cloves is a detached agricultural worker’s dwelling granted under application ref 0373/11 and linked to Raddon Farm. The two-storey property is sited in a relatively exposed area with fields surrounding, accessed by a long driveway. The house is clad with granite, with a slate roof and timber framed windows and doors. The property benefits from a garden to the front (south) with parking area and a detached double garage located to the rear (north) of the property. The site is outside a classified settlement and is within the open countryside as defined by the policies of the Dartmoor Local Plan.

- 2.2 **Alleged Breach** – Without planning permission, and within the last 4 years: Unauthorised change of use of a building from a domestic garage to a separate dwelling.

3 Relevant Planning Policies

Dartmoor Local Plan 2018-2036

- Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
- Strategic Policy 1.2 Sustainable development in Dartmoor National Park
- Strategic Policy 1.3 Spatial Strategy
- Strategic Policy 1.5 Delivering good design
- Strategic Policy 1.6 Sustainable construction
- Policy 1.7 Protecting local amenity in Dartmoor National Park
- Strategic Policy 2.1 Protecting the character of Dartmoor's landscape
- Strategic Policy 3.4 Housing in Rural Settlements
- Policy 3.9 Rural Workers' Housing

The National Planning Policy Framework 2024

The English National Parks & Broads UK Government Vision and Circular 2010

4 Background

- 4.1 On 16 August 2024, the Authority received a report that a garage at The Cloves was being rented out as a separate unit of accommodation. The owners were contacted, and they confirmed that was the case and appointed an agent to act on their behalf.
- 4.2 In September 2024, at the request of the reporting officer, the owners supplied a letter, witnessed by a solicitor, acknowledging that they were in breach of planning permission 0373/11 and that the unit had been occupied since 14 March 2024 by someone whose main house had been flooded and was temporarily uninhabitable. They also confirmed that the occupier would leave by 7 January 2025 and that no unauthorised occupation would occur thereafter.
- 4.3 In December 2024, the agent contacted the reporting officer and informed him that the occupant would not now be moving out as scheduled as work to her own house would not be completed until June 2025.
- 4.4 The occupier had had over three months to arrange alternative accommodation but has failed to do so. In the meantime, the property owners continue to receive a rental income from this unauthorised dwelling.
- 4.5 The negotiated date for the breach to cease, which was made in the presence of a solicitor, has passed, and Officers are concerned that there could be further delay if legal action is not taken at this stage. As with all enforcement notices issued in these circumstances, a generous compliance period will be provided that will allow the occupant to remain until the end of June 2025, when the works to her home should have been completed.

4.6 The Authority considers that the Development is contrary to housing policies in the Dartmoor Local Plan and constitutes an unjustified open market dwelling within the open countryside of the National Park.

4.7 Consequently, officers consider that the service of an enforcement notice is now necessary to remedy the ongoing breach of planning control.

5 Consideration of Human Rights Act 1998 & Equality Act 2010 to the circumstances of this case

5.1 The Human Rights Act 1998 makes it unlawful for the Authority to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. In arriving at the recommendation to take enforcement action, careful consideration has been given to the rights set out in the European Convention of Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first protocol (the right to peaceful enjoyment of possessions). It is considered that where there is an interference with the rights of the recipient of an enforcement notice, such interference is considered necessary for the following reason:

the protection of the environment and the rights and freedoms of others. It is also considered that such action is proportional to the legitimate aim and in the public interest.

5.2 The Authority is not aware of anything that engages with the Public Sector Equality Duty.

6 Openness of Local Government Bodies Regulations 2014

6.1 In making this report, I have considered the provisions of the Openness of Local Government Bodies Regulations 2014 in respect of officer decisions, in particular Regulations 7 and 8 concerning the recording of this delegated decision-making function.

DEAN KINSELLA