



NPA/DM/24/009

Dartmoor National Park Authority
Development Management Committee

6 December 2024

Applications to be Determined by the Committee

Report of the Director of Spatial Planning

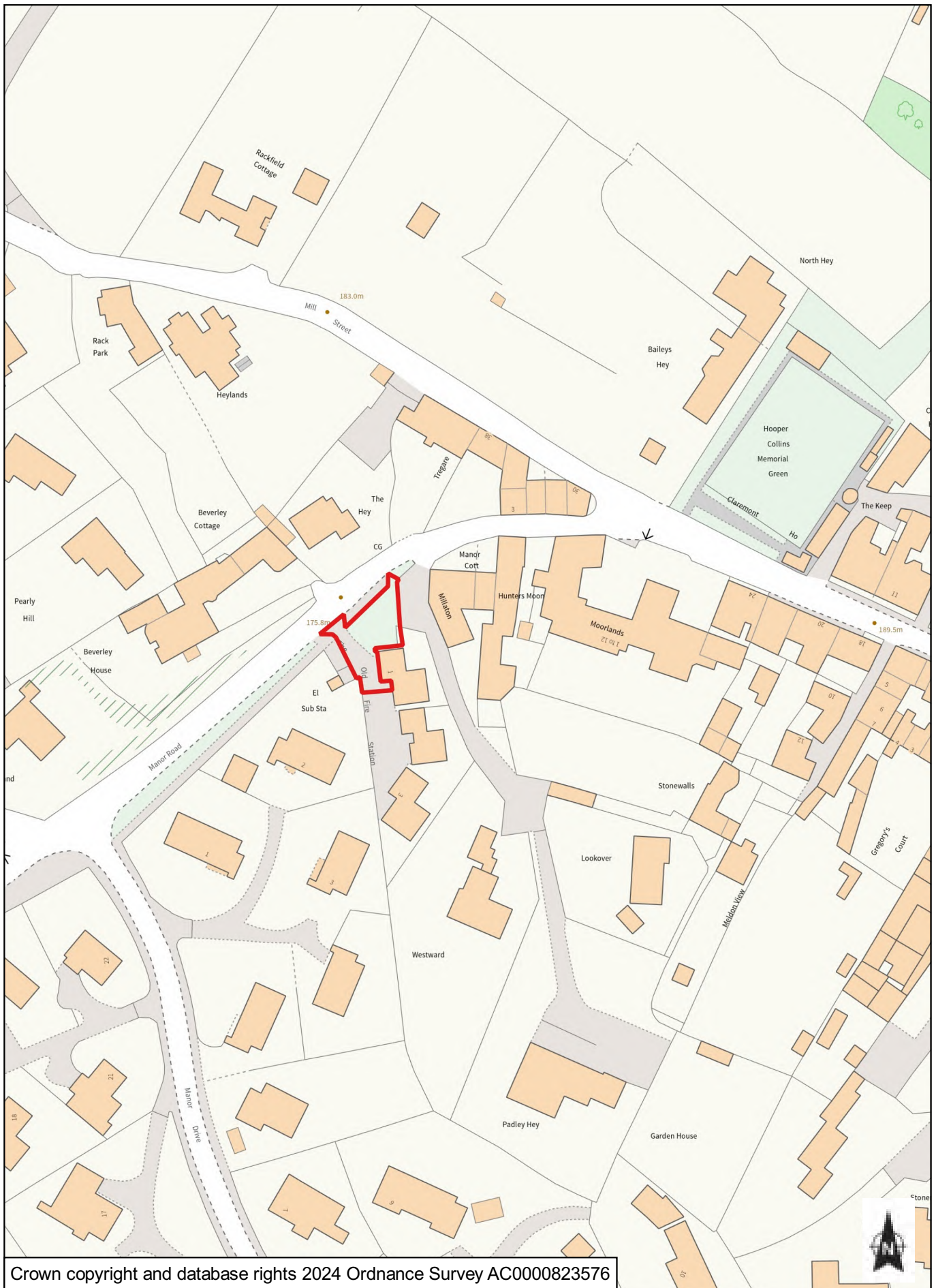
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1.	0350/24 – Change of use of land for the provision of three private car parking spaces, with associated landscaping – The Old Fire Station, Manor Road, Chagford	

Site Location 0350/24



Scale 1:1,250



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Item 1

Application No: **0350/24** District/Borough: **West Devon BC**

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

Officer: **Chloe Allen-Hewitt**

Proposal: **Change of use of land for the provision of three private car parking spaces, with associated landscaping**

Location: **The Old Fire Station Manor Road, Chagford, Newton Abbot, Devon, TQ13 8AS**

Applicant: **Perugian Ltd**

Recommendation: **Grant, subject to conditions.**

Recommended Conditions:

1. The development hereby permitted 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 following drawings:
 - Location Plan, 529_LP_D Rev D dated Sept 2022, Received by the LPA on 20 November 2024
 - Block Plan, 529_BP_B Rev B dated Sept 2022, Received by the LPA on 20 November 2024
 - Existing Site Layout & BNG on site baseline map, 529.1.100B dated June 2024, Received by the LPA on 29 October 2024
 - Proposed Site Layout and BNG on-site post-intervention map, 529.1.101D Rev D dated June 2024, Received by the LPA on 20 November 2024
 - Extg and Proposed North Elevs 529.1.102B dated June 2024, Received by the LPA on 29 October 2024
 - Extg and Proposed West Elevs, 529.1.103B dated June 2024, Received by the LPA on 29 October 2024
 - Topographical Survey, 529.1.105A dated June 2024, Received by the LPA on 29 October 2024
 - Prop Site Layout/Survey, 529.1.106B dated June 2024, Received by the LPA on 29 October 2024
 - Proposed Sections, 529.1.108A Rev A dated June 2024, Received by the LPA on 20 November 2024
 - Swept Path Analysis, 529.1.109 dated June 2024, Received by the LPA on 20 November 2024
 - Site Visuals, 529_1.110 dated June 2024, Received by the LPA on 20 November 2024
 - Electrical Feed, 529.1.111 dated June 2024, received by the LPA on 20 November 2024

3. No development shall commence until a scheme of landscaping and tree planting for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but is not limited to:
- Landscaping Plan based on Drawing Number: 529.1.101D Rev D, showing location of beech hedge, wildflower meadow, grassrings permeable grass grid system, and low level native planting;
 - Details of the number, species, heights on planting and positions of all trees and shrubs;
 - Details of the 'grassrings permeable grass grid system' labelled on Drawing Number: 529.1.101D Rev D;
 - Measures for establishment, management/maintenance, and monitoring of all created and enhanced habitats necessary to achieve the habitats target condition specified in the approved Biodiversity Gain Plan;
 - Measures to manage and maintain the beech hedge adjacent to Manor Road for the lifetime of the development.

The approved scheme of landscaping and tree planting shall be carried out in its entirety in the first planting season following commencement of the development and shall be maintained and managed in accordance with the approved details thereafter.

4. Prior to commencement of the development hereby permitted, full details of the 'grassrings permeable grass grid system' labelled on Drawing Number: 529.1.101D Rev D shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a surface water drainage strategy. The grassrings permeable grass grid system and surface water drainage shall be installed and maintained in accordance with the approved details.
5. The Electric Vehicle Charging Points shown on the 'Proposed Site Layout and BNG on-site post-intervention map', Drawing Number: 529.1.101D Rev D dated June 2024, Received by the LPA on 20 November 2024, shall be installed and operational prior to first use of the car parking spaces hereby permitted, and shall be maintained for the lifetime of the development.
6. No external lighting shall be installed within the site unless a lighting strategy has first been submitted to and approved in writing by the Local Planning Authority. Only the lighting approved as part of the lighting strategy shall be installed on the site.
7. Notwithstanding the provisions of Part 2 of the Town and Country (General Permitted Development)(England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments shall be carried out on the site:
- Erection of gates, fences and walls
 - Construction of a hard surface

8. The site shall be used for the parking of motor vehicles only, and for no other purpose whatsoever.

1 Description of site, surroundings and the proposal

Description of the site:

- 1.1 The application site is within the western area of Chagford, within the settlement boundary and surrounded by residential development. The site is accessed via a private road off Manor Road (C Class), which also provides access to no.s 1-3 The Old Fire Station.
- 1.2 The site slopes up from west to east and north to south; and currently consists of rough grassland. The north and west boundaries are open, the east consists of post and rail fencing, landscaping and a low stone wall, and the south of a low stone wall with planting above. Due to the elevated position of the site, long distance views to Meldon Common are possible.
- 1.3 The site lies within Landscape Character Type 2D: Moorland Edge Slopes, and is adjacent to the Chagford Conservation Area which is immediately east of the site. There are a number of Listed Buildings to the east, beyond the neighbouring property 'Millaton'.

Proposed development:

- 1.4 The proposal is for the construction of three parking spaces, measuring a minimum of 2.4m by 4.8m. The parking surface would consist of grassrings permeable grass grid system with landscaped slopes to the north, south, and east.
- 1.5 A beech hedge is proposed along the Manor Road boundary, planting to the slopes, and a wildflower meadow within the eastern area where levels will remain as existing.
- 1.6 The parking spaces would be owned by Chagford residents who already own a house but do not have dedicated parking.
- 1.7 This application is being presented to the Development Management Committee due to third party interest and as this is an important gateway into the village.

2 Planning History

- 2.1 0152/20 – Erection of office. Refused. Appeal Allowed.
- 2.2 0561/18 – Erection of office. Refused. Appeal Dismissed.
- 2.3 0101/18 – Erection of office. Refused.
- 2.4 0656/15 – Erection of office. Withdrawn.
- 2.5 3/08/188/96/03 – Erection of single dwelling. Refused.

- 2.6 3/08/174/95/03 – Erection of a single dwelling. Refused.
- 2.7 3/08/233/94/02 – Erection of three dwellings. Conditional Approval.
- 2.8 3/08/054/92/01 – Three dwellings with highway access point, demolition of existing fire station, and subdivision of existing dwelling.
- 2.9 03/08/2245/91 – Conversion to single residential dwelling. Withdrawn.

3 Consultations

- 3.1 **DCC Ecology** – No objections raised following further information on BNG implementation and management being provided. Conditions required to secure landscaping/planting and maintenance.
- 3.2 **West Devon Borough Council** – No comments.
- 3.3 **DNPA Archaeologist** – No archaeological concerns.
- 3.4 **DNPA Building Conservation Officer** – Proposal has a negative impact on the setting of the Chagford Conservation Area due to loss of green space, proposed layout, topography and materials of the parking area. Parking will dominate the view on approach to the Conservation Area. Proposal caused harm to designed heritage asset.

4 Parish Council Comments

- 4.1 Concerns regarding access and safety, including planting of beech hedge limiting manoeuvrability and visibility.

5 Relevant Local Plan Policies

- 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
- Policy 1.7 Protecting local amenity in Dartmoor National Park
- Strategic Policy 2.1 Protecting the character of Dartmoor's landscap
- Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity
- Strategic Policy 2.3 Biodiversity Net Gain
- Strategic policy 2.5 The Water Environment and Flood Risk
- Strategic Policy 2.6 Protecting tranquillity and dark night skies
- Strategic Policy 2.7 Conserving and enhancing heritage assets
- Policy 4.3 Enabling sustainable transport
- Policy 4.4 Parking standards for new development

- Policy 4.5 Electric Vehicle Charging Points (EVCPs)
- Policy 6.4 Waste Prevention
- Policy 6.6 Renewable Energy Development

6 Representations

6.1 Three neutral letters have been received, referring to the following matters:

- Ownership certificate incorrect as Perguian does not own the whole site; owners of 1 The Old Fire Station own the patio area and owners of Millaton own the easterly planted strip in front of the long granite wall.
- There will be more vehicles entering/exiting the site, visibility could be improved for users by moving the existing 'no parking' sign on the land to the pavement area, as much illegal parking continues to be a problem and the existing sign has been ignored.
- No party wall notice served.
- Need for structural report.

7 Background

7.1 The site has been the subject of a number of planning decisions, the most recent application, 0152/20, being for the erection of an office. The application was heard at Development Management Committee on 31 July 2020 where Members voted against Officer recommendation to grant planning permission. Members resolved to refuse the application for the following reasons:

- *The proposed development is considered to be contrary to Policy COR4 in that the scale and layout of the building would not be appropriate for the site or surroundings. It would not enhance the quality and distinctiveness of the built environment and local landscape, contrary to the advice contained within the English National Parks and the Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2019 and the Dartmoor Design Guide.*
- *The proposed development is considered to be contrary to Policy DMD1a and 1b as it would not enhance this area of the National Park and contrary to DMD5 as it would not enhance this area on the approach to Chagford. It would also be contrary to DMD3 by not sustaining the quality of places within the National Park and DMD4 as it does not protect local amenity or the setting of the Conservation Area which closely borders the site to the north, contrary to the advice contained within the English National Parks and the Broads UK Government Vision and Circular 2010, the National Planning Policy Framework 2019 and the Dartmoor Design Guide.*

7.2 However, no formal decision was made, and the refusal notice was held in abeyance due to the Authority's receipt of an appeal made against the non-determination of the application. The main issue considered by the Planning

Inspectorate was the effect of the proposal on the character and appearance of the area, having regard to the setting of the adjoining Conservation Area and the local within Dartmoor National Park.

- 7.3 The appeal was allowed and planning permission granted. The Planning Inspectorate concluded that '*... the proposal would preserve the character and appearance of the area, lead to no harm to the setting of the CA and conserve and enhance the landscape and scenic beauty of the National Park. There is, therefore, no conflict with the policy approach for development in respect of the protection of heritage assets and the national parks as set out in the National Planning Policy Framework (the Framework).*
- 7.4 Condition 1 imposed on 0152/20 required the development to be implemented by 16 November 2023. As no works have commenced, the planning permission has not been implemented and has now lapsed.

8 Principle of Development

- 8.1 Strategic Policy 1.1 of the Local Plan permits development that furthers, and does not prejudice, the statutory National Park purposes of a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area; and promoting opportunities for the understanding and enjoyment of the Special Qualities of the National Park by the public. In pursuit of the purposes, the Authority will have regard to its duty to seek to foster the economic and social well-being of the local communities within the National Park, provided such development is compatible with the National Park purposes.
- 8.2 Strategic Policy 1.2 sets out a number of sustainable development principles, requiring proposals to, amongst other things: minimise our impact on climate change; make efficient use of land, prioritising use of previously development land; and provide essential services and infrastructure, and promote and enable travel by public transport, cycle or foot.
- 8.3 Chagford is defined in Strategic Policy 1.3 as a Local Centre where development intended to serve the needs of the settlement and its rural hinterland will be acceptable in principle. Priorities for Local Centres include: giving opportunities to meet identified local housing needs; maintaining employment sites and giving opportunities for new and improved employment sites; and maintaining and enhancing the range of services.
- 8.4 Whilst the Local Plan seeks to promote and support sustainable transport modes, Paragraph 4.3.1 also recognises that Dartmoor's isolated nature, dispersed settlement pattern, and low population density means its residents are heavily reliant on the private car. The proposed development includes the provision of three parking spaces, with associated landscaping works. The Planning Statement advises that the parking spaces would be owned by Chagford residents who own a house with no dedicated parking spaces. The development would not increase traffic movements to/from the Local Centre but instead would provide parking for existing residents/visitors.

- 8.5 Additionally, each parking space would have an electric vehicle charging point installed, aligning with the aims of Policy 4.5 of the Local Plan. Paragraph 4.3.13 and 4.3.14 state *'With Dartmoor's population highly reliant on the private car for personal transport, electric vehicles represent one of the key ways Dartmoor can transition to a lower carbon economy, minimising our impact upon climate change... Electric vehicles require a network of charging points and by investing in this infrastructure now obstacles to take-up can be overcome. An accessible charging network can encourage wider use of electric vehicles by residents and workers, it can also improve visitor attraction and convenience.'*
- 8.6 The principle of the proposed development is considered to be acceptable.

9 Design/Landscape/Heritage

- 9.1 Strategic Policy 1.2 requires development to: support the National Park Purposes; deliver distinctive high quality design; conserve and enhance the character and quality of the National Park and sustain and enhance the setting, character and local distinctiveness of settlements; and conserve or enhance important and cultural features.
- 9.2 Strategic Policy 1.5 requires all development to *'create a strong sense of place with a clear and distinctive character by reinforcing local character, respecting Dartmoor's vernacular, and maintaining and enhancing townscapes, street patterns and frontages and their relationship with the landscape.'* The Dartmoor Design Guide states that *'The careful management of car parking is critical to the quality of an external space. Every effort should be made to reduce the dominance of the car in the design of new developments in the National Park. Minimise the impact of cars on townscape quality by keeping communal parking areas small, attractively detailed and efficiently laid out.'*
- 9.3 Strategic Policy 2.1 of the Dartmoor Local Plan states that all development should conserve and enhance the character of the Dartmoor landscape by:
- a) *respecting the Valued Attributes of the Landscape Character Types identified in the Dartmoor National Park Landscape Character Assessment;*
 - b) *respecting the Valued Attributes of the Landscape Character Types identified in the Dartmoor National Park Landscape Character Assessment;*
 - c) *ensuring its location, layout, scale and design conserves and/ or enhances what is special or distinctive about landscape character;*
 - d) *retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;*
 - e) *avoiding unsympathetic development that will harm the landscape;*
 - f) *respecting the tranquillity and sense of remoteness of Dartmoor and not introducing or increasing light pollution; and*
 - g) *seeking opportunities to enhance landscape character.*
- 9.4 Strategic Policy 2.7 requires all development to conserve and/or enhance heritage assets and their setting, giving great weight to the conservation of designated heritage assets. All proposals should avoid harming an asset's significance, and where harm is justified, it should be minimised. Development within the setting of a Conservation Area, being a designated heritage asset, will only be permitted where

any harm to significance is less than substantial, justified and clearly outweighed by the development's public benefits.

- 9.5 The site is within Landscape Character Type (LCT) 2D: Moorland Edge Slopes, characterised by: rolling hills incised by steep valleys; sunken, sinuous narrow winding lanes with a strong sense of enclosure created by high hedgebanks and many hedgerow trees; a strong local vernacular of granite and slate, with colourwashed cob/render and thatch also common; and a sparse settlement pattern characterised by small nucleated villages, hamlets and isolated farmsteads nestled in the folded rolling landform and often surrounded by woodland. Valued landscape attributes consist of, amongst other things, the spectacular views to the moorland core of Dartmoor as well as the surrounding countryside outside the National Park, including granite church towers as landmarks.
- 9.6 The landscape strategy and guidelines aim to protect to strong historic character of the LCT including by, amongst other things, protecting the landscape's sparsely settled character and key views to the high moorland.
- 9.7 The eastern boundary of the application site is adjacent to the Chagford Conservation Area (CA). The Chagford Conservation Area Appraisal (CCAA) recognises that the open spaces in the town, and the views across and beyond them, play a major role in creating its essential qualities as a market town set in a farming landscape adjacent to the high moors of Dartmoor. The CCAA states, in Page 35, '*While the enclosed spaces and streets within Chagford are the source for many delightful views that have buildings as their focus, it is when the landscape around forms a backdrop to the view that the town's identity as a small, moor-side town becomes fully apparent. Such views are therefore an extremely important aspect of the Conservation Area's character.*'
- 9.8 Map 8 of the CCAA does not identify the site as an important area of open space, nor contributing to an important view within/from the village. However, it is recognised that the site is a gateway site when entering Chagford Conservation Area from the west, along Manor Road, and also allows for extensive views of the towns surrounding landscape when approach from the north east.
- 9.9 The context of the site and its characteristics are described in detail by the Planning Inspector in Appeal Decision APP/J9497/W/20/3256591 (0152/20) as follows:

'The site adjoins Manor Road and is an undeveloped and sloping area of grassland. It is positioned adjoining the side of 1 The Old Fire Station and abuts the raised terrace of this property along part of the rear of the site. The land is located just beyond the dense core of the more central area of Chagford and adjoins the CA.

When approaching the site from the lower section of Manor Road, part of the site is visible and its open form allows a largely uninterrupted view of the elevated and quite imposing elevation of Millaton, within the CA. This view, which is framed by the hedging and other established vegetation on either side of the road, has a significance as forming part of the setting to the CA. In this way, the site makes a positive contribution by providing some landscaped and open relief within this part of the street scene and allows a transition from the

dense built form of areas near Mill Street to the more landscaped plots further down Manor Road.

When heading south west away from the town centre, the open nature of the site allows views out towards countryside parts of the National Park.'

- 9.10 The proposed development was amended following negotiation with the Planning Agent and consideration of comments from the Building Conservation Officer, which raised concerns regarding impacts of the development on the setting of the Conservation Area. The three parking spaces would be built into the site with the existing ground levels to the east and south of the spaces retained. The slopes between the parking spaces and surrounding land would be landscaped with low level native planting, a beech hedge would be planted along the northern roadside boundary, a wildflower meadow provided in the eastern area, and the parking surface created using a grassings permeable grass grid system. The design of the parking area and landscaping will ensure that the verdant character of the site is maintained, also providing a visual connection with the landscaping which runs along Manor Road.
- 9.11 When approaching from the south along Manor Road, cars parked on the site would be reasonably low level compared with the backdrop, and would allow the substantive and dominant views towards Millaton to be retained. The layout allows adequate space for landscaping around the parking spaces, within the eastern area of the site, and along the roadside boundary; helping to soften the appearance of the development.
- 9.12 Similarly, when approaching the site from the north east the cars would not be a highly prominent due to levels of the parking spaces, the surrounding built form, and the proposed landscaping. When viewing Chagford in long distance views from the surrounding countryside to the south/west, the development would be seen as part of the built-up area of the town. The important views of and from the open countryside would be retained, enabling the interrelationship between the settlement and the landscape and scenic beauty of the National Park not to be undermined. Also of note, is the opportunity which the application provides to secure the ongoing management and maintenance of the site, including the proposed landscaping.
- 9.13 The appearance of the site would change as a result of the proposed development. However, due to the design, materials and landscaping, which can be controlled by condition, it is considered that the development will conserve and enhance the character and appearance site and surrounding area, and will not harm the setting of the Conservation Area, according with Strategic Policies 1.1, 1.2, 1.5, 2.1, and 2.7 of the Local Plan.

10 Neighbour Amenity

- 10.1 Due to the location of the site, nature of development, and separation distances to neighbouring residential properties, it is not considered that the development will harm neighbouring residential amenities, according with Policy 1.7 of the Local Plan.

11 Ecology/Trees

- 11.1 Strategic Policy 1.2 requires developments to conserve the quality and quantity of natural resources, including biodiversity. Strategic Policy 2.2 seeks to protect protected species, sites and habitats, and Strategic Policy 2.3 requires developments to contribute towards biodiversity enhancement.
- 11.2 A Wildlife Trigger Table and Checklist, completed Biodiversity Net Gain (BNG) Metric, existing BNG Baseline Map and BNG Post-Intervention Map have been submitted, along with implementation, management and maintenance information for the landscaping/planting. The information/drawings submitted demonstrate that 10% BNG will be provided by creation of a wildflower meadow, planting of a beech hedge, low level planting (native species only), and a grassrings permeable grass grid system.
- 11.3 The information/drawings have been reviewed by DCC Ecology who raise no objections to the proposed development and confirmed that such provides sufficient confidence that BNG of at least 10% can be achieved to comply with the requirement of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. This requires a Biodiversity Gain Plan to be submitted to and approved by the Local Planning Authority prior to any development commencing on site.
- 11.4 Subject to conditions, the development accords with Strategic Policy 1.2, 2.2 and 2.3 of the Local Plan which seeks to protect protected species and habitats and secure biodiversity enhancements and net gains.

12 Highways/Parking

- 12.1 DCC Highways were consulted and raised no objections to the proposed development, advising that the proposed spaces are served by an existing private access with adequate geometry and visibility (over the private footway which is unaffected by the proposals) at its junction. The parking spaces are a minimum of 2.4m width by 4.8m length, which is considered sufficient for standard parking bays, and adequate space appears to be available for manoeuvring and parking, as shown on the swept path analysis. The proposal is considered to accord with Policy 1.7(d) of the Local Plan which requires proposals to ensure there is no adverse effect on highway safety, and Paragraph 115 of the NPPF, which states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 12.2 Policy 4.5 requires all development involving off-street car parking provision to provide an Electric Vehicle Charging Point (EVCP). In this case, each parking space will have an EVCP installed.

13 Drainage/Flood Risk

- 13.1 The site lies within Flood Zone 1. The proposed parking area is to be constructed in a grassrings permeable grass grid system, with the remaining area to be

landscaped. Subject to further details being secured by planning condition, to ensure the parking area remains permeable, it is not considered that the development will increase surface water run off from the site or increase the risk of flooding elsewhere. The proposal is considered to accord with Policy 4.4(3) which requires all parking areas to incorporate sustainable drainage systems, Strategic Policy 2.5 which requires development to conserve Dartmoor's water environment, and Strategic Policy 1.2(h) which requires development to avoid adverse impacts on flood risk and allow for natural drainage of surface water. The proposal also accords with guidance in the Dartmoor Design Guide which supports the use of sustainable drainage systems and permeable surfaces rather than paving slabs and tarmac.

13.2 No foul water drainage is required.

14 Other Matters

14.1 Concerns have been raised by neighbouring residents that the ownership certificate in the application form has been completed incorrectly, and that the block plan does not accurately show 1 The Old Fire Station. A title plan has been provided and shows the land ownership of the applicant, with the site location plan and block plan having been amended to reflect this. The Planning Agent also confirmed that the applicant owns the access from the site to the public highway. No evidence has been provided to demonstrate that the information provided is incorrect. Notwithstanding such, land ownership issues are private matters, and therefore are not a determinative issue for this application.

14.2 A neighbour letter also raised comments regarding visibility at the junction and requested that the 'no parking' sign is moved to the pavement area, highlighting illegal parking as a continuing problem for the area. Illegal parking is an enforcement matter dealt with other legislation, as noted in Appeal Decision APP/J9497/W/19/3228927 (0561/18) and DCC Highways have been consulted and raised no objection to the application on the grounds of highway safety, including visibility at the junction joining Manor Road.

14.3 Comments were also received regarding no Party Wall Notice having been served. Party wall matters are not dealt with by Local Planning Authority's and are a private matter.

14.4 Finally, a representation letter raised concerns regarding the need for excavation of areas of the site to form the parking area and whether a structural engineer was necessary. Policy 1.8 of the Local Plan requires development to be suitable for its proposed use taking account of ground conditions and any risks arising from land instability. Part 1(b) of the policy states that a stability report should be undertaken in the case of development involving erection of buildings or structures on suspected unstable land. Given the nature and scale of the development, and that no evidence has been provided to suggest the surrounding land or site is unstable, it is not considered appropriate or reasonable to request a land stability report to support the application. Paragraph 190 of the NPPF makes clear that '*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the development and/or landowner.*'

15 Planning Balance

- 15.1 As set out above, it is considered that the proposed development would conserve and enhance the character and appearance of the site and surrounding landscape and would not harm the setting of the Conservation Area. The development would provide three parking spaces for existing residents of Chagford, with each having its own electric vehicle charging point, and also presents an opportunity for the management and maintenance of the site to be secured. The additional landscaping/planting and design of the development will ensure the visual connection with landscaping along Manor Road is retained, and will also provide a minimum of 10% biodiversity net gains. Furthermore, no concerns have been raised by DCC Highways regarding impacts on the highway network or visibility.
- 15.2 The development is considered to accord with local and national planning policy and is therefore recommended for approval, subject to conditions.

DEAN KINSELLA



NPA/DM/24/010

Dartmoor National Park Authority
Development Management Committee

6 December 2024

Tree Preservation Order: No 226 Of 2024 – Tanera Mor, Station Road, Mary Tavy

Report of the Trees Officer

Recommendation: **That the Tree Preservation Order at: Land at or adjacent to Tanera Mor Station Road, Mary Tavy, Tavistock, be confirmed without modification.**

1. The Authority made a Tree Preservation Order (TPO) under delegated powers on 26 September 2024, to protect five individual trees at the above property. A plan of the property is attached at Appendix 1 showing the extent of the TPO.
2. This new TPO (Reference No 226) was made as the trees are considered to contribute to the amenity and special character of this part of the Dartmoor National Park and are considered at risk of being felled.
3. The trees consist of three mature beech trees, two of which are multi-stemmed and located in the front garden on the roadside boundary while the third is on the south western boundary with the neighbouring property Woodcote, and two oak trees, both located on the same boundary with Woodcote.
4. The visual impact of the trees and their contribution to the street scene varies given their different positions on the property, but all are considered to positively contribute to the amenity and setting of the surrounding area, and their loss would have a detrimental impact on the character of this rural settlement.
5. The Authority served the TPO on all parties who have an interest in the land, and the process provides a period of 28 days for anyone to make representations regarding the TPO.
6. One objection has been received to the making of the TPO by a prospective purchaser of the property. A summary of the reasons for objecting to the making of the TPO has been listed below:
 - i) They acknowledge that Trees 1 and 2, located on the front boundary, contribute significantly to the street scene and may be worthy of TPO status, although they state that Station Road is less popular with walkers and drivers.

- ii) Trees 3 & 4 are, they state, on the boundary between Tanera Mor and Woodcote, are the closest to the two properties, and pose the greatest risk from falling branches, therefore requiring regular inspection.
 - iii) Whilst recognising the benefits to the property, they consider that trees 3, 4 and 5 are far less significant to the street scene, do not add any more amenity value to the local environment than dozens of other trees in the area, and do not warrant TPO status.
 - iv) They state that there are many mature deciduous trees within Mary Tavy that are not protected by TPO status, yet few are as close to buildings as those at Tanera Mor, few result in shadowing over back gardens, and few are located on shared boundaries with shared responsibility for the trees. They consider that taking away the freedom to potentially remove such trees by the TPO is not on balance warranted or in proportion.
 - v) They consider that TPO matters/consideration should not be 'led' by owners of adjacent properties, passing policing of the trees' management to the National Park.
7. Three letters supporting the making of the new TPO were received from residents of Mary Tavy for the following reasons:
- i) They consider the trees to be treasured visual features in this part of Mary Tavy, enhancing the landscape, and having a marked environmental and ecological value.
 - ii) They consider the TPO to be an excellent method for exercising our duty of stewardship on the area.
 - iii) The trees are significant features that have been cared for and are in good condition.
 - iv) They wish to see the trees retained for the future.
8. Mary Tavy Parish Council supports the confirmation of this TPO.
9. If the TPO is confirmed, it will protect the trees in perpetuity. Once a TPO is confirmed, the management of the trees will be controlled by the DNPA. However, work to the trees may still be permitted if it is considered to be acceptable tree management. If the TPO is not confirmed, the trees will not be protected, and any future landowner will be able to remove these trees.
10. The TPO has been made under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which means the trees have immediate, but provisional protection for six months. If the TPO is not confirmed within six months, the provisional protection comes to an end. Having made a provisional TPO, the DNPA has three options:
- i) confirm the TPO as made;
 - ii) not confirm the TPO;
 - iii) modify the Order and confirm the modified TPO.
11. Considering the level of visual amenity of the trees and the public interest in this matter, it is recommended that the TPO be confirmed as made.

STUART BAKER

Dartmoor National Park Authority

Land at or adjacent to Tanera Mor, Station Road, Mary Tavy, Tavistock



Scale 1:750

Compiled by sbaker on 25/9/2024



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