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West Devon  
Borough  
Council

## WEST DEVON DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE - TUESDAY, 19TH JULY, 2011

Agenda, Reports and Minutes for the meeting

### **Agenda No    Item**

1.    **Agenda Letter** (Pages 1 - 6)
  
2.    **Reports**  
      Reports to P&L;
  - a)    Planning Applications & Enforcement Reports Northern Area (Pages 7 - 24)
  - b)    Planning Applications & Enforcement Reports Southern Area (Pages 25 - 32)
  - c)    Planning Appeals Update (Pages 33 - 34)
  - d)    Delegated Decisions (Pages 35 - 56)
  - e)    Section 106 Obligations - Monitoring Fees (Pages 57 - 60)
  
3.    **Minutes** (Pages 61 - 70)

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# Agenda Item 1

## A G E N D A – PLANNING & LICENSING COMMITTEE – 19<sup>th</sup> JULY 2011

### PART ONE – OPEN COMMITTEE

1. **Apologies for absence**
2. **Declarations of Interest**  
Members are reminded to declare any personal or prejudicial interests they may have in any items on this agenda.
3. **Items Requiring Urgent Attention**  
To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

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4. <b>Confirmation of Minutes</b> Meeting held on 21 <sup>st</sup> June 2011	7
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### **PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).**

If any, the Committee is recommended to pass the following resolution:-

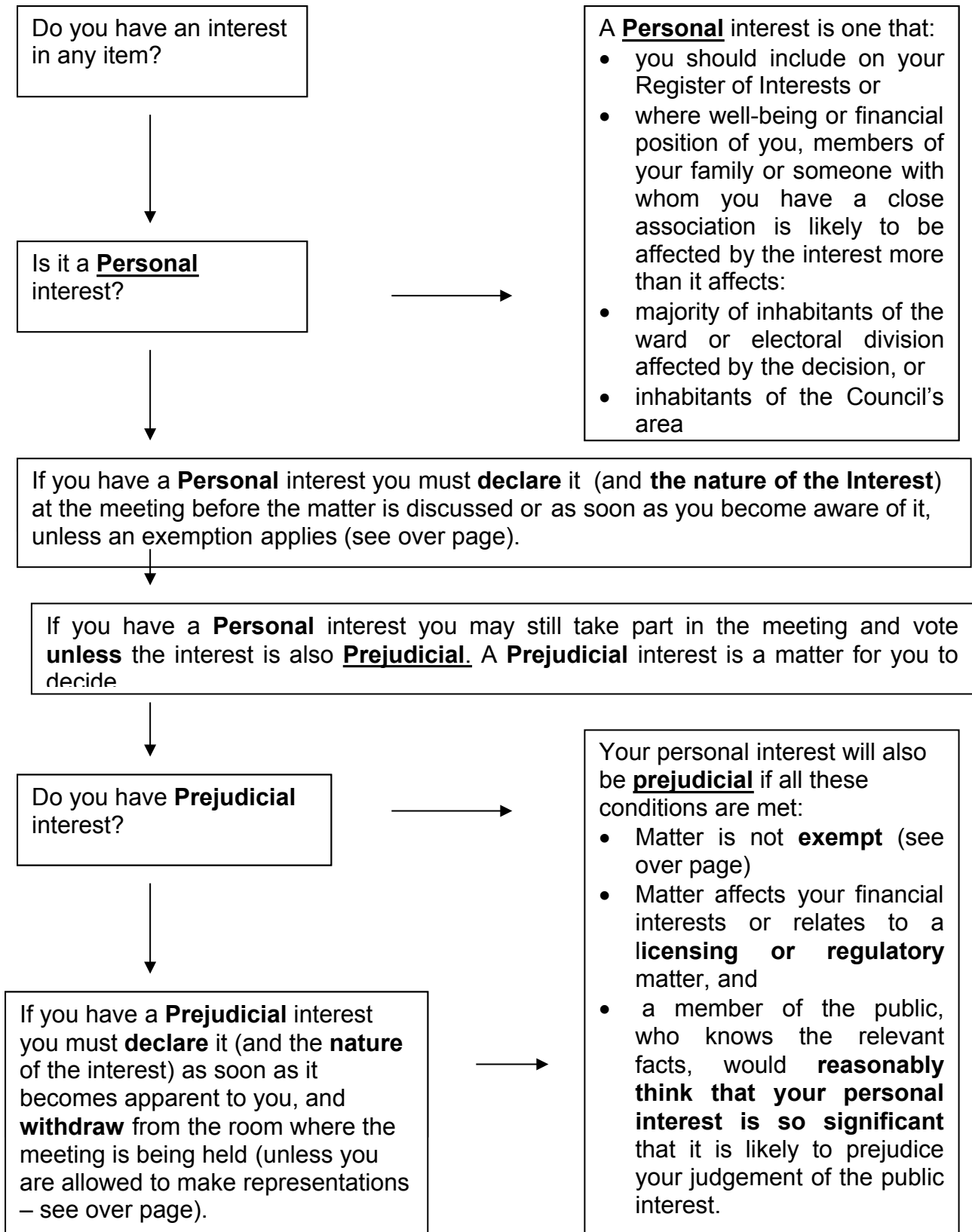
**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in the paragraphs given in Part I of Schedule 12(A) to the Act.

This document can be made available in large print, Braille, tape format, other languages or alternative format upon request. Please contact the Committee section on 01822 813662 or email [psmith@westdevon.gov.uk](mailto:psmith@westdevon.gov.uk)

# West Devon Borough Council Members' Code of Conduct

## Declarations of interest

If you are in any doubt about what to do, please seek advice



## Members' Code of Conduct (see part 5 of the Constitution)

Personal Interests - You will have a personal interest in a matter if:

- anything that you should have mentioned in your Register and/or
- the well-being or financial position of you, members of your family, or people with whom you have a close association

is likely to be affected by the business of the Council more than it would affect the majority of the inhabitants of the ward or electoral division affected by the decision, or the inhabitants of the Council's area.

Exemption - An exemption applies where your personal interest arises solely from your membership (or position of control/management) on any body to which you were appointed/nominated by the Council or any other body exercising functions of a public nature. In such cases (unless you have a prejudicial interest) you only need to declare your interest if and when you speak on a matter.

Personal Interests include:

- Your membership/position of control/management in bodies to which the Council appointed/nominated you, or any bodies exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including any political party or trade union;
- Your job(s) or business(es), and the name of your employer;
- Name of any person who has made a payment towards your election expenses or expenses you have incurred in carrying out your duties;
- The name of any person, company/other body which has a place of business/land in the Council's area and in which you have a shares of more than £25,000/stake of more than 1/100<sup>th</sup> of the share capital of the company;
- Any contracts with the Council between you, your firm or a company (of which you a paid director) for goods, services or works.
- Any gift/hospitality estimated to > £25 and the name of the person who gave it to you;
- Any land/property in the Council's area in which you have a beneficial interest (or a licence to occupy) including the land and house you live in, any allotments you own or use.

Definitions

- "Well-being" - condition of happiness and contentedness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.
- "Member of your family" means a partner (i.e. your spouse/civil partner/someone you live with in a similar capacity), parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner, brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece, or the partners of any of these persons.
- Person with whom you have a "close association" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour/ disadvantage when discussing a matter which affects them. It may be a friend, a colleague, a business associate or someone you know through general social contacts.

Prejudicial Interests - your personal interest will also be prejudicial if you meet conditions set out overleaf.

Exempt categories - you will not have a Prejudicial interest in a matter if it relates to:

(a) any tenancy/lease you hold with the Council (unless relating to your particular tenancy/lease); (b) Schools (meals/transport/travelling expenses): if parent/guardian of child in full time education or parent governor (unless relating to the school your child attends); (c) if you are receiving/entitled to statutory sick pay; (d) An allowance/payment/indemnity for members; (e) ceremonial honour given to members and (f) setting the council tax or precept.

Making representations - if you have a Prejudicial interest, you must declare that you have an interest and the nature of that interest as soon as the interest becomes apparent. You should leave the room unless members of the public are allowed to make representations, give evidence, or answer questions about the matter. If that is the case, then you can also attend the meeting for that purpose. However you must leave the room immediately you have finished and you cannot take part in the debate or vote.

Sensitive information

You may be exempt from having to declare sensitive information on your Register of interests in which case, although you must declare that you have an interest, you don't have to give any details about that interest on the register or to the meeting (please speak to the Monitoring Officer about this first).

Revised May 2007

# Planning & Licensing Committee

## 1. Responsibilities

To carry out the Council's responsibilities for the following areas:

### a) Planning

#### i) Development Control

- Advertisement Control.
- Agreements regulating the development or use of land.
- Applications by Local Planning Authorities.
- Authority to determine whether planning permission required.
- Certificates of Lawful use or Development.
- Consultations by Crown and Duchy.
- Discontinuance of use or alteration or removal of buildings or works.
- Electricity Supply Acts Consultations.
- Enforcement Control (including Planning Contravention Notices, Requisitions, Breach of Condition Notices, Stop Notices (including temporary stop notices) etc)
- General Planning Control including the determination of planning applications (including, where appropriate, site inspections).
- Land adversely affecting the amenity of the neighbourhood.
- Land Compensation Act 1961, Section 17 - Certificate of Appropriate Alternative Development.
- Provisions as to compensation and provisions enabling an owner to require the purchase of an interest.
- Responding to Dartmoor National Park, and other neighbouring authority consultations.
- Revocation or modification of planning permission.
- Telecommunication Mast Applications.
- To extinguish/divert public rights of way under the Town and Country Planning Acts and to make representations to other Authorities in relation to their exercise of these powers under that or other legislation.

#### ii) Conservation - Historic Buildings

- Building Preservation Notices.
- Compulsory acquisition of buildings in need of repair and related powers.
- Historic Building Grants
- Listed Building Consents and Conservation Area Consents.
- Listed Building Enforcement.
- Revocation or modification of Listed Building Consent.
- Urgent repairs or works

#### iii) Community Landscaping

- High Hedges
- Hedgerows
- To comment on consultations by the Forestry Commission.
- To offer grant aid for tree surgery to trees of public amenity importance within the financial limits set down in the Council's estimates.
- Tree Preservation Orders and related control and enforcement.

## iv) Licensing Responsibilities

To be responsible for all of the Council's licensing functions

- To review and recommend to Council the Licensing Statement of Policy, the Gambling Statement of Principles, and the Policy not to permit casinos.
- To review and be responsible for all other Licensing Policies
- To determine the revocation and suspension of Hackney Carriage /Private Hire Driver or Vehicle Licences
- To determine all licensing applications for all licensing functions (except in relation to the licensing functions under the Licensing Act 2003 and the Gambling Act 2005 see below) to which an objection has been received and not withdrawn or satisfactorily addressed by the applicant;
- To determine the revocation of any licence.

### Licensing sub-committee

a) Licensing sub-committees have the following responsibilities in relation to functions under the **Licensing Act 2003**:

- Applications for personal licences - if there is a police objection
- Applications for personal licences with unspent convictions – all cases
- Review of personal licences – if there is a police objection
- Applications for premises licence/club premises certificate – if a relevant representation is made
- Applications for provisional statement – if a relevant representation is made
- Application to vary premises licence/club premises certificate - if a relevant representation is made
- Applications to vary designated premises supervisor – if police objection made
- Applications for transfer of premises licence – if police objection
- Applications for interim authorities – if a police objection
- Applications to review premises licence/club premises certificate – all cases
- Decision to object when Council is a consultee and not relevant authority - all cases
- Determination of a police objection to a temporary event notice - all cases

b) Licensing sub-committees have the following responsibilities in relation to the **Gambling Act 2005**:

- Application for **premises licence**: if a relevant representation has been made and not withdrawn
- Application for a **variation** to a licence: if a representation has been made and not withdrawn
- Application for a **transfer** of a licence: where representations have been received from the Gambling Commission
- Application for a **provisional statement**: if a representation has been made and not withdrawn
- **Review** of a premises licence
- Application for **club gaming/club machine permits**: where objections have been made and not withdrawn, or where refusal proposed
- **Temporary use notice**: Decision to give a counter notice, or where objection notice received
- **Fees**

c) Licensing sub-committees have the following responsibilities in relation to the **Hackney Carriage / Private Hire Driver or Vehicle Licenses**:

- Review, revocation or suspension of licences

**v) Local Land Charges**

- To provide and administer a comprehensive Land Charges system.

2. **Budget**

To have authority for spending within the allocated budget.

3. **Performance Management**

To be responsible for service performance within the remit of the Committee.

4. **Fees**

To keep under review the fees and charges for the Committee's services where statutory authority exists for the levying of such charges and to levy the same where, in the opinion of the Chief Finance Officer, the levying of such charges will not give rise to a material adverse impact on the overall budget of the Council. In all other circumstances, the Committee to recommend the levying of fees and charges to the Strategies & Resources Committee.



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**WARD:** Bridestowe (Cllr L J G Hockridge)

**APPLICATION NO:** 01477/2011

**LOCATION:** Balmain House, Bridestowe, Okehampton, Devon,  
EX20 4EG

**APPLICANT NAME:** Mr T Wharton

**APPLICATION:** Full

**PARISH:** Bridestowe

**GRID REF:** 251325 89288

**PROPOSAL:** Installtion of photovoltaic solar panels onto roof

**CASE OFFICER:** Laura Batham

**TARGET DATE:** 15/06/2011

The application is before Committee as the request of Cllr Hockridge.

## PROPOSAL

Installation of photovoltaic solar panels onto roof.

## SITE AND SURROUNDINGS

Balmain House is located in the centre of Bridestowe within the Conservation Area. The dwelling is surrounded by residential development. Balmain House is an end of terrace property. To the north of the site is the Post Office and to the east is the White Hart Pub.

## CONSULTATIONS

**Bridestowe Parish Council:** Support the application.

**County Highways Authority:** Do not wish to comment

**Environment Agency:** No comments received

**Local Residents/Interested Parties:** None received.

## PLANNING HISTORY

None relevant

## POLICY FRAMEWORK

PPS5 Planning and the Historic Environment  
PPS22 Renewable Energy

## Structure Plan 2001 - 2016 Policies

CO6 Quality of development  
CO7 Historic settlements and buildings  
ST1 Sustainable development

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**Local Plan Review Policies**

H40 Householder development  
BE1 Conservation Areas

**Core Strategy Policy**

SP3 Renewable energy

**Assessment**

The application seeks consent to install photovoltaic solar panels on the front roof slope of Balmain House. The dwelling is in a prominent location in the centre of the Conservation Area.

Balmain House is not a Listed Building, but it is considered to be an undesignated heritage asset in the centre of the Conservation Area. The panels proposed would have a significant impact upon the character of the building and would be a prominent feature on the principle elevation of the property.

The application seeks consent for two rows of solar panels on the lower part of the roof slope and would not cover the entire roof slope. However, given this prominent location within the Conservation Area, it is not considered that the addition of solar panels will have a positive impact upon the character of the Area.

Core Strategy Policy SP3 advises that development will be supported unless it would have an unacceptable adverse effects which are not outweighed by local and wider economic, social and other consideration of the development. Given the location of the proposal, this addition is not considered to be an acceptable alteration to this building in the Bridestowe Conservation Area.

Policy HE1.3 of PPS5 advises that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change.

It is not considered that the public benefits of this proposal outweigh the harm of this proposal upon the Conservation Area.

**RECOMMENDATION**

**REFUSE** for the following reasons:

1. The proposal by reason of its siting is considered to have a detrimental impact upon the Bridestowe Conservation Area and is therefore considered contrary to policy BE1 of the Adopted Local Plan, SP18 of the Core Strategy and Planning Policy Statement 5: Planning and the Historic Environment.

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**WARD:** Drewsteignton (Cllr P Ridgers)

**APPLICATION NO:** 01351/2011

**LOCATION:** Land Adjacent To Martin Farm, Exeter Road, Whiddon  
Down, Devon

**APPLICANT NAME:** Mr N Dawe

**APPLICATION:** Full

**PARISH:** Drewsteignton

**GRID REF:** 268375 92817

**PROPOSAL:** Change of use of land to operation of plant hire business  
including erection of building for plant storage

**CASE OFFICER:** Laura Batham

**TARGET DATE:** 11/05/2011

The application is before Committee at the request of Cllr Ridgers as consideration should be given to sustainability of a rural business and a positive impact on landscaping of a derelict site.

### PROPOSAL

Change of use to plant hire plus building for plant storage.

### SITE AND SURROUNDINGS

The proposal site is located in the open countryside to the north west of Whiddon Down. The site is accessed via a track from the road between Whiddon Down and South Zeal. The access also serves Dartmoor View Holiday Park to the south and residential properties along the track. The proposal site is in close proximity to three dwellings; High Wynds, The New House and Martin Farm. There are existing agricultural buildings located immediately north of the site. Martin Farm is located 65 metres to the north east, High Wynds is located 18 metres to the west and The New House is located 30 metres to the south. Immediately east of the site is a woodland protected by a Tree Preservation Order (TPO).

### CONSULTATIONS

**Drewsteignton Parish Council:** Support the application for the following reasons: -  
- "tidying area of redundant area and supporting local business".

**County Highways Authority:** No highway objection.

**Environment Agency:** No comments received

**Natural England:** No comments received

**Landscape Officer:** Raises concerns with the proximity of the building to the boundary and trees protected by a TPO. In addition there is potential for further conflict between the proposed building and trees protected by the TPO. There are

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two TPOs on site: N.82 and N116 at Martin Farm.

**Devon County Archaeology:** Request an archaeological condition as the groundworks could impact upon prehistoric and/or medieval settlement archaeological remains.

**Local Residents/Interested Parties:** One letter of objection received on the following grounds:

- The siting of the building is within 1metre of the boundary. The owners would require access onto neighbouring land to maintain the building.
- Work has taken place, cutting away the ground soil up to the trees .
- The use is for plant hire but uses surrounding the site are residential and agricultural.
- The woodland to the east is retained for wildlife and nature. Concern is raised regarding loss of amenity.
- Request that working hours are restricted including Sundays.

**PLANNING HISTORY**

00948/2010            Application for erection of agricultural building. Application withdrawn 10/12/10.

**POLICY FRAMEWORK**

PPS5            Planning for the Historic Environment

**Structure Plan 2001 - 2016 Policies**

CO6            Quality of development

CO8            Archaeology

**Local Plan Review Policies**

NE10           Protection of the wider open countryside and other open spaces

ED14           Employment Development on Unallocated Site

BE7            Archaeology

NE5            Woodland and Trees

**Core Strategy Policy**

SP17           Landscape Character

SP18           The Heritage and Historical Character of West Devon

**ASSESSMENT**

The application is for a change of use of land to operation of plant hire business including erection of a building for plant storage. The parcel of land measures 770m<sup>2</sup>. The main issues regarding this application relate to design, amenity, impact of the proposal on the open countryside and impact upon the Tree Preservation Orders.

The application proposes to introduce a plant hire business in the open countryside and erect a building for the storage machinery associated with the business.

Impact upon trees and woodland protected by Tree Preservation Orders

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The site is immediately adjacent to woodland protected by a Tree Preservation Order (TPO) and in addition there is an individual tree covered by a TPO within the site. The Landscape officer has raised concerns regarding the building as it is within close proximity to the protected woodland. Concern is raised that any building built under the canopy of the trees has maintenance implications for the proposed structure. There is likely to be debris from the trees throughout the year and there is potential for future conflict between the property and the TPOs. There may be a request in the future to undertake works to the tree canopies in order to prevent damage to the proposed building.

The Tree survey submitted with the application makes recommendations including that no activity should take place within 6metres of Tree 2 noted on the tree survey plan. The application seeks to erect a building within 6metres of this tree and therefore conflicts with the recommendations of the tree survey provided. The survey also recommends that the building be located away from Tree 2 for building maintenance purposes.

Based upon the information submitted with the application, it is not considered that this building is sited so as to minimise the effects upon the woodland protected by the Tree Preservation Order.

Impact of the use on the open countryside

The proposal site is outside the defined settlement limits, in the open countryside and not on an allocated employment site. As such Policy ED14 of the Adopted Local Plan advises that development for employment purposes on land not allocated within the local plan will allowed in exceptional circumstances only and subject to the points below:

*‘Employment development on sites not allocated for employment and not in previous employment use will only be permitted where:*

- (i) There is no available site on existing allocated land or within an existing employment area;*
- (ii) It does not conflict with any of the allocations or designations of this plan;*
- (iii) The proposed development is accessible by a choice of means of transport; and there is no significant adverse impact on all of the following:*
- (iv) Travel, access and highway safety;*
- (v) On the amenities of nearby residents or other land uses;*
- (vi) On wildlife, landscape or historic character;*
- (vii) On the character and appearance of the site, its setting and the surrounding countryside. ‘*

The applicants have not supplied any supporting information to identify that there are no other suitable sites on existing allocated employment sites or within an existing employment area. It is therefore possible that this business could be located on an allocated site. The policy also advises that the use should not be permitted where it conflicts with landscape. As identified above there are concerns that the proposal will have a detrimental impact and future conflict between the proposed building and the trees and woodland covered by TPOs. It is not therefore considered that the

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application complies with the above policy.

The use is not considered to be farm diversification as the use is not associated with an agricultural enterprise, neither is it the re-use of a redundant building.

Whilst employment is supported, it is officer opinion that there is no justification for this development in the open countryside. The proposal does not have an overriding economic benefit to the Borough and no evidence has been supplied to show the building could not be located on an allocated site, nor that there are no such existing units available.

Impact of the proposal upon residential amenity

The proposal site is within close proximity to three dwellings; High Wynds, The New House and Martin Farm. There are existing agricultural buildings located immediately north of the site. Martin Farm is located 65 metres to the north east, High Wynds is located 18 metres to the west and The New House is located 30 metres to the south. The application has not indicated hours of opening for the proposed use and if the use in this location had been considered acceptable a condition limiting operational hours to limit impact on amenity would be required. In addition conditions would be required to restrict the uses on site. If these conditions were attached it is not considered that the residential amenity would be significantly affected given the existing farm enterprise immediately north east of the site.

Design

The proposed building would measure 107m<sup>2</sup> and be 6.8 metres high. The building is proposed to be constructed of box profile with a roller shutter door. Although the colour of the box profile has not been provided, the materials and design is in keeping with the existing farm building the north of the site.

**RECOMMENDATION**

**REFUSE** for the following reasons:

1. Insufficient evidence has been provided to justify this use and proposed new building in the open countryside. As such the proposal is contrary to Policies NE10 and ED14 of the West Devon Borough Council Development Plan.
2. The proposed building would have a detrimental impact upon the woodland to the east of the site protected by a Tree Preservation Order and there is potential for conflict between the proposed building and the TPO. The proposal is therefore contrary to Policies NE5, NE10 and SP17 of the West Devon Borough Council Development Plan.

**THE SITE INSPECTION was held on THURSDAY 30<sup>th</sup> JUNE 2011**

Present: Mrs C Marsh                      Mr W Cann OBE  
              Ms C Hall                        Mr T Pearce

Mr G Hester                              Parish Council Representative

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Laura Batham      Planning Officer

Apologies were received from Mr P Sanders, Mrs S Bailey, Mr D Horn, Mr D Lake, Mr D Wilde, and Mr J Hockridge.

The Site Inspection began at 11.55 am.

The case officer outlined the application and pointed out the location of the trees protected by Tree Preservation Orders from the south of the site. The proposed location of the building was pointed out and the size of the building measured on plan.

Cllr Cann requested to know when the TPOs were designated. This will be given as an update at the next committee. Cllr Cann requested clarification as to whether the application was for storage only or would include the operation of the business. Cllr Marsh requested whether a condition could restrict the use. An update will be given at committee regarding the use of restricting conditions.

Members walked to the north of the site to view the affected trees and location of the building.

Cllr Marsh asked whether the land would be cleared as part of the application. It was confirmed that the tidying of the site did not form part of the application.

The Drewsteignton Parish Council representative advised that the application was for a local business. It was also advised that the business needed to be in the proposed location in order to allow access for the applicant and prevent an increase in travel time.

Cllr Pearce requested a copy of the objection letter received for members to view. This will be sent to all Members prior to the next committee. The contents of this letter were read out for those Members present. In addition it was requested any information be provided of the history of the site and the TPOs.

The Site Inspection ended at 12.15 pm.

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**ENFORCEMENT**

**WARD:** Exbourne (Cllr T Hill)

**ENF REF:** E/0712/2008

**LOCATION:** Higher Cadham Farm, Jacobstowe, EX20 3RB

**DESCRIPTION:** Breach of Planning Condition: barns converted for holiday use, being used as independent residential units, and; unauthorised residential use of rooms in attached barn granted consent to restaurant with B&B accommodation above.

**OWNER:** Mssrs. J and S Salis

Prior to 2003, Higher Cadham Farm was in the ownership of another family who developed several redundant barns for use as holiday accommodation, B&B accommodation and a thriving restaurant business, before selling to the current owners. Under the new ownership the business operated as Higher Cadham Limited from 2003 until its close circa May 2007.

The holiday accommodation which was previously being offered at Higher Cadham was a barn converted to a two storey dwelling called "No.1 The Cowshed", a barn converted to a single storey dwelling called, "No.2 The Cowshed" and a self contained two bedroom flat (formally B&B accommodation and called "The Capricorn Rooms") above the former restaurant, referred to by the current owners as, "The Annexe". With the restaurant closed and the holiday accommodation failing to generate income, the owners rented out both holiday let barns and "The Annexe" ("The Capricorn Rooms") on short hold tenancy agreements.

Members will recall that at the Planning and Licensing Committee Meeting held last month, an application, submitted by the owners of Higher Cadham Farm, came before Committee requesting the variation of various holiday use conditions and requiring permission for use of "The Annex" as an independent residential unit.

Officer recommendation was to refuse the application for the removal of the holiday let conditions because the applicants had failed to demonstrate that the business was unviable and thus justify that the use of the converted barns should be varied to allow a full time residential use in addition the units were in an inappropriate location for affordable housing and did not meet the identified local need. As such the application was contrary to policy and the Supplementary Policy Document: Re-use of rural buildings and Policy RB2 of the West Devon Borough Development Plan and constituted unjustified unsustainable residential units in the open countryside.

After debating the proposal, Members agreed with the Officers assessment and refused to the application.



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In debating the application for the use of “The Annexe” (formerly B&B accommodation) for use as an independent unit of accommodation, members noted that the application site was within the open countryside and that Policy H31 of the Adopted Local Plan states the following:

*‘Residential development, outside the defined limits of settlements and where Policy H29 does not apply will not be permitted unless all the following criteria are met:*

- (i) There is written independent evidence that of a genuine and sustained need for the dwelling, that need being based upon an essential agricultural, forestry or horticultural requirement for a full time worker to be resident on the holding;*
- (ii) The local planning authority has no reason to believe that the need for an additional dwelling has arisen primarily due to the recent sub-division of the holding and/or the recent disposal of a dwelling from the holding;*
- (iii) There is no building on the holding suitable for conversion to a dwelling;*
- (iv) The dwelling is sited close to existing agricultural buildings unless it can be clearly demonstrated that a more isolated location is essential for the operation of the holding; and*
- (v) The dwelling is in keeping with the character of the area in terms of scale, design and materials.’*

The use of “The Annexe” is not for an agricultural, forestry or horticultural worker’s dwelling and therefore does not satisfy this policy. In addition PPS7 – Sustainable Development in Rural Areas advises that the location of development should focus in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. Any isolated houses should have a special justification. It therefore conflicts with the advice of PPS7.

Members are requested to authorise enforcement notice proceedings to ensure that the conditions relating to the use of the holiday accommodation are complied with and the unauthorised use of “The Annexe”, ceases.

#### **HISTORY**

986/003	Conversion of outbuildings to provide additional B & B accommodation and residential accommodation, partial change of use of farmhouse to B & B accommodation. Consent 22/10/91
986/006	Conversion of outbuildings to restaurant, holiday accommodation and camping barn. Consent 02/03/94.
0891/2000	Conversion of redundant barn to dwelling. Consent 24/11/00.
1021/2000	Change of use of Camping barn to holiday let for the disabled. Consent 08/12/00.
6248/2004	Erection of a pair of semi-detached holiday cottages. Consent 06/09/04

#### **EUROPEAN CONVENTION ON HUMAN RIGHTS**

Due regard has been given to the use of the land and to the property owners rights under Article 1 of the first Protocol of the ECHR, namely the peaceful enjoyment of their property and/or possessions. Article 8, namely ‘Right to respect for private and

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family life', has also been considered. However, these rights have been balanced against the wider community interests as expressed through planning policies and in the interest of preserving the character and appearance of the environment.

**RECOMMENDATION**

That authorisation is given to instigate enforcement notice proceedings, the requirements of which will bring about the cessation of the Breach of the Planning Conditions and the cessation of unauthorised residential use of "The Annexe. In addition that authority is granted to the Borough Solicitor to instigate the legal action including prosecution considered necessary to achieve that end should the notices not be complied.

**Reason for enforcement action**

Planning Conditions controlling the use of Numbers 1 & 2 The Cowshed are not being complied with. In addition, the occupation of the annexe constitutes residential development outside settlement limits without a bona fide agricultural need. It appears therefore contrary to policy SP1, SP17, SP20, SP24, SP23, H31, H33, H37 and NE10, of West Devon Borough Local Development Framework, and therefore expediant to take enforcement action.

Time for compliance: 6 months

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<b>WARD:</b>	<b>Okehampton West</b> (Cllrs Mrs C Marsh; M Morse)
<b>APPLICATION NO:</b>	01486/2011
<b>LOCATION:</b>	129 Station Road, Okehampton, Devon, EX20 1EH
<b>APPLICANT NAME:</b>	Mrs A Martin-Fleming
<b>APPLICATION:</b>	Full
<b>PARISH:</b>	Okehampton
<b>GRID REF:</b>	259154 94480
<b>PROPOSAL:</b>	Retrospective change of use of dwelling to single dwelling, two one-bedroom holiday let units
<b>CASE OFFICER:</b>	Laura Batham
<b>TARGET DATE:</b>	21/06/2011

The application is before Committee at the request of Cllr Mrs Marsh for the following reasons: concerns regarding highways and levels of amenity.

**PROPOSAL**

Retrospective change of use of dwelling to single dwelling, two one-bedroom holiday let units

**SITE AND SURROUNDINGS**

129 Station Road is an end of terrace dwelling located in the open countryside, to the south of Okehampton and is outside of the settlement boundary. To the west of

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the proposal site are nos. 125 and 127 Station Road. To the north is Simmons Park and to the south is Okehampton Station and Youth Hostel. To the east of the site is residential curtilage associated with 129 Station Road which provides parking for the dwelling. Further to the east is the property known as The Coach House.

### CONSULTATIONS

**Okehampton Town Council:** Support the proposal but express concerns over the non adherence of planning procedures/permission, risking disrepute of the Planning Authority's role.

**County Highways Authority:** Whilst having some concerns regarding the limited visibility available to the north from and of emerging vehicles, vehicle speeds are low and the existing large dwelling could generate a significant volume of traffic.

In order to limit the type and volume of traffic can I suggest a condition limiting the use of the holiday lets to holiday lets only.

**Environment Agency:** No comments received

**South West Water Services:** No comments received

**Local Residents/Interested Parties:** Six letters of objection received on the following grounds:

- the application miss-informs residents
- the application does not ask for consent for all uses on site
- concerns regarding increase in traffic and parking
- cars currently park along the bridle path
- loss of amenity
- both applications should be determined alongside each other
- the main dwelling is not being used as a household but is a house in multiple occupancy and would need to be licensed
- the proposed plans represent overdevelopment of the site
- The proposal would conflict with the quiet residential area.
- increase in stress on the water and sewerage infrastructure
- Building regulations have not been complied with.

Representations have also requested that if consent is granted the following restrictions are applied:

- no vehicles be allowed along the bridle path and to ensure a one way system for traffic.
- Request that the speed limit be reduced to 10mph.
- that the accommodation be limited to two holiday lets.
- full health and safety checks are carried out.
- no further development in the house or garden
- all vehicles to be parked within parking area.
- A sign to be created indicating where the holiday lets are located.

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**PLANNING HISTORY**

01567/2011 CLUED application for the continued use of lower ground floor self-contained bedsit currently for being assessed. No decision.

**POLICY FRAMEWORK**

**National Guidance**

PPS7 Sustainable Rural Development in Rural Areas

**Structure Plan 2001 - 2016 /Policies**

CO6 Quality of development  
TR2 Co-ordination of Land Use/travel Planning  
TR5 Hierarchy of Modes and Transport Assessment  
TO3 Tourism development in rural areas

**Local Plan Review Policies**

NE10 Protection of the wider countryside and other open spaces  
T5 Public Transport  
T9 The Highway Network  
TLS1 Holiday Accommodation

**Core Strategy Policies**

SP1 Sustainable Development  
SP17 Landscape Character

**ASSESSMENT**

The application seeks consent for a change of use of a single dwelling to create two one-bed holiday lets and a single dwelling. This application is partially retrospective as some of the uses applied for have been implemented.

History

Concern has been raised by local residents regarding the differences between the previous uses on site and what is now applied for in the current application. 129 Station Road has been separated into four elements. There is a one bedroom unit (now applied for as a holiday let) to the south of the property, a one bedroom basement unit (previously used as a flat, but now applied for as a holiday let) and the main house which are currently the subject of this application.

In addition there is a bedsit located on the lower ground floor which is the subject of a separate current Certificate of Lawfulness application. The property has been inspected and it is not considered that there are any other uses currently operating on site. There are letting rooms available in the main house; however, it is not considered that these require consent and are not the subject of this application.

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Holiday use

Policy TLS1 of the Local Plan advises that outside of settlements, holiday accommodation will be permitted where this:

- (i) **Involves the conversion of a rural building (in accordance with Policy RB1) or an existing dwelling; or**
- (ii) **Forms part of a farm diversification scheme in accordance with ED21; or**
- (iii) **Involves improvements to existing holiday accommodation where this results in an environmental gain and upgrades the standards of existing accommodation in accordance with Policy TLS2: or**
- (iv) **Is directly related and compatible in scale and character to an existing tourism facility**
- (v) **And in all cases, the development does not have a significant adverse impact on:**
- (vi) **The character and appearance of the site and its surrounding countryside;**
- (vii) **The amenities of nearby residents or other land uses;**
- (viii) **Landscape, wildlife or historic interests;**
- (ix) **The objectives of the AONB, AGLV or other designated areas in terms of impact on landscape, wildlife or amenity.**
- (x) **Where possible the development should be accessible by a choice of means of transport**

129 Station Road is outside of Okehampton settlement boundary and consists of the conversion of an existing dwelling (see part (i) of the above policy).

Character and appearance of the site

129 Station Road is a large property with significant accommodation space. The proposal does not include the extension of the dwelling and utilises the space already available. It is not considered that the proposal would have a significant detrimental effect upon the character of the property. The site is surrounded by significant landscaping and in particular to the north and east of the site towards Simmons Park. Given that there are no proposed extensions to the dwelling, it is not considered that this proposal would have a significant impact upon the character and appearance of the site. The site is not located within a designated area.

Amenity

There are two proposed holiday lets; one within the basement and one to the south of the 129 Station Road. Concerns have been raised by neighbouring properties that the creation of these two holiday lets would conflict with the quiet residential area and that there would be a loss of amenity. The holiday let to the south of the site is accessed from the east and there is only one window serving the kitchen on the west elevation towards the neighbouring property; 127 Station Road.

The basement flat is accessed from a separate entrance to the north of the dwelling. The amenity space for the main house is currently to the south, north and east of the site. The amount of amenity space is not proposed to be increased and it is not considered that the proposed holiday lets will have a significant detrimental impact upon the amenity of any neighbouring property. It is considered that the amount of

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amenity space available for the dwelling is sufficient for the current and any future occupiers of the dwelling.

Highways

Concerns have been raised by local residents regarding the increase in traffic and parking along the access and bridleway serving the dwellings.

Devon County Highways have not raised concerns regarding any potential increase in traffic. It is noted that 129 Station Road is a large dwelling which already has the potential to generate a significant volume of traffic. Therefore any potential increase in traffic is not considered to exceed that which could occur at present. There are some concerns regarding the visibility splay; however, vehicle speeds are low. The proposal site is within close proximity to the centre of the town and public transport including the train station which is immediately south of the site. 129 Station Road currently has two parking areas consisting of six parking spaces for the use of residents. The two holiday lets are one bedroom only and therefore the amount of parking spaces available is considered acceptable for the use of the main house and holiday units. A condition will be added to ensure that parking is made permanently available for guests.

Other issues

Concerns have been raised stating that building regulations have not been complied with for the development and that there would be an increase in pressure on water and sewerage infrastructure. South West Water has not raised any objections. In addition, this entire dwelling could still be occupied by a large family using all of the existing water and sewerage facilities. The use of the units separately is therefore unlikely to have a significant detrimental impact upon the infrastructure.

Representations received have requested that should consent be granted, certain conditions are attached. It is requested that a one way traffic system be used and speed limit reduced to 10mph. As the county highways engineer has raised no concerns regarding this aspect, a condition is not considered necessary. In addition, the road serving 129 Station Road is a private access and this would be outside the control of the council.

129 Station Road is located in the open countryside and therefore the creation of independent residential units is not permitted unless there is a demonstrated justification. As such a condition is recommended to restrict the units to holiday use only. Neighbours also request that there is no further development carried out at the house or garden. It is not possible to prevent any further applications; however, any further subdivision of the house would require consent and therefore could be considered in a later application. A sign has also been requested to direct traffic to the holiday units to prevent disturbance to neighbouring properties. A condition requesting this is not considered to fulfil the five tests of circular 11/95 on the use of planning conditions. The circular advises that all conditions should be reasonable and necessary.

Okehampton Town Council has supported the application but expressed concerns regarding the process of the application. The procedure of this application is

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considered by officers to be satisfactory. The application has been submitted following enforcement proceedings and this is an accepted way of seeking to regularise a change of use.

**RECOMMENDATION**

**GRANT** subject to:

1. The development must begin no later than the expiration of three years beginning with the date in which permission is granted.
2. The holiday let hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday unit, and shall make this information available at all reasonable times to the Local Planning Authority.
3. Within two months of the date of this decision, a plan showing two parking places, one per unit, shall be submitted to and approved in writing by the Local Planning Authority. These spaces shall remain thereafter permanently available for the use by the persons occupying the holiday lets.

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**WARD:** South Tawton (Cllr W Cann OBE)

**APPLICATION NO:** 01582/2011

**LOCATION:** Powlesland Farm, Spreyton, Crediton, Devon, EX17 5EA

**APPLICANT NAME:** Mr and Mrs Howard

**APPLICATION:** Full

**PARISH:** South Tawton

**GRID REF:** 268859 95987

**PROPOSAL:** Change of use and works to existing hard standing to form equestrian exercise area.

**CASE OFFICER:** Mr Louis Dulling

**TARGET DATE:** 27/07/2011

The application is before Committee at the request of Cllr Cann as the proposal is considered to be development in the open countryside.

**PROPOSAL**

The proposed equestrian exercise area would be 40m in length and 20m in width and situated on an area of existing hardstanding. The application site is currently a hardstanding used for the storage of farm machinery and fodder. The proposal also includes landscaping works to the north, east and south boundaries of the application site would and enclose the proposed area with a post and rail timber fence, 1.3m in height.

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**SITE AND SURROUNDINGS**

Powlesland Farm consists of a Grade II\* Listed main dwelling and associated agricultural buildings, of which are also Grade II Listed. The main dwelling is to the north of the cluster of agricultural buildings. The proposal is to be sited to the east of the existing agricultural buildings on an area currently used as a hardstanding and storage area.

**CONSULTATIONS**

**South Tawton Parish Council:**

- Mindful to support the application in principle.
- Concerns that the application does not affect the moving of FP52 public footpath.
- Concerned over the commencement of work at the site before application determined.
- Appears that works to an existing agricultural building have been undertaken and a change of use from an agricultural building to a stable complex had been completed and no application for this change of use has come before the council.
- Parish Council feel the application should be refused and enforcement proceedings undertaken.

**Member Comments:**

- Support the Parish Council reasons for the application to be brought before the Planning Committee.
- Development already commenced.
- Consider the proposal to be development in the open countryside.

**County Highways Authority:** Do not wish to comment

**Environment Agency:** No comments received

**South West Water Services:** No comments received

**English Heritage:** No objections

- The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Conservation Officer:** No objections

- Impact on setting of the listed building seems minimal.

**Local Residents/Interested Parties:** No representations received

**PLANNING HISTORY**

10581 Conversion of barn to dwelling 22/05/90  
10581/1 Conversion of barn to dwelling 22/05/90  
10581/004 Conversion of barn to agricultural dwelling 24/01/96  
10581/005 Conversion of barn to agricultural dwelling 23/01/96



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**POLICY FRAMEWORK**

PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas

**Structure Plan 2001 - 2016 Policy**

CO6	Quality of development
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**Local Plan Review Policies**

NE10	Protection of the Countryside and other open spaces
BE3	Listed Buildings
BE13	Landscaping and Boundary Treatment
ED17	Farm Diversification
ED21	Rural Diversification
T1	Walking and Cycling

**ASSESSMENT**

The main considerations in relation to this application are the impact on amenity, character and appearance of the area and impact on the setting of a listed building.

Amenity

The proposed exercise area would be situated to the south east of the main dwelling and sited to the east of the existing agricultural buildings. It is considered that it would be well screened and of a suitable distance (approximately 55 metres) from the main dwelling and would therefore not have a significant detrimental impact on the amenity of the dwelling. The proposal also includes a post and rail timber fence, 1.3 metres in height.

Although the application notes that the proposal is to be used for private use a condition shall be attached to the permission to ensure that it is used as such.

Character and Appearance

The proposed siting is not considered to significantly impact upon the character of the area and countryside. The current use of the site is for an agricultural hardstanding used for the storage of agricultural machinery and therefore the proposal is considered to improve the appearance of the site. The proposed landscape treatments are considered to enhance the appearance of the area and compliment the rural setting.

Setting of Listed Building

Consultation responses from English Heritage and the Conservation Officer do not raise any objections to the proposal in terms of impact on the Grade II\* listed main dwelling. Furthermore it is officer opinion that the proposal would not have a significant detrimental impact on the setting of the listed building as the proposal would be well screened by the existing agricultural building and the higher level of land on which the exercise area would be sited. Furthermore the Grade II listed building to the west is not considered to be significantly impacted upon due to the difference in topography. The Grade II Listed Building to the north of the main

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dwelling is not considered to be impacted upon by the proposal due to the separation distance and natural screening.

Other Considerations

The case officer notes the concerns raised by the Parish Council. However, the application is not considered to impact upon the public footpath which runs across the site. After consultation with Devon County's Public Rights of Way Warden the active Public Path Diversion Order would, if approved, take the public footpath further away from the application site. If the public footpath remains in its current location the proposal is not considered to impact on the public rights of way as the path currently runs past the Grade II\* listed main dwelling and towards the north.

Although it is regrettable that some level of operations has been carried out at the site in relation to the application prior to a decision being issued retrospective applications may be submitted and the fact that some works have begun it not a material consideration.

The unauthorised works to buildings at Powlesland Farm do not form part of this application, (the matter is currently being considered by the Local Planning Authority), and therefore cannot be considered in this application.

**RECOMMENDATION**

**GRANT** subject to:

1. Standard time limit
  2. The equestrian exercise area hereby approved shall be restricted to private use only ancillary to the enjoyment of the owners of the property known as 'Powlesland Farm'.
  3. No external lighting to be erected other than that which shall first be approved in writing by the Local Planning Authority.
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**WARD:** Milton Ford (Cllr R Baldwin)

**APPLICATION NO:** 01214/2011

**LOCATION:** Downhayes, Lewdown, Okehampton, Devon, EX20 4BU

**APPLICANT NAME:** Mrs A Collins

**APPLICATION:** Full

**PARISH:** Marystow

**GRID REF:** 244179 86491

**PROPOSAL:** Erection of agricultural building.

**CASE OFFICER:** Ben Wilcox

**TARGET DATE:** 28/03/2011

The application is before Committee at the request of Cllr Baldwin on the grounds that the proposed development and associated activities may be a potentially polluting activity to the detriment of health and safety. The reason also raises concern over the scale of the proposed building and that it would cause a loss of amenity to nearby residential properties.

## PROPOSAL

Erection of agricultural building.

## SITE AND SURROUNDINGS

The proposed development site is agricultural land located at grid reference 244179 86491 associated with the agricultural holding known as 'Downhayes', Lewdown near Okehampton.

The site is separated by the old A30 from the farmstead to the north which consists of a dwelling and a small number of agricultural buildings including an old cow shippin, a bulk tank house and steel framed shed. Adjacent to the farmstead there are a number of residential properties positioned in a linear form.

The land is characterised by a significant change in levels, with the land rising towards the south. The site boundaries consist of mature hedgerows on all four sides with access being via an opening with field gate on the southern boundary.

## CONSULTATIONS

**Marystow Parish Council:** Support

**County Highways Authority:** DCC Highways do not wish to comment

**Environment Agency:** Comments and advice

**South West Water Services:** No building will be permitted within 3 metres of the mains water pipe.

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**Local Residents/Interested Parties:** Four letters of objection received on the following grounds:

- Impact of the proposed development on the hedge and skyline
- The height of the proposed building
- The potential impact which could be caused by associated lorries
- The impact of surface water
- The proposed use of the building

**PLANNING HISTORY**

01075/2010 Erection of agricultural building for storage of fodder and agricultural machinery - Application Withdrawn 24/01/2011

**POLICY FRAMEWORK**

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas

**Structure Plan 2001 - 2016 Policies**

CO6 Quality of New Development

**Local Plan Review Policies**

ED18 New farm buildings in the countryside  
ED19 Agricultural related activities  
NE10 Protection of the Countryside and other open spaces

**Core Strategy**

SP1 Sustainable Development

**ASSESSMENT**

The application is for the erection of an agricultural building. It was initially identified that the proposed structure would be used for the storage of winter fodder and machinery however it has now been confirmed by the applicant that the proposed structure is for the storage of loose fertiliser.

The proposed structure would have a footprint of 334.89sq.m with a height of 5.5m to eaves and 7.05m to the ridge. The plans being considered for determination are amended from the original plans which showed a ridge height of 12.28m which was considered to be excessively large for the proposed use and would have a detrimental impact upon the character of the area and residential amenity.

The proposed structure is still considered to create an undue level of visual intrusion – to the detriment of the open countryside, surrounding landscape character and street scene. The proposed structure would be situated away from the other agricultural buildings associated with the holding and it is therefore considered that the structure could not be satisfactorily assimilated into the surrounding countryside.

The proposed building would be constructed from juniper green box profiling with a fibre cement roof. Proposed access to the building would be via a rolled shutter door

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to be positioned on the east facing elevation. Access to the site would remain unchanged with it proposed to use the existing field entrance on the northern site boundary. Within the plans, no details have been shown for the provision for an access track leading from the highway to the building however the application form states that the building would have a concrete apron with a hardcore access from the highway – details of which could be sought by means of condition.

The proposed structure would be set back from the highway by 25m due to the close proximity of a water main which runs through the site.

Officer view is that the proposed development would have a significant detrimental impact upon the site and surrounding area by reason of its scale, mass and bulk. The structure is considered to be visually intrusive on the surrounding landscape character and by reason of its siting, away from other agricultural buildings, is considered to be harmful to visual amenity.

**RECOMMENDATION**

**REFUSE** for the following reasons:

1. The proposed development by reason of its scale, mass and bulk would have a significant detrimental impact upon the open countryside and surrounding landscape character to the detriment of visual and amenity contrary to West Devon Borough Local Plan policy NE10.

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**TREE PRESERVATION ORDER**

**WARD:** Tavistock South (Cllrs Mrs M Govier; R Oxborough; E Sherrell)

**REF:** S265

**LOCATION:** Westmoor Park, Tavistock

**PARISH:** Tavistock

**DATE TPO MADE:** 21 January 2011

**CASE OFFICER:** Georgina Browne

**PROPOSAL**

A provisional Tree Preservation Order has been made on a number of individuals and groups of trees in the vicinity of Westmoor Park, Tavistock. There have been seven objections to the provisional TPO and accordingly the case has come to Committee for consideration.

**BACKGROUND, SITE AND SURROUNDINGS**

The Westmoor Park Tree Preservation Order protects a number of trees largely found on rear garden boundaries formed from a former Devon bank field boundary.

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The majority of the properties affected by the TPO are bungalows. Westmoor Park is elevated adding to the prominence of the trees in question.

The TPO was made as we were alerted to the proposed felling of a couple of the trees scheduled.

**THE OBJECTIONS**

**Since the Order was made seven objections have been received as follows;**

**1. Mrs J Smith of 12 Westmoor Park objects to the inclusion of G1 (2 Sycamores),**

In summary the reasons given are as follows;

*The trees are very disruptive to the garden through the excessive shade cast, leaf and seed drop. The trees are oppressive. The trees are on the southern side of the property, very tall and non native with huge roots extending well into the property. There is a fear that only rooks or magpies will nest in them and prey on smaller garden birds nesting in the garden shrubs. The heightened maintenance incurred by such large trees is particularly problematic for older residents.*

Since the TPO was made some improvement has been made to issues listed above by the removal of a mature Sycamore not scheduled in the TPO.

**2. Mr and Mrs Vowden of 14 Westmoor Park object to the inclusion of G1 (2 Sycamores).**

In summary the reasons given are as follows;

*The sunshine is blocked from the garden, they are dangerous and damaging to the hedge, they are much too large for the size of the garden.*

**3. Mr and Mrs Lovell of 36 Westmoor Park objects to the inclusion of G3 (1 Ash and 1 Sycamore)**

In summary the reasons given are as follows;

*These are two saplings that have been allowed to grow out of control on a shared Devon bank. If they fail they will demolish sheds and buildings and destroy the Devon hedge.*

*The Landscape Officer was also advised at the site meeting that the trees cut out the view.*

**4. Mr and Mrs Larcombe, 38 Westmoor Park objects to the inclusion of G3 (1 Ash and 1 Sycamore)**

In summary the reasons given are as follows;

*No specific objections were given in the written response but an on site meeting was requested, this summarises as a concern regarding the possible impact upon property and garden buildings and a problem of tree debris.*

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**5. Mrs Sleeman, 58 Westmoor Park objects to G1 (2 Sycamores)**

In summary the reasons are given as follows;

*It is difficult to maintain a garden with the leaf and seed drop of mature trees and where there are slippery surfaces, also there isn't much sun on one side.*

**6. Mr and Mrs Hamilton, 60 Westmoor Park objects to G2 (1 Cherry and 1 Spruce)**

In summary the reasons given are as follows;

*The trees block sunlight from the 'tiny' back garden and dining room for most of the afternoon and in the autumn the leaves and seed pods make the decking dangerous and give problems with garden maintenance.*

*The trees are very tall for the size of the gardens and being so near to the bungalow will soon block most of the light if let to grow.*

*The main concern is the damage that these trees could cause in bad weather.*

**7. Mr and Mrs Crisp, 95 Westmoor Park objects to T1 (American Aspen?)**

In summary the reasons given are as follows;

*The tree is restricting light into the front windows of 95 Westmoor Park and the neighbouring property number 97. Of most pressing concern is that the growth of the tree trunk has twice pushed the front boundary wall over onto the driveway of number 97.*

**In addition a number of the seven objectors (properties 14, 58, 60, 95) state that there is a covenant on their properties which stipulates that no trees should exceed 8 foot in height.**

Advice has been sought from the Council's Legal Team on whether a Tree Preservation Order outweighs a covenant, the advice is that yes it does.

**CONCLUSION**

The issue for Members to consider is the merit of protecting the trees scheduled in the provisional Tree Preservation Order.

It is Officers view that these trees present sufficient amenity as required in the government guidance ie. Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. *'The trees or at least part of them should therefore normally be visible from a public place, such as a road or footpath.'* It is officers' view that the trees are visible from the immediate vicinity of Westmoor Park as well as from the other side of Tavistock where there are clear views of the trees from Tavistock Hospital.

It is noted that several Ash and Sycamore are present in the species list, however, in officer opinion the prominence of these outweighs their ubiquity.

The issues raised by the objectors commonly touch upon the difficulties that older residents experience in relation to garden maintenance where mature trees are

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present; these are very valid issues that leads officers to consider that this is a very finely balanced decision.

It is noted that where a protected tree has outgrown its position or where it is causing genuine concern there is a mechanism to grant the felling of that tree and to have that tree replaced. This has the advantage of recognising that the tree in question has reached the end of its reasonable life in relation to the available space whilst giving opportunity for replacement. This could be an option for some of the trees scheduled should the Tree Preservation Order be confirmed.

**RECOMMENDATION**

That Members confirm the Tree Preservation Order 'Westmoor Park'.

**THE SITE INSPECTION was held on THURSDAY 30<sup>th</sup> JUNE 2011**

Present:       Mrs C Marsh               Mr W Cann OBE  
                  Ms C Hall                 Mr D Horn  
                  Mr T Pearce

                  Ward Members       Mrs M Govier, Mr T Sherrell  
                  Planning Officer     Ben Dancer  
                  Landscape Officer   Georgina Browne

Apologies were received from; Mr D Lake, Mrs S Bailey, Mr P Sanders, Mr J Hockridge, Mr D Wilde, Ward Member Mr R Oxborough

The Site Inspection began at 10.00 am.

The case officer outlined the scope of the Tree Preservation Order. Members then walked around Westmoor Park calling in to the gardens of the objectors to view the concerns at close hand. Members were given details of further representations received.

Both the Ward Members expressed the view that they were opposed to the confirmation of the Tree Preservation Order; firstly as they did not feel that the trees provided sufficient merit and secondly that they were overly dominating properties.

The Site Inspection ended at 10.55 am.

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**ENFORCEMENT**

**WARD:** Thrushel (Cllr D Horn)

**ENF REF:** E/00960/2011

**LOCATION:** Wortham Manor Farm, Lifton, Devon.

**DESCRIPTION:** Unauthorised change of use of agricultural land to a mixed use of agriculture and use as a MotoX Circuit.

**OWNER:** Mr & Mrs. Jamison.

The matter before members is the unauthorised use of farm land adjacent to the Grade I listed Wortham Manor, for use by motor cycles.

Wortham [Manor], Lifton was built in the fifteenth century. It passed by marriage from the Wortham family to a cadet branch of the Dinhams in the reign of Richard II and became the principal seat of the Dinhams when the main branch of the family died out in 1501. It has been described as a remarkable survival of a medieval house with a substantial modernisation of the early C16. The survival of the early C16 plan in combination with a wealth of contemporary joinery makes this a house of outstanding national importance. Consequently it is listed 'Grade 1' and is currently under the stewardship of the Landmark Trust.

From the aerial photograph, taken in June 2010, Members will see that approximately half a hectare of land immediately in front of this Grade I Listed Building has a "K" shaped track cut into it. It will be noted that a length of this track is no more than 50 metres away from the façade of Wortham Manor. It is reported and the owners of Wortham Manor Farm agree that the track is used regularly by motor cycles owned by members of their family and their friends. Complaints of unacceptable levels of noise, caused by the motor cycles, have been received from local residents including those living near the A30 trunk road. Complaints of noise and dust clouds have also been received from paying guests occupying the Grade I Listed Manor House. The upkeep of this heritage asset is dependent upon income derived from holiday lettings. The noise and dust created by Motor cycles using the track is not only harmful to the landscape character in general, it is harmful to the setting of the Grade I Wortham manor and also detrimental to the preservation of this listed building.

**HISTORY**

0153/2000/TAV      Erection of building for housing cattle. Consent 11/04/00

13297/2009/TAV      Prior Approval for new Farm access track to by-pass the Grade I Listed manor House. No Objection 29/09/09

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Without any overriding economic or community benefit, development in the open countryside that is harmful to the distinctive landscape character of the area and the important features that contribute to that character, i.e. The Grade I Wortham Manor is contrary to policy. Members are therefore requested to authorised enforcement notice proceedings for the purpose of bringing about the cessation of this unauthorised and detrimental use of land.

**EUROPEAN CONVENTION ON HUMAN RIGHTS**

Due regard has been given to the use of the land and to the property owners rights under Article 1 of the first Protocol of the ECHR, namely the peaceful enjoyment of their property and/or possessions. Article 8, namely 'Right to respect for private and family life', has also been considered. However, these rights have been balanced against the wider community interests as expressed through planning policies and in the interest of preserving the character and appearance of the environment.

**RECOMMENDATION**

That authorisation is given to instigate enforcement notice proceedings, the requirements of which will bring about the cessation of the use of the land for motor sports. In addition that authority is granted to the Borough Solicitor to instigate the legal action including prosecution considered necessary to achieve that end should the notice not be complied with.

**Reason for enforcement action**

The land at Wortham Manor Farm used by the motor cycles is in the open countryside adjacent to a building of national importance. The use of the land for motor sport has no overriding community or economic benefit and noise and dust created by this use causes unacceptable harm to the setting of the Listed building and the character of the landscape. It appears therefore contrary to policy SP1, SP17, SP18 and NE10, of West Devon Borough Local Development Framework, and therefore expedient to take enforcement action.

**Suggested time for compliance: 7 days.**

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## PLANNING APPEALS UPDATE

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### PLANNING APPEAL LODGED

**APPLICATION NO:** 00946/2010  
**APPLICANT:** Mr & Mrs D Phare  
**PROPOSAL:** Erection of dwelling  
**LOCATION:** Land adjacent to The Forge, Monkokehampton, Winkleigh, Devon,  
**APPEAL STATUS:** **LODGED**  
**DATE:** 09/06/2011

### PLANNING APPEAL DECISIONS

**APPLICATION NO:** 01165/2011  
**APPLICANT:** Mr & Mrs P Clarke  
**PROPOSAL:** Householder application for works to widen existing access  
**LOCATION:** Abbotsford, 14 Watts Road, Tavistock, PL19 8LG  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 26/06/2011

**APPLICATION NO:** 01136/2010  
**APPLICANT:** Mr and Mrs N Davies  
**PROPOSAL:** Installation of dormer windows  
**LOCATION:** 29 Old Exeter Road, Tavistock, Devon, PL19 0JE  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 10/06/2011

**APPLICATION NO:** 01065/2010  
**APPLICANT:** Mr & Mrs M Goodison  
**PROPOSAL:** Householder application for extension to dwelling comprising addition above existing roof and associated alterations.  
**LOCATION:** 1 Downlea, Tavistock, Devon, PL19 9AW  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 22/06/2011

**APPLICATION NO:** 00759/2010  
**APPLICANT:** Mr & Mrs D Baskerville  
**PROPOSAL:** Outline application for one dwelling, including access  
**LOCATION:** 141 Crediton Road, Okehampton, Devon, EX20 1NZ  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 07/06/2011

**APPLICATION NO:** 00598/2010  
**APPLICANT:** Mr R Morris  
**PROPOSAL:** Agricultural workers dwelling  
**LOCATION:** Lower Melbury, Ashbury, Okehampton, EX20 3PF  
**APPEAL STATUS:** **DISMISSED**  
**DATE:** 23/06/2011

**ENFORCEMENT APPEAL DECISION**

**ENF. REF. NO:** E/00876/2010  
**APPELLANT:** Mr R Morris  
**PROPOSAL:** Operational development without planning permission, namely the erection of a building designed for residential use, on agricultural land without a justifiable agricultural, horticultural or forestry need.  
**LOCATION:** Lower Melbury, Ashbury, Okehampton, EX20 3PF  
**APPEAL STATUS:** **DISMISSED**  
**DATE:** 23/06/2011

WEST DEVON BOROUGH COUNCIL  
PLANNING & LICENSING COMMITTEE  
DELEGATED DECISIONS

19 JULY 2011

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**WARD:** Bere Ferrers  
**APPLICATION NO:** 01503/2011  
**LOCATION:** Bere Ferrers Station, Drummond Way,  
Bere Ferrers, Devon, PL20 7LT  
**APPLICANT NAME:** Tamar Belle Heritage Centre  
**APPLICATION:** Full  
**GRID REF:** 245235 63519  
**PROPOSAL:** Erection of building (engine house) for  
storage of a steam locomotive.  
**CASE OFFICER:** Katie Graham  
**DECISION DATE:** 01/07/2011  
**DECISION:** Conditional Consent

**WARD:** Bere Ferrers  
**APPLICATION NO:** 01606/2011  
**LOCATION:** Eureka, Fore Street, Bere Ferrers,  
Yelverton, Devon, PL20 7JL  
**APPLICANT NAME:** Mrs T Wilks  
**APPLICATION:** Non Material Minor Amendments  
**GRID REF:** 245968 63461  
**PROPOSAL:** Non-material minor amendment for  
alterations to materials, balcony posts  
and frame and retention of porch.  
**CASE OFFICER:** Ben Wilcox  
**DECISION DATE:** 22/06/2011  
**DECISION:** Consent

**WARD:** Bridestowe  
**APPLICATION NO:** 01479/2011  
**LOCATION:** Briarmead Farm, Thorndon Cross,  
Okehampton, Devon, EX20 4NQ  
**APPLICANT NAME:** Mr and Mrs W Dean  
**APPLICATION:** Full  
**GRID REF:** 250329 93210  
**PROPOSAL:** Erection of annex extension  
**CASE OFFICER:** Laura Batham  
**DECISION DATE:** 14/06/2011

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DECISION: Conditional Consent

**WARD:** **Bridestowe**  
APPLICATION NO: 01492/2011  
LOCATION: Rowden, Bridestowe, Okehampton,  
Devon, EX20 4QD  
APPLICANT NAME: Mrs V Pearce  
APPLICATION: Full  
GRID REF: 252050 90385  
PROPOSAL: Change of use of land to equestrian to  
include erection of stables  
CASE OFFICER: Laura Batham  
DECISION DATE: 09/06/2011  
DECISION: Conditional Consent

**WARD:** **Bridestowe**  
APPLICATION NO: 01511/2011  
LOCATION: School House, Bratton Clovelly,  
Okehampton, Devon, EX20 4JZ  
APPLICANT NAME: Mr N Vincent  
APPLICATION: Full  
GRID REF: 246341 91949  
PROPOSAL: Erection of shed  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 21/06/2011  
DECISION: Consent

**WARD:** **Bridestowe**  
APPLICATION NO: 01569/2011  
LOCATION: The Ruby Holiday Park, Metherell  
Towers, Beaworthy, Devon, EX21 5TT  
APPLICANT NAME: Mr Bill Wilson  
APPLICATION: Tree application  
GRID REF: 245483 96612  
PROPOSAL: Application to carry out works to trees  
under Tree Preservation Order for:-, 1)  
Removal of 2 Ash on the front lawn, 2)

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Removal of overhanging Beech limbs by Unit 34, 3) Removal of 1 Ash on entrance lawn, 4) Removal of a limb from an Oak adjoining the site of a proposed new plot, 5) Removal of a damaged Ash, 6) Removal of fallen Apple and Ash, , All as itemised in the application photographs, items 5 & 6 are exempt

CASE OFFICER: Georgina Browne  
DECISION DATE: 29/06/2011  
DECISION: Conditional Consent

**WARD:** **Buckland Monachorum**

APPLICATION NO: 01392/2011  
LOCATION: Crapstone House, Buckland Monachorum, Yelverton, Devon, PL20 7LG  
APPLICANT NAME: Mr A Lummis  
APPLICATION: Removal of Condition\Variation of Condition  
GRID REF: 2490170 677220  
PROPOSAL: Variation of Condition 2 attached to planning consent 6456/2004/TAV to allow for B1 Use.  
CASE OFFICER: Katie Graham  
DECISION DATE: 14/06/2011  
DECISION: Consent

**WARD:** **Buckland Monachorum**

APPLICATION NO: 01557/2011  
LOCATION: 4 Trimal House, Yelverton Business Park, Crapstone, Devon, PL20 7PE  
APPLICANT NAME: Mr A Russell  
APPLICATION: Change of Use  
GRID REF: 250445 67722  
PROPOSAL: Change of use of building to retail (A1) use.  
CASE OFFICER: Katie Graham  
DECISION DATE: 07/07/2011

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DECISION: Conditional Consent

**WARD:** Exbourne  
APPLICATION NO: 01464/2011  
LOCATION: Willow Gate, Sampford Courtenay,  
Okehampton, Devon, EX20 2SL  
APPLICANT NAME: Mr B Aldridge  
APPLICATION: Full  
GRID REF: 262834 98629  
PROPOSAL: Erection of implement / logstore, shed  
and greenhouse  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 09/06/2011  
DECISION: Consent

**WARD:** Exbourne  
APPLICATION NO: 01504/2011  
LOCATION: Nethercott House, Iddesleigh, Winkleigh,  
Devon, EX19 8SN  
APPLICANT NAME: Farms for City Children  
APPLICATION: Full  
GRID REF: 256393 106826  
PROPOSAL: Addition of solar pv panels to roofslope  
CASE OFFICER: Laura Batham  
DECISION DATE: 14/06/2011  
DECISION: Refusal

**WARD:** Exbourne  
APPLICATION NO: 01505/2011  
LOCATION: Nethercott House, Iddesleigh, Winkleigh,  
Devon, EX19 8SN  
APPLICANT NAME: Farms for City Children  
APPLICATION: Listed Building  
GRID REF: 256393 106826  
PROPOSAL: Addition of solar pv panels to roofslope  
CASE OFFICER: Laura Batham



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DECISION DATE: 14/06/2011

DECISION: Refusal

**WARD:** Hatherleigh

APPLICATION NO: 01480/2011

LOCATION: Keyethern Farm, Hatherleigh,  
Okehampton, Devon, EX20 3LG

APPLICANT NAME: Mr P G Kent

APPLICATION: Full

GRID REF: 251293 105480

PROPOSAL: Addition of photovoltaic array on to  
existing farm building

CASE OFFICER: Mr Louis Dulling

DECISION DATE: 14/06/2011

DECISION: Consent

**WARD:** Hatherleigh

APPLICATION NO: 01508/2011

LOCATION: Hatherleigh Community Centre, Bowling  
Green Lane, Hatherleigh, Okehampton,  
Devon, EX20 3HB

APPLICANT NAME: Mrs E Abell

APPLICATION: Advertisement

GRID REF: 253998 104222

PROPOSAL: V - shaped advertising board

CASE OFFICER: Mr Louis Dulling

DECISION DATE: 09/06/2011

DECISION: Conditional Consent

**WARD:** Hatherleigh

APPLICATION NO: 01516/2011

LOCATION: Village Hall, Meeth, EX20 3EP

APPLICANT NAME: Mrs J Chapman

APPLICATION: Full

GRID REF: 254820 108324

PROPOSAL: Replacement windows

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CASE OFFICER: Laura Batham  
DECISION DATE: 10/06/2011  
DECISION: Consent  
**WARD: Hatherleigh**  
APPLICATION NO: 01518/2011  
LOCATION: 47 Market Street, Hatherleigh,  
Okehampton, Devon, EX20 3JP  
APPLICANT NAME: Mr & Mrs A Dyton  
APPLICATION: Listed Building  
GRID REF: 254207 104583  
PROPOSAL: Retrospective application for works to  
facilitate installation of central heating  
system and radiators  
CASE OFFICER: Laura Batham  
DECISION DATE: 20/06/2011  
DECISION: Consent  
**WARD: Hatherleigh**  
APPLICATION NO: 01519/2011  
LOCATION: 2 - 4 Higher Street, Hatherleigh,  
Okehampton, Devon, EX20 3JD  
APPLICANT NAME: Mr S Caddy  
APPLICATION: Full  
GRID REF: 254273 104351  
PROPOSAL: Replacement of existing roof covering  
with slate  
CASE OFFICER: Laura Batham  
DECISION DATE: 29/06/2011  
DECISION: Conditional Consent  
**WARD: Hatherleigh**  
APPLICATION NO: 01520/2011  
LOCATION: 2 - 4 Higher Street, Hatherleigh,  
Okehampton, Devon, EX20 3JD  
APPLICANT NAME: Mr S Caddy  
APPLICATION: Listed Building  
GRID REF: 254273 104351

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PROPOSAL: Replacement of existing roof covering with slate  
CASE OFFICER: Laura Batham  
DECISION DATE: 29/06/2011  
DECISION: Conditional Consent

**WARD:** **Lew Valley**  
APPLICATION NO: 01408/2011  
LOCATION: Morth Grange, Northlew, Okehampton, Devon, EX20 3BR  
APPLICANT NAME: Mr D Sperring  
APPLICATION: Full  
GRID REF: 250931 99062  
PROPOSAL: Application for planning permission to replace extant permission 11586/2008/OKE for extension to form annexe  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 24/06/2011  
DECISION: Conditional Consent

**WARD:** **Lew Valley**  
APPLICATION NO: 01454/2011  
LOCATION: Broadbury Castle Farm, Broadbury, Okehampton, Devon, EX20 4LF  
APPLICANT NAME: Mr Hollaway  
APPLICATION: Full  
GRID REF: 248585 95837  
PROPOSAL: Installation of solar photovoltaic panels on roof of agricultural building  
CASE OFFICER: Anna Henderson-Smith  
DECISION DATE: 21/06/2011  
DECISION: Consent

**WARD:** **Lew Valley**  
APPLICATION NO: 01507/2011  
LOCATION: Cawsand, Folly Gate, Okehampton, EX20 3AA

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APPLICANT NAME: Mr T Farley  
APPLICATION: Full  
GRID REF: 257263 97148  
PROPOSAL: Conversion of loft and addition of dormer windows  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 09/06/2011  
DECISION: Consent

**WARD:** **Lew Valley**  
APPLICATION NO: 01512/2011  
LOCATION: Higher Northwood, Inwardleigh,  
Okehampton, Devon, EX20 3AW  
APPLICANT NAME: Mr. R.P Weiss & Mrs A Read  
APPLICATION: Full  
GRID REF: 255686 99830  
PROPOSAL: Change of use of land to domestic and equestrian and re-roofing of existing building and replacement of building with stables and garage  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 21/06/2011  
DECISION: Conditional Consent

**WARD:** **Lew Valley**  
APPLICATION NO: 01522/2011  
LOCATION: Lake Farm, Northlew, Okehampton,  
Devon, EX20 3NG  
APPLICANT NAME: Dr and Mrs K Wilson  
APPLICATION: Full  
GRID REF: 249319 99112  
PROPOSAL: Alterations and extensions and works to form domestic ancillary accommodation  
CASE OFFICER: Laura Batham  
DECISION DATE: 06/07/2011  
DECISION: Conditional Consent

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**WARD:** Lew Valley  
**APPLICATION NO:** 01523/2011  
**LOCATION:** Lake Farm, Northlew, Okehampton,  
Devon, EX20 3NG  
**APPLICANT NAME:** Dr and Mrs K Wilson  
**APPLICATION:** Listed Building  
**GRID REF:** 249319 99112  
**PROPOSAL:** Alterations and extensions and formation  
of ancillary domestic accommodation  
**CASE OFFICER:** Laura Batham  
**DECISION DATE:** 06/07/2011  
**DECISION:** Conditional Consent

**WARD:** Mary Tavy  
**APPLICATION NO:** 01458/2011  
**LOCATION:** Bryher, Brentor, Tavistock, Devon, PL19  
0NQ  
**APPLICANT NAME:** Mr J Russell  
**APPLICATION:** Full  
**GRID REF:** 246606 82170  
**PROPOSAL:** Erection of replacement dwelling  
(existing bungalow to be demolished)  
and associated works including erection  
of detached garage.  
**CASE OFFICER:** Katie Graham  
**DECISION DATE:** 14/06/2011  
**DECISION:** Refusal

**WARD:** Milton Ford  
**APPLICATION NO:** 01349/2011  
**LOCATION:** Dunterton Farm, Bradstone, Tavistock,  
Devon, PL19 0QJ  
**APPLICANT NAME:** Mr G McLaughlin  
**APPLICATION:** Full  
**GRID REF:** 238221 79882  
**PROPOSAL:** Change of use of agricultural building to  
industrial (B2) and storage (B8) use and  
change of use of garage to associated  
offices.

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CASE OFFICER: Katie Graham  
DECISION DATE: 01/07/2011  
DECISION: Refusal

**WARD:** Milton Ford  
APPLICATION NO: 01502/2011  
LOCATION: Sydenham Farm, Lewdown,  
Okehampton, Devon, EX20 4PR  
APPLICANT NAME: Mr G Hart  
APPLICATION: Full  
GRID REF: 242830 83626  
PROPOSAL: Erection of agricultural building for  
storage of winter fodder.  
CASE OFFICER: Katie Graham  
DECISION DATE: 20/06/2011  
DECISION: Conditional Consent

**WARD:** North Tawton  
APPLICATION NO: 01302/2011  
LOCATION: Land Adjacent To 2, Bouchers Hill, North  
Tawton, Devon,  
APPLICANT NAME: Mr L Arscott & Mrs C Western  
APPLICATION: Full  
GRID REF: 2664090 1020740  
PROPOSAL: Revised scheme for erection of dwelling  
including first floor windows  
(retrospective)  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 06/07/2011  
DECISION: Conditional Consent

**WARD:** North Tawton  
APPLICATION NO: 01466/2011  
LOCATION: Easthill Bungalow, North Tawton, Devon,  
EX20 2BS  
APPLICANT NAME: Mr and Mrs D Pyle  
APPLICATION: Full

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GRID REF: 268572 102474  
PROPOSAL: Extension to dwelling  
CASE OFFICER: Mr Louis Dulling  
DECISION DATE: 09/06/2011  
DECISION: Conditional Consent

**WARD: North Tawton**  
APPLICATION NO: 01467/2011  
LOCATION: Moor Edge, Exeter Street, North Tawton,  
Devon, EX20 2BZ  
APPLICANT NAME: Mr P Turner  
APPLICATION: Full  
GRID REF: 266920 101420  
PROPOSAL: Alterations and extension to bungalow  
CASE OFFICER: Anna Henderson-Smith  
DECISION DATE: 09/06/2011  
DECISION: Consent

**WARD: North Tawton**  
APPLICATION NO: 01555/2011  
LOCATION: 1 Fore Street, North Tawton, Devon,  
EX20 2DT  
APPLICANT NAME: Mrs S Inglis  
APPLICATION: Full  
GRID REF: 266321 101765  
PROPOSAL: Addition of photovoltaic panels to garage  
roof  
CASE OFFICER: Laura Batham  
DECISION DATE: 29/06/2011  
DECISION: Conditional Consent

**WARD: North Tawton**  
APPLICATION NO: 01562/2011  
LOCATION: 1 Fore Street, North Tawton, Devon,  
EX20 2DT  
APPLICANT NAME: Mrs S Inglis

**WEST DEVON BOROUGH COUNCIL  
PLANNING & LICENSING COMMITTEE  
DELEGATED DECISIONS**

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**19 JULY 2011**

APPLICATION: Listed Building  
GRID REF: 266321 101765  
PROPOSAL: Addition of photovoltaic panels to garage roof  
CASE OFFICER: Laura Batham  
DECISION DATE: 29/06/2011  
DECISION: Conditional Consent

**WARD: Okehampton East**  
APPLICATION NO: 01496/2011  
LOCATION: 46, North Road Industrial Estate,  
Okehampton, Devon, EX20 1BQ  
APPLICANT NAME: ATS Euromaster  
APPLICATION: Advertisement  
GRID REF: 259063 95671  
PROPOSAL: 2 illuminated and 1 non-illuminated  
signage  
CASE OFFICER: Anna Henderson-Smith  
DECISION DATE: 21/06/2011  
DECISION: Consent

**WARD: Okehampton West**  
APPLICATION NO: 01398/2011  
LOCATION: Kent House, George Street,  
Okehampton, Devon, EX20 1HR  
APPLICANT NAME: Stonehaven (Healthcare) Ltd  
APPLICATION: Full  
GRID REF: 258743 95065  
PROPOSAL: Extension to form conservatory /dayroom  
CASE OFFICER: Anna Henderson-Smith  
DECISION DATE: 09/06/2011  
DECISION: Conditional Consent

**WARD: Okehampton West**  
APPLICATION NO: 01400/2011  
LOCATION: 9 Church Street, Okehampton, Devon,  
EX20 1JF



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APPLICANT NAME: Mr B Pillivant  
APPLICATION: Full  
GRID REF: 258569 95166  
PROPOSAL: 2 storey rear extension  
CASE OFFICER: Laura Batham  
DECISION DATE: 14/06/2011  
DECISION: Refusal

**WARD:** South Tawton  
APPLICATION NO: 01401/2011  
LOCATION: Great Cocktree, North Tawton, Devon,  
EX20 2BQ  
APPLICANT NAME: Mr C Baulch  
APPLICATION: Full  
GRID REF: 266898 98540  
PROPOSAL: Erection of single 55kw wind turbine  
(23.8m to hub, 34.2m to blade tip)  
CASE OFFICER: Laura Batham  
DECISION DATE: 01/07/2011  
DECISION: Conditional Consent

**WARD:** South Tawton  
APPLICATION NO: 01438/2011  
LOCATION: Wood House, South Tawton,  
Okehampton, Devon, EX20 2LS  
APPLICANT NAME: Mr. J McDiarmid  
APPLICATION: Listed Building  
GRID REF: 265482 96068  
PROPOSAL: Works to roof, including replacement  
lantern and positioning of air conditioning  
units  
CASE OFFICER: Anna Henderson-Smith  
DECISION DATE: 09/06/2011  
DECISION: Conditional Consent

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**WARD:** South Tawton  
**APPLICATION NO:** 01517/2011  
**LOCATION:** A.R Hooper & Partners, Lower Sessland,  
Spreyton, Crediton, EX17 5BA  
**APPLICANT NAME:** Mr R Hooper  
**APPLICATION:** Full  
**GRID REF:** 267844 97545  
**PROPOSAL:** Erection of agricultural building  
**CASE OFFICER:** Laura Batham  
**DECISION DATE:** 28/06/2011  
**DECISION:** Conditional Consent

**WARD:** South Tawton  
**APPLICATION NO:** 01602/2011  
**LOCATION:** Powlesland Farm, Spreyton, Crediton,  
Devon, EX17 5EA  
**APPLICANT NAME:** Mr and Mrs Howard  
**APPLICATION:** Prior Approval - Agriculture  
**GRID REF:** 268859 95987  
**PROPOSAL:** Extension to agricultural building  
**CASE OFFICER:** Mr Louis Dulling  
**DECISION DATE:** 06/07/2011  
**DECISION:** Prior Approval - No Objection

**WARD:** Tamarside  
**APPLICATION NO:** 01367/2011  
**LOCATION:** 5 - 6 Wheal Maria, Tavistock, Devon,  
PL19 8PD  
**APPLICANT NAME:** Miss M Phillips  
**APPLICATION:** Listed Building  
**GRID REF:** 241895 74131  
**PROPOSAL:** Listed building application for various  
internal and external alterations  
including, but not limited to replacement  
doors and windows, removal and  
reinstatement of internal features,  
internal reconfiguration and replastering  
of walls.

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CASE OFFICER: Ben Wilcox  
DECISION DATE: 01/07/2011  
DECISION: Conditional Consent

**WARD: Tamarside**  
APPLICATION NO: 01472/2011  
LOCATION: Sanders Scrap Yard, Heathfield,  
Tavistock, Devon, PL19 0LE  
APPLICANT NAME: J Sanders & Son  
APPLICATION: Full  
GRID REF: 246866 79588  
PROPOSAL: Erection of replacement furnace shed  
and erection of secure storage building.  
CASE OFFICER: Katie Graham  
DECISION DATE: 09/06/2011  
DECISION: Conditional Consent

**WARD: Tamarside**  
APPLICATION NO: 01474/2011  
LOCATION: Eqwest, Lamerton, PL19 8QA  
APPLICANT NAME: Mr J Hyde  
APPLICATION: Full  
GRID REF: 243864 77106  
PROPOSAL: Installation of free standing solar panels.  
CASE OFFICER: Ben Wilcox  
DECISION DATE: 08/06/2011  
DECISION: Conditional Consent

**WARD: Tamarside**  
APPLICATION NO: 01531/2011  
LOCATION: Higher Farm, Heathfield, Tavistock,  
Devon, PL19 0LB  
APPLICANT NAME: Mr Paul Stacey  
APPLICATION: CLEUD  
GRID REF: 247572 79112

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PROPOSAL: Occupancy of building know as  
"Swallows Nest" in breach of condition 2  
attached to planning consent  
CU/3/37/1354/1991/7077/011 that limits  
it's occupancy to a manager's dwelling.  
CASE OFFICER: Ben Dancer  
DECISION DATE: 04/07/2011  
DECISION: Consent

**WARD:** **Tavistock North**  
APPLICATION NO: 01366/2011  
LOCATION: Round House, Launceston Road,  
Tavistock, Devon, PL19 8NG  
APPLICANT NAME: Ms I Chambers  
APPLICATION: Removal of Condition\Variation of  
Condition  
GRID REF: 2472740 746790  
PROPOSAL: Variation of conditions 3 & 4 attached to  
planning consent 12518/2008/TAV  
relating to landscaping  
CASE OFFICER: Ben Dancer  
DECISION DATE: 22/06/2011  
DECISION: Conditional Consent

**WARD:** **Tavistock North**  
APPLICATION NO: 01462/2011  
LOCATION: 1A Duke Street, Tavistock, Devon, PL19  
0BA  
APPLICANT NAME: Mrs K Scott  
APPLICATION: Advertisement  
GRID REF: 248172 74491  
PROPOSAL: Advertising application for the erection of  
3 signs.  
CASE OFFICER: Ben Wilcox  
DECISION DATE: 08/06/2011  
DECISION: Refusal

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**WARD:** Tavistock North  
**APPLICATION NO:** 01469/2011  
**LOCATION:** Robinscroft, Crease Lane, Tavistock,  
Devon, PL19 8EN  
**APPLICANT NAME:** Mr W Whiston  
**APPLICATION:** Outline  
**GRID REF:** 247184 73845  
**PROPOSAL:** Demolition of dwelling and erection of  
two dwellings.  
**CASE OFFICER:** Katie Graham  
**DECISION DATE:** 09/06/2011  
**DECISION:** Conditional Consent

**WARD:** Tavistock North  
**APPLICATION NO:** 01470/2011  
**LOCATION:** Abbeyfield Residential Home, 60  
Plymouth Road, Tavistock, Devon, PL19  
8BU  
**APPLICANT NAME:** Abbeyfield Residential Home  
**APPLICATION:** Listed Building  
**GRID REF:** 247693 74078  
**PROPOSAL:** Listed Building Consent for erection of  
building for use as store for mobility  
scooters.  
**CASE OFFICER:** Ben Dancer  
**DECISION DATE:** 09/06/2011  
**DECISION:** Consent

**WARD:** Tavistock North  
**APPLICATION NO:** 01471/2011  
**LOCATION:** Abbeyfield Residential Home, 60  
Plymouth Road, Tavistock, Devon, PL19  
8BU  
**APPLICANT NAME:** The Abbeyfield Society  
**APPLICATION:** Full  
**GRID REF:** 247693 74078  
**PROPOSAL:** Revised Scheme for erection of building  
for use as store for mobility scooters.

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CASE OFFICER: Ben Dancer  
DECISION DATE: 09/06/2011  
DECISION: Conditional Consent

**WARD:** Tavistock North  
APPLICATION NO: 01500/2011  
LOCATION: 25 Fitzford Cottages, Tavistock, Devon,  
PL19 8DB  
APPLICANT NAME: Mr J Spettigue  
APPLICATION: Listed Building  
GRID REF: 247518 73827  
PROPOSAL: Listed Building application for the  
installation of replacement windows  
including reduction in size of one  
window.  
CASE OFFICER: Ben Wilcox  
DECISION DATE: 21/06/2011  
DECISION: Consent

**WARD:** Tavistock North  
APPLICATION NO: 01588/2011  
LOCATION: 15 Hurdwick Road, Tavistock, Devon,  
PL19 8LW  
APPLICANT NAME: Mr Hoar  
APPLICATION: Full  
GRID REF: 247368 74343  
PROPOSAL: Householder application for the erection  
of extension.  
CASE OFFICER: Nicola Glanville  
DECISION DATE: 05/07/2011  
DECISION: Conditional Consent

**WARD:** Tavistock North  
APPLICATION NO: 01590/2011  
LOCATION: Site location east of the drive entrance  
off Old Launceston Road, Tavistock,  
Devon  
APPLICANT NAME: Taylor Wimpey Exeter

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APPLICATION: Tree application  
GRID REF: 247250 74702  
PROPOSAL: Tree works application for Works to a mature Beech located east of the drive entrance off Old Launceston Road ; Crown reduce by upto 3m height and 2m lateral branch length and crown thin 10% of secondary and small live growth.  
CASE OFFICER: Georgina Browne  
DECISION DATE: 06/07/2011  
DECISION: Conditional Consent

**WARD: Tavistock North**  
APPLICATION NO: 01596/2011  
LOCATION: Meadow End, Crease Lane, Tavistock, Devon, PL19 8EW  
APPLICANT NAME: Mr & Mrs L Harvey  
APPLICATION: Non Material Minor Amendments  
GRID REF: 246877 73898  
PROPOSAL: Non material minor amendment for alterations and enlargements to window and door openings  
CASE OFFICER: Ben Wilcox  
DECISION DATE: 10/06/2011  
DECISION: Consent

**WARD: Tavistock South, Tavistock South West**  
APPLICATION NO: 01343/2011  
LOCATION: Bellever, 218 Whitchurch Road, Tavistock, Devon, PL19 9DQ  
APPLICANT NAME: Mr M Gray  
APPLICATION: Full  
GRID REF: 248991 72721  
PROPOSAL: Erection of 4 dwellings and associated works.  
CASE OFFICER: Ben Dancer  
DECISION DATE: 17/06/2011

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DECISION: Conditional Consent

**WARD:** Tavistock South

APPLICATION NO: 01468/2011

LOCATION: Magnolia, Down Road, Tavistock, Devon,  
PL19 9AD

APPLICANT NAME: Mr J and C McGowan

APPLICATION: Full

GRID REF: 248295 73939

PROPOSAL: Erection of two dwellings and associated  
works including demolition of existing  
bungalow.

CASE OFFICER: Katie Graham

DECISION DATE: 22/06/2011

DECISION: Conditional Consent

**WARD:** Tavistock South

APPLICATION NO: 01604/2011

LOCATION: Abbey Rise, Tavistock, Devon, PL19  
9FD

APPLICANT NAME: Leadbitter

APPLICATION: Non Material Minor Amendments

GRID REF: 2480690 740110

PROPOSAL: Non-material minor amendment for the  
installation of solar PV cells.

CASE OFFICER: Katie Graham

DECISION DATE: 30/06/2011

DECISION: Consent

**WARD:** Thrushel

APPLICATION NO: 01473/2011

LOCATION: Crosstown Farm, Lifton, Devon, PL16  
0HD

APPLICANT NAME: Mr S Cozens

APPLICATION: Full

GRID REF: 240885 83877

PROPOSAL: Householder application for the erection  
of extensions to porch.



**WEST DEVON BOROUGH COUNCIL  
PLANNING & LICENSING COMMITTEE  
DELEGATED DECISIONS**

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**19 JULY 2011**

CASE OFFICER: Ben Wilcox  
DECISION DATE: 13/06/2011  
DECISION: Consent

**WARD: Thrushel**  
APPLICATION NO: 01540/2011  
LOCATION: Spindlewood House, Newton Down,  
Lifton, Devon, PL16 0AS  
APPLICANT NAME: Mr & Mrs Platt  
APPLICATION: CLEUD  
GRID REF: 241269 85662  
PROPOSAL: Use of land for the siting of a caravan for  
residential purposes and use of land as  
domestic curtilage.  
CASE OFFICER: Katie Graham  
DECISION DATE: 05/07/2011  
DECISION: Consent

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AGENDA  
ITEM

8

## WEST DEVON BOROUGH COUNCIL

AGENDA  
ITEM

8

<b>NAME OF COMMITTEE</b>	<b>PLANNING AND LICENSING</b>
<b>DATE</b>	19 <sup>th</sup> July 2011
<b>REPORT TITLE</b>	Section 106 Obligations – Monitoring Fees
<b>REPORT OF</b>	Housing and Community Delivery Manager
<b>WARDS AFFECTED</b>	All

**Summary of report:**

Setting of a charging schedule to monitor the delivery of Section 106 obligations.

**Financial implications:** Income generated to cover the costs of monitoring the delivery of Section 106 obligations.

**RECOMMENDATION:**

That Members approve the Section 106 obligations monitoring fees as set out in section 2.

**Officer contact:**

Debbie Bird, Housing and Community Delivery Manager, [dbird@westdevon.gov.uk](mailto:dbird@westdevon.gov.uk)  
01822 813515

**1. BACKGROUND**

- 1.1 Work has been on-going for some time to standardise Section 106 clauses. The adoption of the Core Strategy and, in particular, SP9 – Meeting Housing Needs, which sets out the requirements for affordable housing contributions, has brought this issue to the fore.
- 1.2 In order to support applicants and reduce the likelihood of unacceptable Section 106s being submitted, which require re-work and could delay the process, the Council intends to provide standardised Section 106 templates for applicants for affordable housing and a range of infrastructure requirements.
- 1.3 Where such agreements are received and agreed as part of the application process there is a need to monitor the delivery of all the agreed obligations.
- 1.4 Currently monitoring is undertaken on an informal ad-hoc basis and encompasses a range of officers across planning, finance, legal and housing.

- 1.5 In order to improve the process and ensure efficient, timely delivery of planning obligations a review to determine the best way to resource and fund this monitoring has been undertaken. One of the drivers for this has been the likely increase in the number of Section 106 Agreements as a result of the adoption of the Core Strategy, in particular, SP9.
- 1.6 As part of the review an exercise was undertaken to investigate the approach taken by other local authorities in relation to monitoring fees. Charges range from a fee per obligation to a percentage of overall costs or a set scale of fees.
- 1.7 It is important to ensure that any fee is clearly understood and is reasonable and proportionate to the size of the development; as such it was felt that a simple scale of fees would provide the greatest clarity.

## 2. SCHEDULE OF FEES FOR MONITORING SECTION 106 OBLIGATIONS

- 2.1 The proposed schedule of fees is set out below. These provide clarity and certainty to the applicant and the Council, whilst being reasonable and proportionate:

### Residential Developments:

Developments of 1-4 dwellings requiring an on off-site financial contribution for affordable housing only.	£500
Developments of 5-9 dwellings.	£1,000
Developments of 10 or more dwellings.	£2,000

### Other Developments with Section 106 obligations:

One planning obligation/clause	£500
Multiple obligations/clauses	£1,000 to £2,000 depending upon complexity.

- 2.2 Fees will be reviewed annually and any proposed changes will be brought to Members for consideration.

## 3. FINANCIAL IMPLICATIONS

- 3.1 Charges will generate sufficient income to effectively monitor the delivery of Section 106 contributions in a timely manner.

## 4. LEGAL IMPLICATIONS

- 4.1 The Report proposes the introduction of a new set of fees which, under the Constitution, must be approved by the Committee. This Committee has power to consider these fees, as in the opinion of the Chief Finance Officer, the levying of such fees will not materially impact on the Council's budget.

4.2 The Council has powers to introduce reasonable and proportionate fees to contribute to or cover the costs incurred by the Council in monitoring the delivery of the Section 106 obligations.

## 5. RISK MANAGEMENT

5.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
Improved monitoring and delivery of planning obligations in a timely fashion. More dedicated resource to ensure the delivery of planning obligations.	Greater certainty for Members, the public and officers on the cost of planning obligations. Planning obligations delivered as required within appropriate timescales.
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
Challenge from agents and applicants to fees. If no charges made, reliance on the previous ad-hoc approach with no clearly defined resource leading to delays in the provision of planning obligations.	Benchmarking exercise carried out to determine appropriate level of fees. Annual review of charging policy and fees to ensure they remain reasonable and proportionate.

<b>Corporate priorities engaged:</b>	Community Life Economy Environment Homes
<b>Statutory powers:</b>	Town and Country Planning Act 1990 Circular 05/05 Planning Obligations
<b>Considerations of equality and human rights:</b>	None
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	None
<b>Crime and disorder implications:</b>	None
<b>Background papers:</b>	Local Development Framework – Core Strategy Development Plan Document (2006-2026)
<b>Appendices attached:</b>	None

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# Agenda Item 3

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **19<sup>th</sup>** day of **JULY 2011** at **10.00 am**.

**Present:**

Mrs C Marsh – Chairman	
Mr P R Sanders – Vice-Chairman	
Mrs S Bailey	Mr W Cann OBE
Mrs C Hall	Mr L J G Hockridge
Mr D Horn	Mr D Lake
Mr T Pearce	Mr D Wilde

Area Planning Officer (North)  
Area Planning Officer (South)  
Senior Planning Officer  
Planning & Litigation Lawyer  
Housing & Community Delivery Manager  
Committee & Ombudsman Link Officer

**In attendance:**

Mr B Baldwin	Mrs M Govier
Mr T Leech	Miss D Moyse

**\*P&L 17      DECLARATIONS OF INTEREST**

Mr W Cann OBE – Application 01582/2011 – Personal – Member of South Tawton Parish Council

Mrs C Marsh – Personal – Chairman of HATOC

Mrs C Marsh – Application 01486/2011 – Personal – received letters from objectors

Mr P Sanders – Personal – Member of Devon County and Tavistock Town Councils; Vice-Chairman of HATOC

Miss A Henderson-Smith – Area Planning Officer (North) – Application 01486/2011 – Personal but left Meeting prior to discussion) – acquainted with occupiers of main house and basement unit

**\*P&L 18      CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 21<sup>st</sup> June 2011 (page 7 to the Agenda), were confirmed and signed by the Chairman as a correct record.

**\*P&L 19      PLANNING, LISTED BUILDING, ADVERTISEMENT AND ENFORCEMENT REPORTS RELATING TO THE NORTHERN AREA OF THE BOROUGH**

The Committee considered the applications prepared relating to the Northern Area of the Borough (page 24 to the Agenda) and considered also the comments of Parish Councils together with other representations received, which are noted below, and **RESOLVED:**

**WARD:** **Bridestowe**

**APPLICATION NO:** 01477/2011

**LOCATION:** Balmain House, Bridestowe, Okehampton, Devon,  
EX20 4EG

**APPLICANT NAME:** Mr T Wharton

**APPLICATION:** Full

**PARISH:** Bridestowe

**GRID REF:** 251325 89288

**PROPOSAL:** Installtion of photovoltaic solar panels onto roof

**CASE OFFICER:** Laura Batham

**TARGET DATE:** 15/06/2011

This application came before Committee at the request of Cllr Hockridge.

#### **CONSULTATIONS**

Bridestowe Parish Council  
County Highways Authority  
Environment Agency  
Local Residents/Interested Parties: none received.

**SPEAKER:** Mr T Wharton – Applicant

**REFUSED** for the following reasons:

1. The proposal by reason of its siting is considered to have a detrimental impact upon the Bridestowe Conservation Area and is therefore considered contrary to policies BE1 of the Adopted Local Plan, SP18 of the Core Strategy and Planning Policy Statement 5: Planning and the Historic Environment.

**WARD:** **Drewsteignton**

**APPLICATION NO:** 01351/2011

**LOCATION:** Land Adjacent To Martin Farm, Exeter Road, Whiddon  
Down, Devon

**APPLICANT NAME:** Mr N Dawe

**APPLICATION:** Full

**PARISH:** Drewsteignton

**GRID REF:** 268375 92817

**PROPOSAL:** Change of use of land to operation of plant hire business  
including erection of building for plant storage

**CASE OFFICER:** Laura Batham

**TARGET DATE:** 11/05/2011



The application came before Committee at the request of Cllr Ridgers as consideration should be given to sustainability of a rural business and a positive impact on landscaping of a derelict site.

### **CONSULTATIONS**

Drewsteignton Parish Council  
County Highways Authority  
Environment Agency  
Natural England  
Landscape Officer  
Devon County Archaeology  
Local Residents/Interested Parties: 1 representation received

**REFUSED** for the following reasons:

1. Insufficient evidence has been provided to justify this use and proposed new building in the open countryside. As such the proposal is contrary to Policies NE10 and ED14 of the West Devon Borough Council Development Plan.
2. The proposed building would have a detrimental impact upon the woodland to the east of the site protected by a Tree Preservation Order and there is potential for conflict between the proposed building and the TPO. The proposal is therefore contrary to Policies NE5, NE10 and SP17 of the West Devon Borough Council Development Plan.

### **ENFORCEMENT**

**WARD:** Exbourne

**ENF REF:** E/0712/2008

**LOCATION:** Higher Cadham Farm, Jacobstowe, EX20 3RB

**DESCRIPTION:** Breach of Planning Condition: barns converted for holiday use, being used as independent residential units, and; unauthorised residential use of rooms in attached barn granted consent to restaurant with B&B accommodation above.

**OWNER:** Mssrs. J and S Salis

**ENFORCEMENT NOTICE PROCEEDINGS BE AUTHORISED** to bring about the cessation of the Breach of the Planning Conditions and the cessation of unauthorised residential use of "The Annexe". In addition, authority be granted to the Borough Solicitor to instigate the legal action, including any prosecution considered necessary to achieve that end should the notices be not complied with.

#### **Reason for enforcement action**

Planning Conditions controlling the use of Numbers 1 & 2 The Cowshed are not being complied with. In addition, the occupation of the annexe constitutes residential development outside settlement limits without a bona fide agricultural need. It appears, therefore, contrary to policy SP1, SP17, SP20, SP24, SP23, H31, H33, H37 and NE10,

of West Devon Borough Local Development Framework, and therefore expedient to take enforcement action.

Time for compliance: 6 months

**WARD:** Okehampton West

**APPLICATION NO:** 01486/2011

**LOCATION:** 129 Station Road, Okehampton, Devon, EX20 1EH

**APPLICANT NAME:** Mrs A Martin-Fleming

**APPLICATION:** Full

**PARISH:** Okehampton

**GRID REF:** 259154 94480

**PROPOSAL:** Retrospective change of use of dwelling to single dwelling, two one-bedroom holiday let units

**CASE OFFICER:** Laura Batham

**TARGET DATE:** 21/06/2011

This application came before Committee at the request of Cllr Mrs Marsh for the following reasons: concerns regarding highways and levels of amenity.

#### **CONSULTATIONS**

Okehampton Town Council  
County Highways Authority  
Environment Agency  
South West Water Services  
Local Residents/Interested Parties: 6 representations received

**SPEAKERS:** Mr T Thomson – Objector  
Mrs A Martin-Fleming – Applicant

**DEFERRED** pending site inspection:

1. Effect on amenity of adjoining occupiers
2. Access arrangements
3. Relationship of proposal to other development

**The Senior Planning Officer (North) declared a personal interest in the above noted application and left the Meeting prior to the discussion thereon.**

**WARD:** South Tawton

**APPLICATION NO:** 01582/2011

**LOCATION:** Powlesland Farm, Spreyton, Crediton, Devon, EX17 5EA

**APPLICANT NAME:** Mr and Mrs Howard

**APPLICATION:** Full

**PARISH:** South Tawton

**GRID REF:** 268859 95987  
**PROPOSAL:** Change of use and works to existing hard standing to form equestrian exercise area.  
**CASE OFFICER:** Mr Louis Dulling  
**TARGET DATE:** 27/07/2011

The application came before Committee at the request of Cllr Cann as the proposal is considered to be development in the open countryside.

### **CONSULTATIONS**

South Tawton Parish Council  
County Highways Authority  
Environment Agency  
South West Water Services  
English Heritage  
Conservation Officer  
Local Residents/Interested Parties: none received

**DEFERRED** pending site inspection:

1. Design in relation to surrounding property
2. Relationship of proposal to other development

### **\*P&L 20 PLANNING, LISTED BUILDING, ADVERTISEMENT AND ENFORCEMENT REPORTS RELATING TO THE SOUTHERN AREA OF THE BOROUGH**

The Committee considered the applications prepared relating to the Southern Area of the Borough (page 42 to the Agenda) and considered also the comments of Parish Councils together with other representations received which are noted below and **RESOLVED**:

**WARD:** Milton Ford

**APPLICATION NO:** 01214/2011

**LOCATION:** Downhayes, Lewdown, Okehampton, Devon, EX20 4BU

**APPLICANT NAME:** Mrs A Collins

**APPLICATION:** Full

**PARISH:** Marystow

**GRID REF:** 244179 86491

**PROPOSAL:** Erection of agricultural building.

**CASE OFFICER:** Ben Wilcox

**TARGET DATE:** 28/03/2011

This application came before Committee at the request of Cllr Baldwin on the grounds that the proposed development and associated activities may be a potentially polluting activity to the detriment of health and safety. The reason also raises concern over the scale of the proposed building and that it would cause a loss of amenity to nearby residential properties.

## **CONSULTATIONS**

Marystow Parish Council  
County Highways Authority  
Environment Agency  
South West Water Services

Local Residents/Interested Parties: 4 representations received

**REFUSED** for the following reasons:

1. The proposed development by reason of its scale, mass and bulk would have a significant detrimental impact upon the visual amenity of the site and surrounding landscape character contrary to West Devon Borough Council Local Plan Policy NE10.

## **TREE PRESERVATION ORDER**

**WARD:** Tavistock South

**REF:** S265

**LOCATION:** Westmoor Park, Tavistock

**PARISH:** Tavistock

**DATE TPO MADE:** 21 January 2011

**CASE OFFICER:** Georgina Browne

The Westmoor Park Tree Preservation Order protects a number of trees largely found on rear garden boundaries formed from a former Devon bank field boundary. The majority of the properties affected by the TPO are bungalows. Westmoor Park is elevated adding to the prominence of the trees in question.

The provisional TPO was made as the Council was alerted to the proposed felling of a couple of the trees scheduled.

Local Residents/Interested Parties: 7 representations received.

**SPEAKER:** Mr S Vowden – Objector

The Committee had undertaken a site inspection and had recognised that many of the trees had reached their full potential in their given location and that there was some possibility of property damage without works being undertaken. At the same time the Committee was also aware of the visual amenity the trees provided for local householders and to the wider landscape of Tavistock. Given this the Committee decided that the Tree Preservation Order 'Westmoor Park' be **CONFIRMED** but in so doing requested that applications for coppicing and maintenance works to the trees be considered in a supportive manner and for the Council's Landscape Officer to give assistance when needed.

## **ENFORCEMENT**

**WARD:** Thrushel

**ENF REF:** E/00960/2011

**LOCATION:** Wortham Manor Farm, Lifton, Devon.

**DESCRIPTION:** Unauthorised change of use of agricultural land to a mixed use of agriculture and use as a MotoX Circuit.

**OWNER:** Mr & Mrs. Jamison.

The matter before the Committee was the unauthorised use of farm land adjacent to the Grade I listed Wortham Manor, for use by motor cycles.

**ENFORCEMENT NOTICE PROCEEDINGS BE AUTHORISED** to bring about the cessation of the use of the land for motor sports and that the land be returned to a condition suitable for agriculture by the removal of earthworks and for British Seed House A25 (agricultural reinstatement) or equivalent to be planted and maintained in accordance with the manufacturers instructions. Additionally, the Borough Solicitor be further authorised to instigate the legal action, including prosecution, considered necessary to achieve that end should the notice be not complied with.

### **Reason for enforcement action**

The land at Wortham Manor Farm used by the motor cycles is in the open countryside adjacent to a building of national importance. The use of the land for motor sport has no overriding community or economic benefit and noise and dust created by this use causes unacceptable harm to the setting of the Listed building and the character of the landscape. It appears therefore contrary to policy SP1, SP17, SP18 and NE10, of West Devon Borough Local Development Framework, and therefore expedient to take enforcement action.

**Times for compliance:** 7 days for cessation; 3 months for land restoration.

## **\*P&L 21 PLANNING APPEALS UPDATE**

### **PLANNING APPEAL LODGED**

**APPLICATION NO:** 00946/2010

**APPLICANT:** Mr & Mrs D Phare

**PROPOSAL:** Erection of dwelling

**LOCATION:** Land adjacent to The Forge, Monkokehampston, Winkleigh, Devon,

**APPEAL STATUS:** **LODGED**

**DATE:** 09/06/2011

## **PLANNING APPEAL DECISIONS**

**APPLICATION NO:** 01165/2011  
**APPLICANT:** Mr & Mrs P Clarke  
**PROPOSAL:** Householder application for works to widen existing access  
**LOCATION:** Abbotsford, 14 Watts Road, Tavistock, PL19 8LG  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 26/06/2011

**APPLICATION NO:** 01136/2010  
**APPLICANT:** Mr and Mrs N Davies  
**PROPOSAL:** Installation of dormer windows  
**LOCATION:** 29 Old Exeter Road, Tavistock, Devon, PL19 0JE  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 10/06/2011

**APPLICATION NO:** 01065/2010  
**APPLICANT:** Mr & Mrs M Goodison  
**PROPOSAL:** Householder application for extension to dwelling comprising addition above existing roof and associated alterations.  
**LOCATION:** 1 Downlea, Tavistock, Devon, PL19 9AW  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 22/06/2011

**APPLICATION NO:** 00759/2010  
**APPLICANT:** Mr & Mrs D Baskerville  
**PROPOSAL:** Outline application for one dwelling, including access  
**LOCATION:** 141 Crediton Road, Okehampton, Devon, EX20 1NZ  
**APPEAL STATUS:** **APPEAL ALLOWED WITH CONDITIONS**  
**DATE:** 07/06/2011

**APPLICATION NO:** 00598/2010  
**APPLICANT:** Mr R Morris  
**PROPOSAL:** Agricultural workers dwelling  
**LOCATION:** Lower Melbury, Ashbury, Okehampton, EX20 3PF  
**APPEAL STATUS:** **DISMISSED**  
**DATE:** 23/06/2011

## **ENFORCEMENT APPEAL DECISION**

**ENF. REF. NO:** E/00876/2010  
**APPELLANT:** Mr R Morris  
**PROPOSAL:** Operational development without planning permission, namely the erection of a building designed for residential use, on agricultural land without a justifiable agricultural, horticultural or forestry need.  
**LOCATION:** Lower Melbury, Ashbury, Okehampton, EX20 3PF  
**APPEAL STATUS:** **DISMISSED**  
**DATE:** 23/06/2011

**\*P&L 22 DELEGATED DECISIONS**

The Committee received and noted the list of delegated decisions (page 52 to the Agenda).

**P&L 23 SECTION 106 OBLIGATIONS – MONITORING FEES**

The Housing and Community Delivery Manager presented a report (page 73 to the Agenda) proposing a scale of charges for undertaking monitoring of the delivery of Section 106 obligations. Work had been on-going for some time to standardise Section 106 clauses. The adoption of the Core Strategy and, in particular, SP9 – Meeting Housing Needs, which sets out the requirements for affordable housing contributions, had brought this issue to the fore.

The Council intended to introduce standard templates for Section 106s for applicants to use for affordable housing and a range of infrastructure requirements. Such a proposal would reduce the incidence of unacceptable Section 106s being submitted, which would require re-working and could then delay the process.

It was **RESOLVED** that the proposed Section 106 obligation monitoring fees as set out below and which would be reviewed annually by the Committee, be approved and adopted with immediate effect:

**Residential Developments:**

Developments of 1-4 dwellings requiring an on off-site financial contribution for affordable housing only.	£500
Developments of 5-9 dwellings.	£1,000
Developments of 10 or more dwellings.	£2,000

**Other Developments with Section 106 obligations:**

One planning obligation/clause	£500
Multiple obligations/clauses	£1,000 to £2,000 depending upon complexity.

It was **FURTHER RESOLVED** that development schemes comprising solely of affordable housing be exempt from such charges.

(The Meeting terminated at 12.30 pm.)

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