

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **16th** day of **April 2024** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr R Cheadle – Chairman
Cllr T Southcott – Vice-Chairman

Cllr A Cunningham	Cllr U Mann
Cllr S Guthrie	Cllr J Moody
Cllr N Jory	Cllr C Mott
Cllr T Leech	Cllr S Wakeham

Other Members in attendance:

Cllrs Johnson, Kimber, Renders and West

Officers in attendance:

Head of Development Management (JH)
Planning Case Officers (HE and LH)
Deputy Monitoring Officer (CB)
Head of Democratic Services (DW)
Devon County Council Highways representative (PT)

***DM&L.50 APOLOGIES FOR ABSENCE**

There were no apologies received from Committee Members for this meeting.

***DM&L.51 DECLARATION OF INTEREST**

Cllr N Jory declared a personal interest in planning application 0054/24/FUL (The Sculpture School, Moorview Farm, Bondleigh EX20 2AP) (Minute *DM&L.54 (a) below refers). Cllr Jory declared his interest by virtue of having attended (in his capacity as Leader of the Council from 2019-23) an exhibition at The Sculpture School and meeting the applicants at this time and remained in the meeting and took part in the debate and vote thereon.

Cllr C Mott also declared a personal interest in planning application 0054/24/FUL (The Sculpture School, Moorview Farm, Bondleigh EX20 2AP) (Minute *DM&L.54 (a) below refers). Cllr Mott declared her interest by virtue of having attended The Sculpture School on a number of occasions during her terms of office as Mayor of the Council and proceeded to remain in the meeting and take part in the debate and vote thereon.

***DM&L.52 URGENT BUSINESS**

There were no items of urgent business brought forward to this meeting for consideration.

***DM&L.53 CONFIRMATION OF MINUTES**

The Minutes from the Development Management and Licencing Committee meeting held on 27 February 2024 were agreed as a true and correct record.

***DM&L.54 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports and presentations that had been prepared by the relevant Planning Officer on the following applications and also considered the comments of the local town and parish councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 0054/24/FUL Ward: North Tawton

Site Address: The Sculpture School, Moorview Farm, Bondleigh EX20 2AP

Development: Retention of 3 holiday lets in the form of 2 shepherds huts, conversion of attic space above sculpture school and addition of photovoltaic panels.

Recommendation: Refusal

Key issues for Committee consideration:

Holiday accommodation, Sustainability, Design, Landscape, Trees, Biodiversity and Ecology, Highways and Low Carbon Development

Case Officer Introduction:

The Planning Case Officer conducted a detailed presentation to the Committee and, in summary, informed that this application was a finely balanced one. That being said, the Case Officer advised that her recommendation was that the application be refused due to the development *'resulting in tourism accommodation in an unsustainable rural location with restricted access to services and amenities whereby users would be reliant on the private car'*.

Public Speakers:

Supporter – Mr Sherry (Agent)

In summary, Mr Sherry stated that:

- the huts had been constructed to a particularly high standard;
- the officer reason for reason being countered by the information set out in the Carbon Reduction Statement;
- no objections had been raised by Devon County Council Highways Authority; and
- the business employed 8 individuals and this application was very important to ensure the ongoing sustainability and viability of this rural business.

Mr Sherry proceeded to respond to some Committee Member questions highlighting that:

- the priority use for the huts was for the Sculpture School students and, on the rare occasions that any were vacant, then the application sought to enable them to be used for tourism purposes;
- the Sculpture School had an excellent national (and international) reputation and had even commissioned work for the Royal Family. As a result, Mr Sherry felt that the Council should be very proud that such a renowned business was based in the West Devon Borough area.

Bondleigh Parish Council representative – Cllr Dr Warre

During his address, Cllr Warre reiterated the success of the local business and advised that the Parish Council was strongly of the view that all steps should be taken to support such rural businesses and he therefore called on the Committee to approve this application.

Local Ward Members: statement read on behalf of Cllrs Casbolt and Watts that included reference to:

- the planning history that saw the School originally being granted planning permission;
- the huts not looking out of place and in no way being detrimental to the open countryside.
- Students being allowed to reside on site would in fact reduce the daily travel to and from local hotels and holiday accommodation;
- Carbon emissions would be further reduced through the on-site Electric Vehicle Car Charging points;
- Policy SPT1 (Delivering Sustainable Development). The local Ward Members were of the view that the use of Shepherd Huts was both in-keeping and a sustainable solution to support a thriving rural business;
- the local Ward Members wholehearted support for the application. The Members were of the view that, should the Committee refuse this application, then it would be putting in jeopardy not only the great work and international recognition already gained by the School, but also the future of its fantastic students.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- the dilemma of balancing the intentions of policies SPT1 and SPT2 against the contents of policy DEV15. In addition, a Member highlighted that the cultural emphasis associated with this planning application had to be borne in mind;
- the relevance of the previous decision to refuse an on-site planning application in August 2023;
- the lack of local amenities (e.g. restaurants and shops) in the vicinity of the application site;
- the wish to take every possible step to support such a successful local rural business; and

- the usages associated with the Shepherds Huts. In acknowledging the Case Officer concerns relating to tourism use, Members questioned whether it would be possible (if the Committee was minded to conditionally approve the application) to impose a condition whereby they could only be used by students. Officers replied that this was a possibility.

A motion to refuse the application (in line with the case officer recommendation) was **PROPOSED** and **SECONDED** and, when put to the vote, was declared **LOST**.

Committee Decision: Conditional approval, with delegated authority being granted to the Head of Development Management, in consultation with the Committee Chairman and Vice-Chairman, to approve the exact wording of the associated conditions.

Committee Reasons:

In line with Joint Local Plan Policy DEV15, the Committee was satisfied that the proposals constituted appropriate and proportionate expansion of a successful rural business.

By imposing a condition to remove reference to tourism accommodation, the Committee felt that this overcame some of the officer concerns in respect of the sustainability of the rural location.

(b) Application No. 2435/23/FUL

Ward : Bere Ferrers

Site Address: Land at SX 453 669

Development: 31 no new dwellings, associated access road, pedestrian link, landscaping, public open spaces & drainage

Recommendation: Conditional approval

Key issues for Committee consideration: allocated site; proposed access; impact on national landscape and housing mix; and Section 106.

Case Officer introduction:

The Planning Case Officer provided an update to the Committee in relation to a clarification email that had been received since the agenda had been published. Whilst the email had been circulated to all Committee Members, the Officer provided a summary of its contents to the meeting.

Public Speakers:

Objector – Mr Crozier

In summary (and with the aid of visuals), Mr Crozier made reference to:

- the poor (and dangerous) access on to the highway from the application site and the surrounding junctions, which were at severe angles;
- the adopted Neighbourhood Plan being disregarded by these proposals; and
- this application site representing the worst possible alternative.

Supporter – Mr Coles (Agent)

During his address to the Committee, Mr Coles advised that:

- discussions had taken place with the Bowling Club in respect of a shared access point but these talks had proven to be unsuccessful;
- any proposed extension to the 30mph speed limit area was purely speculation at this current time; and
- there were design benefits associated with the southern access proposal.

Bere Ferrers Parish Council Representative – Cllr Lamb

With the support of photos, Cllr Lamb informed the Committee that:

- it was the understanding of the Parish Council that the Bowling Club had not been approached by the applicants. Further, both the local Housing Association and the Bowling Club had indicated a willingness to speak to the developers. To support this point, the representative shared copies of relevant correspondence with the Committee; and
- the Parish Council was of the view that feasibility had not been sufficiently demonstrated and the northern access alternative was a viable option.

Local Ward Member: Cllr Isabel Saxby

Cllr Saxby stated that:

- it was her opinion that nothing had changed in this application in comparison to the previous decision to refuse that had also been dismissed on appeal;
- the access point on to blind corners was incredibly dangerous;
- the lack of collaborative work on the proposals was a disappointment;
- there was a desperate need for additional housing in the parish; and
- there were ramifications on overriding the adopted Neighbourhood Plan.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- disappointment being expressed that the developers could not produce a scheme that saw both developments linked to the existing access point on to the road; and
- this being a very finely balanced decision for Members.

Committee Decision: Conditional approval (as per the published agenda report).

***DM&L.55 PLANNING APPEALS UPDATE**

The Head of Development Management took the Committee through each of the planning appeal cases listed in the published agenda papers and Members proceeded to note the contents of the update.

***DM&L.56 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Committee received an update from the Head of Development Management on the Undetermined Major Planning Applications that were listed in the published agenda papers and proceeded to note the contents of the update given.

(The Meeting ended at 12.25pm)

Chairman