

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **2nd** day of **JULY 2024** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

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

Cllr A Cunningham	Cllr C Mott
Cllr M Ewings	Cllr M Renders
Cllr S Guthrie	Cllr P Vachon
Cllr P Kimber	Cllr S Wakeham

**Officers in attendance:**

Head of Development Management (JH)  
Senior Planning Officer (BH)  
Deputy Monitoring Officer (CB)  
Senior Democratic Services Officer (KH)

**\*DM&L.9 APOLOGIES FOR ABSENCE**

There were apologies received from Cllr N Jory and Cllr P Kimber substituted for him.

**\*DM&L.10 DECLARATION OF INTEREST**

Cllr Southcott declared a personal interest in planning application 0998/24/FUL (Minute \*DM&L. 14 below refers). As a local Ward Member, he intended to speak on the application and would then leave the meeting room before the discussion and debate thereon.

For the record, Cllr Mott advised that she was also a local Ward Member and neighbour to the applicant but that it would not affect her ability to determine this application.

**\*DM&L.11 URGENT BUSINESS**

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

**\*DM&L.12 CONFIRMATION OF MINUTES**

The Minutes from the Development Management and Licencing Committee meeting held on 4 June 2024 and the Licensing Sub-Committee meeting held on 28 May 2024 were agreed as a true and correct record.

The Chairman updated the Committee that, since the granting of a licence at Uphill Farm, Yelverton at the Licensing-Sub Committee meeting on 28 May 2024, a complaint of noise had since been submitted to the Environmental Health Department.

**\*DM&L.13 STATEMENT FROM THE DEPUTY MONITORING OFFICER**

At this point in the meeting, the Deputy Monitoring Officer made a statement to the Committee setting out the legal framework for the determination of planning applications so that members of the public who might not be familiar with how planning applications were to be determined, could understand the approach that the Committee needed to follow.

The following points needed to be taken into account by the Committee:

- Regard was to be had to Development Plan policies and other material planning considerations;
- Material planning considerations were those about development or use of land;
- Decisions were to be taken in accordance with the Development Plan unless other material considerations suggested otherwise.
- The Committee would need to establish whether a development proposal complied with the Development Plan read as a whole.
- Where policies conflicted, the Committee had to undertake a balancing exercise involving the use of its planning judgement; and
- Development Plan policies must be read sensibly; with words having their ordinary and natural meaning.

**\*DM&L.14 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

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

**(a) Application Number: 0998/24/FUL          Ward: Bridestowe**

**Site Address: Foxcombe, Lewdown. EX20 4PH**

**Development: Proposed use of cabin as a holiday let**

**Recommendation: Refusal**

**Key Issues: Principle of development, sustainability, design, scale and massing, landscape, drainage, highways, biodiversity, low carbon.**

The Planning Officer took the Members through the presentation, in particular referencing a map of a local hailing bus service.

The key issues for consideration were:

- The proposal had not been supported by a locationally specific proven need for tourist accommodation in this (physically and functionally) isolated rural location, where travel to and from the site was most likely to be via the private car, thus undermining the aims of policy DEV32, which sought to deliver a low carbon future. This harm was not outweighed by the economic benefits of the proposal. In this regard, the proposal was not felt to represent sustainable development, contrary to the provisions of policies SPT1, SPT2, TTV1, TTV2, TTV26 (1i, 2iii, iv) DEV15 (1,2,4,6,7,8 ii, iv) DEV29(6,7) DEV32 and the guidance contained within but not limited to paragraphs, 7, 8, 157 and 159b of the National Planning Policy Framework (2023).

A Member asked how to weight the balance of the proposal for a holiday chalet against a residential home. The Planning Officer replied that holiday homes and permanent homes had different needs; for example holidaymakers did not need to access local schools. The Planning Officer also commented that the application was not fundamentally different to a previous application that was refused, however there had been changes to legal cases. A Member asked how locationally specific need for tourist accommodation could be proved. The Planning Officer explained that there had been appeal decisions that look at what is in the area around the site and whether there was a shortfall in a particular type of accommodation.

The Head of Development Management referred Members to Policy DEV 15, paragraph 7 in the Joint Local Plan, which commented on holiday accommodation and stated that any new holiday accommodation should respond to an identified local need. The Planning Officer had stated that sufficient information to demonstrate a local need for this type of accommodation in this area had not been provided by the applicant.

### **Public Speakers:**

**Supporter:** The agent for the application stated that the application presented was a further application following one presented in 2020 which was refused as the Council felt it was in an unsustainable location. Since the refusal decision, an appeal had been allowed for 4 holiday pods at the nearby Alder Vineyard. The Planning Inspector concluded that the application had been sustainable since there was a hail and stop bus service along the old A30 that guests staying at the site could use. The application was for farm diversification and the National Planning Policy Framework (NPPF) stated that planning decisions should enable farm diversification. The applicants would consider temporary planning permission being granted for a 3-year period.

A Member asked for confirmation of a safe spot to walk to hail a bus. The agent suggested that it was just over 300 metres from the junction of the site.

**Lewtrenchard Parish Council:** The representative from Lewdown Grouped Parish Council stated that the Parish Council supported the application as they believed it would help the local economy and provide additional employment and would provide additional diversification on the farm. The site location was close to the Two Castle Way walking route and a number of cycle paths.

If the application were to be approved, then consideration would be made to the installation of an EV Charging Point to mitigate any carbon concerns.

**Local Ward Member:** Cllr Southcott stated that he had brought the application to the Committee for determination to consider Policy DEV15. Should the Committee be minded to approve the application, then it would be preferable for temporary approval to be given in order to give the applicants time to build the evidence of need.

The Head of Development Management advised the Committee that, although there was obvious local support for the approval of the application, the Planning Officer had taken all the benefits and disbenefits of the proposal into account in coming to her recommendation.

#### **Committee Debate:**

- A Member felt that market research was not needed, there was the ability to walk and cycle from the site;
- A Member stated that they had to look at the application alongside the policies and that would outweigh any personal feelings they had on the application and therefore were unable to support any recommendation for an approval and would support the Officer recommendation of refusal.
- Another Member felt that the application would have economic benefits and they would support a recommendation for a temporary 3-year permission being granted as suggested by the Ward Member.
- The Planning Officer confirmed that the applicant needed to demonstrate and provide evidence of the need of the wider holding not just the need for holiday accommodation. The Committee had to see the clear distinction between need and demand.

#### **Committee Decision: Refusal**

A Member asked to seek clarity on when there would be a view on a recommendation to grant temporary approval on the application.

The Chairman explained that, had the Committee voted against the Officer recommendation for refusal, then an alternative proposal could have been proposed and seconded and then put to the Committee for a decision. A Member asked for it to be minuted that the process that had been followed in reaching the decision had not been clear to them at the time of the vote.

**\*DM&L.15 PLANNING APPEALS UPDATE**

The Head of Development Management took the Committee through the planning appeal cases listed in the published agenda papers. A change of use of a barn to a dwelling at Chichacott which was refused under delegated authority had been dismissed at appeal.

A householder application for a loft conversion with single dormer to rear of the property at Orchard Hill, Madge Lane, Tavistock, which had been refused, had been allowed on appeal. The application had been refused due to size and scale, however, the Inspector felt the changes to the roof and increased ridge height would not unduly dominate and would not diminish its character.

**\*DM&L.16 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 10.50 am)

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Chairman