

E-mail: comsec@teignbridge.gov.uk

14 March 2023

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Wednesday, 22nd March, 2023** in the Buckland Athletic Football Club, Kingskerswell Rd, Newton Abbot, TQ12 5JU at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors Goodman-Bradbury (Chair), J Petherick (Vice-Chair), Bradford, Clarence, Colclough, H Cox, Dewhirst, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley, Parker, Peart and Russell

Substitutes: Councillors Austen, Daws, Haines, Jeffries, Phipps and Connett

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. This meeting will be livestreamed on Youtube. By entering the meeting's venue you are consenting to being filmed.

Public Access Statement

Information for the Public

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at www.teignbridge.gov.uk/planningcommittee.

Please email comsec@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting.

This agenda is available online at www.teignbridge.gov.uk/agendas five clear working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail comsec@teignbridge.gov.uk

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 10)
To confirm the minutes of the last meeting.
3. Declarations of Interest.
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) 22/02223/HOU - Dainton Folly, Ipplepen (Pages 11 - 16)

- b) 22/00116/ENF - Stancott, Chudleigh (Pages 17 - 24)
- 7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.
(Pages 25 - 26)
- 8. Major Decisions Summary (Pages 27 - 28)

This page is intentionally left blank

PLANNING COMMITTEE

15 FEBRUARY 2023

Present:

Councillors Goodman-Bradbury (Chair), Clarence, Colclough, Dewhirst, J Hook, Nutley and Parker

Members in Attendance:

Councillors Haines

Apologies:

Councillors J Petherick, Bradford, H Cox, Hayes, Jeffery, Kerswell, MacGregor, Nuttall and Peart

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Christopher Morgan, Trainee Democratic Services Officer
Paul Woodhead, Solicitor to the Council
Trish Corns, Democratic Services Officer

26. MINUTES

It was proposed by Councillor J Hook and seconded by Councillor Dewhirst that the minutes of the previous meeting be agreed and signed by the chair.

A vote was taken through raising of hands.

Resolved

That the minutes of the previous meeting be agreed and signed by the Chair.

a) **19/01274/REM - Connybeare Wood, Kerswell-With-Combe (Pages 5 - 6)**

The Business Manager presented the application.

Comments from Councillors included:

- Size of size, including in comparison to local plan and original application
- Concerns over caravan
- Necessary to ensure enforcement capability
- CIL is £339,261
- When was fire?
- Is structure close to main site?
- Public garden centre nearby

Planning Committee (15.2.2023)

- Concerns over road onto site
- Need for animal boxes

Officers clarified that the application is for reserved matters, enforcement was assured, CIL is £250 per square meter, and that there were no highway concerns.

It was proposed by Councillor Dewhirst and seconded by Councillor Parker that permission be granted as set out

A roll call vote was taken, see attached.

Resolved

That permission be granted subject to the following conditions:

1. Works shall proceed in accordance with approved plans.
2. No part of the development hereby permitted shall be commenced until an appropriate ground investigation has been undertaken and the details of the ground investigation have been submitted to and approved in writing by the Local Planning Authority.
3. Prior to development above the damp proof course, samples or details of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Stone shall be locally sourced and laid on its natural bed.
4. The development shall be carried out in accordance with the safeguards and mitigation measures set out in the ecological report. On completion of the works hereby approved, the bat/ecological consultant shall confirm in writing to TDC that the required measures and features have been put in place and are acceptable.
5. The development shall proceed in accordance with the energy efficiency and low carbon measures as set out in the Design and Access Statement. Prior to the occupation of the dwelling, solar panels, an electric vehicle charge point and the green roof shall be installed and ready for commissioning.
6. Prior to the installation of any external lighting on the outside of the building or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and reenacting that Order with or without modification) no development of the type described in Class AA of Part 1 shall be constructed.

27. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

Comments from Councillors included:

- Are nondetermined apps being dealt with
- Felling of silver birches, safety of trees
- Bristol plans for garden dwelling

Planning Committee (15.2.2023)

- One item doesn't specify whether the committee or officer had decided it

Officers clarified that there was an 8 week target period for applications, the need for use of tree consultants, the unclarified decision had been delegated, and that there would need to be a strong case for having a dwelling in a garden.

The Committee noted the appeal decisions made by the Planning Inspectorate.

28. MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary sheet,

The meeting started at 10.00 am and finished at 10.41 am.

Chair
Linda Goodman-Bradbury

This page is intentionally left blank

Planning Recorded Vote Roll Call Minute Item 26a

COUNCILLORS	FOR	AGAINST	ABSTAIN
CLLR JANET BRADFORD			
CLLR CHRIS CLARENCE	X		
CLLR MARY COLCLOUGH	X		
CLLR HUW COX			
CLLR ALISTAIR DEWHIRST	X		
CLLR ROB HAYES			
CLLR JACKIE HOOK	X		
CLLR MIKE JEFFERY			
CLLR AVRIL KERSWELL			
CLLR ANDREW MACGREGOR			
CLLR CHARLES NUTTALL			
CLLR JOHN NUTLEY	X		
CLLR COLIN PARKER	X		
CLLR RON PEART			
CLLR LINDA GOODMAN-BRADBURY	X		
CLLR JOHN PETHERICK			
TOTAL	7		

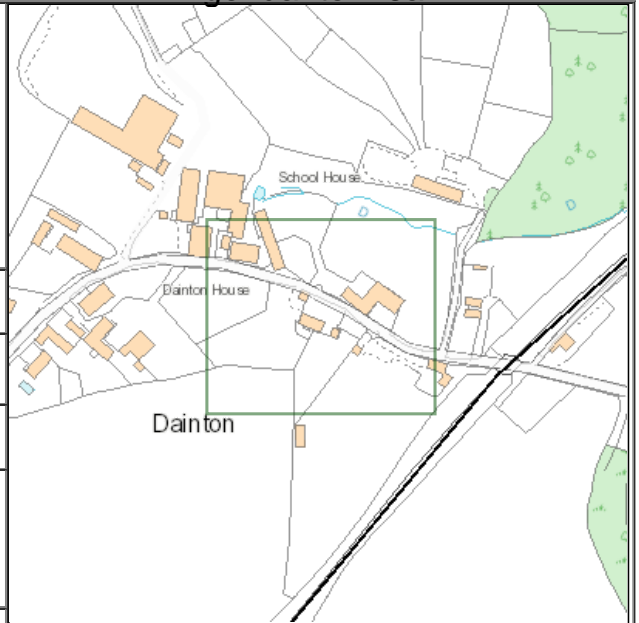
This page is intentionally left blank



Planning Committee Report

Chairman: Cllr. Linda Goodman-Bradbury

Date	22 March 2023
Case Officer	Niki Warner
Location	Dainton Folly Dainton Devon TQ12 5TZ
Proposal	Single storey rear extension, rear dormer, replace first floor glazing on front elevation with rooflights and provide a new pitched roof over existing garage/store
Applicant	Mr & Mrs Farley
Ward	Ipplepen
Member(s)	Cllr Alastair Dewhurst
Reference	22/02223/HOU



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED - Indicative Plan



1. REASON FOR REPORT

The applicant is a staff member

2. RECOMMENDATION

APPROVE subject to the following conditions:

1. Works shall proceed in accordance with approved plans.
2. Bird and bat boxes should be installed, as illustrated in the submitted Preliminary Ecological Appraisal (by Green Laned Ecology dated July 2022). Provision shall be made for bee bricks and hedgehog holes.

REASON: to provide biodiversity net gain.

3. DESCRIPTION

The Site

Dainton Folly is a stone barn converted to domestic use in 1991, located in the hamlet of Dainton, approximately 1.2 miles to the east of the village of Ipplepen.

The applicant made a previous application for more significant changes to the front elevations, and on advice from the Planning Officer withdrew the application and resubmitted this proposal, with changes that make the proposal more sensitive to its agricultural history and that is more respectful of the vernacular context that it sits within.

The proposal seeks to remove a small lean to at the rear of the house and replace with an extension. 7m deep and 8.8m wide at the ground floor and a modest gable extension at first floor on the rear elevation.

The fixed pane glazing panels on the front elevation are to be replaced with smaller openable rooflights. And three rooflights will be added to the rear. There will be no increase in the volume of roof glazing.

A new pitched slated roof is proposed to be added to the existing and currently flat roofed garage/store.

3.1. Principle of Development

The application is for adaptations and extensions to an existing dwelling. Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments supports minor developments of this nature, where the design and materials are complementary to the existing building and on a scale that is appropriate to the existing building.

3.2. Impact upon the character and visual amenity of the area

The works are mainly to the rear of the property and predominantly at ground floor. They are not visible from the public domain and are of a high quality, with local stone detailing, render, and dark brown UPVC windows to match the existing fenestration of the house.

The proposal is considered to be in harmony with the host dwelling and it is considered that it will have no adverse effects on the character or visual amenity of the area.

3.3. Impact on the residential amenity of surrounding properties

Dainton Folly is opposite other residential properties, but to the rear is surrounded by open countryside, as the extension is to the rear, this will not affect the amenity of neighbouring properties.

3.4. Impact on ecology/Biodiversity

The protected species survey found no evidence of roosting bats, house sparrows nest in another part of the building.

The property is located within the Landscape Connectivity Zone for Greater Horseshoe Bats associated with the South Hams SAC but is not within a Pinch Point nor does it impact on any Existing Mitigation Feature. In accordance with the South Hams SAC HRA Guidance 2019, there is unlikely to be a Likely Significant Effect and therefore detailed HRA is not required. The site is also in a Great Crested newt alert zone.

3.5. Flood Risk/Drainage

The site is within Flood Zone 1 and not in a critical drainage area, there are no drainage or flooding concerns posed by this development.

3.6. Highway safety

As the proposal is a modest extension, the traffic generated from the site would be unchanged and would have no additional undue impact on highway safety

3.7. Conclusion

The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted, subject to conditions.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S22 Countryside

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

TDC Biodiversity Officer

Condition and informative please.

ISSUES

The Preliminary Ecological Assessment found no sign of roosting bats. House sparrows nest in another part of the dwelling. Please condition installation of bird and bat boxes to provide biodiversity net gain and apply an informative.

CONDITION REQUIRED

Bird and bat boxes should be installed, as illustrated in the submitted Preliminary Ecological Appraisal (by Green Laned Ecology dated July 2022).

REASON: to provide biodiversity net gain.

INFORMATIVE REQUIRED

Although the protected species survey found no evidence of roosting bats, there remains a possibility that they might be present at the time that works take place. All bats and nesting birds are protected by law.

The applicant should notify the building contractor in writing of the potential presence of bats within the roof fabric. The contractor should be instructed to take care when stripping roof materials, especially gently lifting rather than sliding slates or tiles. If any bats are found during works:

- All work in the vicinity of the bat should stop immediately. The bat should be left in situ and gently covered until advice is obtained.
- Advice should be sought immediately from your bat worker or the National Bat Helpline (0845 1300 228). Works must not resume until their advice has been followed;
- Bats should not be handled (in exceptional cases, gloves must be worn);
- If the bat is active and flies no attempt should be made to catch it and it should be permitted to depart/ exit the building of its own accord.
- If any nesting birds are discovered in the course of the demolition, works should cease until the fledglings have departed the nest.

Teignbridge District Council's Biodiversity Officer can provide further information.

6. **REPRESENTATIONS**

Neighbours were notified by letter

No representations have been received

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council have no objections to this application

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because: It is less than 100m² of new build that does not result in the creation of a dwelling.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development

10. CARBON/CLIMATE IMPACT

The extended elements will be insulated to high levels, the rest of the house is having additional insulation in the gable ends to improve thermal efficiency. Most of the stone is reclaimed from local sources, any additional stone needed is coming from local quarry, which is around a mile away. Applicant is keen to keep carbon footprint to a minimum and these modest changes will help make the overall footprint for the whole house lower.

11 HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

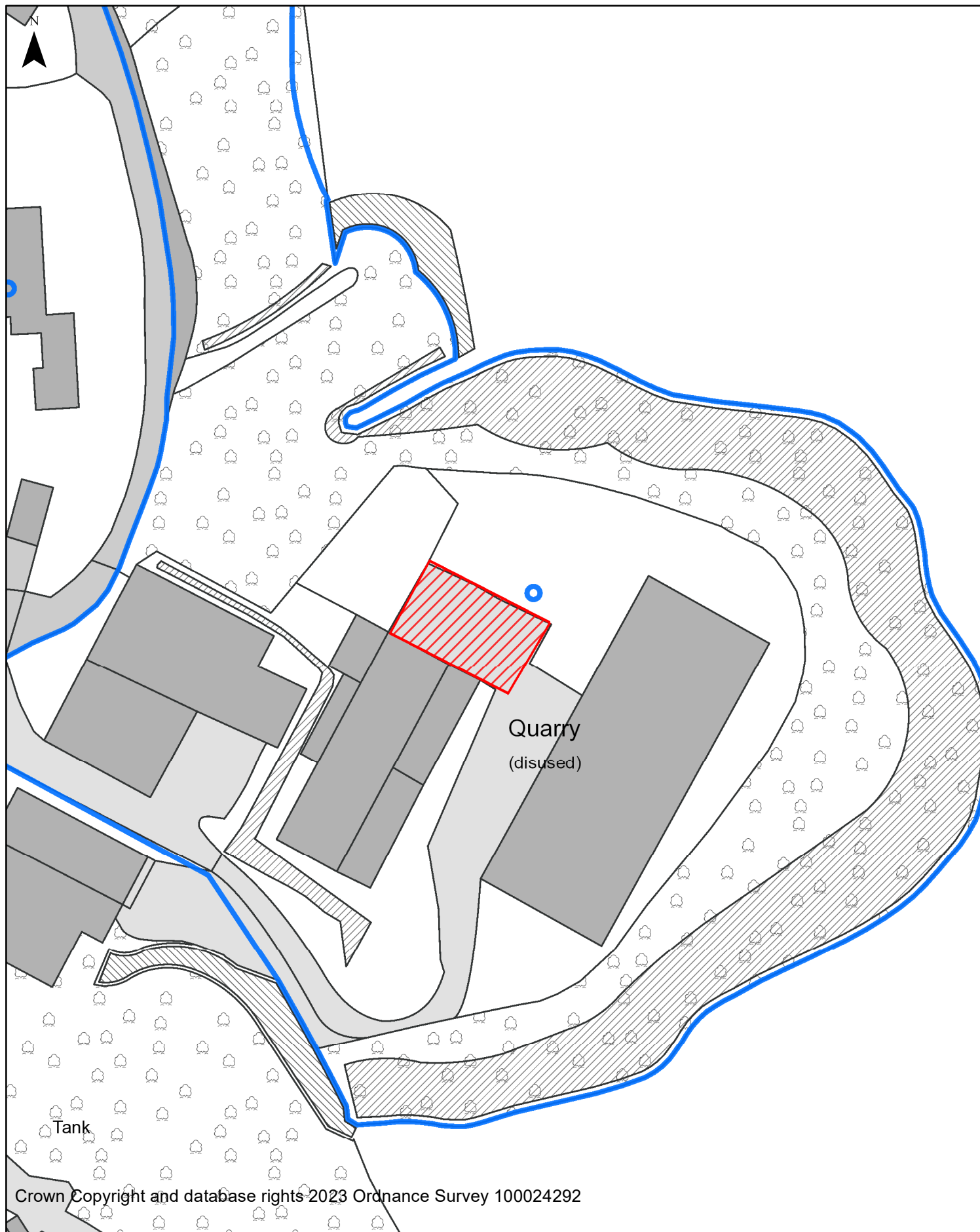
This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

<p>PLANNING COMMITTEE ENFORCEMENT REPORT</p> <p>CHAIRMAN: Cllr Linda Goodman-Bradbury</p>	
--	--

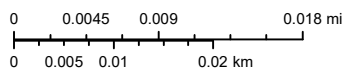
DATE:	22 March 2023	
REFERENCE NO:	22/00116/ENF	
SITE:	LAND AT NGR 288636 80491, CHUDLEIGH	
ENFORCEMENT ISSUE:	Alleged unauthorised siting of two residential caravans	
REASON FOR COMMITTEE CONSIDERATION:	The proposed enforcement action has the potential to render a person homeless (<i>see TDC Constitution, Section 6, Schedule 6, paragraph 5.1</i>)	
RECOMMENDATION:	<p>It be resolved that:</p> <ul style="list-style-type: none"> i) An ENFORCEMENT NOTICE be issued; and ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution. 	
WARD MEMBERS:	Cllr Lorraine Evans Cllr Richard Keeling	Chudleigh





Crown Copyright and database rights-2023 Ordnance Survey 100024292

1:760



1. THE ALLEGED BREACH OF PLANNING CONTROL & ENFORCEMENT INVESTIGATION FINDINGS

- 1.1 Stancott Farm is located to the southeast of Chudleigh in the open countryside on agricultural land. The site has been the subject of a number of planning and other applications to develop the land for residential purposes. The current enforcement case relates to the siting of two static caravans on the land. The key facts in this case are as follows:
- Two static caravans have been sited on the land and are being occupied for residential purposes without planning permission.
 - There is no lawful reason for the caravans to be sited on the land for residential purposes.
 - Although the owner advised some time ago that they intended to cease occupation and remove the caravans from the site by the end of March, occupation continues.

In order to remedy the planning breach formal enforcement action is therefore required.

2. BACKGROUND & CONTEXT

- 2.1 In April 2022 the Council received a complaint about the siting of two static caravans on land at Stancott Farm, Chudleigh that were being used for residential purposes.
- 2.2 To determine what had occurred the owner was contacted and they confirmed that two static caravans had been sited on the land for residential purposes. It was claimed that they were being sited on the land for temporary purposes whilst building works were to be carried out to convert existing agricultural buildings to offices and dwellings. It was noted that they are being occupied by one of the site owners and their teenage son.
- 2.3 The caravans were seen by planning / enforcement officers at the site on 24 June 2022 and 7 February 2023 and appeared to be in residential use.
- 2.4 Under Schedule 2, Part 5 (Caravan sites and recreational campsites), Class A (use of land as caravan site) of the Town and Country Planning (General Permitted Development) Order 2015 provision is given to allow land to be used to station residential mobile homes on the land without requiring planning permission whilst the occupiers are carrying out building works. This is set out in Schedule 1 of the Caravan Sites and Control of Development Act 1960 which sets out a list of cases where a site licence is not required.

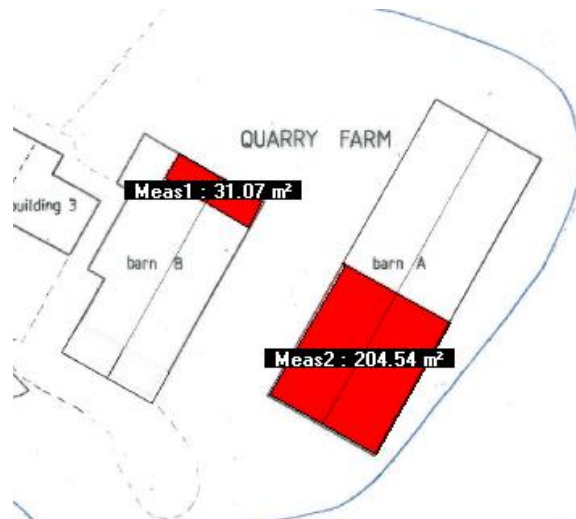
TEIGNBRIDGE DISTRICT COUNCIL

2.5 The owner has secured 'Prior Approval' for residential conversion of some barns, and commercial (office) use of parts of other barns at the site. The following 'Prior Approvals' have previously been granted:

- Prior Approval 22/00980/NPA (Application for Prior Approval under Part 3 Class Q (a) and (b) paragraph W of the GDPO change of use of an agricultural building to 5 dwelling houses (two larger and three smaller)) was given on 06 July 2022 for the barns within the red line below:



- Prior Approval 19/02539/NPA – (Application for Prior Approval under Part 3 Class R paragraph W of the GPDO change of use of agricultural buildings to a flexible use falling within Class B1 (business)) was given on 10 February 2020. However, as the GPDO required the change of use to be commenced within 3 years (before 10 February 2023) and this cannot have lawfully occurred, then officers do not consider that this development could take place lawfully without the giving of a further prior approval.



2.6 The issuing of a Prior Approval is a secondary stage approval as planning permission is granted in advance by the Town and Country Planning (General Permitted Development) Order 2015 ('the GPDO').

2.7 The GPDO requires that the developer must apply to the local planning authority for a determination as to whether the prior approval of the

TEIGNBRIDGE DISTRICT COUNCIL

authority will be required as to a limited number of matters. Unlike in cases where planning permission is explicitly granted by the Local Planning Authority, caselaw has established that the responsibility for ensuring that all the requirements of the GPDO are met rests with the developer of the land.

- 2.8 In this instance although the owner has secured the 'Prior Approval' necessary to take advantage of the planning permission granted by the GPDO, the permission cannot be lawfully implemented until 'the Habitat Regulations' have been satisfied. This is because the GPDO grants planning permission only 'Subject to the provisions of... regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders)'. Natural England has previously confirmed that these regulations apply to the development proposed due to the importance of the site to the South Hams Special Area of Conservation which is protected as habitat for the Greater Horseshoe Bat as well as its location with 10km of the Exe Estuary / Dawlish Warren area.
- 2.9 Whilst the GPDO itself requires compliance with the regulations, a planning condition to this effect is also attached to each relevant prior approval for the avoidance of doubt. The condition attached to 22/00980/NPA is worded as follows:
- No development shall take place until an application has been submitted to and approved in writing by the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 and any mitigation has been carried out in accordance with that approval to ensure that the development will not adversely affect the integrity of the South Hams Special Area of Conservation, the roost sustenance zone of Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI) or have any adverse effects on the integrity of the Exe Estuary Special Protection Area (SPA) and RAMSAR site / Dawlish Warren Special Area of Conservation (SAC).
- 2.10 Until the habitat regulations have been satisfied, officers are of the view that no Planning Permission is in place. Details have been submitted to consider compliance with Regulation 77 but to date these have not been fully assessed. As such there is still no planning permission in place to carry out the proposed development.
- 2.11 In the absence of a planning permission for the development of the site, it follows that the planning permission to station and occupy a caravan on the land (which can be granted by Schedule 2, Part 5 (Caravan sites and recreational campsites), Class A (use of land as caravan site) of the GPDO), is also not in place.
- 2.12 Consequently, officers do not consider that that the caravans can lawfully be sited on the land or occupied as 'permitted development'. As such the owner has been advised to cease the residential use and remove the

TEIGNBRIDGE DISTRICT COUNCIL

caravans or submit a formal planning application to determine whether they can be retained.

- 2.13 The site owner has indicated that they are looking at vacating the site, but it is not clear when / whether this will occur and the we are continuing to receive complaints about the unauthorised use of the land.
- 2.14 The caravans do not benefit from planning permission. As habitat regulations matters have not been resolved, we need to pursue further action to resolve the planning breach.

3. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 3.1 The two static caravans are sited on land outside any settlement limit and no evidence of any essential need to have the caravans on the land for residential purposes has been provided. The stationing of the caravans on the land and their residential use is contrary to Policies of the Teignbridge Local Plan 2013 – 2033.
- 3.2 The policies of our Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance which has an emphasis on sustainable development and focusing new residential development into settlements and other sustainable locations. The unauthorised use fails to uphold these principles, particularly those in paragraphs 78 and 80 of the NPPF for the reasons as set out above.
- 3.3 Officers consider enforcement action is necessary and expedient to ensure the unauthorised use ceases and the unauthorised caravans are removed from the land. This will support and maintain the delivery of the Strategy of our Local Plan to avoid the inappropriate siting of residential uses in the countryside without good reason and to maintain wider principles of sustainability and good design whilst protecting the character and appearance of the area.

4 RECOMMENDATION

- 4.1 The Committee is recommended to resolve that if the unauthorised residential use has not ceased and the caravans removed from the land by the end of March 2023:

To serve an Enforcement Notice to:

- i) cease using the caravans for residential purposes, and
- ii) remove the caravans from the land.

The compliance period for both is recommended to be six months.

TEIGNBRIDGE DISTRICT COUNCIL

In the event of the Notice not being complied with, authorisation is given to take action as necessary including proceeding to prosecution.

5 HUMAN RIGHTS ACT

- 5.1 The recommendation has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

This page is intentionally left blank

TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Linda Goodman-Bradbury

DATE:	22 March 2023
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Appeal Decisions received during previous calendar month

22/00031/REF **TEIGNMOUTH** - 77 Dawlish Road Teignmouth
 Appeal against the refusal of 21/01420/FUL - Dwelling and garage in grounds of existing property including works to access

Appeal Dismissed. Delegated Decision

22/00045/FAST **KINGSKERSWELL** - Fluder Heights 27 Fluder Hill
 Appeal against the non-determination of 21/02785 within the eight week date - Loft conversion, including raising of roof and changing hipped roof to gabled roof, new porch and new detached garage with home office over

Appeal Dismissed. Delegated Decision

23/00011/TREE **KINGSKERSWELL** - Harpins Brake Cottage Kingskerswell
 Appeal against the partial refusal of 22/01350/TPO: Ash: Fell.

Turned Away. Delegated Decision

PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE

This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Linda Goodman-Bradbury

DATE: 22 March 2023

REPORT OF: Business Manager – Strategic Place

SUBJECT: S73 major decisions summary during the previous calendar month

There were no such determinations made in this period.

PLEASE NOTE THAT THE FULL TEXT OF THESE DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE

This page is intentionally left blank