

E-mail:
democraticservicestdc@teignbridge.gov.uk

13 January 2025

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 21st January, 2025** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors Atkins, Bradford, Bullivant, Buscombe, Cox (Vice-Chair), Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Sanders, J Taylor and 2 Vacancies

Substitutes: Councillors Williams, Clarence, Gearon, P Parker, Ryan, Smith and Parrott

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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 Public-i. 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 democraticservicestdc@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting. This will be on a Thursday before the meeting if the meeting is on a Tuesday.

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 democraticservicestdc@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 - 14)
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. Enforcement Cases

- a) 24/00045/ENF - Land North of Haldon Racecourse, Kenn Valley (Pages 15 - 22)
- 7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 23 - 24)
- 8. S73 Major Decisions Summary (Pages 25 - 26)

For Information - Upcoming Site Visit Dates

13 February, 13 March, 10 April

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PLANNING COMMITTEE**17 DECEMBER 2024****Present:**

Councillors Bullivant, Buscombe, Cox (Vice-Chair), Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, J Taylor and P Parker (Substitute)

Members in Attendance:

Councillors Palethorpe, Clarence, Parrott and G Taylor

Apologies:

Councillors Atkins, Bradford, C Parker and Sanders

Officers in Attendance:

Ian Perry, Interim Head of Development Management

Dave Kenyon, Area Team Manager

Patrick James, Principal Planning Officer

Artur Gugula, Planning Officer

Taya Cotterill, Senior Planning Officer

Paul Woodhead, Monitoring Officer

Christopher Morgan, Trainee Democratic Services Officer

Matt Beddow, Devon County Council Development Management

74. MINUTES

It was proposed by Councillor Cox and seconded by Councillor Nutley that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

A vote was taken. The result was 8 for, 0 against, and 3 abstentions.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

75. DECLARATIONS OF INTEREST.

None.

76. CHAIRS' ANNOUNCEMENTS

The Interim Business Manager – Development Management presented a report on changes to the National Planning Policy Framework.

77. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.

a) 24/00694/MAJ -- Wolborough Area A2 POS and GI Phase 1. Newton Abbot

The Principal Planning Officer introduced the item to the Committee. He informed the committee that the council had received Pre-Action Protocol letter from the Wolborough Residents Association relating to their aim to judicially review decisions on other applications on site. The Officer also informed the Committee that there had been no objections from Natural England.

Public Speaker, Objector – Spoke on:

- Impact on Fen
- Opposition from Devon Wildlife Trust
- Hydrological concerns
- SUDS concerns including need for infiltration SUDS
- Need for hydrological survey work results
- Outsourcing of drainage

Public Speaker, Supporter

- Site and dwellings are attractive
- Consultees are satisfied
- Condition 20 does not constitute refusal
- Controls are in place to protect the fen

Comments from Councillors during debate included:

- The design code is being reviewed as part of the requested judicial review
- Playing area contradicts design code
- Concerns around surface water and impact on fen
- Concerns around use of SUDS on wetland and lack of information on SUDS
- Concerns around cycle route and pedestrian access
- Natural England's comments are inconsistent
- Poor access to green space
- Pocket play areas should be distributed throughout the site
- Lack of natural surveillance on play area
- Concerns about attenuation ponds
- Concerns around access to pumping station
- Concerns that the area will be accessed by neighbouring housing
- Part of Stray Park Meadow is included in this application and is a county wildlife and grassland area that would be impacted.

In response, Officers clarified the following:

- Members have had access to all relevant information

- The focus of discussion should be on the reserved matters
- The access to the pumping station would only be used twice per year
- The application provides green/open space
- The neighbouring allotment does not fall into the red line boundary

It was proposed by Councillor Hook and seconded by Councillor Macgregor that permission be refused for the following reasons:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures.
2. Pedestrian access points are insufficient and so non-compliant with Local Plan Policy S2 as there is limits on movement.
3. Play area lacks sufficient surveillance and safeguarding and would be located better elsewhere.

A vote was taken – the results were unanimously in favour and are listed below

For: Cllrs Buscombe, Goodman-Bradbury, Hall, Hook, Macgregor, Nutley, Nuttall, P Parker, J Taylor, and Cox.

Resolved

That permission be refused for the following reasons:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures
2. Pedestrian access points to the green area are insufficient and so non-compliant with Local Plan Policy S2 as there is limits on movement.
3. Play area lacks sufficient surveillance and safeguarding and would be located better elsewhere

Note

The Committee's decision to refuse this application was against officer recommendation. Councillors considered that the impact on the fen and the lack of access to the green area outweighed the benefits of the site.

b) **24/00220/MAJ - Baker Estates Wolborough, Newton Abbot**

Councillor Nutley left during consideration of this item.

The Principal Planning Officer introduced the item to the Committee.

Public Speaker, Supporter

- This application is separate to the previous
- Need for provision of housing
- Secretary of state provided outline permission
- Mix of different sized dwellings

- Economic benefits
- Site not opposed by statutory consultees

Comments from Councillors during debate included:

- Poor access to site
- Lack of archaeological work carried out or conditioned
- Concerns around clustering of social housing on site
- Concerns around catchment area of SUDS
- The fen may be impacted by development
- Lack of transport options other than use of cars
- There is a chance to improve the scheme through deferral
- There is a presumption in favour of development

In response, Officers clarified the following:

- Archaeology is not a reserved matter and there is a condition relating to it
- Deferral would allow a chance to amend the application
- There is need to reach housing targets

It was proposed by Councillor Goodman-Bradbury and seconded by Councillor Nuttall that the decision be deferred to allow time to consider ways to link up the path and cycle ways to improve access.

A vote was taken – 4 were in favour, and 5 against, and so this motion was lost.

It was proposed by Councillor Hook and seconded by Councillor J Taylor that permission be refused for the reasons listed below:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures.
2. Poor access to the site due to lack of interconnected pedestrian pathways and cycle routes, despite local plan policies requiring developments to support these modes of transport.
3. Lack of interlocking pocket play areas do not comply with Teignbridge's design code.

A vote was taken – the results are listed below:

For: Councillors Hall, Hook, Macgregor, P Parker, J Taylor, Cox (6)

Against: Councillor Goodman-Bradbury (1)

Abstention: Councillors Buscombe and Nuttall (2)

Resolved

That permission be refused for the following reasons:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures.

2. Poor access to the site due to lack of interconnected pedestrian pathways and cycle routes, despite local plan policies requiring developments to support these modes of transport.
3. Lack of interlocking pocket play areas do not comply with Teignbridge's design code.

Note

The Committee's decision to refuse the application is contrary to Officer's recommendation. Councillors considered that the noncompliance with condition 6J, the poor access links to the site, and the lack of interlocking play areas outweigh any benefits, and that the first reason for refusal could not be resolved through deferral.

c) **24/00301/MAJ - Land at Whitehill Road, Newton Abbot**

Councillor Bullivant joined the meeting and Councillor Nuttall left before the start of the consideration of this item.

The Senior Planning Officer introduced the item to the Committee.

Public Speaker, Objector – Spoke on:

- Impact on biodiversity including tarmac preventing water reaching grass
- Green corridor is a bat flyway

Public Speaker, Objector – Spoke on:

- Environmental concerns
- Impact on South Hams SAC
- Increased volume of traffic

Comments from Councillors during debate included:

- Concerns around impact on bat flyway
- Historic England states their comments are not regarding the merits of the application
- Increased Traffic
- Narrow access to site
- There should be passing places to ensure vehicles can pass

It was proposed by Councillor Bullivant and seconded by Councillor Hall that permission be refused due to their impact on the All-Saints Church, the St Mary the Virgin Church, and St Michaels Church, which are heritage assets protected by the Development Framework Plan.

A vote was taken – the result was 7 in favour, 2 against, and 1 abstention.

Resolved

That permission be refused for the following reason:

1. Development Framework Plan 7.7 to 7.14 states that development proposals should not harm the hilltop green and rural settings of the hilltop church of Highweek, St Mary the Virgin at Wolborough and St

Michaels of Kingsteignton.

Note:

The Committee's decision to refuse this application was contrary to Officer recommendation. The Committee considered that the harm to the heritage assets and thus noncompliance with the Development Framework Plan outweighed any benefits.

d) **24/00814/FUL - Pulse Smart Hubs, Newton Abbot**

Councillor Bullivant left the meeting before consideration of this item.

The Planning Officer introduced the item to the Committee.

The Chair read out objections provided by the Objector who had to leave the meeting before the item. It raised concerns about the medical impact of the smart hubs.

Public Speaker, Supporter – Spoke on:

- Company is recognised for its environmental work
- Hubs are funded by advertising and so free for people to use
- Provision of life-saving equipment
- Audio is only recorded when the emergency button is pressed
- Partnership with town council
- Improves public safety

Comments from Councillors during debate included:

- Enhances Newton Abbot
- Minimal impact on heritage
- Replaces existing information boards
- Makes town safer and more accessible
- Concerns around highway safety and impact on drivers
- Concerns around carbon dioxide production from concrete
- Not all locations may be suitable
- What will the adverts look like?
- Who has access to any CCTV footage that comes from the hubs?

In response, Officers clarified the following:

- The main concerns of the highway authority is whether the adverts or hubs could be mistaken for something else
- The adverts will change every 10 seconds
- Adverts will produce no noise
- Condition to ensure removal if the company suffers bankruptcy
- Benefits to the public outweighs the less than substantial harm.

It was proposed by Councillor Hall and seconded by Councillor Buscombe that permission be granted as set out in the report.

A vote was taken – the result was unanimously in favour.

Resolved

That permission be granted subject to the following conditions.

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission. REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans:

Date Received	Drawing/reference number	Description
21 May 2024	NEWABB-O12-KR/2024/01	Site Location Plan
21 May 2024	NEWABB-O12-KR/2024/02	Existing Site Plan
21 May 2024	NEWABB-O12-KR/2024/03	Proposed Site Plan
21 May 2024	NEWABB-O12-KR/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-O11-CR/2024/01	Site Location Plan
21 May 2024	NEWABB-O11-CR/2024/02	Existing Site Plan
21 May 2024	NEWABB-O11-CR/2024/03	Proposed Site Plan
21 May 2024	NEWABB-O11-CR/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-009-WS/2024/01	Site Location Plan
21 May 2024	NEWABB-009-WS/2024/02	Existing Site Plan
21 May 2024	NEWABB-009-WS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-009-WS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-008-HS/2024/01	Site Location Plan
21 May 2024	NEWABB-008-HS/2024/02	Existing Site Plan
21 May 2024	NEWABB-008-HS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-008-HS/2024/04	Proposed

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		Elevations/Technical Specification
21 May 2024	NEWABB-007-ES/2024/01	Site Location Plan
21 May 2024	NEWABB-007-ES/2024/02	Existing Site Plan
21 May 2024	NEWABB-007-ES/2024/03	Proposed Site Plan
21 May 2024	NEWABB-007-ES/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-006-CS/2024/01	Site Location Plan
21 May 2024	NEWABB-006-CS/2024/02	Existing Site Plan
21 May 2024	NEWABB-006-CS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-006-CS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-005-BS/2024/01	Site Location Plan
21 May 2024	NEWABB-005-BS/2024/02	Existing Site Plan
21 May 2024	NEWABB-005-BS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-005-BS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-003-NW/2024/01	Site Location Plan
21 May 2024	NEWABB-003-NW/2024/02	Existing Site Plan
21 May 2024	NEWABB-003-NW/2024/03	Proposed Site Plan
21 May 2024	NEWABB-003-NW/2024/04	Proposed Elevations/Technical Specification
28 Nov 2024	NEWABB-00-MLP-2024-01_REVB	Master Site Location Plan

REASON: In order to ensure compliance with the approved drawings.

3. Prior to commencement of any work to locations numbered 005, 006, 007, 008, and 009 as identified on the Master Site Location Plan

reference NEWABB-00- MLP-2024-01_REVB hereby approved, a scheme for the removal of the existing information boards at these locations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following: (a) timetable for removal of the information of the boards; (b) details of the manner in which the boards will be removed, and; (c) details of the manner in which the ground will be made good (including surfacing materials). The development shall then be carried out in accordance with the approved details. REASON: In the interest of ensuring that the street furniture clutter is not increased as a result of the development within a setting of listed buildings and in Conservation Areas.

4. Prior to any of the hubs hereby approved becoming operational, a scheme for the management, maintenance, repair, and removal if hubs cease to operate for each of the hubs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained and retained in accordance with the approved details. REASON: In the interest of ensuring that the hubs remain in good working order for the benefit of the public and to ensure that their appearance is maintained.
5. The screens located on elevations 'A' and 'D' of each of the hubs as identified on all Proposed Elevation/Technical Specification drawings hereby approved shall be fully turned off and shall not be operational between the hours of 12:00am and 06:00am Monday to Sunday. REASON: In the interest of mitigating against disturbance to the residential amenity of the surrounding properties resultant from illumination of the digital screens.
6. The screens located on elevations 'A' and 'D' on each of the hubs as identified on all Proposed Elevation/Technical Specification drawings hereby approved shall be operated and maintained in strict accordance with the approved 'Lighting level' section of the Design, Management & Operational Statement (page 39). REASON: In the interest of mitigating against disturbance to the residential amenity of the surrounding properties resultant from illumination of the digital screens.

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

The Committee noted the appeals decisions of the Planning Inspectorate.


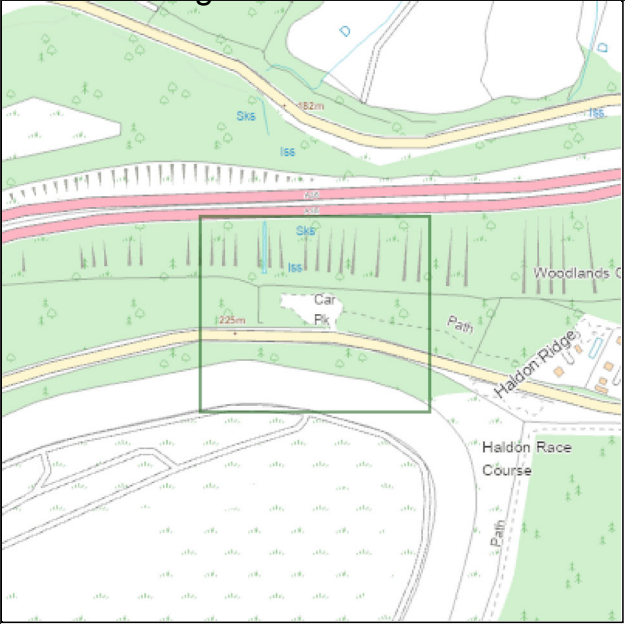
79. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary Sheet.

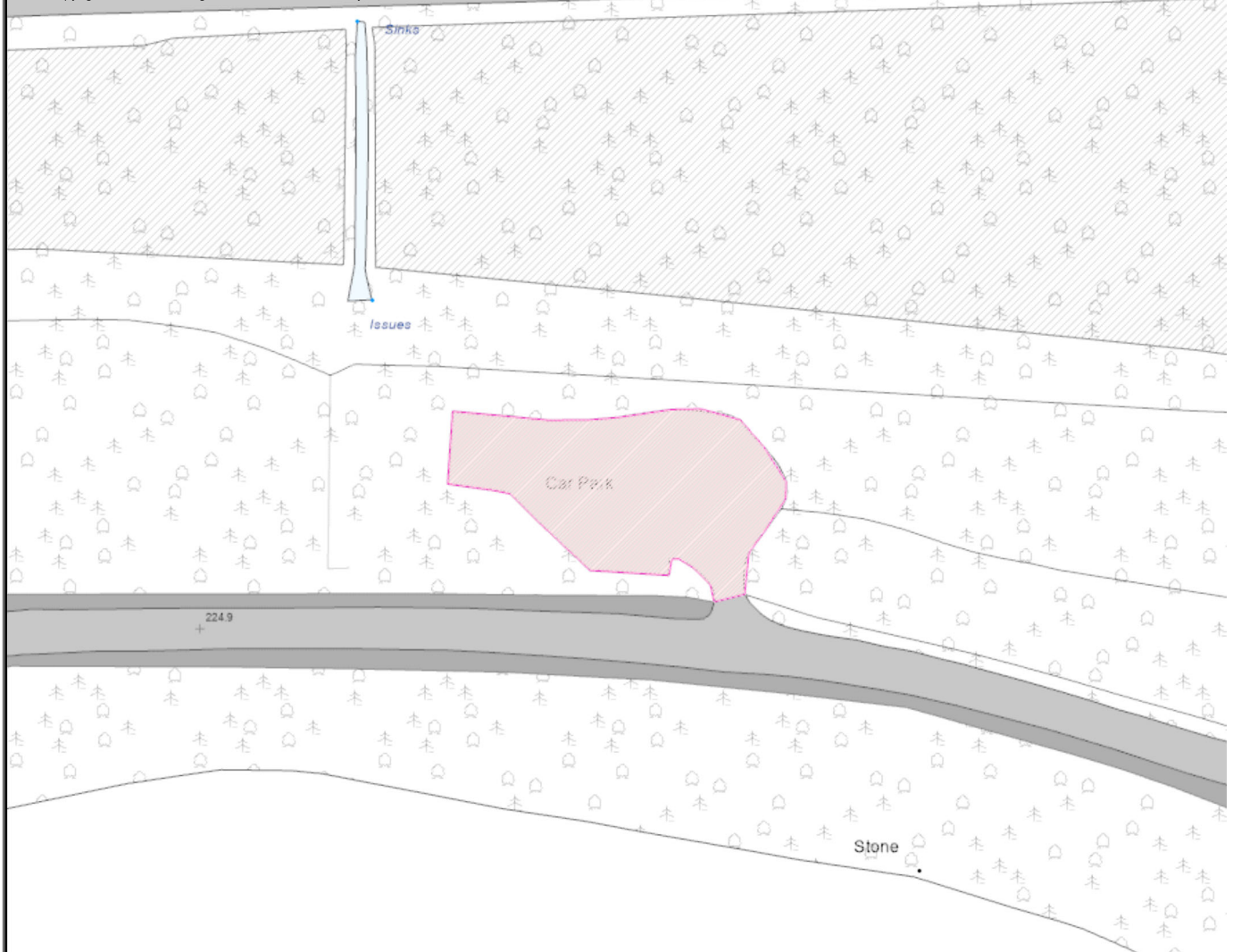
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The meeting started at 10.00 am and finished at 3.05 pm.

Chair
Cllr David Cox

 <p>Teignbridge .gov.uk</p> <p>Planning Committee Enforcement Report</p> <p>Cllr Colin Parker</p>		
Date	21 January 2025	
Case Officer	Steven Hobbs	
Location	Land North Of Haldon Race Course NGR 290438 83916 Kennford	
Nature	Unauthorised residential use of land	
Ward	Kenn Valley	
Member(s)	Cllr Kevin Lake, Cllr Charles Nuttall, Cllr John Parrott	
Reference	24/00045/ENF	

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1. REASON FOR COMMITTEE CONSIDERATION

Unauthorised change of use of the land from a forestry use to a mixed use of forestry and the siting of residential mobile homes.

2. THE ALLEGED BREACH OF PLANNING CONTROL AND ENFORCEMENT INVESTIGATION FINDINGS

- 2.1 The land is part of Haldon Forest and is situated between Exeter Racecourse and the A38 Devon Expressway. The site was formerly used as a car park. The key facts in this case are as follows:

Approximately 15 caravans were sited on the land when viewed on 17 December 2024. The caravans appear to be in residential use.

No planning permission has been granted for the change of use of the land to site residential caravans and/or any associated residential or other activities and uses associated with the residential use of the land.

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

3. BACKGROUND AND CONTEXT

- 3.1 In January 2023 a planning application (reference 22/02044/FUL) was validated for the change of use of land north of Haldon Racecourse to a traveller site comprising of 5 pitches. The application was subsequently refused on 17 April 2023 for the following reasons:

1. *The application fails to provide sufficient information in terms of availability of alternative accommodation for the applicant or any personal circumstances. The conflict with Development Plan policies and material considerations is therefore not outweighed, as per the allowances of Policy H of the Planning Policy for Traveller Sites.*
2. *The use of the land for a Traveller site would result in the loss of a community facility, but the loss is not justified. The proposal is therefore in conflict with Local Plan policy WE12, as well as paragraph 93 of the NPPF.*
3. *The site is located within a sensitive ecological setting. This includes being within the Landscape Connectivity Zone of the South Hams SAC (designated for greater horseshoe bats); Haldon Forest SSSI is nearby; it is within Haldon Forest Important Bird Area; Haldon Racecourse heathland County Wildlife Site is nearby; and a Regionally Important Geological Site is to the north.*

The application is not accompanied by an Ecological Impact Assessment. This makes it impossible for the Local Planning Authority to understand the baseline position and any impacts arising from the proposal, nor how avoidance, mitigation, compensation and enhancement measures could be secured.

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The application site is located within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. To mitigate the impacts arising from the net gain in overnight accommodation that would arise from the proposed development, a financial contribution is required. No contribution has been provided and the applicant has not provided a legal agreement committing to any contribution, such that adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA and Ramsar site and the Dawlish Warren SAC cannot be ruled out.

The proposal therefore conflicted with Local Plan policies WE6 (part f), EN8, EN9, EN10 and EN11, as well as paragraph 174(a) and 180 of the NPPF.

- 3.2 In July 2024 a further planning application (reference 24/01182/FUL) for the change of use of land to traveller site comprising 5 pitches was refused on 16 September 2024 for the following reason:

The site is located within a sensitive ecological setting. This includes being within the Landscape Connectivity Zone of the South Hams SAC (designated for greater horseshoe bats); Haldon Forest SSSI is nearby; it is within Haldon Forest Important Bird Area; Haldon Racecourse heathland County Wildlife Site is nearby; and a Regionally Important Geological Site is to the north.

The application is not accompanied by an Ecological Impact Assessment. This makes it impossible for the Local Planning Authority to understand the baseline position and any impacts arising from the proposal, nor how avoidance, mitigation, compensation and enhancement measures could be secured.

The application site is located within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. To mitigate the impacts arising from the net gain in overnight accommodation that would arise from the proposed development, a financial contribution is required. No contribution has been provided and the applicant has not provided a legal agreement committing to any contribution, such that adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA and Ramsar site and the Dawlish Warren SAC cannot be ruled out.

The proposal is therefore in conflict with Policies S22 (part i), WE6 (part f), EN8, EN9, EN10 and EN11 of the Teignbridge Local Plan 2013-2033 and Policies GP3 (part 3.f), H10 (part 4.f), EN8, EN10, EN11, EN12, EN13, EN14 and EN15 of the emerging Teignbridge Local Plan 2020-2040, as well as paragraphs 180(a) and 186 of the NPPF and the Conservation of Habitat and Species Regulations.

- 3.3 Following the refusal of the above planning applications the Council contacted the applicant's agent, and Devon County Council in its capacity as the landowner, to advise them that, as no planning permission exists for the siting of the residential caravans, it was necessary to cease the use. If not, the

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District Council, in its role as the Local Planning Authority, would consider the expediency of taking enforcement action to secure cessation of the unauthorised use.

- 3.4 In response, the agent confirmed that he would liaise with the applicant to decide on whether to appeal the planning refusal or resubmit a further planning application addressing the reasons for refusal. It was subsequently confirmed that a revised application would be submitted that would include the necessary ecological information which was being prepared.
- 3.5 To determine whether the use is acceptable, a further planning application (reference 24/01962/FUL) has been submitted for the change of use of land to traveller site for a temporary period of 3 years. This is currently being considered.
- 3.6 Even though a planning application has been submitted, it is noted that this is for five touring pitches. This shows a layout that may be acceptable to comply with the appropriate site standards. However, from a visit to the area on 17 December 2024, viewed from the public highway, there were approximately 15 caravans sited on the land which is a greater number of caravans than being applied for and proposed in the current planning application. It was noted that the caravans that were sited on the land were in close proximity to each other. In addition, surrounding the caravans were piles of rubbish, scrap metal, gas bottles and various other paraphernalia associated with the current unauthorised use of land for residential purposes that have been collected since the said unauthorised use started.
- 3.7 Overall, the appearance of the site is very untidy and there is little (if any) visual indication that the current use is as an organised residential caravan site. In addition, the site is quite open and noticeable from the public highway and this has been increased due to the removal of some trees near the site entrance. As such it is a lot more visible and has a detrimental impact on the surrounding area. This is because, due to the location of the site within designated open countryside, the change of use of the land for the siting of residential caravan is inappropriate for the area and fails to conserve and enhance the qualities, character and distinctiveness of the locality. This is due to the number of caravans that are set out in an unorganised layout within such a small area of land, together with various piles of scrap metal, sheets of tarpaulin and other items and paraphernalia scattered across the land to create a generally untidy site.
- 3.8 As such the current set up is contrary to Policies of both the adopted Local Plan and the emerging Local Plan that aim to ensure development is of a good design and respects the character and appearance of the surrounding area. Clarification of said adopted and emerging Local Plan Policies are set out below.
- 3.9 Mindful that any enforcement action taken by the Local Planning Authority could lead to the occupants being made homeless, a full assessment of any health or personal circumstances associated with the persons occupying the

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land should be taken into consideration. Details have been requested from both the applicant's agent and Devon County Council. However, at the time of compiling this report, the requested information has not been received. Should such details be received, these will be reported to Members nearer the time of the Committee meeting by means of a written update or verbally at the Committee meeting itself.

- 3.10 In addition to no planning permission having been granted for the change of use of the land, there are various other concerns that have been raised regarding the use of the land as an unauthorised residential site. These include, but are not limited to, absence of a site licence and management costs. However, these are matters which are not deemed to be material planning considerations and would need to be pursued under other relevant legislation.
- 3.11 In this case there does not appear to be any evidence that steps are being taken by Devon County Council, as the landowner, to regularise the unauthorised use of the land. Although the current occupiers of the land have submitted a planning application to determine whether the use is acceptable there is no guarantee this would be allowed to be implemented even if approved. In addition, as referred to above, there is a discrepancy regarding the numbers of caravans being applied for as part of the current application and the number of caravans that have actually been allowed to be sited by the landowner of the land. However, as it is considered the use of the land for residential purposes is not acceptable, enforcement action is recommended as being both expedient and appropriate to cease the said unauthorised use, clear the site of caravans and associated paraphernalia and restore the land to its former condition.

4. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 4.1 Although the caravans have been sited on the land for approximately two years, there is no evidence provided that suggests they have been sited on the land, and said land used for residential purposes, for the necessary ten years to become established.
- 4.2 In this instance the current appearance of the site is considered to have a detrimental impact on the area for the reasons set out above, and it has not been proven that various ecological issues have been addressed. These ecological issues are relevant as the site is within the Landscape Connectivity Zone of the South Hams SAC (designated for greater horseshoe bats) and Haldon Forest SSSI is nearby. It is also within the Haldon Forest Important Bird Area and Haldon Racecourse Heathland County Wildlife Site is nearby. In addition, a Regionally Important Geological Site (RIGS) is to the north. Whilst ecological details have been submitted as part of the current planning application submission, these details have not yet been assessed in terms of any impact from the current unauthorised use.

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- 4.3 As such, the stationing of the caravans on the land are considered contrary to Policies S1, S2, S22, WE6, EN2A, EN8, EN9, EN10 and EN11 of the Teignbridge Local Plan 2013 – 2033 and Policies GP3 (part 3.f), H10 (part 4.f), EN4, EN8, EN10, EN11, EN12, EN13, EN14 and EN15 of the emerging Teignbridge Local Plan 2020-2040
- 4.4 The Policies of this District Council's Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Practise Guidance which has an emphasis on sustainable development and focusing new residential development into settlements and other sustainable locations. It is considered that in this instance the unauthorised use fails to uphold these principles, particularly those in paragraphs 135, 187(a), 187 (d) and 193 of the NPPF for the reasons as set out above.
- 4.5 Officers consider enforcement action is necessary, expedient and in the public interest to secure cessation of the unauthorised use and the removal from the land of the unauthorised caravans and any other items associated with the residential use of the land, including storage of materials and other paraphernalia in order to support and maintain the delivery of the Strategy of the District Council's 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.

5. RECOMMENDATIONS

The Committee is recommended to resolve that an Enforcement Notice be issued under Section 172 of the Town and Country Planning Act 1990 to:

- i) Cease using the land for the siting of caravans for residential purposes, and
- ii) Remove the caravans and any other items associated with the unauthorised residential use from the land.

The compliance period is recommended to be six months.

In the event of the Notice not being complied with, the Solicitor be authorised to take further action as necessary under Section 179 of the Act.

6. 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

TEIGNBRIDGE DISTRICT COUNCIL

community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

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TEIGNBRIDGE COUNCIL DISTRICT

<h2 style="margin: 0;">PLANNING COMMITTEE</h2> <p style="margin: 5px 0;">CHAIRMAN: Cllr Colin Parker</p>

DATE:	21 JANUARY 2025
REPORT OF:	Head of Development Management
SUBJECT:	Appeal Decisions received during previous calendar month

23/00064/TREE**KENN** - Brook Cottage Kenn

Appeal against decision notice 23/01649/TPO Crown height reduction of 1 metre.

Crown thinning up to 20%.

Crown lift by 10%.

Appeal Dismissed. Delegated Decision

24/00010/REF**DAWLISH** - Weston Cottage Ashcombe Road

Appeal against the refusal of 22/00862/FUL - Use of annexe as a separate dwelling with associated minor works

Appeal Dismissed. Delegated Decision

24/00018/REF**OGWELL** - Rydon Farm Two Mile Oak

Appeal against the refusal of planning application 24/00326/FUL Dwelling to replace existing barn and change of use of agricultural land to residential garden

Appeal Dismissed. Delegated Decision

24/00036/FAST**KINGSTEIGNTON** - 13 Chockland Road Kingsteignton

Appeal against the refusal of planning application 23/01824/HOU First floor extension, internal alterations and new garage

Appeal Dismissed. Delegated Decision

- 24/00043/FAST** **DAWLISH** - 5 Lower Drive Dawlish
Appeal against the refusal of planning application 24/00790/HOU
Loft conversion with dormers and hip to gable works

Appeal Allowed. Delegated Decision
- 24/00047/FAST** **NEWTON ABBOT** - 34 Haytor Drive Newton Abbot
Appeal against the refusal of planning application 23/01480/FUL
Replacement deck (retrospective)

Appeal Allowed. Delegated Decision
- 24/00048/FAST** **DAWLISH** - 42 Upper Longlands Dawlish
Appeal against the refusal of planning application 24/00900/HOU
Conversion of garage storage area into habitable room, take
down conservatory to construct single storey extension with
balcony and form parking bay beside garage

Appeal Allowed. Delegated Decision
- 24/00051/FAST** **HENNOCK** - Dunley Barton Bovey Tracey
Appeal against the refusal of planning application 24/00965/HOU
Raising of the ridge to add an additional floor, part first floor, part
two storey rear extension, single storey side extension and front
porch

Appeal Allowed. Delegated Decision
- 24/00052/FAST** **KINGSTEIGNTON** - 151 Exeter Road Kingsteignton
Appeal against the refusal of planning application 24/00779/HOU
Two storey rear extension

Appeal Allowed. Delegated Decision

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

TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	21 JANUARY 2025
REPORT OF:	Head of Development Management
SUBJECT:	Major variation applications approved in previous calendar month

No applications of this type were approved In December.

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