

PLANNING COMMITTEE

15 APRIL 2025

Present:

Councillors C Parker (Chair), Bradford, Bullivant, Hall, MacGregor, Nuttall, Palethorpe, Sanders, J Taylor and Williams

Members in Attendance:

None

Apologies:

None

Officers in Attendance:

Ian Perry, Head of Development Management

Natalia Anderson, Solicitor

Artur Gugula, Planning Officer

Steven Hobbs, Senior Planning Enforcement Officer

Christopher Morgan, Trainee Democratic Services Officer

Cheryl Stansbury, Area Team Manager (East)

85. MINUTES

It was proposed by Councillor C Parker and seconded by Councillor Nuttall 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 6 in favour, 0 against, and 3 abstentions.

Resolved

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

86. DECLARATIONS OF INTEREST.

None.

87. 24/01348/FUL - TRACEY HOUSE RETIREMENT HOME, BOVEY TRACEY

The Planning Officer presented the item to the Committee.

Public Speaker, Objector – Spoke on:

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- Town Council objects to the proposal
- Opposition from all neighbours
- Lack of public transport from site
- Road that the site sits on is unsuitable
- The site would be better suited for permanent residential use
- No management or travel plan

Public Speaker, Supporter – Spoke on:

- Site owner for 34 years
- TDC Planning advice supported holiday lets
- No objection from DCC highways officer, who stated that the site would result in a traffic decrease
- No data to show holiday units would be disruptive
- Management scheme on site plus natural screening to protect against noise
- Dartmoor National Park have claimed they will not be impacted by this application

Comments from Councillors during debate included:

- Concerns regarding the noise made by construction vehicles that can operate per conditions between sunrise and sunset
- The conservatory on site could be reused
- Teignbridge as a planning authority must strike a balance between tourism provision and local housing provision.
- Why are the lets the size that they are and could they be easily converted into dwellings?
- Does Teignbridge have enough accommodation for elderly residents?
- Do we have figures for the number of lets required?
- Lack of evidence of need, for example no business plan submitted
- How close is this application to Dartmoor National Park?
- What was the timeline for the decision to change use?
- Concerns around loss of jobs
- Objection from Town Council
- The current site is not in use so jobs will not be lost
- Could the application be turned into residential use?
- The application is contrary to the Neighbourhood Development Plan
- The 6 proposed units must be considered as a single site and not as individual lets
- Will the owner retain the business as a holiday letting agency?
- Lack of sufficient choice of retirement homes in the area
- How was the decision made to consider residential use non-viable?
- The location would be good for development but not the proposed use.

In response to Members' comments, Officers clarified the following:

- A condition regarding construction hours would be reasonable
- The existing construction hours exist to protect bats and other wildlife

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- The balance between local housing provision and tourism is determined per area or ward, for Bovey Tracey this is not a concern
- The sizes of the lets is not a policy consideration
- The LPA cannot demand a change of use
- The test of housing provision for elderly resident would have to be undertaken by the relevant Town or Parish council.
- Mulberry House was able to take in residents when Tracey House closed
- The care home could not continue as it was not viable in the current market
- A timeframe was provided regarding decision to change use
- It would not be a minor policy amendment to recommend change of use to residential use and would not be in the Committee remit
- The neighborhood plan has the same weight as other plans
- Business rates cannot be a planning consideration
- Evidence as set out in the business place can be provided if decision would be deferred for it

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that permission be refused due to the application being contrary to Policy WE12 in the Local Plan

A vote was taken. The result was 6 in favour, 0 against, and 4 abstentions.

Resolved

That permission be refused due to the application being contrary to Policy WE12 of the Local Plan.

Note:

The decision to refuse this application was contrary to Officer recommendation. Members considered that there was insufficient evidence to support the loss of facility required to satisfy policy WE12, which outweighed any benefits of the application.

a) **E2/28/70 - Westbrook House, Teignmouth**

The Area Team Manager (East) presented the TPO to the Committee.

Comments from Councillors during the debate included:

- Concerns around the tree shedding branches
- Concerns around the tree's age
- No accommodation or parking space beneath the tree
- Tree is an attractive and prominent landmark for the town
- Tree can still be removed if necessary

In response, officers clarified that Devon Tree Services had examined the tree and were satisfied with the proposed order.

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that

decision be deferred to confirm the exact age of the tree, however this proposal was withdrawn.

It was proposed by Councillor C Parker and seconded by Councillor Palethorpe that the TPO be confirmed unmodified as set out in the report.

A vote was taken. The result was unanimously in favour.

Resolved

That the TPO be confirmed unmodified.

b) **E2.25.04 - Combe Hill Cross, Kingsteignton**

The Area Team Manger (East) presented the TPO to the Committee.

Comments from Councillors included:

- No properties within this block but pedestrians do walk here
- Trees should be monitored for issues such as ash dieback

It was proposed by Councillor Macgregor and seconded by Councillor J Taylor that the TPO be confirmed unmodified as set out in the report.

A vote was taken. The result was unanimously in favour.

Resolved

That the TPO be confirmed unmodified.

c) **24/00045/ENF - Haldon Site, Kennford**

The Enforcement Officer presented the case to the Committee.

Comments from Councillors during the debate included:

- Concerns around the housing situation of the occupants
- Concerns around changing a previous enforcement notice and as a result the landscape for appeal
- No licenses for dwellings

In response, Officers clarified the following:

- The notice provides ample time to for occupants to be rehomed
- The updated enforcement notice brings the planning application and enforcement case in line, which allows the applicants to appeal against the same reason for both
- There is no foul drainage on site

It was proposed by Councillor C Parker and seconded by Councillor Bullivant that enforcement action be taken as set out in the report.

A vote was taken. The result was 7 in favour and 3 against.

Resolved

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.

d) **20/00104/ENF - Bovey Heath, Bovey Tracey**

It was proposed by Councillor C Parker and seconded by Councillor Macgregor that as per section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of this item on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

A vote was taken. The result was 9 in favour and 1 against. The Committee meeting then excluded press and public.

The Enforcement Officer presented the application to the Committee.

Comments from Councillors during the debate included:

- The relevant planning application had been withdrawn
- The site is reaching the 10-year enforcement immunity period
- Planning policy should be upheld for all applications

Before the vote the Committee returned to being open to press and public.

It was proposed by Councillor Hall and seconded by Councillor Bradford that decision be deferred to give those living on site more time to prepare.

It was proposed by Councillor J Taylor and seconded by Councillor Macgregor that the enforcement notice be served as set out in the report but with an amendment that the compliance period for each area be lengthened to a maximum of 18 months. This was an amendment to the previous motion.

A vote was taken. The result was 6 in favour, 1 against and 3 abstentions.

A vote was then taken on Councillor J Taylor's motion as it was now the substantive motion. The result was 7 in favour, 1 against, and 2 abstentions.

Resolved

That an Enforcement Notice be served to:

- i. Cease using the land for the siting of static caravans for residential purposes,
- ii. Remove the mobile homes from the land,
- iii. Demolish the unauthorised buildings and structures and remove the resulting debris from the land.

The compliance period for (i) (ii) and (iii) be a maximum of 18 months.

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

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

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

The Head of Development Management highlighted an appeal that had been allowed by the inspectorate. It was noted that the Planning Officer had considered that the dwelling lacked space for amenities and waste, as per the nationally described space standards, however the inspector had approved on appeal as these standards were not included in TDC Planning Policy.

89. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary Sheet.

The meeting started at 10.00 am and finished at 11.48 am.

CLLR COLIN PARKER
Chair