

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 4th December, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, Haworth-Booth, R Knight, Lane, C Leaver, Lethaby (substitute for Councillor Denton), Maddocks, Prowse, Walker, Whitehead, Williams and Lethaby

Officers:

Service Manager (Development Management), Senior Planning Officer, Solicitor, Legal Advisor, Senior Planning Officer and Planning Officer

**84. RECORDING OF MEETING**

The Chair advised that he had been notified that representatives from Chittlehamholt, Satterleigh and Warkleigh Parish Council would be recording the discussions in relation to planning application 79124 and that he would also be recording the meeting.

**85. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Denton and Spear. Councillor Lethaby had been appointed to substitute for Councillor Denton.

The Senior Corporate and Community Services Officer advised that Councillor Prowse would be late attending the meeting.

**86. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 6TH NOVEMBER 2024**

RESOLVED that the minutes of the meeting held on 6 November 2024 (circulated previously) be approved as a correct record and signed by the Chair.

**87. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

**(a) Planning application 76857: Land at Ley Lane Patchole, Barnstaple Kentisbury EX31 4NB**

The Chair advised that the Service Manager (Development Management) had emailed the Committee on 3 December 2024 advising that the planning application would be brought back to the Committee for consideration at its meeting in January 2025.

**(b) Call in of Planning Applications**

The Chair reminded the Committee that where Councillors wished to call in a planning application to be considered by the Planning Committee, rather than the decision being delegated to the Service Manager (Development Management), to email the case officer and the Service Manager (Development Management) within 28 days of the notification of the planning application.

**(c) Order of Agenda**

The Committee agreed to consider application 79124 prior to application 79032 as there were members of the public registered to speak on this application.

**88. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Bishop – planning application 79124, transparency reasons.

Councillor Maddocks – planning application 79173, disclosable pecuniary interest.

**89. 79124: LOCAL ROOTS TREE NURSERY, CHITTLEHAMHOLT, UMBERLEIGH, DEVON, EX37 9PG**

The Committee considered a report by the Senior Planning Officer (DB) (circulated previously) regarding planning application 79124.

Rebecca Griffiths (supporter), Mary Christianson (on behalf of Simon Gill – objector) and Councillor David Ball (representing Chittlehamholt, Satterleigh and Warkleigh Parish Council) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement on behalf of Tommy May (applicant) to the Committee.

In response to comments made and questions from the Committee, the Service Manager (Development Management) advised the following:

- The application was for planning permission for the location and the references made by speakers in relation to noise activity such as chain saws, quad bikes, gun shots from the location were not related to this planning application and would be covered under separate legislation. She was aware that Environmental Health had visited the location a number of times under separate legislation and that there was no statutory noise nuisance.

In response to comments made and questions from the Committee, the Senior Planning Officer (DB) advised the following:

- The National Planning Policy for traveller sites, National Planning Policy Framework and policies within the Local Plan needed to be considered as a whole in relation to a permanent siting of a caravan as gypsy and travellers accommodation.
- An amended plan had been submitted by the applicant which identified the land owned by the applicant.
- Devon County Council did not request any improvements to be made to the visibility splay. However, they did advise that improvements could be made by cutting the hedge back. This had been included as a condition.
- A septic tank was not in place, however it would be part of the Building Control regulations. A compostable toilet was currently being used on site.
- The Enforcement Officer had visited the site on a number of occasions in relation to compliance on the wider site.
- The proposal was to remove the coach that was currently on the site and replace with a caravan. The definition and size of a caravan was set out on page 60 of the report.
- The nursery fell within the definition of agricultural use. The applicant had received forestry grants for the site which fell within the definition of agricultural use.
- There was no enforcement action being taken in relation to the commercial use of the site. There was still an open enforcement investigation on the wider site. Some of these works had been undertaken prior to the applicant taking over the site.
- Reference to the National Planning Policy for Gypsy and Traveller Sites had been included within the report along with the National Planning Policy Framework and Local Plan.

Councillor David Ball (representing Chittlehamholt, Satterleigh and Warkleigh Parish Council) advised that as part of his presentation to the Committee he was pointing out factual inaccuracy within the planning balance whereby paragraph 27 Paragraph 27 of the Governments Planning Policy for Traveller Sites Policy Paper had been misquoted.

In response to comments made and questions from the Committee, the Senior Planning Officer (DB) advised the following:

- That the policy section of the report which included the National Planning Policy for Gypsy and Traveller Sites and the Local Plan and assessment of compliance with policies needed to be looked at as material considerations.
- The NPPTS policy included reference to temporary pitches when discussing the consideration of lack of supply however this was only one part of a larger policy that needs to be accounted for.
- The application was for the provision of one pitch. Further planning permission would be required for additional pitches on the site.
- Proposed condition 7 required the visibility splays be retained.
- The location of the proposed caravan needed to be sited within the red line of the plan.

In response to questions from the Committee, the Service Manager (Development Management) advised the following:

- That there was enforcement still open on the wider site and any other enforcement issues identified would be looked at.
- Reference to another site near Rackenford would have been considered as a rural workers dwelling under policy DM28 which was different circumstances to this planning application.
- If the Committee considered to approve for a temporary period, then there needed to be sound and reasonable reasons provided why a temporary permission should be given as opposed to a permanent permission.
- No gypsy and traveller sites had been put forward in the Local Plan, therefore there was no provision in North Devon. She read out Policy ST20 which was detailed on page 49 of the report.

Councillor Whitehead, addressed the Committee, in her capacity as Ward Member.

In response to questions, the Solicitor and Data Protection Officer advised the following:

- That if the Committee considered the approval for a temporary period, there was a need to ensure appropriate and reasonable conditions and consider implications for the family and whether it was appropriate to make it a temporary permission.
- There had been no objections from consultees. The Committee needed to consider the material considerations which were the National Planning Policy for Gypsy and Traveller Sites, the NPPF and the Local Plan, which this application was compliant with. It was not finely balanced in terms of planning considerations and the Committee needed to consider how, if at all, it would look different if it came back to the Committee for consideration in 3 years time that would warrant making a temporary planning permission

RESOLVED (8 for, 0 against, 3 abstained) that the application be APPROVED as recommended by the Senior Planning Officer (DB).

**90. ADJOURNMENT OF MEETING**

RESOLVED that it being 11.03 am that the meeting be adjourned for a comfort break and that it be reconvened at 11.16 am.

**91. 79032: BATTERY BOX BB01763, BUCKNELL WAY, HACCHE LANE, SOUTH MOLTON, DEVON**

Councillor Prowse arrived at the meeting.

The Committee considered a report by the Senior Planning Officer (RB) (circulated previously) regarding planning application 79032.

In response to questions from the Committee, the Senior Planning Officer (RB) advised the following:

- The battery storage would draw energy from other renewable sources. It was planning for the future storage of electricity.
- He was not aware of other specific schemes in the District drawing energy from renewable sources.
- The access would be through the existing access.

Councillor Bishop, addressed the Committee, in his capacity as Ward Member.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Senior Planning Officer (RB).

**92. 79173: LAND OFF SOMERTHING LANE CROYDE**

Councillor Maddocks declared a disclosable pecuniary interest and left the meeting during the consideration of this application.

The Committee considered a report by the Planning Officer (KW) (circulated previously) regarding planning application 79173.

The Senior Corporate and Community Officer read out a statement received on behalf of Karen Rhodes (objector) to the Committee.

In response to questions from the Committee, the Planning Officer (KW) advised the following:

- The proposed for two doors and two storeys would provide access for maintenance as can't move internally between both floors.
- The proposal had received the endorsement of the Barn Owl Trust, as a recognised habitat. There were barn owls living in the area. The loss of mature trees had an impact on the habitat for barn owls.
- The Barn Owl Trust suggested that there were other similar proposals.
- The design was to use natural material and the design was considered to be acceptable, well screened by trees, hedges and topography. Therefore it would be largely unnoticed in the street scene.
- The applicant would be responsible for any maintenance required, which was not a planning matter.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Planning Officer (KW).

**93. CLASS Q PERMISSIONS**

Councillor Maddocks returned to the meeting

The Committee received a presentation by the Service Manager (Development Management) regarding Class Q permissions. She highlighted the following:

- There was no policy in relation to Class Q fallback planning applications.
- High Court appeal decision provided some guidance in terms of “betterment”.
- Part 3 Class Q allowed the conversion of agricultural buildings and dwellings.
- The Class Q legislation set out what was allowed and not allowed.
- There had to be a legitimate fall back and the building had to have Class Q consent.
- There was a need to consider whether a “betterment” could be achieved and provided some examples.

The Service Manager (Development Management) advised that she would circulate a copy of the presentation to the Committee and that she would be happy to attend Parish/Town Council meetings.

It was also suggested that the presentation be given at a future meeting of the Parish Forum.

**94. APPEAL REPORT**

The Committee considered and noted the appeal report by the Senior Planning Support Officer (circulated previously).

The Service Manager (Development Management) provided an update in relation to planning appeals 78277 and 77480.

**95. TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR THOSE INSPECTIONS TO BE HELD.**

There were no planning site inspections required to be undertaken by the Committee.

Chair

The meeting ended at 12.10 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.