

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 13th October, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Davies, Fowler, Gubb, Jenkins, Mack, Mackie, Prowse, D. Spear, L. Spear, Tucker, Walker(substitute for Councillor Leaver) and Yabsley

Officers:

Service Manager (Development Management) (MB), Lead Planning Officer (Majors) (JW), Lead Officer (South) (JM), Senior Planning Officer (DB), Senior Planning Officer (SM) and Chartered Legal Executive (HP).

Also Present:

Councillors Henderson and Worden.

**58. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chesters, Crabb and Cllr Leaver, who appointed a substitute, Councillor Walker, to attend in her place.

**59. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETINGS HELD ON 1ST SEPTEMBER AND 8TH SEPTEMBER 2021**

RESOLVED that the minutes of the meetings held on 1<sup>st</sup> September 2021 and 8<sup>th</sup> September 2021 (circulated previously) be approved as correct records and signed by the Chair.

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

The Chair advised that following the conclusion of the meeting, the Committee members were invited to discuss the requirement for a site visit.

**61. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Davies      Planning application 73872: prejudicial interest as the Agent for the application.

**62.                    71251: LAND OFF NADDER LANE, SOUTH MOLTON DEVON**

The Committee considered a report by the Lead Planning Officer (South) (circulated previously).

The Lead Planning Officer (Majors) addressed the Committee and advised that:

- The location of the site, which was for 187 dwellings, was to the western side of South Molton. It was an infill site between two existing sites to the North and South.
- The site was on 7.93 hectares of agricultural land.
- Following discussions with the Ecologist it was agreed that the two existing Linhays on the site (which provided roosting for owls) would be offset with the provision of an owl roost in the existing trees.
- The new dwellings would be at distances of between 20m and 33m from the existing dwellings along West Park.
- The dwellings were 1.5 storeys, and 2 storeys high, and were of a range of styles and roof types. Drawings of the street view showing the variety of dwelling styles was presented to the Committee.
- Each dwelling would have access to car parking and an enclosed rear garden.
- 20% affordables were proposed. This included 75% social rent housing, and 25% shared ownership properties.
- The proposals provided 33 dwellings per hectare, which was considered a reasonable density of development.

Marc Cornelius (South Molton Town Council) addressed the Committee.

The Corporate and Community Services Officer read a statement from Stan Colman (objector) to the Committee.

David Johnson, Herbert Cromack and David Winter (Supporters) addressed the Committee.

The Corporate and Community Services Officer read statements from Lyn Winter and Derry Hodgson (objectors) to the Committee.

Jamie Grant of Wainhomes, (applicant), addressed the Committee.

Councillors Henderson and Worden addressed the Committee as Ward Members.

In response to the representations made, the Lead Planning Officer (Majors) advised:

- A Viability assessment had been independently assessed and the best proposal had been presented.
- South West Water had raised no objections.
- DCC Highways had raised no objections or concerns.
- The officers had secured design changes but there was no policy reason or amenity reason to require single storey dwellings.
- All representations were available on the Council's website.
- There had been two rounds of public consultation and site notices had been placed on site by the Lead Planning Officer (Majors).
- The development as a whole was considered acceptable.

In response to questions from the Committee, the Lead Planning Officer (Majors) advised:

- A refuse plan was included in the application.
- There would be visual clues within the road design throughout the site to clarify that it was a residential area, rather than a fast track through the site.
- Although the site was car-lead (as many residents would require spaces for vehicles) there would be strong pedestrian and cycle tracks throughout.
- The design and access statement was in keeping with the traditional style of South Molton, eg, grey slate-coloured roofs.
- The amended layout showed the green routes through the site.
- There was no requirement for the scheme to be re-examined by the design panel.
- When previously assessed, the Linhays were not considered to be of a quality to deem them suitable for protection/listing. The assessment was carried out over 15 years ago.
- The site was allocated for development within the Joint Local Development Plan.
- The responsibility for the Orchard would be that of the management company.

In response to a question about viability of sites, and the provision of affordable housing, the Service Manager (Development Management) confirmed that viability would be scrutinised further as part of the review process of the Joint Local Development Plan. She confirmed that the Authority was tied by legislation.

RESOLVED (12 for, 0 against, 1 abstained) that the application be APPROVED as recommended subject to the following Viability Assessment AVA2 Section 106 Option 1 being agreed with the amendment as follows;  
Option 1: 71% of Financial Contributions, with the Waste Management and Recycling contribution being £0, and the proposed contribution of £4,829 being added to the Medical Centre contribution, which would now total £60,749.

### **63. ADJOURNEMENT OF MEETING**

RESOLVED that it being 11.44 a.m. the meeting be adjourned for a six minute comfort break and reconvene at 11.50 a.m.

RESOLVED, that it being 11.50 a.m. the meeting continue in order for the remaining business to be transacted.

**64. 72194: GREENWOOD FARM, SOUTH MOLTON, DEVON, EX36  
3PE**

The Committee considered a report by the Planning Officer (DB) (circulated previously).

The Planning Officer addressed the Committee and advised that:

- The existing dwelling had been granted temporary permission in 2011. It had been occupied by the applicant since that date.
- Previous applications had been unsuccessful due to the period of occupation and the notice period given.
- The presentation showed the dwelling was a single storey timber structure used as a residence for an agricultural worker.
- The dwelling was used as a home for the applicant who was running a business from the dwelling – and ran a calf rearing business. Numbers of livestock on the holding were confirmed.
- External expert advice was sought on the case to provide the functional needs assessment. It was deemed that the care for the heifers was not the sole interest of the business, nor only source of income, as the majority of the income was provided by contracting works. —The conclusion of the assessment was that not all elements of the applicants work should be used to determine a functional need. Whilst there were different figures for the SMD hours it was concluded that the evidence was insufficient to support a functional need.
- Queries over the costings provided by the applicant as part of the accounts, and the fact the accounts did not appear to be audited, resulted in the officers being unable to conclude that the business was ‘well established *and* profitable’. The removal of the farrier work etc would mean the business would be at a break even or loss situation.
- The business needed to demonstrate a functional and profitable business in order for the Authority to justify the essential need for the applicant to be resident on-site.

Councillor Worden, Leader of NDC, (supporter), Phillip Carr (applicant), Nigel Downe (supporter), Rex Milton (Parish Council Representative) and Graham Townsend (agent) addressed the Committee.

Service Manager (Development Management) (MB) addressed the Committee and reconfirmed that the decision had to be evidence-based and the recommendation had been made based on expert advice.

The Chair addressed the Committee (as Ward Member).

RESOLVED (unanimous) that the application be APPROVED subject to:

- (a) a standard-occupancy condition and S106 Agreement to tie the land to the dwelling
- (b) That Mr Downe (expert agricultural witness) be requested to provide to the Planning Authority a written copy of his statement to the Committee prior to the decision notice being issued.

In reaching its decision, the Committee approved the application for the following reasons:

1. As there was sufficient information to properly analyse the functional needs of the Farm, both by reference to a Standard Man Days or Standard Man Hours calculation and review of the practical processes relating to the farming activities. In light of the above the policy test for a permanent dwelling or continued use of the mobile home beyond the consent period had therefore been established. The proposed development was therefore considered to be justified development in the Countryside and supported by Policies ST07 and DM28 of the North Devon and Torridge Local Plan Rural Workers Dwelling Supplementary Planning Document and Paragraph 79 of The National Planning Policy Framework (NPPF).
2. The Committee considered that there was sufficient justification to demonstrate a viable business. The business could be considered to be profitable and fulfilled the criteria of one year's profit in the last three trading years, when considering the elements of the business that formed the functional requirement to support the delivery of a residential unit. The development was therefore considered a justified unit of accommodation in the open countryside supported by Policies ST07 and DM28 of the North Devon and Torridge Local Plan Rural Workers Dwelling Supplementary Planning Document and Paragraph 79 of the NPPF.
3. In addition the Committee also recognised the sustainable nature of the business and considered that it was supported in this respect by the NPPF key thread supporting sustainable business and industry which was recognised as a Material Planning Consideration.

**65. 73430: LAND TO THE WEST OF THE JUNCTION OF MANOR ROAD AND VICARAGE ROAD, LANDKEY, BARNSTAPLE, DEVON, EX32 0JB**

The Committee considered a report by the Senior Planning Officer (SM) (circulated previously).

The Senior Planning Officer addressed the Committee and advised that:

- An update on the information on page 2 of the report: that application 73809 had now been approved.

- The application site was the corner plot to the west of the junction with Manor Road.
- The site was within the conservation area.
- The site plan now showed the new proposed access at a lower level. The boundary section plan showed the cut back of the land for wider visibility splay.
- DCC Highways raised no objections.
- The plans were considered acceptable in terms of outside amenity space.
- Provision of a bat and bird box on each dwelling would provide a net gain in biodiversity.

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

**66. 73872: WILSONS TENEMENT, CHULMEIGH, DEVON, EX18 7EG**

Councillor Davies re-declared his prejudicial interest as the Agent for the application and left the meeting during the consideration of the application.

The Committee considered a report by the Senior Planning Officer (JM) (circulated previously).

The Senior Planning Officer addressed the Committee and presented the Committee with the location plans, floor and elevation plans of the proposed extension, and photographs of the existing site. She advised the Committee that the application complied with the Authority's policies.

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

**67. APPEALS REPORT**

Councillor Davies re-joined the meeting.

The Committee noted a report by the Senior Planning Support Officer (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

Chair

The meeting ended at 1.00 pm

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