

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 10th January, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Haworth-Booth, Lane, Maddocks, Prowse,
L. Spear and Williams

Officers:

Service Manager (Development Management), Senior Planning
Officer, Lead Planning Officer (Major Applications), Senior Planning
Officer, Chartered Legal Executive and Planning Officer

Also Present:

Councillor Wilkinson

58. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bulled, R. Knight, C. Leaver and Whitehead.

59. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH DECEMBER 2023

RESOLVED that the minutes of the meeting held on 13 December 2023 (circulated previously) be approved as a correct record 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

(a) Cancellation of 14 February 2024 Planning Committee meeting

The Chair confirmed that the meeting of the Committee scheduled to be held on 14 February 2024 had been cancelled with his agreement.

The Service Manager (Development Management) confirmed that this was due to the lack of planning applications to be considered at this meeting.

61. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Davies – planning applications 77801 and 77597, disclosable pecuniary interest as the agent for both applications.

62. 77389: SUMMERMOOR FARM, SWIMBRIDGE, BARNSTAPLE, EX32 0QF

The Committee considered a report by the Senior Planning Officer (RB) regarding planning application 77389 (circulated previously).

Graham Townsend (agent) addressed the Committee.

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

- The date that the original works were carried out was unknown.
- The measurements for the internal floor area of the dwelling approved under Reserved Matters as detailed on page 18 of the report was incorrect. The internal floor area for both the ground and first floors should have been calculated at 79.6m² which equated to the total internal floor plan layout of 156.6m².
- The reference to planning application 57279 on page 16 was a typographical error and should have referred to the outline and subsequent reserved matters application. He confirmed that the total area including the uplift would be around 210m².

In response to a question from the Committee, the agent advised the following:

- He could not confirm how long the farm manager had occupied the building, however the property had been occupied by a member of the applicant's staff since its construction. The applicant farmed a total of 2,000 acres. He could not confirm which part of the farm that the farm manager had responsibility for.

Councillor Lane (as he had called in the application for consideration by the Committee and in his capacity as Ward Member) addressed the Committee.

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

- Supplementary Planning Documents carried full weight and were a material planning consideration.
- Class Q applications were considered under permitted development rights and not a planning application and therefore could not be compared. The Government had set criteria for Class Q applications.

- The Agricultural Workers Supplementary Planning Document supported farmers and rural agricultural dwellings. This was to ensure that rural workers dwellings remained affordable in the future.
- If the agricultural workers condition was removed, this would make the property unaffordable.
- The original workers dwelling was in relation to the keeping of chickens, which had since ceased and the applicant had changed to shared farming (crops) and a contracting business.
- The Supplementary Planning Document and Policy DM28 were very clear in terms of the functional needs of the holding and that the planting of corn would not necessarily require/justify a proposed extension to the dwelling in respect to the functional needs of the holding.

Councillor Haworth-Booth (in his capacity as Ward Member) addressed the Committee. He advised that he was the Chair of the Swimbridge Parish Council who had objected to this planning application and therefore he would not take part in the vote at this meeting.

Further discussions took place regarding the accuracy of the measurements and calculations.

RESOLVED that it being 10.55 am that the meeting be adjourned to enable the measurement figures to be checked.

RESOLVED that it being 11.04 am that the meeting be reconvened.

The Service Manager (Development Management) advised that the measurement figures had been checked and confirmed that the following figures were accurate:

- Existing floor area 104m² (excluding the garage)
- Floor area including the link to the garage 227m² (excluding the garage)

The Service Manager (Development Management) also confirmed that upon viewing a google image of the site, the rural workers dwelling had been constructed without the link to the garage and had been originally built in accordance with the plans. Therefore, the extension had been a future addition.

RESOLVED (5 for, 1 against, 0 abstained) that the application be REFUSED as recommended by the Senior Planning Officer (RB).

Councillor Haworth-Booth did not take part in voting on this application.

**63. 77772: TEASEL COTTAGE, WEST DOWN, ILFRACOMBE, EX34
8NT**

The Committee considered a report by the Senior Planning Officer (SE) regarding planning application 77772 (circulated previously).

Mr Robert Mead (applicant) addressed the Committee.

Councillor Wilkinson (in his capacity as Ward Member and had called in the application for consideration by the Committee) addressed the Committee.

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

- That the planning application was for a local needs dwelling.
- The Certificate of Lawfulness was for a caravan located within the curtilage of the existing dwelling.
- The current measurements for one of the double bedroom was slightly below the national space standard. However with slight adjustments, the national space standards could be achieved.

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

- Planning Law required planning applications to be determined in accordance with the Local Plan. In accordance with policy ST07, West Down was not classified as a rural settlement. In accordance with Policy DM24, West Down was not a rural settlement as it did not have a prescribed service or facility. Therefore policy ST04 applied as the site was located in the open countryside. Policy DM28 rural workers dwelling could not be applied. This was for a local needs dwelling which was not located in a rural settlement in accordance with the Local Plan.
- There is an existing granted lawful development certificate for the proposed siting of a caravan in the curtilage of Teasel Cottage. This was approved as the siting of the caravan does not change the use of the land would not require a formal planning application.
- The proposed dwelling was outside of the development boundary. If it was located within a rural settlement as defined in the Local Plan and the applicants had a local connection, then the local needs dwelling would be triggered subject to a section 106 agreement.
- There were small hamlets and villages that had services and facilities such as a church, school, village hall and therefore could be defined as a rural settlement.
- There was a need for consistency and for the application to be determined in accordance with planning policies and the National Planning Policy Framework.

In response to a question from the Committee, the applicant's wife confirmed that she was a midwife and worked at both the hospital and within the community.

RESOLVED (unanimous) that the application be APPROVED subject to a section 106 agreement to secure the local needs dwelling and power being delegated to the Service Manager (Development Management) to attach any relevant planning conditions in consultation with the Ward Member.

In determining this application, the Committee considered the following which was of particular relevance to this application and in relation to material planning considerations:

- (a) That the development of a dwelling house in this location did meet the local social and economic needs and therefore outweighed the potential harm and conflict of policy ST07;
- (b) Acknowledged the cluster of other buildings in the vicinity and considered this particular application to be a sustainable development;
- (c) Took account of the number of services located nearby including the proximity of bus stops and local pub, and the role of the applicant's wife as a local NHS Community midwife.

64. 77581: FORMER NORTH DEVON LEISURE CENTRE, SEVEN BRETHERN BANK, BARNSTAPLE

The Committee considered a report by the Lead Planning Officer (Major Applications) regarding planning application 77581 (circulated previously).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Planning Officer (Major Applications).

65. ADJOURNMENT OF MEETING

RESOLVED that it being 12.05 pm that the meeting be adjourned for a short comfort break.

RESOLVED that it being 12.11 pm that the meeting be reconvened.

66. 77801: MANLEIGH LODGE, MANLEIGHS, KILN LANE, COMBE MARTIN, ILFRACOMBE EX34 0LY

The Committee considered a report by the Planning Officer (KW) regarding planning application 77801 (circulated previously).

In response to a question from the Committee, the Planning Officer (KW) advised that he could not confirm whether the applicant was aware of the two proposed conditions.

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

67. 77597: RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, EX37 9EU

Councillor Davies re-declared disclosable pecuniary interests in planning applications 77597 and 77837 and left the meeting during the consideration thereof.

Councillor Lane took the Chair.

The Committee considered a report by the Planning Officer (DJ) regarding planning application 77597 (circulated previously).

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

68. 77837: HIGHER LEYTON, NR ELSTONE, CHULMLEIGH, DEVON EX18 7AF

The Committee considered a report by the Planning Officer (DJ) regarding planning application 77837 (circulated previously).

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

69. APPEAL REPORT

Councillor Davies returned to the meeting.

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 76274, 74837, 75710, 72984 and 74775.

70. 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.

Chair

The meeting ended at 12.41 pm

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