

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **31st** day of **October 2023** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr R Cheadle – Chairman
Cllr T Southcott – Vice-Chairman

Cllr A Cunningham	Cllr N Jory
Cllr M Ewings	Cllr U Mann
Cllr S Guthrie	Cllr J Moody
Cllr P Kimber	Cllr S Wakeham

Head of Development Management (JH)
Senior Planning Officer (PW)
Monitoring Officer and Head of Legal Services (DF) (Via MS Teams)
Senior Democratic Services Officer (KH)

***DM&L.22 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr C Mott for who Cllr P Kimber substituted and Cllr T Leech for who Cllr M Ewings substituted.

***DM&L.23 DECLARATION OF INTEREST**

There were no declarations of interests.

***DM&L.24 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.25 CONFIRMATION OF MINUTES**

The minutes from the Committee meeting held on 3 October 2023 were approved as a true and correct record.

***DM&L.26 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports that had been prepared by the relevant Planning Officer on the following applications and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 0466/23/FUL Ward: Exbourne

Site Address: Westacre, Sampford Courtenay EX20 2SE

Development: Erection of farm shop with on site parking and landscaping.

Recommendation: Refusal

Key issues for Committee consideration:

- Principle of development/sustainability
- Design/landscape
- Biodiversity
- Neighbour amenity
- Highways/access
- Drainage
- Low carbon development

The Planning Officer reiterated that it was the suitability of the location that needed to be addressed first before looking at policy DEV 15 which addressed supporting business start-up in rural areas. The Head of Development Management stated that had an application been presented whereby the building was clustered with the other farm buildings it may have been more favourable with regard to any impact on the local environment and landscape.

Speakers included the applicant, and two statements from the two Ward Members, Cllrs Casbolt and Watts.

The applicant stated that she and her husband ran a dairy farm and currently employ several local people within their dairy production business, which included milk and ice-cream production and delivery. Currently there was an honesty box shed on their driveway at Westacre where the Applicant sold their milk in reusable glass bottles. They also sold grass fed beef and pork along with logs and kindling wood which are all produced on their farm.

In pre-application talks the Applicant said that they were advised to move the proposed shop away from the junction where the current farm shed was. The access point was on a bus route and popular cycle route. Solar panels would be used for energy and the building clad with wood from their farm. She stated there would be tables for use by those using the shop, but food was not being served and therefore no toilet facilities would be provided. The Applicant explained that they have around 65 stockists for their products in the area and they deliver to them.

In the statement from Cllr Casbolt, he stated that he felt the application would be a great asset for the local economy. He felt it would reduce carbon emissions for those not travelling to the nearby town of Okehampton.

In Cllr Watts comments she felt Members should support local farming communities and supported the comments Cllr Casbolt had stated.

In debate Members wrestled with Policy DEV 15 whereby support is given to supporting local businesses in rural areas and why the site was described as isolated in the officer report. One Member felt DEV15 had several objective requirements but the overriding caveat seemed to be whether the site was suitable and sustainable. They made the comment that the Council had

secured funding from the UK Prosperity Fund to help businesses and farms to diversify. Government Policy was about stewardship and diversification of farms. He felt Dev 15 should not stand in the way of this type of diversification. Another Member said they felt this application for a farm shop would help to put people back in contact with their food.

Another Member commented on the positives of a farming family coming forward in a regenerative way along with showing families around the farm in an educational way.

Drainage issues were raised and it was suggested that conditions should be imposed if the recommendation was to grant the application.

The Head of Development Management reminded Members that they needed to consider the development against the planning policies in the Development Plan.

The application was contrary to those policies and therefore Members would need to give reasons why they disagreed if they felt they would support the application. She also reminded Members that the starting point in the JLP are the SPT policies -when deciding an application. A Member pointed out that SPT 1 states a sustainable economy where opportunity for business growth and a low carbon economy is encouraged and supported. Sustainable societies whereby communities have a mix of local services to meet the needs of local people. Another Member commented that the business had an excellent reputation. They also felt cycling to the shop from Hatherleigh on the lanes was safe. A Member stated that part of bringing the JLP together was to help the farming community diversify. He said if they don't do that then it sends out mixed messages.

The Head of Legal reminded Members to have a regard to the planning policies when making a decision and gave advice about how the Committee should approach the interpretation of the relevant policies.

One Member felt the applicant had done all they could to comply with the JLP and quoted from the JLP saying it would help a circular regenerative economy. Another commented that they would not expect a sustainable location policy to be linked with a farm shop. Another said people would have a reason to use their bicycle to do a short journey to the farm shop from one of the local villages, hence increasing the sustainability.

In summing up, the Committee felt that the application met policies SPT 1 and Dev 15.

Committee Decision: Conditional Consent. The Head of Development Management be authorised to grant approval subject to conditions to be determined in consultation with the Chairman and Vice-Chairman of the Development Management and Licensing Committee, such conditions to include a condition on drainage.

**Site Address: The Kiosk, Bus Station, 20 Plymouth Road,
Tavistock PL19 8AY**

**Development: Conversion of existing offices into three flats
with associated courtyard area and soft landscaping to front**

**Recommendation: Conditional approval subject to
completion of Unilateral Undertaking to secure Tamar EMS
mitigation**

The Head of Development explained that the application had come back to Committee for Members to reconfirm their decision made at its last meeting (Min DM&L19 refer). After the last Committee meeting it was noticed that the address of the proposed development was incorrect. It referred to both The kiosk, Bus Station and 20 Plymouth Road. It has now been corrected to 20 Plymouth Road by the applicant. The application had then been re-advertised in the local press.

It has then been also noticed that the proposed Flat 2 was not fully included within the red line on the plans. This was corrected and was Re-advertised in the local press. Also, following an error in the description of the Applicant on the application form, the Applicant had written formally to correct it.

The Head of Development Management confirmed that nothing had changed in items of the material considerations of the application.

**Committee decision: The Committee confirmed its decision
to grant conditional approval as set out at Min DM&L 19**

***DM&L.27 PLANNING APPEALS UPDATE**

The Head of Development Management took Members through two Appeal decisions. 1047/22/FUL, construction of a 3-to-4-bedroom house at Station Road, Bere Alston. The application was refused. The Inspector noted and agreed with the reasons for refusal, however he did not consider the cottage to be a non-designated heritage asset and felt the Council had not given enough information to demonstrate that it was. She said she would be looking at whether a list of non-designated heritage assets should be drawn up moving forward. The second appeal was 3072/22/HHO, a householder application for a storage enclosure in the back garden. The back garden was located over the West Devon World Heritage Site. The application was refused for this reason and the Inspector agreed with the decision.

***DM&L.28 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

There were no questions on this item.

(The Meeting ended at 11.20am)

Chairman