Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **12th** day of **December 2023** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

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

Cllr A Cunningham
Cllr S Guthrie
Cllr P Kimber
Cllr U Mann
Cllr J Moody
Cllr C Mott
Cllr S Wakeham

Head of Development Management (JH)
Senior Planning Officer (BRH)
Environmental Health Officer (JW)
Senior Democratic Services Officer (KH)

***DM&L.36 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Leech and Cllr Jory for who Cllr Kimber substituted.

***DM&L.37 DECLARATION OF INTEREST**

There were no declarations of interests.

***DM&L.38 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.39 CONFIRMATION OF MINUTES**

The updated minutes from the Committee meeting held on 31 October 2023, the minutes from the Committee meeting held on 21 November and the minutes from the Licensing Sub-Committee meeting held on 24 October were agreed as a true and correct record.

***DM&L.40 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

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

(a) Application No. 1769 /23/FUL Ward: Buckland Monachorum

Site Address: Uphill, Yelverton PL20 6DF

Development: Use of walled garden for weddings, workshops

& food events, construction of four ancillary buildings within

the walled garden, use of part of adjacent barn for wedding ceremonies & construction of external staircase to barn (part retrospective) (resubmission of 2992/22/FUL)

Recommendation: Conditional Approval

Conditions

1. Standard time limit
2. Accord with plans
3. Use (weddings, workshops & food events)
4. Walled garden (catering)
5. Tie to Listed Building
6. Number of events
7. Time of events – to protect the barn owls and amenity of neighbours
8. Number of guests
9. Sustainable travel plan
10. Lighting plan
11. Noise management plan
12. Amplified music
13. Ecological appraisal
14. Existing nesting site (prior to commencement)
15. New nesting site (prior to commencement)
16. Barn owl monitoring
17. Remove when no longer required

Key issues for Committee consideration:

- Locality (countryside)
- Heritage (Listed Building)
- Landscape
- Ecology (barn owl)
- Amenity (noise and lighting)
- Highways and access

The Planning Officer gave a presentation to the Members on the application. The business plan submitted showed up to 15 courses per calendar year. Up to 10 Day/evening events per calendar year, up to 20 small events/elopement weddings per year and up to 10 late finish events per calendar year. 16 letters of representation were received in support and 16 against the application.

In response to a Member question the Planning Officer stated that the associated Listed Building application was not being heard at Committee as it related to minor works to the barn and no objections had been received. It was confirmed that the glass house would also be used as a gardening space.

The Environmental Health Officer stated that the noise heard from the boundary of the site would be ambient and blend into the background.

She stated that it would be for the owner to demonstrate they are complying with the noise levels. A noise management plan had been received from the applicant. A noise limiter was to be used to cut back

any music being played too loudly. If the noise levels were too high and complaints received, it would be dealt with by Environmental Health Officer and in some circumstances a Noise Abatement Notice could be considered. She said those to the south of the site would be less likely to hear noise as most of the winds are from the south or southwest. She said measurements are not taken for any particular planning applications, however, they are aware that most noise in the countryside is recorded at around 25 decibels.
The Planning Officer explained that sound proofing in the barn along with provision of a new barn owl box, monitoring and a guest exclusion zone meant the barn owl currently living in the barn would be protected. In terms of heritage assets, there is a phased schedule of repairs to the buildings. With regard to Policy TTV26, Development in the Countryside, the Planning Officer explained whilst the policy would not wholly support the proposal, there were heritage and economic benefits, which weighed in favour of the proposal.

Speakers

Murray Ross - Objector
Christopher Hayes – Supporter/Applicant

Mr Ross spoke on behalf of a neighbouring resident. He stated that the site had been operating for almost 24 months as a wedding venue without planning permission and had demonstrated to have had an impact on residential amenity by way of noise and disturbance. He stated the residents were unable to sit in their gardens during events at the site due to the noise. The residents had commissioned their own noise assessment which had been submitted to the Council. He made comment to the traffic impact stating the nearest bus stop was ¾ mile away, with the last bus to Plymouth leaving at 10pm. Guests using the bus would need to leave and walk a dark unlit county lane with no footway. He stated the venue was in an unsustainable countryside location within an Area of Outstanding Natural Beauty, where tranquillity and dark skies are to be protected.

The applicant stated he had been running the venue for three years, holding up to 7 events each year. At pre-application, a Planning Officer, Police Licencing Officer, Environmental Health Officer and Heritage Specialist were present and all were consulted throughout the process of the application. There would be 20 events with provision of amplified music, 10.00- midnight and 10.00- 22.00 hours. Not all would be weddings, some would be feasting nights with long tables and feasting platters.
A system would be installed to give the applicant full control over the music being played at the events.
Local amenity had been at the forefront of considerations when starting the application process and feedback was sought on improvements. This resulted in not allowing certain types of music and putting up more signage to ensure guests found the venue. This led to the nearest neighbour to the site being at the meeting in support of the application. As a young family they prided themselves in using locally produced produce. Staff employed were all from the local area.

One Member asked if there were plans for solar panels or electric

charging points in the future. The applicant responded by saying the cost of charging points and the lack of 3 phase electricity locally meant they weren't looking to install any immediately. The barn would be the only suitable source for installing solar panels and given the listed status of the barn, there may be conflicting issues. The applicant confirmed that the larger events would run between May to September. He stated a zonal system is a targeted speaker system and sits above the dance floor within a marquee. He stated that they would be employing staff on an all year round basis.
He would be getting the sound equipment built once the application was given consent. He commented that he was a qualified noise assessor at work with HSE and he would be dealing with any complaints through a complaints log. Liaising with Environmental Health he would respond to any complaints.

The Development Management and Licensing Committee had most of their issues addressed during the questioning of the presenters and as such there was very little debate.

Committee Decision: Conditional Consent in line with the Officer's recommendation- Conditions as set out in the Planning Officer's report

***DM&L.41 PLANNING APPEALS UPDATE**

The Head of Development Management took Members through the appeals that had been given decisions. Application 2391/22/HHO, a householder application for a rear extension at Southmoor, Thorndon Cross, with officer recommendation for refusal was upheld on appeal by the Inspector.

The Planning Officer had refused due to the effect on the character and appearance of the host building, the rural location and also due to the site being close to the Dartmoor National Park. The Inspector had concluded the only views of the extension would be from some distance away and didn't feel the primacy of the host dwelling would be diminished. A Member felt the Inspectors decision should be questioned. The original application was refused due to size and scale. An application was presented for a smaller extension with this extra extension being proposed. The Parish Council had felt the Neighbourhood Plan had not been considered.

The Inspector agreed with the decision on Application 3844/22/FUL at Exbourne for the refusal of three dwellings. He felt the bulk and massing of the development would create a mass of development where there was none currently. It would also have a harmful effect on an oak tree with a tree preservation order on it.

Application 4242/21/FUL for a five-bedroom house in Highampton was dismissed on Appeal. It was submitted as being of outstanding architectural value under para. 80 (5) of the NPPF, being an unusual design with a fish hatchery under the building.

Application 1183/23/HHO for an extension to a converted barn at 2 Fowley Barns, Okehampton was upheld on appeal. The Inspector felt

the extension would have a neutral effect on the character and appearance of the surrounding area.

***DM&L.42 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Head of Planning stated that the applicant for application 2915/19/FUL, The Wool Grading Centre at North Tawton, was trying to resolve a flooding issue. The Planning Officer overseeing the case has given them until Christmas to submit additional information. If this is not received the Officer would be looking for a recommendation for refusal.

Regarding application 4004/21/FUL, Former Hazeldon Preparatory School, Tavistock, information was awaited from the applicant by the Heritage Officer for works on Hazeldon House. He had been in conversation with the architect and plans are expected to be provided on the back of that conversation.

(The Meeting ended at 11.25 am)

Chairman