

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 26 May 2021 at 2.15 pm

### **Present Councillors**

Mrs F J Colthorpe, G Barnell, S J Clist,  
L J Cruwys, Mrs C P Daw, C J Eginton,  
P J Heal, D J Knowles, F W Letch,  
B G J Warren and R F Radford

### **Apologies Councillor(s)**

E J Berry

### **Present Officers:**

Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leiburne (Legal Services Team Leader), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Adrian Devereaux (Area Team Leader), Angharad Williams (Area Team Leader), Oliver Dorrell (Planning Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

#### **1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR) (0.00.06)**

Cllr Mrs F J Colthorpe was duly elected Chairman.

#### **2 ELECTION OF VICE CHAIRMAN (0.03.13)**

Cllr D J Knowles was duly elected Vice Chairman.

#### **3 HYBRID MEETINGS PROTOCOL (0.08.46)**

The Committee had before it, and **NOTED**, the \*Hybrid Meetings Protocol.

Note: \*Protocol previously circulated and attached to the minutes.

#### **4 APOLOGIES AND SUBSTITUTE MEMBERS (0.09.12)**

Apologies were received from Cllr E J Berry who was substituted by Cllr R F Radford.

5 **PUBLIC QUESTION TIME (0.09.52)**

There were no public questions.

6 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.10.08)**

Members were reminded of the need to declare any interests when appropriate.

7 **MINUTES OF THE PREVIOUS MEETING (0.10.21)**

The minutes of the meeting held on 14<sup>th</sup> April 2021 were agreed as a true record and duly signed by the Chairman.

8 **CHAIRMAN'S ANNOUNCEMENTS (0.11.27)**

The Chairman advised the Committee that there would be two meetings in June on the 16<sup>th</sup> and 23<sup>rd</sup> of the month and that an interim Development Manager was due to start soon.

9 **DEFERRALS FROM THE PLANS LIST (0.12.51)**

There were no deferrals from the Plans list.

10 **THE PLANS LIST (0.12.57)**

The Committee considered the applications in the \*Plans List.

Note: \*List previously circulated and attached to the minutes.

**a) 20/01991/FULL - Erection of an agricultural workers dwelling at Land at NGR 288335 107070, Road from Redyeates Cross to Hayne Cross, Cheriton Fitzpaine.**

The Area Team Leader outlined the contents of the report by way of a presentation which detailed the site location plan, block plan, proposed elevations and photographs of the site.

The Officer informed Members that the farm consisted of about 250 acres and the dwelling was for a full time farm worker who was employed by the business. He stated that the proposal included an extended driveway and neighbouring properties were over 200 metres away.

He explained that policies S14 and DM8 allowed for agricultural/forestry/rural workers dwellings in the countryside where an essential need had been shown and the applicant had stated that a full time worker was required on site for the husbandry of the animals. He confirmed that there were no other buildings on the site which were suitable for conversion. He explained that there was no current policy which dictated the size of proposed tied properties but that Officers felt that 180sqm was acceptable.

There had been no objections from highways or public health and there was a condition which restricted the property to an agricultural dwelling in perpetuity.

In response to Members questions about the wording of condition 4 the Head of Planning, Economy and Regeneration advised that it was standard wording for tied properties which was used by all authorities and was accepted by the Inspectorate.

The Area Team Leader then explained that although the property was large, it incorporated an office and boot room and that its value would be reduced due to it being tied to agricultural workers.

Consideration was given to:

- The amount of land owned and rented by the applicant
- The length of the leases on the rented land
- The agricultural appraisal submitted by the applicant
- The proposed plans to expand the existing building to accommodate more livestock and over wintering of animals
- The agricultural appraisal was based on 53 acres which was in the ownership of the applicant
- The views of an objector who stated that the application did not satisfy the special circumstances of policy S14 and that they disputed the applicant's claims that there would be lambing and calving on the site. That there was affordable housing nearby which could be used by the worker who, in their opinion, did not need to be on site
- The views of the applicant who stated that his business supported local suppliers and that he needed to expand his herds in the next phase of the business. He was trying to ensure succession of the business by the employment of more workers so that it could continue for years to come. That he had rented some of the land for over 25 years
- Members views that condition 4 could be open to abuse
- Members views that the application was sound and in accordance with policies S14 and DM8

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P Heal and seconded by Cllr Mrs C P Daw)

**Reason for the Decision:** As set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, , P Heal, F W Letch, D J Knowles, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she knew the applicant and used the farm shop
- iii.) Cllr F W Letch requested that his vote against the decision be recorded
- iv.) Anna Chambers spoke as the objector
- v.) Anthony Thorne spoke as the applicant
- vi.) The following late information was reported:

One additional letter of objection received, with the main grounds of objection summarised as follows:

- They own a holiday cottage which looks towards the development and therefore this will have an impact on the view and therefore impact on the holiday cottage business.
- If approved could lead to other farmers applying for dwellings on green field sites.

Additional supporting information has been provided by the applicant to support the need for the dwelling, to clarify plans for the site with comments as follows:

‘Livestock management is conducted, of course, at a site remote from the main farm complex and this is the main justification behind the application to build an agricultural worker’s dwelling. I have also reviewed standard labour rates in line with the ABC costings book 89th edition 2019.

The proposal is to expand the number of animals onsite to:

- 60 sheep
- 60 breeding shorthorn beef cows
- Young/followers of those cows being heifers – which are kept for 2 years and sold in calf – and some bulls which are kept for 2 years and sold for breeding. I had estimated these at 45 in number but, in view of the 2 year timescale, am advised that in reality they would number around 100.

In addition, there are some 20 acres, on this site, of drip fed courgettes, beans and calabrese.

This equates to a calculation of:

60 sheep at 3hrs - 180  
60 shorthorn beef cows at 18 hrs - 1,080  
45 <9 month calves (inc. in above)  
25 10-15 month bulling heifers and young bulls at 16 hrs - 400  
30 other followers at 14 hrs - 420  
15% maintenance - 312  
TOTAL 2,392

Note the hours above include relevant field work.

In addition, there are 20 acres of drip-fed vegetables at 280hrs = 5,600

Taking the livestock elements on their own this would equate to 299 standard man days. Clearly the intention is that there will be other employees on site at various times assisting with the 20 acres of vegetables and other duties but the main employment of the individual carrying out this role will be the husbandry of the livestock.

Neil Jory ACIB, ACIS  
Business Information Point 21/5/21’

11 **TREE PRESERVATION ORDER- 21/00001/TPO - Bethany, Bell Meadow, Bickleigh, Tiverton (1.04.23)**

The Committee had before it a \*report of the Head of Planning, Economy and Regeneration with regard to an application for a Tree Preservation Order for Bethany, Bell Meadow, Bickleigh, Tiverton.

The Planning Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the trees.

The Officer explained that a temporary order had been put in place in January 2021 and that the trees had been inspected by tree consultant acting on behalf of Mid Devon District Council and that both trees had scored enough for the order to be confirmed. The temporary TPO had been put in place due to reports of works taking place to trees in a conservation area.

In response to Members questions he confirmed that the location and size of the trees in relation to nearby dwellings had been considered by the tree surveyor as part of the assessment.

Consideration was given to:

- Members concerns with the species of the fir tree not being confirmed
- Members views that there were acceptable methods available to ensure that the trees did not become a danger to neighbouring properties

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr Mrs C P Daw and seconded by Cllr L J Cruwys)

**Reason for the Decision:** As set out in the report.

Notes: \*Report previously circulated copy attached to the minutes.

12 **MAJOR APPLICATIONS WITH NO DECISION (1.23.39)**

The Committee had before it, and **NOTED**, a list \* of major applications with no decision.

It was **AGREED** that:

21/00276/MFUL – Erection of 13 dwelling at Land at NGR 283084 102432 (Fanny's Lane) Sandford Devon – be brought before the committee for determination and that a site visit take place

Note: \*List previously circulated; copy attached to the Minutes

### 13 **APPEAL DECISIONS (1.29.19)**

The Committee had before it, and **NOTED**, a list of appeal decisions \* providing information on the outcome of recent planning appeals.

It was noted that the Higher Town, Sampford Peverell appeal was a public enquiry and not written representations as detailed in the report.

Note: \*List previously circulated; copy attached to minutes.

### 14 **APPEALS PERFORMANCE (1.31.52)**

The Committee had before it and **NOTED** a \*report of the Head of Planning, Economy and Regeneration providing the Committee with information on the appeal decisions and performance of aspects of the planning function of the Council for 2019/2020, 2020/2021 and 2021/2022

The Head of Planning, Economy and Regeneration outlined the contents of the report and explained that it had been an extraordinary year which had impacted on appeal activity and processing which had rapidly moved to virtual settings.

She explained the Government target for appeal performance which included the speed and quality of decision making.

She provided Members with the appellant's award costs for Higher Town, Sampford Peverell which was £32k exclusive of VAT.

Consideration was given to:

- Members request that information be provided of the percentage of cases overturned at appeal by delegated and non-delegated decisions and the number of appeals for non-determination appeals
- That 93 – 98% of applications were delegated

Note: \*Report previously circulated; copy attached to Minutes.

### 15 **DECISIONS CONTRARY TO RECOMMENDATIONS (1.51.02)**

The Committee had before it and **NOTED** a \*report of the Head of Planning, Economy and Regeneration providing the Committee with information on Committee decisions for 2020/2021 which were not in agreement with officer recommendations.

The Head of Planning, Economy and Regeneration outlined the contents of the report and explained that it provided a summary of applications where the Planning Committee had made decisions not in agreement with officer recommendations.

Note: \*Report previously circulated and attached to the minutes.

## 16 **PLANNING PERFORMANCE (1.52.36)**

The Committee had before it and **NOTED** a \*report of the Head of Planning, Economy and Regeneration providing the Committee with information on Planning and Building Control Performance.

The Head of Planning, Economy and Regeneration outlined the contents of the report and highlighted that there were a range of indicators which monitored the speed and quality of decisions made.

Consideration was given to:

- That timeframes could be extended with an agreement with the applicant for an extension of time
- The intention of the Planning service to put in extra effort to clear the current backlog of applications to ensure that future applications were determined on time without extensive reliance upon extensions of time
- An upturn in the number of applications being received over recent months
- The number of vacant posts in the Planning service and additional resources being put in place
- A new enforcement officer was now in post

The officer explained that the Building Control service had put in new virtual processes to ensure that cases had been considered during the pandemic which had worked well.

Note: \*Report previously circulated and attached to the minutes.

## 17 **START TIME OF MEETINGS (2.10.32)**

It was **AGREED** that the start time of meetings remain at 2.15pm for the remainder of the municipal year.

(The meeting ended at 4.27 pm)

**CHAIRMAN**