

SOUTH HAMS DISTRICT COUNCIL

Notes to accompany Decision Notices

Building Regulations - This decision is not a decision under the Building Regulations and the applicant should ensure that all necessary approvals for the same proposal and same plans are obtained before commencing any work on the site. See www.devonbuildingcontrol.gov.uk for further information.

Discharge of Conditions – If your application has been approved with conditions then any pre-commencement conditions must be discharged before work starts. The fee to discharge conditions is per request, not per condition, and it is therefore more cost effective to discharge all conditions at once. Listed Building Consents and Conservation Area Consents are exempt from fees.

Amending your permission (only applies to planning permissions) – If you want to change some details of your planning permission and it is a very small change you can apply for a Non Material Amendment. Larger changes may need a Variation of Condition application to amend the plans condition or a new Planning Application.

Adherence to approved plans/conditions - Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

Right of Appeal - further *information about appealing can be found at*
http://www.planningportal.gov.uk/uploads/pins/procedural_guide_planning_appeals.pdf

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/ Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

Planning Appeals (Section 78 of the Town and Country Planning Act 1990).

- Householder appeals must be made within **12 weeks** of the date of this notice.
- Minor Commercial Appeals must be made **within 12 weeks** of the date of this notice.
- Other planning appeals must be made within **6 months** of the date of this notice.
- **Certificate of Lawfulness Appeals** (Section 195 of the Town and Country Planning Act 1990) - There is no time limit for submission of an appeal.
- **Listed Building Consent or Conservation Area Consent Appeals** (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990). Appeals must be made within **six months** of the date of this notice.

Advertisement Consent Appeals (Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007).

- Appeals must be made within **8 weeks** of the date of this notice.

High Court Challenge/Judicial Review

As there is no third party right of appeal the only route available for an objector to challenge a decision is through the courts. Legal advice should be sought before considering this option.

Purchase Notices

If the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Disabled Persons

Where any planning permission granted relates to buildings or premises to which the public are to be admitted (whether on payment or otherwise) or to premises in which persons are employed to work, your attention is drawn to Sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act, 1970 and to the British Standards Institutions Code of Practice for Access for the Disabled to Buildings.

Dated this 01 June 2023

(Application Ref: 0663/23/FUL)

Patrick Whymer
Head of Development Management Practice
for and on behalf of the Council



In any correspondence please quote application number: **0663/23/FUL**

FULL PLANNING APPLICATION GRANTED

Town and Country Planning Act, 1990
Town and Country Planning (Development Management Procedure)
(England) Order, 2015

Application No.: 0663/23/FUL

Date Received: 22 February 2023

Proposal: Erection of agricultural/ equestrian building (part retrospective) and use of the site for mixed agriculture/ equestrian.

Location: Agricultural Building As Sx 766 533, Moreleigh

Agent:

Mrs Amanda Burden
Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Mr And Mrs Howard Finch
C/O Agent
Luscombe Maye
59 Fore Street, Totnes
TQ9 5NJ

The South Hams District Council hereby **GRANT** permission to carry out the development described above **subject to the following conditions:**

1. The development hereby approved shall in all respects accord strictly with drawing numbers:

HF05B Proposed Elevation
HF06B Proposed Floor Plan
DRWG.NO.LUS2822_500_LS rev 0 Proposed Site Layout Plan
Site Location Plan

Received by the Local Planning Authority on 16th, 27th March & 18 May 2023

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 and personal equestrian stables (sui generis) and no commercial equestrian activity shall be carried out from the site at any time.

Reason: To ensure that the site is only used for agricultural purposes and as personal stables to protect the amenities of the rural area where there is a policy of restraint.

Dated this 01 June 2023

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for and on behalf of the Council

3. Where the development hereby permitted ceases to be used for the purpose applied for within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than that set out in condition 3 above within three years of the permanent cessation of the authorised use, and there is no outstanding appeal, the agricultural building and associated yard must be removed unless the Local Planning Authority has otherwise previously agreed in writing that the building and yard can be retained.

Reason: For the strict control of development in the countryside and because the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted.

4. Prior to the installation of any exterior lighting on the agricultural building hereby approved or associated yard, full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

Reason: To protect the countryside from intrusive development

5. Notwithstanding the details hereby approved prior to the end of the most recent planting season a revised scheme of landscaping for the site, including tree and hedge planting around the site boundary shall be submitted to, approved in writing by the Local Planning Authority.

The scheme approved under this condition shall be fully implemented before the end of the most recent planting season and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

6. Surface water drainage shall be provided by means of soakaway in the location indicated on the drawings hereby approved. The soakaway shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. Once installed the drainage scheme shall be maintained and retained for the life of the development.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided.

7. The solar PV panels as shown on the plans hereby approved shall be installed within 6 months of the date of this permission, unless otherwise agreed in writing, and retained for the lifetime of the development.

Reason: In the interests of reducing the carbon footprint of the development and addressing the Climate Emergency.

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INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

3. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 01 June 2023

(Application Ref: 0663/23/FUL)

Patrick Whymer
Head of Development Management Practice
for and on behalf of the Council