



In any correspondence please quote application number:  
**2187/24/CLE**

## **REFUSAL of Certificate of Lawfulness for Existing Use**

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

---

**Application:** 2187/24/CLE

**Received:** 10 July 2024

**Proposal:** Certificate for lawfulness for existing use is to establish that permission 28/1382/00/F, as amended by applications 28/1315/01/F, 28/1990/02/F, and 28/0797/04/F, has been lawfully commenced remains extant

**Location:** Wills Marine Ltd, The Promenade, Kingsbridge, TQ7 1JF

**Applicant:** Mr Martin Wills  
Wills Marine Ltd  
The Promenade  
Kingsbridge  
Devon  
TQ7 1JF

**Agent:** Mr Mike Derry  
D20 Architects  
Northside  
Wakeham New Barn  
Aveton Gifford  
Kingsbridge  
TQ7 4NE

---

In pursuance of their powers under the above Act and Order, the South Hams District Council as Local Planning Authority **HEREBY REFUSE TO CERTIFY** your application received on 10 July 2024 for a certificate of lawfulness for an existing use or development under Section 191 of the Act as described in the First Schedule to this certificate in respect of land specified in the Second Schedule to this certificate and edged in red on the plan attached to this certificate.

For the following reason:

Insufficient information has been provided to demonstrate on the balance of probabilities that planning permission 28/1382/00/F ('2000 permission') was lawfully commenced. Furthermore, even if and contrary to the Council's primary position, development under the 2000 permission was lawfully commenced it can no longer be relied upon because it is now irreconcilable with the later planning permission 28/0797/04/F ('2004 permission') which has since been carried out.

The 2000 permission was therefore not lawfully commenced and, in any event, can no longer be lawfully carried out due to the implementation of the 2004 permission and the physical incompatibility between the two permissions.

Dated this 25 February 2025  
Application ref. 2187/24/CLE

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

**First Schedule:** Certificate for lawfulness for existing use is to establish that permission 28/1382/00/F, as amended by applications 28/1315/01/F, 28/1990/02/F, and 28/0797/04/F, has been lawfully commenced remains extant

**Second Schedule:** Wills Marine Ltd, The Promenade, Kingsbridge, TQ7 1JF

## **THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS**

### **Notes**

1. If you are aggrieved by the decision of the Council to refuse an application for a certificate under Sections 191 and 192 of the Town and Country Planning Act, 1990 (as amended) or to refuse it in part, you may appeal to the Secretary of State under Section 195 of the Act (as amended).
2. Notice of appeal can be made online at <https://acp.planninginspectorate.gov.uk/> or in writing to the Planning Inspectorate, Room 3 O/P, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence must be supplied to the Planning Inspectorate.
3. You are advised to consult the brief official guide to applications and appeals, published by the Planning Inspectorate from whom appeal forms may be obtained on request or from their website [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk)