

# 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](http://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 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](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/](http://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 **6 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 20 December 2023  
Application ref. 2268/23/VAR

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



In any correspondence please quote application number:  
**2268/23/VAR**

## **Variation or Removal of Condition REFUSED**

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

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**Application:** 2268/23/VAR

**Received:** 3 July 2023

**Proposal:** Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR (resubmission of 2110/22/VAR)

**Location:** The Cove Guest House, Torcross, TQ7 2TH

**Applicant:** Mr Mikael Armstrong  
Hockham House  
Hockham Road  
Compton  
Newbury  
RG20 6QN

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The South Hams District Council hereby **REFUSE** permission to carry out the development described above **for the following reasons:**

1. The extent of glazing proposed to the dwelling is likely to result in an unacceptable level of light spill which would have a harmful impact on the dark skies character of the surrounding landscape, failing to conserve and enhance the scenic beauty and tranquillity of the South Devon Area of Outstanding Natural Beauty, and the Undeveloped Coast. The proposed design by virtue of the level of glazing fails to have regard to the local pattern of development and does not represent good design, and the development conflicts with policies SPT12, DEV2, DEV20, DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034); Paragraphs 3.45 – 3.48 of the Plymouth & South West Devon Joint Local Plan (2014-2034) Supplementary Planning Document 2020, South Devon AONB Management Plan and the National Planning Policy Framework, including but not limited to paragraphs 134 and 176.

Dated this 20 December 2023  
Application ref. 2268/23/VAR

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

## **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. This decision relates to drawing numbers:

TCGT-LAY-10-C

TCGT-LAY-11-E

TCGT-LAY-12-F

TCGT-LAY-14-G

TCGT-LAY-15-H

TCGT-LAY-16-G

TCGT-LAY-17-G

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