

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 09 September 2022

(Application Ref: 2331/22/PDM)

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



In any correspondence please quote application number: **2331/22/PDM**

**PRIOR APPROVAL AGRICULTURAL BUILDING TO
DWELLING C3**

REQUIRED AND REFUSED

Town and Country Planning Act, 1990

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

Application No.: 2331/22/PDM

Date Received as valid: 18 July 2022

Proposal: Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5No. dwellinghouses (Class C3) and for associated operational development (Class Q (a+b))

Location: Higher Pasture Farm, East Allington, TQ9 7QA

Agent:

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

Applicant:

Mr & Mrs S Hubbard
Higher Pasture Farm
East Allington
Totnes
TQ9 7QA

The **South Hams District Council** hereby confirm that **PRIOR APPROVAL IS REQUIRED AND REFUSED** for the proposed development at the address shown above, as described by the description shown above, and in accordance with the information that the developer provided to the local planning authority shown below for the following reason:

The proposed development would contravene with condition 10 of planning reference 06/0934/07/F, which prevents the use of one of the buildings subject to this application, for any purposes other than those associated with agriculture or horticulture, and therefore the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) do not apply by virtue of Article 3 (4) of the Order.

It is important that you read and understand all of the following **informatives**.

Dated this 09 September 2022

(Application Ref: 2331/22/PDM)

Patrick Whymer
Head of Development Management Practice
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 Notice refers to the following drawings:

Site location plan, proposed site plan, beef shed proposed elevations, beef shed proposed floor plans, log store proposed elevations, cattle shed proposed elevations and cattle and log store proposed floor plans, received by the LPA on the 4th July 2022

And drawings: proposed and existing fabric of log store, and proposed and existing footprint of log store, received by the LPA on the 8th August 2022.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 09 September 2022

(Application Ref: 2331/22/PDM)

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