

## 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 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](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 **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 08 August 2023

(Application Ref: 2831/22/FUL)

*Patrick Whymer*

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



In any correspondence please quote application number: **2831/22/FUL**

## **FULL PLANNING APPLICATION REFUSED**

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

**Application No.:** 2831/22/FUL

**Date Received:** 15 August 2022

**Proposal:** Construction of a two storey house

**Location:** Land Adjacent To Stonehanger Court, Devon Road, Salcombe, TQ8 8HJ

**Applicant/Agent:**

Mr Richard Pain - richard pain architect  
The Loft  
Chillington  
Kingsbridge  
TQ7 2LW

**Applicant:**

Mr Peter Williams  
Flat 6 Stonehanger Court  
Devon Road,  
Salcombe  
TQ8 8HJ

The South Hams District Council hereby **REFUSE** permission to carry out the development described above **for the following reason(s):**

1. The proposed scheme in terms of its scale, form, design, massing, fenestration pattern and features is such that the development lacks harmony and fails to integrate with the local built surroundings and respect the site context. This would have a transformative effect on the verdant character of the site, spaciousness of the area, and density of development. This fails to conserve or enhance the special qualities and distinctive characteristics the South Devon Area of Outstanding Natural Beauty (AONB) and setting of the Salcombe Conservation Area, contrary to the provisions of Section 15 of the National Planning Policy Framework (NPPF), Plymouth and South West Devon Joint Local Plan (JLP) Policies DEV10, DEV20, DEV21, DEV23 and DEV25, Salcombe Neighbourhood Plan Policies SALC B1 and SALC ENV1, and the AONB Management Plan and its supporting documents.
2. The proposed development by virtue of its siting and proximity to 2 Corsican Pine Trees subject to a Tree Preservation Order (TPO) (TPO reference 1010, identified as T1 and T2) would result in foreseeable, rational and reasonable fear of harm and increase the likelihood of applications to prune or fell the protected trees, contrary to the provisions of Section 16 of the NPPF, JLP Policies DEV28 and DEV25, BS5837: 2012 Trees in Relation to Design, Demolition & Construction, and Neighbourhood Plan Policy SALC ENV7.
3. The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through an access, which does not provide adequate visibility from and of emerging vehicles, and insufficient information has been submitted regarding the provision of parking, contrary to provisions of NPPF

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paragraphs 110 and 112, JLP Policy DEV29, Neighbourhood Plan Policy SALC B1, and section 8 of the Plymouth and South West Devon Supplementary Document (SPD).

## **INFORMATIVES**

1. This Decision Notice refers to the following Drawings received by the Local Planning Authority on 07.09.2022:

- HWS.87.149 (East Elevation)

And the following drawing number(s), received by the Local Planning Authority on 13.09.2022:

- HWS.87.159a (Location Plan)

And the following drawing number(s), received by the Local Planning Authority on 15.08.2022:

- HWS.87.150 (West Elevation)

- HWS.87.142 (Site Plan / Roof)

- HWS.87.145 (Roof Plan)

- HWS.87.144 (Lower Floor Plan)

- HWS.87.143 (Upper Floor Plan)

- HWS.87.153 (North Elevation)

- HWS.87.151 (South Elevation)

- HWS.87.155 (Section AA)

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

Dated this 08 August 2023

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*Patrick Whymer*

**Head of Development Management Practice  
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