



In any correspondence please quote application number:  
**2918/23/CLP**

## **Certificate of Lawfulness for Proposed Use REFUSED**

Town and Country Planning Act, 1990 (as amended by Section 10 of the planning and compensation act, 1991)  
Town and Country Planning (Development Management Procedure) (England) Order, 2015

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**Application:** 2918/23/CLP **Received:** 25 August 2023

**Proposal:** Certificate for lawfulness for proposed refurbishment & alterations to existing dwelling including new & enlarged windows & doors, new rooflights, rear conservatory extension & two outbuildings within domestic curtilage to accommodate indoor swimming pool & outdoor waterside storage & changing area

**Location:** Harbour Watch, East Portlemouth, TQ8 8PU

**Applicant:** Mr P Nagle  
Harbour Watch  
East Portlemouth  
TQ8 8PU

**Agent:** Mr Mark Evans - Mark Evans Planning Limited  
Cedar House  
Membland  
Newton Ferrers,  
Plymouth  
PL8 1HP

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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 25 August 2023 for a certificate of lawfulness for a proposed use or development under Section 192 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:**

1. The proposed development as shown on drawing numbers Site Location Plan, 1702/27, 1702/31, 1702/28, 1702/29, 1702/30 received by the Local Planning Authority on 11 September 2023 DOES NOT accord with Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) Order 2015 for the following reason:

Dated this 13 December 2023  
Application ref. 2918/23/CLP

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

- i. The proposed swimming pool outbuilding would be sited on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse contrary to paragraph E.3 of class E of the above order.
- ii. The proposed conservatory would be sited on land forward of the principal elevation contrary to paragraph (e)(i) of A.1 of class A of the above order.
- iii. The proposed storage and changing outbuilding would be sited on land forward of a wall forming the principal elevation of the dwellinghouse and E.1(c) of class E of the above order.

As such planning permission is required for the proposed development.

**First Schedule:** Certificate for lawfulness for proposed refurbishment & alterations to existing dwelling including new & enlarged windows & doors, new rooflights, rear conservatory extension & two outbuildings within domestic curtilage to accommodate indoor swimming pool & outdoor waterside storage & changing area

**Second Schedule:** Harbour Watch, East Portlemouth, TQ8 8PU

**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)