

## 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 10 October 2022

(Application Ref: 3027/21/FUL)

*Patrick Whymer*

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



In any correspondence please quote application number: **3027/21/FUL**

## **FULL PLANNING APPLICATION GRANTED**

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

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**Application No.:** 3027/21/FUL

**Date Received:** 3 August 2021

**Proposal:** Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

**Location:** Vineyard North of Lower Aunemouth, Bantham, TQ7 3AD

**Applicant/Agent:**

Mr. C. Wojtulewski - Parker Dann Ltd.  
S10 The Waterside Centre  
North Street  
Lewes  
BN7 2PE

**Applicant:**

Bantham Estate Ltd  
5 Zealands Field  
Bantham  
Devon  
TQ7 3AN

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The South Hams District Council hereby **GRANT** permission to carry out the development described above **subject to the following condition(s)**:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the following drawings/documents:

377/01/15 Site Location Plan, received 26/08/21

377/01/26 Location Plan Red line areas North Site, received 19/08/21

377/01/04 Layout to Aunemouth Vineyard, received 26/08/21

377/01/06 Temporary Shelter Fence Detail, received 26/08/21

377/01/27, dated 15th July 2022 Planting to Aunemouth Vineyard, received 28/07/22

REASON: To ensure that the proposed development is carried out in accordance with the drawings/documents forming part of the application to which this approval relates.

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

3. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecology Statement, carried out by ge consulting, dated 8th July 2021.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

4. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

5. The planting/landscaping scheme shown on drawings: 377/01/04 - Layout to Aunemouth Vineyard (received 26/08/21), 377/07/27 – Planting to Aunemouth Vineyard (received 28/07/22), and 377/01/06 Temporary Shelter Fence Detail (received 26/08/21), including gapping up of the existing hedge banks, shall be carried out within the first planting season following the date of this decision notice. All planting/landscaping, including that shown as 'existing - to be retained' on the approved drawings, shall be maintained by the owner or owners of the land on which they are situated in accordance with the maintenance details set out on drawing 377/01/27 and for a minimum of ten years beginning with the date of completion of the scheme. During that period all losses shall be replaced with planting of the same species.

REASON: To ensure the provision and maintenance of trees, hedgebanks and other plants in the interests of visual amenity and biodiversity in accordance with JLP policies SPT12, DEV2, DEV23, DEV24, DEV25, DEV26 and DEV28, TPNP policies TP1 and TP22 and the NPPF.6.

6. The upper section of the fencing and fence posts hereby permitted, labelled as 'A' on drawing number: 377-01-06, shall be completely removed no later than five years following the date of this Decision Notice such that the height of any remaining fencing does not exceed a maximum height of 2m above ground level.

REASON: Temporary permission is given in this case by reason of the special circumstances pertaining to the proposed scheme, that is to allow the existing and proposed natural windbreaks to become fully established to provide shelter for the vineyards and associated planting, and only on a strictly limited basis.

## **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.

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**Head of Development Management Practice**  
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2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

3. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

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

Dated this 10 October 2022

(Application Ref: 3027/21/FUL)

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