

Please reply to: Case Management Team (DM)
Email: dm@swdevon.gov.uk



South Hams
District Council



West Devon
Borough
Council

Working together

Mrs Amanda Burden
Luscombe May
59 Fore Street
Totnes
TQ9 5NJ
By email only: amanda.burden@luscombemaye.com

Our ref: 3184/22/PAA
Date: 22 March 2023

Dear Mrs Burden

Reference No: 3184/22/PAA

Proposal: Prior Approval Application for provision of Agricultural tracks following application 2385/22/AGR

Location: Hendham View, Woodleigh, TQ7 4DP

PLANNING PERMISSION REQUIRED

The above prior approval application was submitted pursuant to Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Condition A.2(2) of the above Order includes the following:

*“(iii) the development **must not begin** before the occurrence of one of the following—
(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant’s application of their determination that such prior approval is required, **the giving of such approval;**” (emphasis added)*

In this instance the LPA has previously given written notice that prior approval was required, and application 3184/22/PAA was submitted to seek that approval but has not yet been given.

As you are aware the Case Officer visited the site yesterday (21/03/23) where it became apparent that works have commenced to implement the development. Sections of the access track/private way for which prior approval was being sought are clearly visible. On this basis the development is not permitted under Part 6 as prior approval has not yet been given. In order to seek to regularise the development which has already taken place a retrospective planning application will need to be made.

Please can you advise the applicant accordingly.

Yours sincerely,

**Development Management
South Hams District Council**