

## **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 24 August 2022

(Application Ref: 3186/20/VAR)

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



In any correspondence please quote application number: **3186/20/VAR**

## **VARIATION OR REMOVAL OF CONDITION GRANTED**

Town and Country Planning Act, 1990

Town and Country Planning (Development Management Procedure)

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**Application No.:** 3186/20/VAR

**Date Received:** 6 October 2020

**Proposal:** Variation of conditions 3, 5 and 23 of planning consent 20/0785/12/F

**Location:** The High Nature Centre, East Portlemouth, TQ8 8PN

**Applicant:**

Mrs C Middleditch  
The High Nature Centre  
East Portlemouth  
Salcombe  
TQ8 8PN

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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 (insert date), which is the date of expiration of planning permission (insert original permission ref), which this application varies.

Reason: To comply with Section 73 of the Town and Country Planning Act, 1990 as amended.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) SHDC1, SHDC3 and SHDC4 received by the Local Planning Authority on 10th April 2012 and SHDC2 received on 25th May 2012, Site Location Plan received by the Local Planning Authority on 26th October 2020.

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

3. No use of the polytunnels for any non-agricultural business purposes shall occur until full details of their physical redevelopment are agreed in writing with the Local Planning Authority. These details should include any changes to the covers, ground covering, footings or other constituent materials. The polytunnels must be redeveloped as agreed prior to first business use and maintained and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the appearance of the area.

Dated this 24 August 2022

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4. No use of plant, machinery, or other mechanical equipment is permitted in the polytunnels unless otherwise agreed in writing in advance with the Local Planning Authority.

Reason: To prevent noise and disturbance harming the amenity of neighbours and the tranquility of the landscape.

5. The polytunnels shall be used for the following uses only:

Class E Use, or part use, for all or any of the following purposes:

- a) Shop other than for the sale of hot food
- b) Food and drink which is mostly consumed on the premises
- d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)
- f) Non-residential creche, day centre or nursery
- g) i) office

of the Schedule to the Town and Country Planning (Use Classes) Order 2021 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. Notwithstanding these permitted uses, no use of plant, machinery, or other mechanical equipment is permitted unless otherwise agreed in writing in advance with the Local Planning Authority.

Reason: To prevent noise and disturbance harming the amenity of neighbours and the tranquility of the landscape.

6. All ancillary retail sales activity to the public shall be as agreed by application 20/0098/13/DIS for discharge of condition 6, providing the type of goods, method of sale and location of goods and position of the point of sale, agreed on 25/04/2013.

Reason: To ensure retail sales do not harm community shops and to prevent the growth of retail sales in an unsustainable location.

7. The existing site office (caravan), as marked on the approved block plan, shall be removed from site entirely and in perpetuity upon completion of the Roundhouse to an occupiable condition.

Reason: To protect the appearance of the area.

8. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on any part of the application site.

Reason: To ensure that the proposed development shall not prejudice the amenities enjoyed by the occupants of properties in the neighbourhood and protect the tranquil nature of the area.

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9. There shall be no external processing, no external storage of working materials or external manufacturing on the site unless specifically agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

10. No vehicular deliveries shall arrive, be received or dispatched from the polytunnels outside the hours of 0730 to 1800 Monday to Saturday and 0830 to 1300 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no development of the types described in the following Classes of Schedule 2 of the Order shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:- (a) Part 3, Class B (b) Part 8, Class A (c) Part 8, Class B (d) Part 8 Class C (e) Part 41 Class A (f) Part 41 Class B.

Reason: To enable the Local Planning Authority to exercise control over development which would materially harm the character and visual amenities of the locality.

12. The green parking bays shown on the Block Plan hereby permitted shall remain available in perpetuity for the parking of motor vehicles. No motor vehicles shall be parked outside of the green parking bays.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

13. The five holiday yurts hereby permitted shall:

(i) only be occupied as holiday accommodation for no more than 21 consecutive nights and not as permanent residential accommodation.

(ii) not be occupied as a person's sole, or main place of residence

(iii) have the owners/operators maintain an up-to-date register of the names of all owners/occupiers of individuals on the site and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the yurts are not used for permanent occupation and to prevent the establishment of a permanent dwelling in the countryside contrary to local planning policy. The register required in (iii) above shall normally be collected by the owner/operator or his/her nominated person.

14. The Roundhouse and existing site office shall not be used for residential purposes or human habitation at any time.

Reason: To prevent a residential unit being established in an unsustainable location and the avoidance of doubt.

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15. The Roundhouse shall achieve BREEAM rating 'Very Good', unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is attached to the grant of permission to secure a sustainable development.

16. No new external lighting (including security lighting) shall be erected, placed or operated on the site unless submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it be operated on the site other than in accordance with the approved scheme in perpetuity.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

17. No further chattels, caravans, tents, yurts or other temporary or moveable structures shall be positioned on the land without the prior written approval of the Local Planning Authority.

Reason: To protect the rural appearance of the area.

18. The business use hereby permitted in the polytunnels shall not operate outside the following times 0800 to 1900. Education events on any part of the site shall not occur outside of 0900 to 1700 hours on any day.

Reason: To safeguard the amenities of adjoining residents.

19. Notwithstanding the timings identified in condition 17, the field kitchen (which is located in one of the polytunnels) shall operate between the hours of 0730 and 2200 only and shall not be used outside of these hours unless agreed in advance in writing by the Local Planning Authority.

Reason: To protect the residential amenities of neighbouring properties.

## **INFORMATIVES**

1. 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.

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.

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

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