

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 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

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/ 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 31 May 2023

(Application Ref: 3847/22/FUL)

Patrick Whymer

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



In any correspondence please quote application number: **3847/22/FUL**

FULL PLANNING APPLICATION REFUSED

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

Application No.: 3847/22/FUL

Date Received: 4 November 2022

Proposal: Erection of 6 semi-detached two bedroom affordable dwellings, 4 detached four bedroom houses with detached double garages, associated new highway access & service road, foul & rainwater drainage strategy, landscape & habitat creation measures & detail (resubmission of 1303/21/FUL)

Location: Land At SX 680 402 east of Thornlea View, Hope Cove

Applicant/Agent:

Mr Kenneth Gorman
KPG Design Associates Ltd
The Limes
Bayshill Road
Cheltenham
GL50 3AW

Applicant:

Mr Bruce Brooker - BB Properties (Devon) Ltd
2 Nd Floor
113a Fore Street
Kingsbridge
TQ7 4RG

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

1. The development represents new development in the countryside, in a poorly connected location outside of the defined settlement boundary, and is without adequate justification, contrary to the adopted spatial strategy of an up-to-date development plan. As a result, the development is not considered to support the principles of sustainable development and is contrary to policies SPT1, SPT2, TTV1, TTV26, and TTV27 of the Joint Local Plan ('JLP'), and policies SH Env1 and SH H3 of the South Huish Neighbourhood Plan ('SHNP').
2. The provision of 4no. homogenous large and detached, 4-bedroomed dwellings is a form of development that would not contribute to meeting local market housing needs or redressing existing imbalances in housing stock. The affordable housing would be clearly distinguishable from the market housing. The development is therefore contrary to policies SPT2, DEV8, and DEV10 of the JLP.
3. The proposed development is sited within the AONB and designated Undeveloped/Heritage Coast. By virtue of the quantum, siting, scale, form, and appearance of the proposed development it would neither conserve, nor enhance the AONB and Undeveloped Coast, and would instead be injurious to their special qualities. The development does not represent high-quality design. The application is contrary to

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policies DEV10, DEV20, DEV23, DEV24, DEV25, and DEV28 of the JLP, and policies SH Env2, SH Env5, and SH HBE3 of the SHNP (and the NPPF).

4. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to policy DEV29 of the JLP (and the NPPF).
5. Insufficient information has been provided to satisfy the Local Planning Authority that the proposal is acceptable in terms of refuse collections and bus stop provision at the site. Adopting a precautionary stance, it has not been established that the access would be safe and suitable for all users, contrary to policy DEV29 of the JLP (and the NPPF).
6. The application is supported by insufficient ecological information, such that the Council cannot be sure that adverse impacts to protected/priority species and related habitat can be adequately avoided, mitigated, or compensated. It is appropriate in such circumstances to adopt a precautionary stance. The application is therefore contrary to policy DEV26 of the JLP and the NPPF (notably paras. 179 and 180, and footnote 61).
7. In the absence of a completed s106 agreement or undertaking to provide for contributions to mitigate the infrastructural impacts of the development, including the provision of affordable housing, and to ensure that the market dwellings to be provided could not be occupied as second/holiday homes, the application is contrary to policies DEV8 and DEV30 of the JLP, and policies SH H1 and SH H2 of the SHNP.

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.
2. This decision is taken having regard to the plans and documents submitted with the application.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 31 May 2023

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