

## **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 04 March 2022

(Application Ref: 3951/21/FUL)

*Patrick Whymer*

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



In any correspondence please quote application number: **3951/21/FUL**

## **FULL PLANNING APPLICATION REFUSED**

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

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**Application No.:** 3951/21/FUL

**Date Received:** 21 October 2021

**Proposal:** Replacement agricultural barn (part retrospective) resubmission of 0882/21/FUL

**Location:** Land at SX 690 402, Galampton, Kingsbridge, TQ7 3EY

**Agent:**

Mr Sam Dewar  
DPA Planning Ltd  
74 Church End  
Cawood  
Selby  
YO83SN

**Applicant:**

Mr And Mrs Grayson  
See Agent

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

1. Flood risk:

The proposed agricultural building would be located in flood zone 3. The application has not been submitted with a satisfactory Flood Risk Assessment to demonstrate the site will be safe from flooding over its lifetime, and does not demonstrate whether the development would not increase flood risks elsewhere, or whether it can help to reduce flood risk overall. The site also fails the sequential test as there are potentially other suitable sites within the parcel of land owned by the applicant outside of flood zone 2 & 3. The proposal is contrary to policy DEV35 of the Joint Local Plan, paragraphs 167-169 of the National Planning Policy Framework 2021.

2. Agricultural Need:

Insufficient evidence has been submitted to demonstrate the building responds to proven agricultural need contrary to policies TTV26 Part 2 (iv) and DEV24 of the Joint Local Plan 2019.

Dated this 04 March 2022

(Application Ref: 3951/21/FUL)

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

3. Landscape visual impact and impact upon the AONB and designated landscapes:

The proposal will result in a modern style barn, in a removed position from the built form of Galampton, so will pose as an incongruous and isolated feature within the landscape. The proposals will introduce noise and activity within a secluded part of the landscape that would adversely affect the tranquillity of the AONB. The proposal is not considered to conserve or enhance the landscape. The proposal is therefore contrary to Policy Dev 23 and Dev 25 of the JLP.

**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 Notice refers to drawing nos. D8057-002 received on 22<sup>nd</sup> November 2021, and drawing no. TL-21-017-L-D-001 received on 17<sup>th</sup> January 2022.

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

Dated this 04 March 2022

(Application Ref: 3951/21/FUL)

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