

## **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 28 July 2023

(Application Ref: 3953/21/FUL)

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



In any correspondence please quote application number: **3953/21/FUL**

## **FULL PLANNING APPLICATION REFUSED**

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

**Application No.:** 3953/21/FUL

**Date Received:** 21 October 2021

**Proposal:** Demolition of 2 two-storey detached buildings & associated garage. Erection of 2no family homes and extension of an existing quay to the east of the site to provide a new landing ramp for dwelling 2

**Location:** 101 Yealm Road, Newton Ferrers, PL8 1BL

**Agent:**

Mr Adam Nicholls  
Grainge Architects  
The Boat Shed  
Haven Road  
Exeter  
EX2 8DD

**Applicant:**

Mr James Brent  
The James Brent Pension Fund  
101 Yealm Road  
Newton Ferrers  
South Hams  
Plymouth  
PL8 1BL

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

1. The proposed development by reason of its scale, mass, height, architectural composition and materials palette fails to have regard to the local pattern of development and results in an incongruous addition which fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty. The proposal is contrary to the adopted Plymouth and South West Devon Joint Local Plan policies SPT12, DEV20, DEV23, DEV24 and DEV25; policies N3P-1, N3P-2, N3P-3, N3P-4 and N3P-9 of the made Newton and Noss Neighbourhood Plan; South Devon AONB Management Plan, Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed dwellings by virtue of their size can reasonably accommodate more than 3 bedrooms and therefore fails to respond to an identified local housing need, perpetuating an existing imbalance within the housing stock. The proposal is therefore contrary to adopted Plymouth and South West Devon Joint Local Plan policies SPT2 and DEV8; N3P-11 of the made Newton and Noss Neighbourhood Plan, and the advice contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.
3. The Phase 1 contamination report identifies the potential for contamination originating from the former commercial laboratory use and potential contamination of the estuary and land instability of the water's edge. Further information is required to understand the extent of contamination on the site and in the absence of this information the proposal

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conflicts with policy DEV2 of the adopted Plymouth and South West Devon Joint Local Plan; policy N3P-4 of the made Newton and Noss Neighbourhood Plan and the advice contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.

4. In the absence of a completed and signed Unilateral Undertaking to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site (comprising the Plymouth South and Estuaries SAC and the Tamar Estuaries Complex SPA), the proposal is contrary to policies SPT12, SPT14, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan, policies N3P-2 and N3P-7 of the made Newton and Noss Neighbourhood Plan, the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and the National Planning Policy Framework.
5. The proposal would result in a net loss of biodiversity at the site. In the absence of any mechanism to secure off site mitigation the proposal is contrary to policies SPT12, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan and policies N3P-2 and N3P-7 of the made Newton and Noss Neighbourhood Plan, adopted Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and National Planning Policy Framework.

## **INFORMATIVES**

1. This Decision Notice refers to drawing nos.

1633-PL01 Rev A location plan and site plan (08/11/21)

1633-PL03 Rev F proposed site plan – roof plan (19.06.23)

1633-PL04 Rev D proposed basement plan (19.06.23)

1633-PL05 Rev C proposed ground floor plan (06.04.23)

1633-PL06 Rev E proposed first floor plan (06.04.23)

1633-PL07 Rev E proposed second floor plan (19.06.07)

1633-PL08 Rev E proposed south elevation (19.06.23)

1633-PL09 Rev E proposed east and north elevation (19.06.23)

1633-PL10 Rev E proposed west elevation (19.06.23)

1633-PL11 Rev C proposed sections (06.04.23)

1633-PL13 views from river (19.06.23)

Landscape & Visual Impact Assessment, Greenearth Landscape, May 2023

Biodiversity Net Gain Report - Small Scale Metric, Richard Bates, May 2023

Flood Risk Statement, TWP September, 2021

Phase 1 Geotechnical and Contamination Assessment Report, Ruddlesden Geotechnical, October 2021

Ecological Impact Assessment, Burton Reid Associates, October 2021

Tree Survey, Aspect Tree Consultancy, September 2021

Tree Constraints Plan (05718 TCP), Aspect Tree Consultancy

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

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