

# 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 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 **6 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.

### Site Notices

If any site notices are still on or near the site relating to this application, it would be appreciated if you could now remove them please

Dated this 15 March 2024  
Application ref. 4207/23/FUL

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



In any correspondence please quote application number:  
**4207/23/FUL**

## **Full Planning Application REFUSED**

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

---

**Application:** 4207/23/FUL

**Received:** 20 December 2023

**Proposal:** Demolition & replacement of Collapit Creek House, Coach House & annex, outbuildings, driveway, parking, new swimming pool, bat house & landscape enhancements.

**Location:** Collapit Creek House, West Alvington, TQ7 3BA

**Applicant:** Ropemaker Property Limited  
c/o Agent

**Agent:** Mr Mark Evans  
Mark Evans Planning Limited  
Cedar House  
Membland  
Newton Ferrers  
PL8 1HP

---

The South Hams District Council hereby **REFUSE** permission to carry out the development described above **for the following reasons:**

1. The proposed dwelling would be much larger than the original dwelling, with an increase in floor area of approximately 103%. Given the identified landscape harm, this is considered to be a significant increase and the proposal therefore conflicts with policy TTV29(2) of the Plymouth & South West Devon Joint Local Plan (2014-2034), and paragraphs 11.78 and 11.79 of the Joint Local Plan Supplementary Planning Document (2020).
2. The proposed development, by virtue of its form and design, fails to respect the area's distinctive sense of place, and to reinforce local distinctiveness, and would have adverse effects upon the character of the area, detracting from the special qualities of the South Devon National Landscape and the Undeveloped Coast policy area. The development therefore conflicts with policies DEV20, DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies KWAC ENV3, KWAC ENV5 of the Kingsbridge, West Alvington, and Churchstow Neighbourhood Plan (2021- 2034), paragraphs 180, 182, and 184 of the National Planning Policy Framework (2023)., and the associated guidance contained within the South Devon AONB Management Plan (2019- 2024).

Dated this 15 March 2024  
Application ref. 4207/23/FUL

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

3. The proposed development would result in a high risk of long-term harm to valued trees through construction or post constructional pressure for inappropriate works that would diminish their amenity contributions. The proposal therefore conflicts with policy DEV28 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and policies KWAC ENV10 and KWAC BE3(3) of the Kingsbridge, West Alvington, and Churchstow Neighbourhood Plan (2021- 2034).
4. Insufficient information has been provided to demonstrate that that the proposal would not have a detrimental impact on protected species of wildlife; in particular, the impact of the proposal on bat flight lines, the lighting levels on foraging and commuting routes, and evidence that the mitigation hierarchy has been followed. The development therefore conflicts with policy DEV26 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), KWAC ENV3 of the Kingsbridge, West Alvington, and Churchstow Neighbourhood Plan (2021- 2034), and paragraph 186 of the National Planning Policy Framework (2023).
5. Insufficient information has been submitted to assess the impact of the proposed development on the Salcombe-Kingsbridge SSSI, in relation to both the drainage proposals at the site, and the lack of information in respect of an area of timber decking shown at the base of the steps down to the foreshore. As such, it has not been demonstrated that the development would have an acceptable impact on a site of national significance, contrary to policy DEV26(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 186(b) of the National Planning Policy Framework (2023).
6. The development fails to make an appropriate contribution to the carbon reduction targets of the Joint Local Plan, and by virtue of the size of the proposed dwelling, does not respond the resource minimisation expectations outlined in policy DEV32(1). The proposal therefore conflicts with policy DEV32 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy KWAC ENV7 of the Kingsbridge, West Alvington, and Churchstow Neighbourhood Plan (2021- 2034), paragraphs 157, and 162(b) of the National Planning Policy Framework (2023)., and part M5 of the Climate Emergency Planning Statement (2022)
7. The proposal would result in the loss of a building which the Local Planning Authority would consider to be a non-designated heritage asset, due to its aesthetic and historic interest, and communal value resulting from the historic use of the building. There is no public benefit to outweigh this harm, and the development conflicts with policy DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy KWAC BE4 of the Kingsbridge, West Alvington, and Churchstow Neighbourhood Plan (2021- 2034), and paragraph 209 of the National Planning Policy Framework (2023).

## **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 relates to drawing numbers 2234.01.01, 2234.03.01, 2234.03.02, 2234.03.03, 2234.03.04, 2234.03.05, 2234.03.06, 2234.03.07, 2234.03.08, 2234.03.09, 2234.03.10, 2234.03.11, 2234.03.12, 2234.03.17, 2234.03.18, 2234.03.19, 2234.03.20, 2234.03.21, 2234.04.06, PCS\_PL\_1.GA.01.01, PCS\_PL\_1.GA.02.01, PCS\_PL\_1.GA.03.01, PCS\_PL\_1.GA.11.01, PCS\_PL\_1.GA.12.01, PCS\_PL\_4.00.01.01, PCS\_CD\_4.00.02.01, PCS\_PL\_4.00.03.01, 05994.TCP.14.12.23 (1), 05994.TCP.14.12.23 (2), and 05994.TCP.14.12.23 (3), received on 5th January 2024.

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