

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 9 March 2023

(Application Ref: 4471/22/CLE)

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



In any correspondence please quote application number: **4471/22/CLE**

CERTIFICATE OF LAWFULNESS EXISTING USE REFUSED

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

Application No.: 4471/22/CLE

Date Received: 21 December 2022

Proposal: Certificate of lawfulness to establish whether there has been a lawful commencement of the development for 32 dwellings as approved by outline consent 28/1560/15/O (appeal ref APP/K1128/W/16/3156062 and reserved matters approval 0826/20/ARM)

Location: Proposed Development Site At Sx 739 438, Derby Road, Kingsbridge

Agent:

Miss Jenna George
Roach Planning and Environment Limited
12A The Triangle
Teignmouth
TQ14 8AT

Applicant:

Blakesley Estates (Kingsbridge) Ltd
18 Pavillion Court
Grand Parade
Brighton
BN2 9RU

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

1. The application is refused because the works identified by the applicant as implementing the planning permission were carried out in breach of condition 6, which is a condition precedent that goes to the heart of the permission.

INFORMATIVES

1. Where the permission has not been lawfully implemented, and where the date by which development was required to have taken place has now passed, the Council is of the opinion that the planning permission has now lapsed and cannot be relied upon.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 9 March 2023

(Application Ref: 4471/22/CLE)

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