

## **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 15 February 2022

(Application Ref: 4601/21/FUL)

*Patrick Whymer*

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



In any correspondence please quote application number: **4601/21/FUL**

## **FULL PLANNING APPLICATION REFUSED**

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

**Application No.:** 4601/21/FUL      **Date Received:** 13 December 2021

**Proposal:** Erection of 2 bedroom dwelling and access

**Location:** The Nutshell, Galmpton, TQ7 3EU

**Applicant/Agent:**

Mr Richard Boyt - South Hams Planning Ltd  
South Hams Planning Ltd  
7 Manor Park  
Kingsbridge  
TQ7 1BB

**Applicant:**

Mr S Carter  
The Nutshell  
Galmpton Cross To Galmpton  
Galmpton  
Kingsbridge  
TQ7 3EU

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

1. The proposal would conflict with the Council's spatial development strategy for residential development by providing new development in an unsustainable location, divorced from the nearest sustainable settlement and if allowed would undermine the spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to poor connectivity would result in over reliance on the private motor car. It is therefore contrary to policies SPT1, SPT2, TTV1 and TTV2 of the JLP and Policy SH HBE 3 of the Neighbourhood Plan.
2. The formation of one 2 bedroom detached dwelling which is considerably in excess of the nationally described space standard floor area of a two storey 2 bedroom dwelling fails to improve accessibility to the housing market or improve equality of opportunity for a range of households regardless of incomes, thereby failing to respond to an identified local need contrary to Policy SPT2 of the JLP.
3. By virtue of the scale, design and form of the proposed dwelling, the development represents an uncharacteristic addition which fails to adequately respond to the prominent nature of the site or take reference from the vernacular of the local landscape. Furthermore the removal of the section of bank/hedge to facilitate the proposed access and visibility splays would result in a very low level area of planting which is not characteristic of the lane and would have a detrimental, suburban appearance. As a result the proposal fails to conserve or enhance the landscape setting within the context of the AONB and Heritage Coast and is contrary to policies DEV20,

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DEV23, DEV24, DEV25 and DEV28 of the JLP and Policies SH Env2, SH Env3 and SH HBE 3 of the Neighbourhood Plan.

4. The proposal will introduce a significant number of openings, including that on the south elevation, which are not considered necessary to serve the proposed dwelling. The amount of glazing proposed is therefore considered to adversely impact the dark sky landscape of the AONB contrary to Policies DEV23 and DEV25 of the JLP and SH Env8 of the Neighbourhood Plan.
5. The proposed dwelling would bring development in closer proximity to the grade II listed building; 'Townsend', which due to its proposed scale and siting, in combination with the design and massing of the proposal will result in less than substantial harm to the setting of the listed building due to the encroachment on the landscaped boundary and is therefore considered to fail to conserve or enhance the listed building resulting in less than substantial harm to the setting of the listed building with insufficient public benefit to justify the harm. The proposal is therefore considered to be contrary to Policies DEV21 of the JLP, SH HBE 2 of the Neighbourhood Plan and the NPPF, specifically paragraph 202.
6. The proposal will result in the use of an access with inadequate visibility resulting in an increased risk to highway safety and not being 'safe or suitable' contrary to the NPPF, particularly paragraphs 110 (b) and 111 and Policy DEV29 (1 and 2) of the JLP.
7. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development has been designed to proactively deliver on-site low carbon or renewable energy systems contrary to Policy DEV32 of the JLP.

## **INFORMATIVES**

1. This Decision Notice refers to drawing nos:

Received by the Local Planning Authority on the 17th December 2021:

2626.SLP Site Location Plan

2626.02 Site Plan As Proposed

13521GLE Preliminary Ecological Appraisal

4228.1.TPP Tree Protection Plan

DEV32 Minor Applications

Received by the Local Planning Authority on the 13th January 2022:

2626.03 Rev A 2 Bed Option Plans & Elevations As Proposed

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

2. 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.

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

Dated this 15 February 2022

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*Patrick Whymer*

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