

## **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 31 May 2022

(Application Ref: 4151/21/FUL)

*Patrick Whymer*

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



In any correspondence please quote application number: **4151/21/FUL**

## **FULL PLANNING APPLICATION REFUSED**

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

**Application No.:** 4151/21/FUL

**Date Received:** 8 November 2021

**Proposal:** Proposed demolition of existing C2 care home and replacement of 6 C3 Residential Dwellings

**Location:** South Efford House, Aveton Gifford, TQ7 4NX

**Applicant/Agent:**

Mr Eric Davis - Ercle Designs Ltd  
Gordon Court  
Ground Floor East  
4 Craigie Drive  
Millfields  
Plymouth  
PL1 3JB

**Applicant:**

Mr Iain Doyle  
Unit C  
Nepshaw Lane South  
Gildersome  
Leeds  
West Yorkshire  
LS27 7JQ

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

1. The development represents new development in the Countryside, in an isolated and poorly connected location beyond the defined settlement boundary, and is without adequate justification and proven need, contrary to the adopted spatial strategy of an up-to-date development plan. As a result, the development is not considered to support the principles of sustainable development and is contrary to policies SPT1, SPT2, TTV1, and TTV26 of the Joint Local Plan, and policy AG1 of the Aveton Gifford Neighbourhood Plan, and the NPPF (noting paras. 78, 79, and 80).
2. The proposed development would result in the loss of an existing employment site without adequate justification and where it has not been demonstrated that there is no reasonable prospect of the site being used for employment purposes in the future. The application therefore conflicts with policy DEV14 of the Joint Local Plan.
3. The provision of 6no. substantial and detached, 4-bedroomed dwellings is a form of development that would not contribute to meeting local housing needs or redressing existing imbalances in housing stock. The development is therefore contrary to policies SPT2 and DEV8 of the Joint Local Plan.
4. The proposed development is a major development within the AONB and is also sited within the designated Undeveloped Coast. By virtue of the siting, scale, form, and

Dated this 31 May 2022

*Patrick Whymer*

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

(Application Ref: 4151/21/FUL)

appearance of the proposed development it would neither conserve, nor enhance the AONB and Undeveloped Coast, and would instead be injurious to their special qualities. The circumstances of the application are not exceptional, nor is it in the public interest to allow the development to proceed. The application is therefore contrary to policies DEV20, DEV23, DEV24, DEV25, and DEV28 of the JLP, policies AG2 and AG8 of the Aveton Gifford Neighbourhood Plan, and the NPPF (notably paras. 174, 176, and 177).

5. The application proposes new development within Flood Zone 3 and has not complied with the Sequential Test, contrary to policy DEV35 and the NPPF (notably chapter 14). Furthermore, the application is not supported by sufficient detail to judge that the proposed surface and foul water drainage strategies are acceptable.
6. The application is supported by insufficient ecological information, such that the Council cannot be sure that adverse impacts to protected species and/or the adjacent County Wildlife Site can be adequately avoided, mitigated, or compensated. It is not clear that the mitigation/compensation proposed is suitable or adequately justified. It is appropriate in such circumstances to adopt a precautionary stance. The application is therefore contrary to policy DEV26 and the NPPF (notably paras. 179 and 180, and footnote 61).
7. In the absence of a completed s106 agreement or undertaking to provide for contributions to mitigate the infrastructural impacts of the development, the application is contrary to policies DEV8 and DEV30.

## **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.

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

Dated this 31 May 2022

(Application Ref: 4151/21/FUL)

*Patrick Whymer*

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