



The Planning Inspectorate
 3D Eagle Wing
 Temple Quay House
 2 The Square
 Bristol. BS1 6PN.

Appeal Reference: APP/K1128/W/22/3296573

South Hams District Council Planning Ref: 3122/21/VAR

APPLICATION FOR VARIATION OF CONDITION 7 OF OUTLINE APPLICATION 28/1560/15/O
 (APPEAL REF: APP/K1128/W/16/3156062)

TO ALLOW FOR REVISED DWELLING DESIGN AND LAYOUT AND VARIATION OF CONDITION 1 OF
 RESERVED MATTERS APPLICATION 0826/20/ARM TO ALLOW FOR REVISED LANDSCAPING.

LAND AT GARDEN MILL, DERBY ROAD, KINGSBRIDGE, DEVON, TQ7 1SA

LETTER FROM THE SOUTH HAMS SOCIETY TO THE PLANNING INSPECTOR

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society wish to comment on a particular statement made within the applicants Statement of Case, paragraph 4.11

Applicants Statement of Case

The following paragraphs from the statement are the precursors to the paragraph the Society wish to comment on.

*4.7 The reserved matters application was made by H2Land, along with Messrs Cattell and Yeoman, on 11 March 2020, reference 0826/20/ARM. **The LPA approved the landscaping reserved matters on 21 December 2020***

*4.9 Blakesley Estates **acquired the site in early 2021.***

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4.10 The H2Land design has both outline planning permission and reserved matters approval so could lawfully be constructed at the site by Blakesley Estates, subject to approval of pre-commencement planning conditions and obligations, which it is in the process of dealing with (including through appeal APP/K1128/W/22/3290753).

The Society agree with these facts. These paragraphs highlight the following;

- That reserved matters were approved on the 21st December 2020 and hence the site owner has until 21st December 2022 to commence the development to comply with Town and Country Planning Act requirements.
- The owner acquired the site early in 2021 and it follows that there were still over 18 months in which to submit the details to satisfy the planning conditions.
- The development could be lawfully implemented '**subject to approval of pre-commencement planning conditions and obligations, which it is in the process of dealing with**'.

The paragraph the Society wish to comment on is the opinion contained in paragraph 4.11:

4.11 That notwithstanding, certain works on site have commenced and Blakesley Estates is currently subject to enforcement action by the LPA, *although that has no bearing on this appeal.*

The applicant's statement in paragraph 4.10 must confirm that the statement made (and highlighted) in paragraph 4.11 cannot be true.

Was the development lawfully implemented?

Activity on the site was witnessed to have occurred by the general public during the second working week of May 2021.

The arrival of a large excavator indicated that work was commencing and following a public outcry, the District Council issued a Stop Notice on the 14th May.

A copy be seen attached to the site fence on morning of the 15th May 2021.



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At that time, not one document had been submitted to the local planning authority (LPA) to satisfy the pre-commencement planning conditions.

Not one of the requirements of a section 106 agreement signed with the LPA to make the planning approval acceptable had been satisfied, including the Landscape & Ecology Management Plan that was a pre-commencement requirement of the 106 agreement.

Review of the pre-commencement planning conditions

The parent planning approval (28/1560/15/O) was allowed on appeal by the Planning Inspectorate (APP/K1128/W/16/3156062) with a decision date 5th June 2017. The Planning Inspectorate was the authority who set the planning conditions.

Key comments were:

57. Access into and through the site is acknowledged as a difficult and complex aspect of the development and pre-commencement approval of details of this together with parking and turning facilities is necessary to ensure these would be provided in an appropriate and safe manner. Approval of an external lighting scheme will ensure the character of the area is protected and minimum disturbance to wildlife habitats.
58. A condition preventing openings in the north facing gable wall of terrace A will ensure the privacy of occupiers of Buttville House is protected. To protect local residents from undue disturbance during the construction period the approval and implementation of a Construction Management Plan is necessary.

The Five Pre-commencement Planning Conditions

- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 9) Development shall not take place until details of the parking and turning areas within the site have been submitted to and approved in writing by the local planning authority; parking space shall be provided in accordance with the approved details for cars to be parked and for vehicles to turn prior to the occupation of the dwelling to which the parking and turning area relates.
- 10) Development shall not take place until details of the junction between the proposed access road and the highway shall have been submitted to and approved in writing by the local planning authority; and no dwelling shall be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.

- 11) Development shall not take place until details of the access road through the site including roads, footpaths, streetlighting and retaining walls have been submitted to and approved in writing by the local planning authority. These details shall include plans and sections indicating the layout, levels and gradients, materials and methods of construction. The development shall be carried out in accordance with the approved details.
- 13) No site clearance, preparatory work or development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) the management of delivery vehicle numbers and routes
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) photographic evidence of the condition of the adjacent public highway prior to commencement of any work;
 - viii) measures to control surface water run-off from the site during construction;
 - ix) delivery, demolition and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

The facts regarding submission and written approval of the pre-commencement planning conditions and the 106 agreement.

The first two applications for approval of details reserved by conditions of Planning Permission 28/1560/15/O (APP/K1128/W/16/3156062) were:

3226/21/ARC for condition 6 (Application Date: 16 August 2021) and

3181/21/ARC for conditions 9, 10, 11 and 13 (Application Date: 19 August 2021).

It is therefore on record that the site owners both commenced development three months before submitting any details for the five pre-commencement planning conditions and failed to comply with stop notices issued.

Also of note is this following statement from page 4 of the decision letter issued for 3181/21/ARC, dated the 20th December 2021

‘We also take this opportunity to remind you, once more, that the S106 pre-commencement matters all remain to be agreed and we will seek to take action to enforce those’.

This confirms that the pre-commencement requirements for the 106 agreement had still not been submitted by the 20th December 2021.

The pre-commencement 106 agreement details are shown on the next two pages followed by the two decision letters for the pre-commencement planning conditions.

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SCHEDULE 2 -AFFORDABLE HOUSING

Part 1 - Covenants by the Owner

- S1 The Owner hereby covenants with the District Council as follows:-
- S1.1 Commencement of Development shall not take place until Commencement Notice in the form attached at Schedule 1 has been served on the Council 10 working days before the Commencement of Development and a detailed scheme has been submitted to the District Council for approval showing the type tenure location size and mix of all of the Affordable Housing Units of which three (3) shall be provided as Affordable Rented Units and one (1) shall be provided as Shared Ownership Units unless otherwise agreed including the identity of the Shared Ownership Units and the Affordable Rented Units and to include the Owner's proposals for the construction of the Affordable Housing Units in accordance with the Homes and Communities Agency Homes design and quality standards current at the time of construction
- S1.2 To construct and complete the Affordable Housing Units together with all necessary services connections and infrastructure with the Approved Scheme and the Permission and the prevailing District Council's Affordable Housing Supplementary Planning Guidance (or such revised guidance adopted by the District Council from time to time) and shall be constructed in accordance with the standards specified by the Homes and Communities Agency or equivalent successor body in the latest version of the Design and Quality Standards at the time of construction (or such other construction standards approved in writing by the District Council)
- S1.3 To endeavour to agree with the Council within a period of at least 3 months prior to commencement of the development the identity of the Registered Provider of Social Housing or other body to which the Affordable Housing Units are to be transferred Provided That if no such agreement has been reached at the expiration of such period to notify the Council in writing within 28 days thereof and the Council shall then be entitled to nominate a Registered Provider of Social Housing or other appropriate body for that purpose;

SCHEDULE 3 "Landscape and Ecology"

Landscape and Ecological Management Plan means written details (including a plan) setting out the management and maintenance arrangements for the Land to be managed for biodiversity, ecology and landscape purposes. For the avoidance of doubt the plan shall include all boundary hedgerows and trees;

Management Company means an existing management company or a management company to be set up by the Owner and which is, or will be, limited by guarantee, or such other management entity or body as may be approved in writing by the Council, and which will fund, manage and maintain the Open Space

"Open Space Specification" means the document referred to in this Schedule and which shall contain details timetable and specifications or the laying out and provision of the Open Space including the standard of the maintenance and management to be undertaken including details of the way in which the long term management and maintenance of the Open Space shall be secured and triggers for delivery. For the avoidance of doubt this shall include all Open Space and play areas and any areas of incidental open space which fall outside the curtilage of any Dwelling;

"Open Space" means all public open space including any play areas equipped or otherwise and any areas of incidental open space which fall outside the curtilage of any Dwelling, of such size and/or location as may be approved pursuant to Reserved Matters or otherwise agreed in writing between the Council and the Owner

"Open Space Works" means the works required to lay out and deliver the Open Space in accordance with the Open Space Specification

The Owner hereby covenants to the Council as follows:

- 1 Landscape and Ecological Management Plan:
 - 1.1 to submit the Landscape and Ecological Management Plan to the Council prior to the Commencement of Development;
 - 1.2 to implement the approved Landscape and Ecological Management Plan (LEMP) in accordance with the details and timescales set out therein and to manage and maintain (or procure the management or maintenance of) the Land in accordance with the LEMP to the reasonable satisfaction of the Council in perpetuity; and



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Follaton House, Plymouth Road, Totnes, Devon TQ9 5NE
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Please reply to: Case Management Team (Development Management)
E-Mail: dm@southhams.gov.uk

Our ref: 3181/21/ARC
Date: 20 December 2021

Mr Ian Roach
Roach Planning and Environment Limited
12a The Triangle
Teignmouth
TQ14 8AT

Dear Sir/Madam,

Application Number: 3181/21/ARC

Location: Land at Garden Mill, Derby Road, Kingsbridge, TQ7 1SA

Proposal: Application for approval of details reserved by conditions 9, 10, 11 and 13 of Planning Permission 28/1560/15/O (APP/K1128/W/16/3156062)

I write with reference to your request to discharge conditions 9, 10, 11 and 13 relating to the above application received as valid by ourselves on the 16 August 2021.

1. In respect of Condition Number 9: the Local Planning Authority hereby confirm that the details:

- C20180-SPA003 PARKING SWEPT PATH ANALYSIS Rev A □ Cover Letter received by the Local Planning Authority on 26 August 2021 and,

- 215-102A Site Plan Proposals
- 215-1025C Site Plan Proposals
- 211005_C20180-Public Right of Way Extract received by the Local

Planning Authority on 7 October 2021 and,

- C20180-C006(D)_Public Right of Way Layoutlongsection and Construction Details


received by the Local Planning Authority on 8 November 2021 are considered acceptable for the following reasons:

The condition was imposed in order to ensure these would be provided in an appropriate and safe manner. The details have been reviewed by DCC Highways and are considered acceptable.



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Providing that the development above is carried out in accordance with the details submitted, then Condition Number 9 of the above planning permission can be discharged.

2. In respect of Condition Number 10: the Local Planning Authority hereby confirm that the details:

- C20180-C004 SITE ACCESS JUNCTION GENERAL ARRANGEMENT PLAN Rev E
- C20180-SPA002 SITE ACCESS JUNCTION REFUSE VEHICLE SWEEP PATH ANALYSIS Rev B
- 11244-S011 Retaining Wall Details Rev P1 □ Cover Letter received by the Local Planning Authority on 26 August 2021 and,
 - 215-102A Site Plan Proposals
 - 215-1025C Site Plan Proposals
 - 211005_C20180-Public Right of Way Extract received by the Local

Planning Authority on 7 October 2021 and,

- 11244-Kingsbridge Retaining Wall Calculations
- 11244-S001 - Retaining Wall Plan
- 11244-S010 REV P2
- 11244-S012 REV P2 received by the Local Planning Authority on 19

October 2021 and,

- C20180-C006(D)_Public Right of Way Layoutlongsection and Construction Details

received by the Local Planning Authority on 8 November 2021 are considered acceptable for the following reasons:

The condition was imposed in the interests of public amenity and highway safety. The details have been reviewed by DCC Highways and DCC Highways Structures Team and are considered acceptable.

Providing that the development above is carried out in accordance with the details submitted, then Condition Number 10 of the above planning permission can be discharged.



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3. In respect of Condition Number 11: the Local Planning Authority hereby confirm that the details received by the Local Planning Authority are not acceptable for the following reasons:

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of PROW street lighting contrary to paragraph 110 and 111 of the National Planning Policy Framework

The condition was imposed in interests of the safety and amenities of neighbouring occupiers and the safety of highway users. The details have been reviewed by DCC Highways, DCC Street Lighting and are considered not acceptable.

Therefore condition Number 11 of the above planning permission is not discharged.

4. In respect of Condition Number 13: the Local Planning Authority hereby confirm that the details received by the Local Planning Authority are not considered acceptable for the following reasons:

- We now have the construction compounds indicated as coloured blocks on a plan. We have not been given any details for fencing around those compounds/demarcation. Additionally, given these appear to be sited on the internal access road, we have no certainty how the road will be constructed and used with the compounds sited as shown throughout the build process to completion. We have no certainty this plan can be adhered to.

- The construction timetable is still not accurate as appendix a states a build time of 88 weeks yet 4.1.1 states 52 wks. We also fail to see the necessity for the reference to stop notice, but if that is included, note the breach of conditions/enforcement notice have been omitted

- Appendix B. We have no confidence in that what is taking place on the ground in terms of parking and compounds actually follows what is shown on plan. Nor has any fencing being given to demarcate these areas (considered necessary to ensure adequate separation from any other users/vehicles). We cannot agree a plan that is not currently being adhered to.


5.3.2 unloading at the site entrance is not acceptable, nor in front of the temporary compound, which is described as staff welfare, not storage of materials (5.5.2 also)

5.7.2 Details of site hoarding/fencing still not provided



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The condition was imposed in order to protect local residents from undue disturbance during the construction period. The details have been reviewed by our Development Management Specialist and are considered acceptable.

Therefore Condition Number 13 of the above planning permission is not discharged.

We also take this opportunity to remind you, once more, that the S106 precommencement matters all remain to be agreed and we will seek to take action to enforce those.

Also, a reminder of the need to comply with the necessary legal procedures in relation to the PRow, of which the Council and Devon County Council have notified you of many times since your client first took on the development site.

If you are the agent acting on behalf of an applicant, please inform your client of this letter.

Yours faithfully,


Patrick Whymer

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



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Please reply to: Case Management Team (Development Management)
E-Mail: dm@southhams.gov.uk

Our ref: 3226/21/ARC
Date: 22 September 2021

Mr Ian Roach
Roach Planning and Environment Limited
12a The Triangle
Teignmouth
TQ14 8AT

Dear Sir/Madam,

Application Number: 3226/21/ARC

Location: Land at Garden Mill, Derby Road, Kingsbridge

Proposal: Application for approval of details reserved by condition 6 of Planning Permission 28/1560/15/O

I write with reference to your request to discharge condition 6 relating to the above application received as valid by ourselves on the 19 August 2021.

1. In respect of Condition Number 6: the Local Planning Authority hereby confirm that the details:

- Tree details data Table - Created by OTISS
- DTS 21.4142.1 Tree Protection Plan rev 1 □ Arboricultural Method Statement

received by the Local Planning Authority on 3 September 2021 are considered acceptable for the following reasons:

The condition was imposed in order to ensure the varied amenity contributions arising from the subject trees are protected or enhanced appropriately. The details have been reviewed by our Tree Specialist and are considered acceptable.

Providing that the development above is carried out in accordance with the details submitted, then Condition Number 6 of the above planning permission can be discharged.

If you are the agent acting on behalf of an applicant, please inform your client of this letter.

Yours faithfully,

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

Dated this 22 September 2021
(Application Ref: 3226/21/ARC)



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The photograph below shows the site on 22nd September 2021. Work can be seen to continuing without the Landscape & Ecology Management Plan and the construction team have never installed any tree protection barriers as required by the Tree Protection Plan DTS21.4142.1.TPP submitted for condition 6 within the details for planning application 3226/21/ARC approved on the 22nd September 2022.

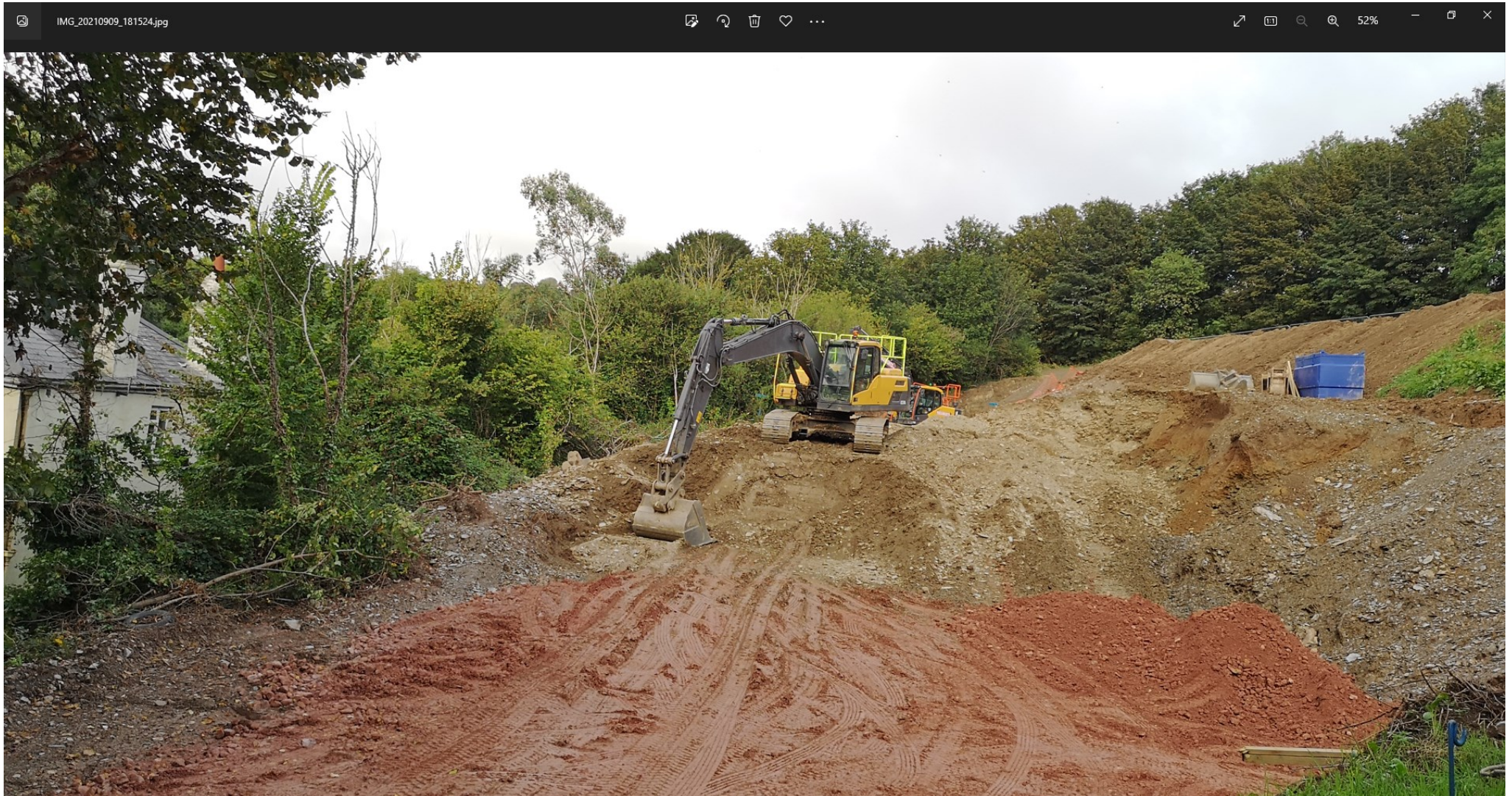


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On the ground image taken from the public footpath on the 9th September 2021 (IMG_20210909_1815) = year, month, day, time.

Tree Protection barriers have not been installed in accordance with Plan DTS21.4142.1.TPP



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Has the development been lawfully implemented?

In order to lawfully 'commence' development it is necessary to satisfy the legal requirements in section 56(4) of the Town and Country Planning Act 1990. This says that "development is taken to be begun on the earliest date on which a material operation is carried out". A material operation can include any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land.

The aerial image shows the extent of the development by the time planning condition 6 has been approved.

When looking at those two images, the only possible conclusion is that the development had commenced to a considerable extent. When looking at the tree protection plan it is equally obvious that the Tree Protection Plan is not being followed.

There is no question that the development can be described as 'begun'.

The lawful development implementation analysis

In *Whitley & Sons v Secretary of State for Wales and Clywd County Council* [1992] 64P & CR 296 the Court held that;

- (a) a planning permission must be read together with the conditions attached to it; and
- (b) all true conditions precedent must be complied with for implementation to occur i.e. **a development begun in breach of a condition precedent would not be lawful for planning purposes.**

However, the Court also held (as an exception to this 'rule') that lawful implementation is maintained even if there has been such a breach provided that:

- (i) the relevant submission was made to the local planning authority, pursuant to the condition, before the 'implementation date'; and
- (ii) that submission is subsequently approved by the authority (even if after the 'implementation date').

The first exception line did not occur, therefore it follows the second line fails as well.

(Conditions 11 & 13 failed to get written approval with the first application)

Therefore, the general starting-point is that development in breach of planning control is normally ineffective to commence development because it is unlawful (see, for example, *R (Hammerton) v London Underground Ltd* [2003] J.P.L 984) **but there exist some established exceptions to this general rule.**

The position was summarised by Sullivan J (as he then was) in *R (Hart Aggregates Ltd) v Hartlepool Borough Council* [2005] EWHC 840 (Admin) and subsequently endorsed by the Court of Appeal in *Greyfort Properties Ltd v Secretary of State for Communities and Local Government and Torbay Council* [2011] EWCA Civ 908.

In short, the following principles arise;

- (a) first, it is necessary to consider whether the condition which is alleged to have been breached is a condition precedent to the lawful commencement of development (i.e. a pre-commencement condition). If it is not a condition precedent, then the development may lawfully be commenced notwithstanding a breach of that condition;

There were 5 pre-commencement conditions (and a 106 agreement).

- (b) second, if it is a condition precedent to the lawful commencement of development and it has not been complied with, then it is necessary to consider whether any of the recognised exceptions may apply.

These exceptions are:

- (i) where a condition requires the local planning authority's approval before a particular date, and the developer has applied by that date for the approval, which is subsequently given such that no enforcement action can be taken, work done before the deadline and in accordance with the permission can amount to the lawful commencement of the development for the purposes of implementing that permission;
 - (ii) where a local planning authority has agreed that development can commence without full compliance with all relevant conditions;
- and
- (iii) where a condition has been complied with in substance, but the formalities of such compliance have not yet been observed before work starts on the site;

Regarding (i) no dates apply. The pre-commencement conditions were exactly that, pre-commencement conditions with no date attached.

Regarding (ii) there was no record of agreement, only court action for non-compliance of the temporary and formal stop notices.

Regarding (iii) the pre-commencement conditions were not complied with in full.

None of the exceptions are satisfied.

Which leaves exception (c):

- (c) third, even if none of the exceptions apply, it is necessary to consider whether a decision to initiate enforcement action would be susceptible to a claim for judicial review (e.g. whether such action would be irrational or an abuse of power).

This is without doubt one of the worst cases of outright non-compliance of pre-commencement conditions with a carry on regardless attitude. The owners ignored any stop notices issued.

The public body of South Hams District Council has looked weak at best.

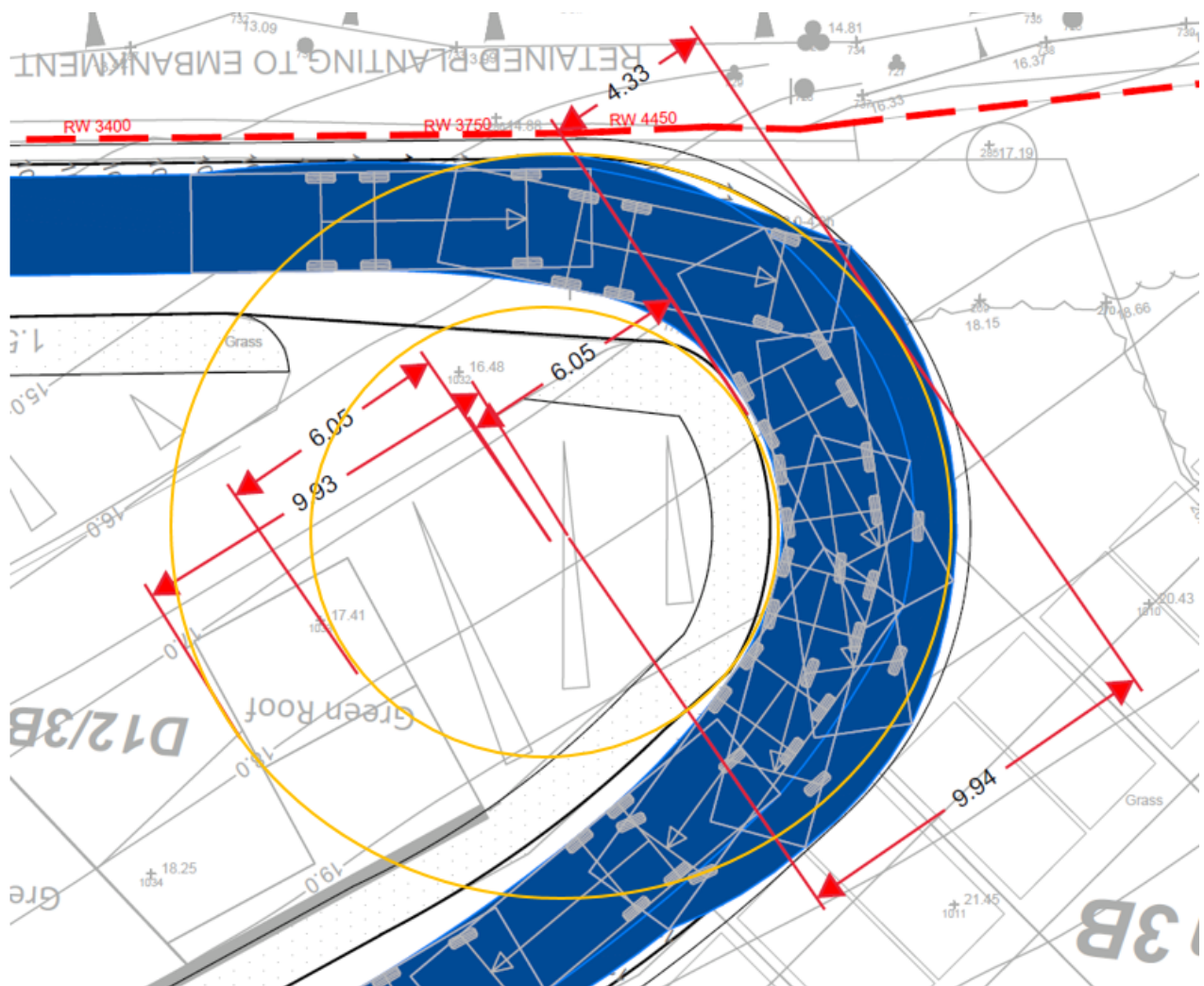
After reviewing this evidence, it can only be concluded that this development has not been lawfully implemented. And as there is no lawfully implemented development at this site, it is

impossible to see how a section 73 application for variation of the planning conditions of an unlawful development can be considered.

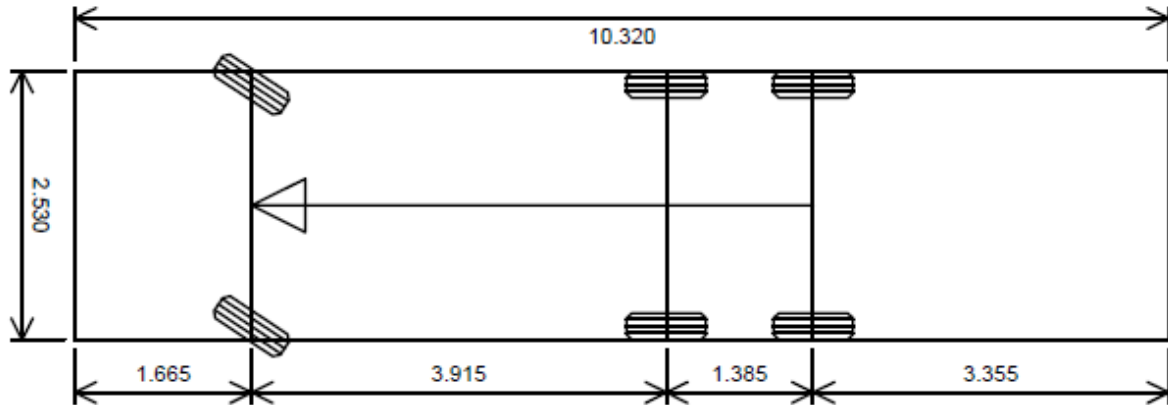
The Society return to the Planning Inspectorate's comment at paragraph 57 of the parent planning application appeal.

57. Access into and through the site is acknowledged as a difficult and complex aspect of the development and pre-commencement approval of details of this together with parking and turning facilities is necessary to ensure these would be provided in an appropriate and safe manner. Approval of an external lighting scheme will ensure the character of the area is protected and minimum disturbance to wildlife habitats.

This has turned out to be true. Below is the first bend on the conditioned drawing C20180-SPA001(E) Refuse Vehicle Swept Path Analysis submitted for written approval condition 11 (1276/22/ARC). The access road is not Building Regulations compliant for Fire Appliance access.



The vehicle demonstrated in the submitted analysis is for a refuse lorry with these dimensions.



Vehicle name	CC HIGHWAYS 10.32M REFUSE VEHICLE (6x4 Chassis)
Description	
Overall length (m)	10.320
Overall width (m)	2.530
Maximum track width (m)	2.530
Kerb to kerb radius (m)	9.450

Building Regulations requirements:

Section 13: Vehicle access

Provision and design of access routes and hardstandings

- 13.1** For **dwellinghouses**, access for a pumping appliance should be provided to within 45m of all points inside the **dwellinghouse**.
- 13.2** For **flats**, either of the following provisions should be made.
- Provide access for a pumping appliance to within 45m of all points inside each **flat** of a block, measured along the route of the hose.
 - Provide fire mains in accordance with paragraphs 13.5 and 13.6.
- 13.3** Access routes and hardstandings should comply with the guidance in Table 13.1.

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ONLINE VERSION

Table 13.1 Typical fire and rescue service vehicle access route specification

Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

NOTES:

- Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
- The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.

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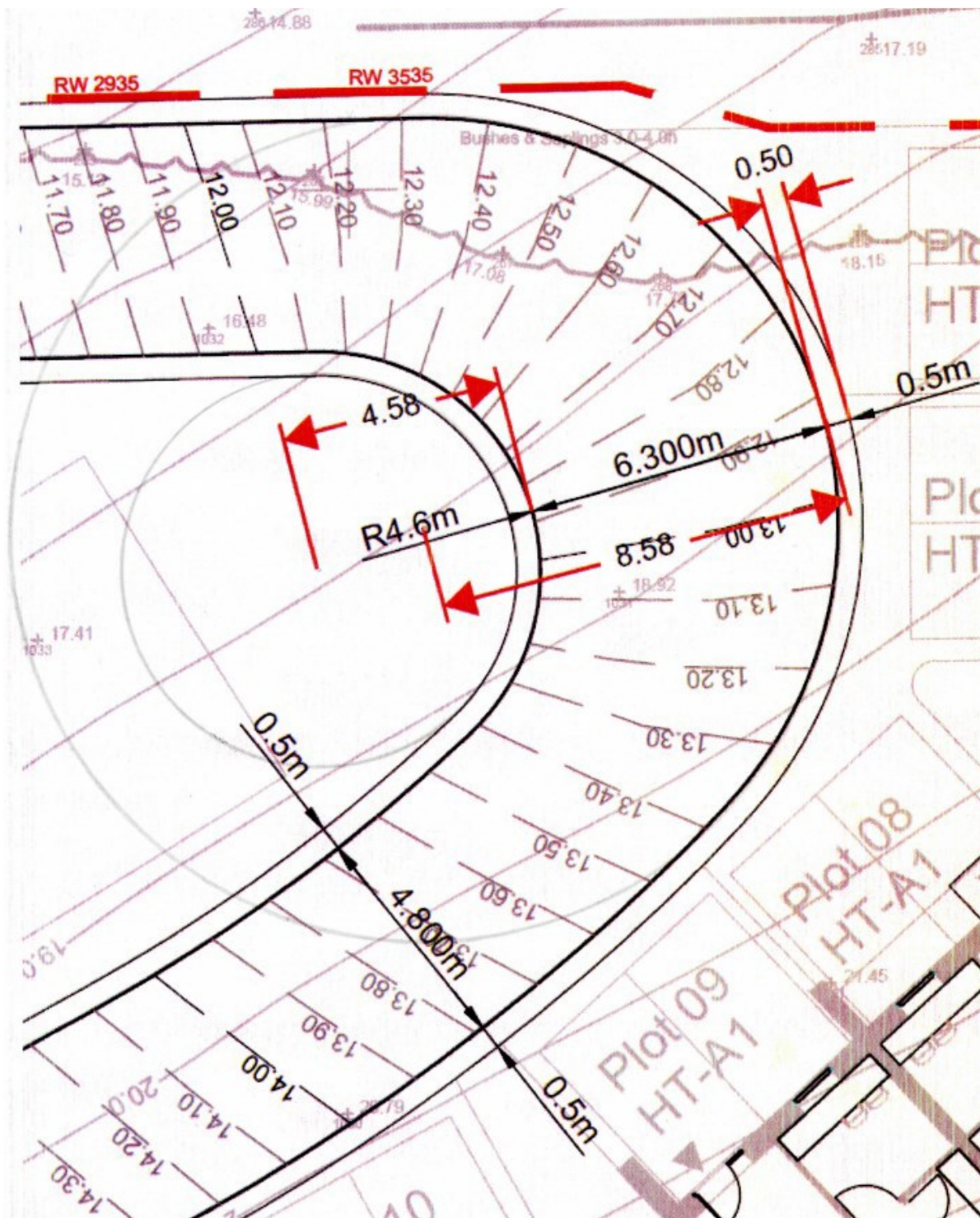
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The kerb to kerb turning circle in this analysis is shown to be 19.9 metres.

The proposed layout does not comply with the minimum building regulation requirements for Fire Service Aerial Ladder Platform vehicles access.

It is recognised that Building Regulations are a separate process, but it must be the case that no public body should approve a breach of those regulations, because the public body would in effect be authorising criminal activity. But that is what has occurred.

The new road layout is worse with a kerb to kerb turning circle of 17.2 metres.



What this effectively means is that an Aerial Ladder Platform would not be able to get past the first section of road.

This also demonstrates that the planning conditions included by the Planning Inspector in the outline approval clearly go to the heart of the planning permission and therefore it must be concluded that this development is unlawful.

Would this Devon & Somerset ALP get around the first 'turn back on itself' bend of this development if the site was built iaw the layout scheme proposed?



The significant questions to be answered are,

1. Is it possible to submit a section 73 planning application where the parent planning application has been implemented unlawfully?
2. And would it be acceptable for a public body to approve/authorise plans after they are informed the layout does not comply with the Building Regulations requirements?

For and on behalf of the South Hams Society

Richard Howell

Chairman.

Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR
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24th March 2022 – Tree protection barriers have not been installed in accordance with Tree Protection Plan DTS21.4142.1.TPP

The owners respect for ecology has been non-existent.



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