

## **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 06 April 2023

(Application Ref: 0271/23/FUL)

*Patrick Whymer*

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



In any correspondence please quote application number: **0271/23/FUL**

## **FULL PLANNING APPLICATION REFUSED**

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

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**Application No.:** 0271/23/FUL

**Date Received:** 19 January 2023

**Proposal:** New single storey three bed dwelling with agricultural occupancy condition (re-submission of 4421/21/FUL)

**Location:** Land at Spirewell Farm, Traine Road, Wembury, PL9 0EN

**Agent:**

Mr Andy Coughlan  
Cogi Design  
The Chicken Shed  
Beacon Hill  
Newton Ferrers  
PL8 1DB

**Applicant:**

Mr Robert Stephens  
Traine Road  
Wembury  
PLQ 0EN

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

1. The proposal is considered to lack the requisite evidence or exceptional circumstances that would warrant justification for an additional dwellinghouse at this countryside location and is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which promotes sustainability by directing growth to sustainable settlements unless there are exceptional circumstances.
2. The development is proposed in a sensitive landscape and designated Area of Outstanding Natural Beauty (AONB) and has not been supported by an appropriate landscape visual assessment. At an elevated location the design is not considered to conserve or enhance the protected landscape and instead would have a harmful impact on the character and setting of the AONB contrary to policies DEV20, DEV21 and DEV25 of the JLP and NPPF (paragraph 176)
3. The formation of a new access onto Traine Road along with the requisite visibility and large area of the existing green field converted to residential curtilage would result in the loss of a significant length of an established hedgerow and open field both of which are currently considered to make a positive contribution to the rural character of the AONB and provide a degree of separation between dwellings. These aspects of the development are considered to contribute towards a coalescence introducing an incongruous urban addition that would increase light pollution to intrinsically dark skies and would be at odds with the prevailing countryside character contrary to policies DEV21 and DEV25 of the JLP and NPPF (paragraph 176).

Dated this 06 April 2023

*Patrick Whymer*

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

(Application Ref: 0271/23/FUL)

4. The site falls within the 12.3km zone of influence where new residential development will have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). No mitigation has been provided and therefore the proposed development will have an adverse impact on the integrity of the designated European sites contrary to the Conservation of Habitats and Species Regulations 2017.

## **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 Notice refers to drawing nos.

RS/PA/050C  
Location Plan  
RS/PA/010  
RS/PA/011  
RS/PA/012

Received on 24th January 2023

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

Dated this 06 April 2023

(Application Ref: 0271/23/FUL)

*Patrick Whymer*

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