

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 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 **6 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.

Site Notices

If any site notices are still on or near the site relating to this application, it would be appreciated if you could now remove them please

Dated this 8 April 2024
Application ref. 0545/24/FUL

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



In any correspondence please quote application number:
0545/24/FUL

Full Planning Application GRANTED

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

Application: 0545/24/FUL

Received: 16 February 2024

Proposal: Erection of agricultural building (resubmission of 3295/23/FUL)

Location: Land at SX 766 533, Moreleigh

Applicant: Mr M Edmonds
Highlands
Moreleigh
Totnes
Devon
TQ9 7JH

Agent: Mr Russell Thomas
Rendells LLP
Stonepark
Ashburton
Devon
TQ13 7RH

The South Hams District Council hereby **GRANT** permission to carry out the development described above subject to the following condition(s):

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers A0.1, A0.2, Site Location Plan, and Block Plan, received on 20th February 2024.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 (or in any provision equivalent to that Section in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area in accordance with policies TTV1 and TTV26 of the Joint Local Plan.

Dated this 8 April 2024
Application ref. 0545/24/FUL

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

4. At no times shall any external lighting be installed or used in association with the development hereby approved unless details have been submitted to and agreed in writing by the Local Planning Authority prior to installation.

Reason: In the interests of preserving the rural character of the landscape in accordance with policies DEV23/DEV25 of the Joint Local Plan.

5. The agricultural building hereby permitted shall be removed from the site and the land reinstated to its former condition within three months, if within 10 years of substantial completion the building becomes redundant to agricultural use and the Local Planning Authority have not previously granted planning permission for an alternative use. Within one month of the substantial completion of the building the applicant shall notify the Local Planning Authority in writing of the date of substantial completion.

Reason: The Joint Local Plan and relevant Central Government guidance provide for strict control of development in the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted in accordance with policies TTV1 and TTV26 of the Joint Local Plan.

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. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS