

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 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

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 **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 20 May 2022

(Application Ref: 0591/21/FUL)

Patrick Whymer

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



In any correspondence please quote application number: **0591/21/FUL**

FULL PLANNING APPLICATION GRANTED

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

Application No: 0591/21/FUL

Date Received: 17 February 2021

Proposal: Erection of a single storey rural worker's dwelling

Location: Pool Farm, Frogmore, TQ7 2NU

Agent:

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

Applicant:

Mrs T Oakley
Pool Farm
C/O Agent

The South Hams District Council hereby **GRANT** permission to carry out the development described above **subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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:

4003/002A West Elevation - 05/03/2021

4003/001 Landscape Plan - 05/03/2021

363/20/11 Permissive path. Received 14/3/2022

363/20/05 Proposed Garage Plans - 05/03/2021

363/20/04 Proposed Roof Plan - 05/03/2021

363/20/03 Proposed Section A-A - 05/03/2021

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363/20/02 Proposed Elevations - 05/03/2021

363/20/01 Proposed Floor Plan - 05/03/2021

363/20/50 'Site block plan' - 05/03/2021

Drainage statement – Revision A - 09/03/2021

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 occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed or last employed by an agricultural enterprise, as defined in Section 336 of the Town and Country Planning Act 1990, or a widow or widower of such a person (including any dependents of any such person, residing with them).

Reason: The development proposed is in an area where there is a presumption against new development except where an agricultural need has been established.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and reenacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alterations)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(f) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

5. Prior to their installation, details/samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity

6. Prior to commencement of development, full details of a Landscaping and ecological enhancements must be submitted to, and approved in writing by the Local Planning Authority, details shall include:

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- a) details for the proposed landscape planting and hedgebanks;
- b) the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- c) the method of planting, establishment and protection of tree, hedge and shrub planting;
- d) maintenance schedules for the establishment of new planting and its ongoing management;
- e) details demonstrating how an onsite bio-diversity net gain of at least 10% will be achieved.

All elements of the Landscape Scheme shall be fully implemented in the first planting season following reasonable completion of the development and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: In the interest of public amenity and the conservation, enhancement of the local character and protect species.

7. The recommendations, mitigation and enhancement measures of the Ecological Report, by Green Lane Ecology dated December 2020, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so, all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

8. The carbon reduction commitments as detailed in the submitted 'Low carbon energy statement', SAP report submissions (received 09/03/2021) and the approved plans, shall be fully installed and operational prior to the occupation of the dwelling hereby approved.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

9. There shall be no flood lighting or other external lighting at the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance and character of the South Devon AONB and Undeveloped Coast.

10. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trial logs and calculate the infiltration rate.

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- Soakaways to be designed for a 1:100 year event plus an allowance for climate change.
- If the ground conditions are not suitable then a controlled discharge to a water course or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate. If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre- treatment and shallower storage depth.
- If discharging to the sewer written permission from SWW will be required.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

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.

3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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