

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 17 April 2024
Application ref. 0602/24/VAR

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



In any correspondence please quote application number:
0602/24/VAR

Variation or Removal of Condition REFUSED

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

Application: 0602/24/VAR

Received: 19 February 2024

Proposal: Application for variation of Condition 2 (approved plans) of planning consent 53/3160/11/F

Location: The Cove Guest House
Torcross
TQ7 2TH

Applicant: Mr Mikael Armstrong
Hockham House
Hockham Road
Compton
Newbury
Berkshire
RG20 6QN

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

1. The proposed dwelling, by reason of its large perceived mass, bulk, over fussy design, glazing, and materials, would fail to respond positively to the local character and distinctiveness of this part of the Undeveloped Coast and National Landscape, and would constitute a poor quality form of development, which would fail to respect the landscape character of the area or the character of the existing development nor take the opportunity for improving the character and quality of the surrounding area or enhancing the AONB. The proposal is therefore considered to conflict with the aims and intentions of policies SPT1, DEV10, DEV20, DEV23, DEV24 and DEV25, of the Plymouth and South Devon Joint Local Plan, and paragraphs 8, 139, 180, 182 and 184 of the NPPF 2023.

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

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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 relates to the following drawing numbers all received on 19 February 2024:

TCGT-LAY-15 Rev:B Proposed East Elevation Glazing

TCGT-LAY-14 Rev:B Proposed North Elevation Glazing

TCGT-LAY-16 Rev:B Proposed South Elevation Glazing

TCGT-LAY-17 Rev:B Proposed West Elevation Glazing TCGT-LAY-17-B

TCGT-LAY-11 Rev:B Proposed Lower Ground Floor Plan

TCGT-LAY-12 Rev:B Proposed Upper Ground Floor Plan

TCGT-LAY-13 Rev:B Proposed First Floor Plan

TCGT-LAY-10-A Rev:A Proposed Site Plan (incorporating Roof Plan)

TCGT-SUR-01-A Rev:A Site Location Plan

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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Patrick Whymer
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