

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 04 May 2023

(Application Ref: 0854/23/FUL)

Patrick Whymer

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



In any correspondence please quote application number: **0854/23/FUL**

FULL PLANNING APPLICATION REFUSED

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

Application No.: 0854/23/FUL

Date Received: 9 March 2023

Proposal: Demolition of existing detached house & detached garage, erection of replacement detached dwelling, outside pool, boathouse & associated landscaping

Location: Harbour Watch, East Portlemouth, TQ8 8PU

Agent:

Jon Capel - Harrison Sutton Partnership /
Mark Evans - Mark Evans Planning Limited
Little Priors Court
Fore Street, Totnes
TQ9 5NJ

Applicant:

Mr Nagle
Harbour Watch
East Portlemouth
TQ8 8PU

The South Hams District Council hereby **REFUSE** permission to carry out the development described above **for the following reason(s)**:

1. The light impact from the additional glazing to the dwelling and boathouse proposed, as well as the domestication of the landscape, through additions such as the swimming pool, and elongated terrace would have an adverse impact on the special character of the Undeveloped Coast, and fails to preserve and enhance the setting of the South Devon Area of Outstanding Natural Beauty. The development is therefore contrary to policies SPT12.4, SPT12.5, DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraphs 174 and 176 of the National Planning Policy Framework (2021).
2. The proposed development fails to make an appropriate carbon reduction contribution to the adopted targets of the Joint Local Plan. The replacement dwelling would not offset the carbon impact of the proposed within 25 years, and the environmental benefits of replacing the dwelling have not been demonstrated. As such, the development would conflict with policies SPT1.2 and DEV32 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), paragraphs 154 and 157 of the National Planning Policy Framework (2021), and M5 of the Climate Emergency Planning Statement.
3. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on the Kingsbridge-Salcombe SSSI, a site of national significance. The proposal is therefore contrary to policy DEV26 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 180(a) of the National Planning Policy Framework (2021).

Dated this 04 May 2023

Patrick Whymer

**Head of Development Management Practice
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4. Insufficient information has been provided to demonstrate that the proposed development has adequately mitigated against potential impacts on protected species of wildlife. The proposal is therefore contrary to policy DEV26 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 180(b) of the National Planning Policy Framework (2021).
5. The proposed dwelling would be significantly larger in volume than the existing dwelling, contrary to policy TTV29(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034).

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 numbers 1702/01, 1702/07C, 1702/08C, 1702/09B, 1702/10B, 1702/11A, 1702/12A, 1702/13A, 1702/14A, 1702/21, 1702/22, 1702/SK6, and PSN/HW02.H, received on 13th March 2023.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 04 May 2023

(Application Ref: 0854/23/FUL)

Patrick Whymer

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