

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 14 July 2023

(Application Ref: 2167/19/FUL)

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



In any correspondence please quote application number: **2167/19/FUL**

FULL PLANNING APPLICATION REFUSED

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

Application No.: 2167/19/FUL

Date Received: 2 July 2019

Proposal: Erection of 3 additional holiday units within the grounds of Gara Rock Resort (comprised of a pair of semi detached cottages & 1 secret suite & additional landscaping from that previously advertised) together with the reconfiguration of parking & associated works

Location: Gara Rock Hotel, East Portlemouth, TQ8 8FA

Agent:
Emma Greening
Ridge and Partners LLP
3rd Floor, Regent House
65 Rodney Road
Cheltenham
GL50 1HZ

Applicant:
AG Gara Rock
C/O Agent

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

1. The proposed development would result in additional tourism accommodation in a remote and unsustainable rural location, accessed via the rural road network and reliant on private car use given the apparent lack of options to reach the site via sustainable or active modes of travel. Furthermore no justification has been provided to demonstrate a need for the accommodation in this remote coastal location within the Undeveloped Coast or explain why such a need cannot be met in a more sustainable location and no Sustainable Travel Plan has been supplied. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV15, DEV25 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.
2. The proposal would result in tourism and accommodation and facilities within the Undeveloped Coast. Activity associated with the use of the additional holiday units would have a detrimental effect upon the tranquillity of the Undeveloped Coast, and it has not been demonstrated that the development requires a coastal location and cannot reasonably be located outside the Undeveloped Coast. The proposal is therefore contrary to Policies DEV15 and DEV24 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.

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3. The application fails to demonstrate how the development would constitute an environmentally conscious business development or promote a low carbon economy and in turn how the proposal would make an appropriate contribution to the carbon reduction target in line with Policy DEV32 which seeks to halve 2005 levels of carbon emissions by 2034. The proposal is therefore contrary to Policies SPT1, DEV32 and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034.

INFORMATIVES

1. This Decision Notice refers to drawing nos: Location Plan P001/B; Proposed Site Plan P003/F; Proposed Cottage Plan and Elevations P200/D; Secret Suite Plan, Section and Elevations P210/E; Proposed Site Sections P500/E; Existing Site Plan P002/B; Existing Site Sections P130/B; Landscape Proposals 0003 Rev F; Illustrative Masterplan DLA.2008.L04.S01; Below Ground Drainage General Arrangement 501 and Technical Note: Soakaway Discharge Assessment WB04746-TN-G01.
2. 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.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 14 July 2023

(Application Ref: 2167/19/FUL)

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