

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 28 November 2024
Application ref. 2887/24/FUL

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



In any correspondence please quote application number:
2887/24/FUL

Full Planning Application REFUSED

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

Application: 2887/24/FUL

Received: 10 September 2024

Proposal: Proposed conversion of first floor of boathouse into holiday let (revised scheme to 2605/22/FUL).

Location: Bantham Boathouse, Bantham, TQ7 3AP

Applicant: Bantham Estate Ltd
Bantham Estate Office
Bantham
Devon
TQ7 3AN

Agent: Emily Heydon
Atticus Planning Limited
PO Box 247
Tavistock
PL19 1FJ

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

- 1 It has not been demonstrated to the satisfaction of the local planning authority that the proposed conversion of the upper floor would represent the optimum viable use ahead of other less harmful options consistent with conserving the character and special interest of the listed building. The development is, therefore, contrary to policies SPT11 and DEV21(2) of the Joint Local Plan, TP1 of the Thurlestone Neighbourhood Plan as well as paragraphs 203, 206 and 208 of the NPPF.
- 2 It has not been demonstrated how the community use of the ground floor as a boat store and marine activity space would be secured. The development is, therefore, contrary to policies DEV18(6) of the Joint Local Plan and TP 14 of the made Thurlestone Neighbourhood Plan.

INFORMATIVES

1. This decision relates to drawing numbers:

P.101	Location	Plan	received	on	10	September	2024		
P.106	Proposed	Site	Plan	received	on	10	September	2024	
P.107	Proposed	Ground	Floor	Plan	received	on	10	September	2024
P.108	Proposed	First	Floor	Plan	received	on	10	September	2024

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P.109 Proposed Principal Elevation received on 10 September 2024
P.110 Proposed Elevations received on 10 September 2024
P.111 Proposed Sections received on 10 September 2024
P.113 External Staircase Details 1 received on 10 September 2024
P.114 External Staircase Details 2 received on 10 September 2024

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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