

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 12 September 2024
Application ref. 1692/24/FUL

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



In any correspondence please quote application number:
1692/24/FUL

Full Planning Application GRANTED

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

Application: 1692/24/FUL

Received: 28 May 2024

Proposal: Amendment to approved plans 9/33/1705/93 (conversion of redundant building to residential to enable design changes to fenestration, installation of solar PV panels, works within the garden)

Location: The Store, Southdown Farm, Malborough, TQ7 3DU

Applicant: Mr Adam Steel
The Store
Southdown Farm
Malborough
Kingsbridge
Devon
TQ7 3DU

Agent: Mrs Debbie Crowther
Devon HALO
9 Lyte Lane
West Charleton
Kingsbridge
TQ7 2BW

The South Hams District Council hereby **GRANT** permission to carry out the development described above subject to the following condition(s):

1. The development hereby approved shall in all respects accord strictly with drawing number(s)

- 'Site Location Plan'
- ED/J/688-01 'Proposed Site and Landscaping Plan'
- A1463 23 P05 'Roof Plan As Proposed'
- A1463 23 P04 'Proposed elevations'
- A1463 23 P03 'Cross Section As Proposed'
- A1463 23 P02 'First Floor Plan As Proposed'
- A1463 23 P01 'Ground Floor Plan As Proposed'

All received on 28th May 2024

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.

Dated this 12 September 2024
Application ref. 1692/24/FUL

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*Head of Development Management
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2. The holiday let hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up- to-date register of the names and main home addresses of all owners/occupiers of the holiday unit, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development proposed is in an area where there is a presumption against new residential development except in specific circumstances supported by TTV26 of the Joint Local Plan.

3. The development hereby approved shall be carried out in accordance with the actions set out in the Ecology Report by Richard Green Ecology dated March 2024 and any measures required under licence from Natural England. Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with Joint Local Plan policy DEV26.

4. No part of the development shall commence until the Local Planning Authority has been provided with a copy of the bat mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or confirmation in writing from Natural England that such a licence is not required.

Reason: To safeguard the interests of protected species in accordance with Joint Local Plan policy DEV26.

5. At no times shall any external lighting be installed or used in association with the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and compensate for impacts on protected species in accordance with DEV26 of the Joint Local Plan.

6. The development hereby approved shall maintain Bat Accommodation as shown on drawing number A1463 23 P02 and A1463 23 P04 for the accommodation of Bats and shall not be converted into a habitable space.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with Joint Local Plan policy DEV26.

7. The solar panels as shown on the approved plans A1463 23 P04 prior to first use as holiday accommodation. The panels shall hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction targets within DEV32 of the Joint Local Plan and objectives within the Climate Emergency Planning Statement (November 2022).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the windows hereby approved on the South-West elevation of the building (as shown on drawing number A1463 23 P04) shall be glazed in obscure glass and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property in accordance with policies DEV1 and DEV2 of the Joint Local Plan.

9. All stonework, including alterations and repairs to the existing walls, shall be constructed of natural stone which matches the geological type, colour and texture of that occurring locally/ the existing walling

Reason: To ensure that the finishes and colours retain the character of the locality in accordance with DEV20 of the Joint Local Plan.

10. Prior to their installation details (such as a product brochure, technical specification sheet and colour photographs) of the door and windows of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of retaining the character of the locality, in accordance with policies DEV20 of the Joint Local Plan.

11. All new rooflights shall be of a conservation type and shall be fitted so as to be flush with the existing roof profile.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development, in accordance with policies DEV20 and DEV23 of the Joint Local Plan.

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.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS