

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 13 January 2025
Application ref. 3681/24/PDM

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



In any correspondence please quote application number:
3681/24/PDM

Prior Approval Agricultural Building to Dwelling C3

REQUIRED and GIVEN

Town and Country Planning Act, 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Application: 3681/24/PDM **Received:** 18 November 2024
Proposal: Application to determine if prior approval is required for a proposed change of use of agricultural buildings/barns to 2No dwellinghouses (Class C3) & for associated development (Class Q (a+b))
Location: Barns at SX 760 524, Moreleigh

Applicant: Mrs P A Graham
Little Moor
Moreleigh
TQ9 7JN

Agent: Mrs Amanda Burden
Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

The South Hams District Council hereby confirm that **PRIOR APPROVAL IS REQUIRED AND GIVEN** for the proposed development at the address shown above, as described by the description shown above, and in accordance with the information that the developer provided to the local planning authority subject to the following conditions:

1. The development hereby approved shall in all respects accord strictly with drawing numbers 200422/05, 200422/06, 200422/07, 200422/08, 200422/09, 200422/10, 200422/11, and the Site Location Plan, received by the Local Planning Authority on 18th November 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.
2. The development shall be carried out in accordance with the Structural Inspections for Buildings 1 and 2 respectively, carried out by HB Surveying (dated 15th October 2024).

Reason: To ensure that the conversion is carried out within the limitations and criteria of the Class Q legislation.
3. The development hereby approved shall be carried out in accordance with the actions set out in the Bat & Nesting Bird Survey (dated 10th November 2024) by Butler Ecology, and any measures required under licence from Natural England.

Dated this 13 January 2025
Application ref. 3681/24/PDM

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

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. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of preserving the sensitive character of the landscape in accordance with policy DEV23 of the Joint Local Plan.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately in accordance with DEV2 of the Joint Local Plan.

INFORMATIVES

1. Attention is drawn to the conditions contained within Class Q.2 of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Please note condition (3), which requires the development to be completed within a 3 year period from the date of prior approval being granted.
2. The applicants attention is drawn to the advice contained within paragraph 105 of the Planning Practice Guidance which states that the proposed works are only considered to benefit from the permitted development right on the understanding that no new structural elements are proposed. The existing building should be structurally strong enough to take the loading which comes with the external works to provide for

the proposed residential use. If any new structural works are required then the proposal will not benefit from permitted development afforded by Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.
4. 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.
5. 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