

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 18th August 2017

(Application Ref: 3884/16/FUL)

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



South Hams
District Council

Dated this 18th August 2017

(Application Ref: 3884/16/FUL)

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

Application No.: 163916

Date Received: 2 December 2016

Proposal Erection of 64no. residential dwellings, associated roads, drainage, landscape, garages and parking

Location: Land At Sx 553 524, West of Stamps Hill, Brixton, Devon

Applicant/Agent:

Mr JASON REYNOLDS
The Old Brewery
Lodway
Pill, Bristol
BS20 0DH

Applicant:

Mr IAN ROACH
Owlsfoot Business Centre
Sticklepath
Okehampton
EX20 2PA

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

1. The proposed development in the countryside will result in a significant extension and expansion of the village of Brixton which already has sites coming forward providing significant amounts of new housing that exceed the housing needs of the Parish. The proposed development will add substantially to the cumulative impact of new development in the village that delivered as unplanned development in a short time frame will adversely impact on the social wellbeing and character of the village. As such the proposed development is not sustainable and is contrary to principles of the NPPF, in particular paragraphs 7, 14, 17 and 55 and is contrary to Policies CS1 and DP15 of the South Hams Local Development Framework and Policies SPT1, SPT2 and TTV30 and TTV31 of the emerging Plymouth and South West Devon Joint Local Plan.
2. The proposed development cannot provide safe pedestrian access for all users from the site to the village facilities and as such is not sustainable. The development is contrary to the principles of the NPPF in particular para 32 and is contrary to Policy DP7 of the South Hams Local Development Framework and Policies SPT1, DEV10 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan.
3. The proposed development would be likely to result in a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework, Policy DP7 of the South Hams Local Development Framework and Policy DEV31 of the emerging Plymouth and South West Devon Joint Local Plan.

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4. The proposed roofing materials are out of character with the area and will adversely impact on the visual amenity of the area. As such the proposed development is contrary to the NPPF, in particular paragraphs 56 and 59 and is contrary to Policies CS7 and DP1 of the South Hams Local Development Framework and Policies SPT1, SPT2 and DEV10 of the emerging Plymouth and South West Devon Joint Local Plan.

5. The site lies within 250m of a local composting facility. Insufficient information has been submitted to demonstrate that the effect of the emissions from the neighbouring waste facility are fully understood and that any impacts identified can be controlled to acceptable levels through appropriate mitigation measures. As such the proposed development is contrary to the National Planning Policy Framework in particular paragraph 17 and is contrary to Policy DEV2 of the emerging Plymouth and South West Devon Joint Local Plan.

INFORMATIVES

1. This Decision Notice refers to the following drawing nos:

0613 - 101 rev A
0613 - 102 rev B
0613 - 104 rev B
0613 - 105 rev B
0613 - 106
0613 - 107 rev B
0613 - 108 rev B
0613 - 109
0613 - 110 rev B
0613 - 111 rev B
0613 - 112
0613 - 113 rev B
0613 - HTB Issue 4 Housetype Booklet
D37 31 P4 rev A
0601 PHL 012 rev A
PDL 100 rev C
PHL 001 rev D
PHL 011 rev B
60521261 SH GL CE 0100 rev B
60521261 SH GL CE 0102 rev B
60521261 SH GL CE 0103 rev A
G4049 rev 2 WIE 12207 100 AA 74 0001 A09

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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

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