

## 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](http://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](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/](http://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 24 April 2025  
Application ref. 3958/24/FUL

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



In any correspondence, please quote application number:  
**3958/24/FUL**

## **Full Planning Application REFUSED**

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

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<b>Application:</b>	3958/24/FUL	<b>Received:</b>	11 December 2024
<b>Proposal:</b>	Construction of 3-bedroom dwelling		
<b>Location:</b>	Land Rear Of 59 Yealm Road, Newton Ferrers		
<b>Applicant:</b>	Mr Russell Quick The Stables Dorsley Barns Totnes TQ9 6DN	<b>Agent:</b>	Mr Russell Quick Quick Planning Solutions The Stables Dorsley Barns Totnes TQ9 6DN

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

1. The proposed development, by virtue of its extensive glazing, and lack of sensitive design, strategic landscaping, or ecological enhancements would fail to preserve and enhance the setting of the National Landscape. The development therefore conflicts with policies DEV23 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies N3P-3 and N3P-9 of the Newton & Noss Neighbourhood Plan (2017- 2034), paragraph 189 of the National Planning Policy Framework (2025), section 85 of the Countryside & Rights of Way Act, and the South Devon AONB Management Plan.
2. The proposed development would result in the loss of undeveloped green space which has been identified as making a positive contribution on the setting of the Newton Ferrers Conservation Area. The development would therefore fail to preserve or enhance the setting of the designated heritage asset, contrary to policy DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy N3P-8 of the Newton & Noss Neighbourhood Plan (2017- 2034), and paragraph 215 of the National Planning Policy Framework (2025).
3. The proposal fails to provide appropriate mitigation towards the additional recreational pressures of the development on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA), contrary to policies SPT14 and DEV26 of the Plymouth & South West Devon Joint Local Plan 2014-2034.

Dated this 24 April 2025  
Application ref. 3958/24/FUL

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

## **INFORMATIVES**

1. This decision relates to drawing numbers 1042/200A, 1042/202C, 1042/203C, 1042/204C, 1042/205B, 1042/206B, and 1042/207B, received on 28th February 2025.
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**