

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 22 July 2022

(Application Ref: 4031/21/FUL)

Patrick Whymer

Head of Development Management Practice
for and on behalf of the Council



In any correspondence please quote application number: **4031/21/FUL**

FULL PLANNING APPLICATION REFUSED

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

Application No.: 4031/21/FUL

Date Received: 28 October 2021

Proposal: Redevelopment of the existing hotel with owners accommodation to 7-holiday lets and 5 residential units

Location: Sand Pebbles Hotel, Inner Hope to Outer Hope, Hope Cove, TQ7 3HY

Agent:

Mr Edward Persse
EJFP Planning Ltd
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

Mr M Davies
Sand Pebbles Hotel
Inner Hope To Outer Hope
Hope Cove
TQ7 3HY

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

1. The proposal for the replacement of the hotel with four buildings for part holiday let and part permanent residential development is an overdevelopment of the site, with the scale and massing failing to reflect the context of the site and being visually intrusive and out of character both in terms of design and scale with the surrounding area, contrary to policy DEV20 of the JLP and SH HBE3 of the South Huish Neighbourhood Plan as well as para's 126 and 130 of the NPPF 2021.
2. The site lies within the South Devon Area of Outstanding Natural Beauty and the scale and nature of the proposals including the choice of materials and style do not reflect the local vernacular and as a result would have an adverse visual impact on the surrounding character and landscape. The design would also lead to an increase in light pollution from the site to the detriment of the dark skies of the AONB in Hope Cove. As such the development would not serve to conserve or enhance the special qualities of the AONB landscape nor the nature of the development in this part of Hope Cove, contrary to policies DEV20, DEV23 and DEV25 of the JLP and policy SH Env2, SH Env6 and SH Env8 in the South Huish Neighbourhood Plan and NPPF paragraph 176.
3. The proposal fails to meet policy SH H2 of the SHNP, as it proposes 7 units of accommodation as unrestricted holiday lets, which does not support the housing needs of the Parish and does not support or strengthen the local community or economy.

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4. The size of the dwellings and holiday lets fail to meet the requirements for house and room sizes laid out in the National Space Standards and as required by policy DEV10 of the Plymouth and South West Devon Joint Local Plan, further adding to the fact that the proposal is overdevelopment of the site.
5. The proposals fail to provide sufficient information in relation to climate change and biodiversity net gain in order to demonstrate that the proposal meets the relevant development plan policies, DEV32 for Climate change and DEV26 in the JLP and SH Env 3 in the South Huish Neighbourhood Plan for Biodiversity as well as guidance in the NPPF 2021, contained in paragraphs 154, 155 and 157 (Climate change) and 180 (Biodiversity).
6. The proposal is for part holiday lets and part permanent residential properties, Policy SH H2 principal residence, requires that any new unrestricted second homes will not be supported at any time. Holiday lets by their very nature are the same as second homes because they are in operation for holiday purposes and are not lived in permanently? Whilst the 5 one bed studios could have a principal residence condition/Section 106 applied to them, the remaining 7 properties could not and so therefore the proposal is contrary to the principal residence policy in the South Huish Neighbourhood Plan.
7. The proposed development being larger and closer to boundaries than the existing property, will impact on the privacy and outlook of the surrounding properties to the detriment of their current residential amenity. The development would therefore fail to meet policy DEV1 in the Plymouth and South West Devon Joint Local Plan and Policy

INFORMATIVES

1. This Decision Notice refers to drawing nos.
712 P001 Rev B Site Location Plan;
712 P003 Rev B Site plan proposed;
712 P009 Rev B Proposed level 00;
712 P010 Rev B Proposed level 01;
712 P011 Rev B Proposed level 02;
712 P012 Rev B Proposed level 03;
712 P013 Rev B Proposed level 04;
712 P014 Rev B Proposed roof plan;
712 P015 Rev A Proposed site sections;
712 P016 Rev A Proposed south elevations;
712 P017 Rev A Proposed north elevations;
712 P018 Rev A Proposed east elevations;
712 P019 Rev A Proposed west elevations;
712 P090 Rev A Proposed Landscape plan,
received by the Local Planning Authority on on 27th April 2022.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

Dated this 22 July 2022

(Application Ref: 4031/21/FUL)

Patrick Whymer

**Head of Development Management Practice
for and on behalf of the Council**