

TEIGNBRIDGE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

REFUSAL OF VARIATION OF CONDITION FOLLOWING
GRANT OF CONDITIONAL PLANNING PERMISSION

Applicant: Codex Land Promotion
C/o Agent

Agent: Martyn Stutchbury
Stutchbury Associates Limited
Rowhills
7 Claverton Drive
Bath
BA2 7AJ

Location: KINGSTEIGNTON - Land East Of Penns Mount NGR 287675 72885
Vicarage Hill

Proposal: Variation of condition 24 on planning application 14/03324/MAJ to permit building on the green open space

Teignbridge District Council hereby refuses permission to vary condition number 24 described in the application validated on 10 August 2015 and the accompanying details:

Received on 10 August 2015:

Landscape Report dated August 2015

Supporting Statement by Stutchbury dated August 2015

For the following reason:

The proposal is not in accordance with the adopted Teignbridge Local Plan 2013-2033. More particularly, the proposal is contrary to Policies KS6 (Penns Mount), WE11 (Green Infrastructure) and S2 (Quality Development). The application seeks to allow residential development within an area which is set aside in the Local Plan to deliver a hill-top park. Development in this area would prejudice the delivery of this park and would have an adverse impact upon the landscape appearance and character.

INFORMATIVES

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

Further details relating to this planning application, including the rejected plans and the Officer's Report, can be found on the Council's website at www.teignbridge.gov.uk/planningonline.

Dated: 12 November 2015

Nick Davies
Business Manager – Strategic Place

TEIGNBRIDGE 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 - 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. See www.teignbridge.gov.uk/planningapply and follow the links to 'Planning Application Forms' then 'Existing Permissions'

Amending your permission (only applies to planning permissions) – If it is a very small change you can apply for a Non Material Amendment. Larger changes will need a Variation of Condition application to amend the plans condition or a new Planning Application. See www.teignbridge.gov.uk/planningapply and follow the links to 'Planning Application Forms' then 'Existing Permissions'

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

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 (Tel 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk/>. 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 Town and Country Planning Act 1990).

- Householder appeals must be made within 12 weeks of the date of this notice
- Minor Commercial Appeals (minor development, solely at ground floor level, of a building currently in Use Classes A1 – 5, not including change of use or change of number of units or increase in floor area) must be made within 12 weeks of the date of this notice
- All other planning appeals must be made within 6 months of the date of this notice.

Certificate of Lawfulness Appeals (Section 195 Town and Country Planning Act 1990)

- There is no time limit for submission of an appeal.

Listed Building Consent (and Listed Building Lawful Development) Appeals (Section 20 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 Town and Country Planning (Control of Advertisements) Regulations 2007).

- Appeals must be made within 8 weeks of the date of this notice.

Concurrent Enforcement Notices/appeals

If the land/development is already subject to an enforcement notice you must appeal within 28 days of this decision notice. If the enforcement notice is issued subsequently, you must appeal within 28 days of service of the enforcement notice unless this extends the normal planning appeal period.

Third Party right of challenge

There is no right of appeal for third parties although the validity of a decision can be challenged through the courts. You should first write to the Council detailing your reasons for dispute and your intention to seek a Judicial Review to try to avoid litigation. If this does not resolve the issue, an application for permission to apply for Judicial Review must be served on the Council and any other interested party and lodged at the Administrative Court Office for the High Court within 6 weeks of the date of decision. You are advised to seek legal advice.

Purchase Notices

If the Local Planning Authority 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.