

Application for removal or variation of a condition following grant of
planning permission. Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number

Suffix

Property name

Address line 1

Address line 2

Address line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

2. Applicant Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

2. Applicant Details

Country	<input type="text"/>
Postcode	<input type="text" value="PL27 6EZ"/>
Are you an agent acting on behalf of the applicant?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email address	<input type="text"/>

3. Agent Details

Title	<input type="text"/>
First name	<input type="text" value="PETER"/>
Surname	<input type="text" value="HUME"/>
Company name	<input type="text" value="PURL DESIGN"/>
Address line 1	<input type="text" value="THE MILL"/>
Address line 2	<input type="text" value="PRIDEAUX ROAD"/>
Address line 3	<input type="text" value="ST. BLAZEY"/>
Town/city	<input type="text" value="PAR"/>
Country	<input type="text" value="ENGLAND"/>
Postcode	<input type="text" value="PL24 2SR"/>
Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email	<input type="text"/>

4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Outline planning permission with all matters reserved for the construction of 10 new holiday dwellings with variation of condition 5 in respect of decision PA18/01515 dated 29.08.18 in order to substitute reference to "the applicants Highcliffe Agency Ltd" with "Highcliffe Holiday Complex".

Reference number

PA18/11257

Date of decision (date must be pre-application submission)

Please state the condition number(s) to which this application relates

Condition number(s)

5

4. Description of the Proposal

Has the development already started?

Yes No

If Yes, please state when the development was started (date must be pre-application submission)

01/03/2021

Has the development been completed?

Yes No

5. Condition(s) - Removal/Variation

Please state why you wish the condition(s) to be removed or changed

PA18/11257 refers to 10 properties which form part of the expansion of the Highcliffe Holiday Complex totalling 20 new holiday homes.

The approval granted on the application has a condition at Para 5 which restricts the sale of holiday properties to Leasehold only:

The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence nor shall the unit be sold off separately for any purpose from the Highcliffe Holiday complex as shown edged red on plan PD343/17. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To support the expansion of the existing Highcliffe Holiday Complex in accordance with policy 5, criterion 3, of the Cornwall Local Plan and to aid in the implementation of Policy STMNDP 2.2 of the St Minver Neighbourhood Development Plan 2015-2030 which seeks to support the expansion of existing businesses, particularly those based on tourism and to avoid the circumvention of Policy STMNDP 3.2 of the St Minver Neighbourhood Development Plan 2015- 2030.

Additional Information.

• The grant of a long lease of a holiday home as part of the Highcliffe Holiday Complex would comply with the requirements of condition 5.

I have received advice from a senior Barrister that restricting disposals to the grant of Long Leases will not achieve the objective of controlling the use of these houses. Under the provisions of the Leasehold Reform Act 1967 a Leaseholder has the rights to purchase the freehold without any of the restrictions, or covenants contained within the Lease, and therefore freeing themselves from the restrictions Cornwall Council intended.

However, the sale of Freehold holiday homes with covenants which attach the properties to the Highcliffe Holiday Complex does achieve this, and has been successfully executed not only by the original 36 homes built during the late 90's, but also with the first 10 new homes currently under construction (PA20/01142), all of which covenants will apply to future owners.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Condition 5.

The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence nor shall the unit be sold off separately for any purpose from the Highcliffe Holiday complex, unless the sale of a freehold interest includes covenants in perpetuity which require the house to be used for holiday purposes only and ties the future management of the property exclusively to the Highcliffe Holiday Complex as shown edged red on plan PD343/17. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To support the expansion of the existing Highcliffe Holiday Complex in accordance with policy 5, criterion 3, of the Cornwall Local Plan and to aid in the implementation of Policy STMNDP 2.2 of the St Minver Neighbourhood Development Plan 2015-2030 which seeks to support the expansion of existing businesses, particularly those based on tourism and to avoid the circumvention of Policy STMNDP 3.2 of the St Minver Neighbourhood Development Plan 2015- 2030.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

8. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. ** 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

8. Ownership Certificates and Agricultural Land Declaration

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role

- The applicant
 The agent

Title

First name

Surname

Declaration date (DD/MM/YYYY)

Declaration made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)