

## Proposal for modification of Thurlestone Parish Neighbourhood Plan

1. The Thurlestone Parish neighbourhood area lies within the area of the LPA, South Hams District Council.
2. Thurlestone Parish Council, being a qualifying body for the purposes of the neighbourhood planning, is entitled to submit a proposal to the LPA for the modification of the Thurlestone Parish Neighbourhood Plan (the Plan) to correct an error in the Plan.
3. (a) The relevant policy is Policy TP16.2 of the Plan and the proposed modification is shown below using track changes.

### POLICY TP16 – LOSS OF EMPLOYMENT USES

1. The loss of employment land, business and commercial premises including but not limited to A1 (shops), A3 (restaurants and cafes), A4 (pubs), B1 (business), B2 (general industrial) and B8 (storage and distribution) Uses to other uses, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:
  - i. can demonstrate that the use of the premises is no longer economically viable for its existing lawful use;
  - ii. the premises have been extensively marketed at a reasonable market price for a minimum of 12 months; and
  - iii. the proposed alternative use would provide benefits for the local economy and supports a sustainable local community.
2. The change of use of ~~tourism-related employment uses:~~ C1 (hotels and guest houses), C2 (residential institutions) Uses and dwellings currently restricted by condition for use as holiday accommodation to C3 (dwelling houses) Use, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and is used to meet local housing needs (in accordance with Policy TP3).

(b) The error came about following the Regulation 14 consultation when it was agreed with SHDC that the words “tourism related employment uses” should be inserted in Policies TP9 and TP10 (Expansion of Existing and New Businesses) instead of a Use Class, which would be too wide. The same words were inserted in Policy TP16.2 in error; the words are not relevant in this context and are potentially confusing.

4. This proposal is submitted to SHDC in accordance with Section 61M(4) of the Town and Country Planning Act 1990<sup>1</sup> (as applied to neighbourhood plans by Section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004) which enables a LPA to modify a neighbourhood plan they have made for the purpose of correcting errors<sup>2</sup>.
5. Further, and for the avoidance of doubt, the modification is a minor (non-material) modification, for the purposes of Section 4 and Schedule A2 of the Neighbourhood Planning Act 2017<sup>3</sup> and does not materially affect the policies in the Plan. Neighbourhood Planning Guidance advises a LPA may make such updates at any time, only with the consent of the qualifying body. Consultation, examination and referendum are not required<sup>4</sup>.
6. Accordingly, it is requested that SHDC agree the proposed modification of Policy TP16.2 of the Thurlestone Parish Neighbourhood Plan for the purpose of correcting an error in the Plan.

Thurlestone Parish Council  
4 October 2018

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>2</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2017/20/section/4/enacted>  
<http://www.legislation.gov.uk/ukpga/2017/20/schedule/1/enacted>

<sup>4</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>