

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Wilmot House
19 Exeter Road
Ipswich
IP3 8JL

Applicant:

Mr Mecklenburgh
C/O: Agent

Date Application Received: 30-Jan-17

Application Reference: 0408/17

Date Registered: 09-Feb-17

Proposal & Location of Development:

Application for Outline Planning Permission (with all matters reserved except for access) - Change of use of land from commercial nursery to residential - Erection of up to 20 no. new dwellings (5 no. proposed to be live/work units, and 7 no. proposed to be affordable housing), alterations to existing vehicular access, and creation of pedestrian footway (Following demolition of existing nursery buildings)

By-Pass Nurseries, Bramford Road, Bramford,

Section A – Plans & Documents:

This decision refers to drawing no./entitled 8323/01 received 30/01/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

- Indicative Storey Heights Plan - 8323-07A - Received 03/03/2017
- Indicative Refuse Collection Plan - 8323-08A - Received 03/03/2017
- Affordable Housing Plan - Indicative - 8323-09A - Received 03/03/2017
- Defined Red Line Plan 8323/01 - Received 30/01/2017
- Highway Access Plan 17-000-PL-02 - Received 14/06/2017
- Block Plan - Proposed - Indicative - 8323-02A - Received 03/03/2017
- Site Plan 8323-03 - Received 30/01/2017
- Indicative Garden Compliance Plan - 8323-05 - Received 30/01/2017
- Parking Layout - Indicative - 8323-06A - Received 03/03/2017
- Materials Schedule - Indicative - 8323-10A - Received 03/03/2017

Hard Landscaping - Indicative Boundary Treatment Plan - 8323-11A - Received 03/03/2017
Hard Landscaping - Indicative Boundary Treatment Plan - 8323-12 - Received 30/01/2017
Street Scene - Proposed - Indicative - 8323-13A - Received 03/03/2017
- Proposed live/work units indicative Elevations and Floor Plans - 8323-15 - Received 10/04/2017
- Proposed live/work units indicative location plan - 8323-16 - Received 10/04/2017
Arboricultural Assessment Plan - Existing and Proposed Indicative - 5244/D - Received 30/01/2017

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

2. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION:

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

4. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: CONTAMINATION

No development shall take place until;

- (i) A strategy for investigating any contamination present on site has been submitted for approval by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
- (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.
- (iii) A written report shall be submitted detailing the findings of the investigation referred to in (ii) above, and an assessment of the risk posed to receptors by the contamination, for approval in writing by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme and timetable of the scheme for agreement in writing by the Local Planning Authority if the authority considers it is required.
- (iv) Any remediation work as may be agreed shall be carried out in its entirety in accordance with the approved Remediation Scheme and its timetable.

Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation scheme prior to the first use/occupation of the development. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

5. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No development shall take place within the area indicated [The Whole Site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.

- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

6. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT -
ARCHAEOLOGICAL WORKS

No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

7. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
LANDSCAPING SCHEME

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction.

Reason - In the interests of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of any development to ensure matters of tree and hedgerow protection are secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to important trees and hedgerow that would result in harm to amenity.

8. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

9. CONCURRENT WITH RESERVED MATTERS: COMPLIANCE WITH ECOLOGICAL APPRASAL RECOMMENDATIONS

All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological reports (Practical Ecology, May & July 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

10. CURRENT WITH RESERVED MATTERS: DETAILED REPTILE MITIGATION STRATEGY AND LONG TERM MANAGEMENT PLAN

No development shall take place (including any demolition, ground works, site clearance) until a detailed reptile mitigation strategy to avoid killing of or injury to reptiles as set out in the Reptile Survey Report (Practical Ecology, July 2017), has been submitted to and approved in writing by the local planning authority. The details for translocation to a viable reptile receptor site and its long term management shall also be set out and implemented in full for a minimum period of 10 years. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter with post construction monitoring of reptiles.

Reason - To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

11. PRIOR TO OCCUPATION: LIGHTING DESIGN SCHEME

Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained

thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

12. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: DETAILS OF ACOUSTIC FENCING

Prior to the first occupation of the dwellings hereby approved precise details of the provision, siting, scale, design and materials of acoustic fencing, to be located between the approved dwellings and the western boundary of the site adjacent to the railway line, shall have been submitted to and approved in writing by the Local Planning Authority. The acoustic fencing as may be approved shall be fully erected prior to the first occupation of any of the dwellings hereby approved. The agreed acoustic fencing shall thereafter be fully retained and maintained in the approved form.

Reason - In the interest of the amenities of future occupants of the development, in accordance with paragraph 17 of the NPPF (2012) and with BS8233

13. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: IMPLEMENTATION OF NOISE ATTENUATION MEASURES

Prior to the first occupation of the dwellings hereby approved details of acoustic ventilation on Western, Northern and Southern facades of properties in proximity to the railway line to the western site boundary shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be fully implemented prior to first occupation and thereafter retained and maintained.

Reason - In the interest of the amenities of future occupants of the development, in accordance with paragraph 17 of the NPPF (2012) and with BS8233

14. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - DISPOSAL OF SURFACE WATER

Prior to first occupation of the development hereby approved a strategy for the disposal of surface water shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

15. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SUSTAINABLE URBAN DRAINAGE

The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason - To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.

16. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SURFACE WATER MANAGEMENT PLAN

No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason - To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan

17. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: PROVISION OF FIRE HYDRANT(S)

No development shall commence above slab level until details of the number and location of fire hydrant provision for the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development.

Reason - To ensure fire hydrants are provided in sufficient numbers and locations to meet fire safety requirements

18. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE AND ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - ACCESS LAYOUT

The access shall be completed in all respects in accordance with Drawing No. 17-000-PL-02 as submitted and be available for use before any dwelling is first occupied. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

19. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF ROADS AND FOOTPATHS.

Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

20. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS.

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public.

21. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason - To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

22. ACTION REQUIRED PRIOR TO FIRST USE OF ACCESS: HIGHWAYS - PROVISION OF VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided as shown on Drawing No. 17000-PL-02 as submitted with an X dimension of 2.4 metres and a Y dimension of 90 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

23. ACTION REQUIRED PRIOR TO FIRST OCCUPATION - PROVISION OF NEW FOOTWAY

Before any dwelling is first occupied a new footway shall be provided along the Bramford Road frontage of the application site as shown on Drawing Number 17-000-PL-02 as submitted and in accordance with details which shall first have been submitted to and approved by the Local Planning authority. The footway shall include a facing pair of pedestrian dropped kerbs at the northern extent of the footway.

Reason - In the interest of securing appropriate improvements to the highway and in the interest of the safety of future occupants of the development.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

FC02 - Provision And Distribution Of Housing
FC03 - Supply Of Employment Land
CS01 - Settlement Hierarchy
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS07 - Brown Field Target
CS09 - Density and Mix
GP01 - Design and layout of development
H04- Altered Policy H4
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
E04 - Protecting existing industrial/business areas for employment generating uses
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development
RT12 - Footpaths and Bridleways

NOTES:

1. Condition Precedent Note

This permission contains conditions that have to be discharged before the development or use commences. If you do not comply with the condition precedent you could invalidate this permission. A condition precedent cannot legally be complied with retrospectively and a new application could be required. There is normally a charge applicable per request to discharge a condition of a planning permission. The applicant/developer is therefore advised to submit relevant details for all conditions in a single request.

2. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case negotiation occurred and amendments and further information was secured which enabled the application to be supported and ultimately approved.

3. Highways Note

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The

County Council's Central Area Manager should be contacted on Telephone 01473 341414. Further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

4. **Land Contamination Note**

Condition(s) attached to this permission require further intrusive investigation, and mitigation, of any sources of land contamination which may be present before development commences. The applicant/developer is hereby made aware that the responsibility for the safe development, and secure occupancy, of the site rests with them.

Any site investigations and remediation strategies in respect of site contamination shall be carried out in accordance with current approved standards and codes of practice.

5. **Protected Species Note**

The developer is hereby reminded of their obligations under the Wildlife and Countryside Act (1981 (as amended) and the Conservation of Habitats and Species Regulations (2010) (as amended) in the carrying out of the development hereby approved.

6. **Section 106 Agreement Note**

A legal agreement completed by the Applicant and Babergh District Council under the provisions Section 106 of the Town and Country Planning Act, 1990 is linked to this permission.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: 0408/17

Signed: Philip Isbell

Dated: 16th March 2018

**Corporate Manager
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.