

Town and Country Planning Act 1990 (As amended).

4/13/2235/001

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION/FULL PLANNING PERMISSION

Positive Planning Solutions Ltd
48 Helvellyn Rise
CARLISLE
Cumbria CA26 6QL
FAO Miss Rachel Lightfoot

This Consent is Subject to a Unilateral Undertaking Under Section 106 of the Town & Country Planning Act 1990

**OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 431 (APPROX) DWELLINGS, LAND RESERVED FOR PRIMARY SCHOOL & ASSOCIATED ANCILLARY OPEN SPACE & INFRASTRUCTURE AND APPROVAL IN FULL FOR MATTERS IN ASSOCIATION WITH 139 DWELLINGS TO THE SOUTH OF THE SITE WITH ACCESS, PEDESTRIAN BRIDGE, SUDS FEATURES & ASSOCIATED OPEN SPACES AND INFRASTRUCTURE LAND BOUND BY WOODHOUSE TO NORTH & HIGH ROAD/WILSON PIT ROAD TO WEST & SOUTH, WHITEHAVEN
Story Homes**

The above application dated 14/06/2013 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION/ FULL PLANNING PERMISSION
HAS BEEN GRANTED subject to the following conditions:

Time Limits

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason

In order to comply with the provisions of the Town and Country Planning Act 1990.

2. In respect of the outline site only, the development permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of the approval of the last of reserved matters to be approved whichever is the later.

Reason

In order to comply with the provisions of the Town and Country Planning Act 1990.

Reserved Matters

3. An application for approval of any of the reserved matters for the third phase shall be made to the local planning authority before the expiration of three years from the date of this permission. Applications for the approval of reserved matters for all other phases shall be made to the local planning authority by no later than 7 years from the date of this permission.

Reason

In order to comply with the provisions of the Town and Country Planning Act 1990.

4. Approval of the details of the scale, layout and external appearance of the building, means of access thereto and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the outline element of the planning permission is commenced.

Reason

The application is partially in outline only and therefore not all details are provided beyond phases 1 and 2.

5. Any application for approval of Reserved Matters authorised shall be in accordance with the principles of the Illustrative Planning Application Masterplan and the parameters set out in the Environmental Statement, Transport Assessment, Design and Access Statement, amended Framework Travel Plan dated 24 September 2013 and the Technical Note on the Transport Assessment dated 16 September 2013 unless otherwise agreed in writing by the Local planning authority.

Reason

To ensure a comprehensive and co-ordinated development of the site and to meet the requirements of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

6. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
- Concept master plan, scale 1:2000, reference 501 Rev C
 - Parameter Plan 1 site boundary, scale 1:2000. Reference 502 Rev B
 - Parameter Plan 2 Proposed access points, scale 1:2000, reference 503 Rev B
 - Parameter Plan 3 proposed development zones, 1:2000, reference 504 Rev B
 - Parameter Plan 4 Proposed maximum heights, scale 1:2000, reference 505 Rev B
 - Parameter Plan 5 proposed movement strategy, scale 1:2000. Reference 506 Rev B
 - Parameter Plan 6 Phasing plan, scale 1:2000, reference 507 Rev A
 - Site Location Plan, scale 1:2000, reference 508
 - Statutory and Proposed PROW Plan, scale 1:2000, reference 509
 - Site layout plan, scale 1:500, reference 600 Rev A
 - Detailed site layout (land south of ravine), scale 1:500, reference 601 Rev H
 - Detailed site layout (land north of ravine), scale 1:500, reference 602 Rev D
 - Proposed elevation treatment (139 unit area), reference 603 Rev B
 - Proposed boundary treatment (139 unit area), reference 604 Rev A
 - Proposed street scene, scale 1:150, reference 605 Rev A
 - Proposed 3D pictorial views, reference 700
 - Proposed 3D aerial oblique views, reference 701
 - Proposed 3D aerial oblique Views 2, reference 702
 - ARU-Booklet ARUNDEL, scale 1:100
 - BAL-Booklet BALMORAL, scale 1:100

- BOS-Booklet BOSTON, scale 1:100
- CHE-Booklet CHESTER, scale 1:100
- EPS-Booklet EPSOM, scale 1:100
- GRE-Booklet GREENWICH, scale 1:100
- GUI-Booklet GUILDFORD, scale 1:100
- HAR-Booklet HARROW, scale 1:100
- HAS-Booklet HASTINGS, scale 1:100
- HEN-Booklet HENLEY, scale 1:100
- KIN-Booklet KINGSTON, scale 1:100
- MAL-Booklet MALBOROUGH, scale 1:100
- RIC-Booklet RICHMOND, scale 1:100
- SAL-Booklet SALISBURY, scale 1:100
- TAU-Booklet TAUNTON, scale 1:100
- T1-Booklet TERRACE BLOCK 1, scale 1:100, drawing number SLO28-T1
- T2-Booklet TERRACE BLOCK 2, scale 1:100, drawing number SLO28-T2
- T3-Booklet TERRACE BLOCK 3, scale 1:100, drawing number SLO28-T3
- WAR-Booklet WARWICK, scale 1:100
- WES-Booklet WESTMINSTER, scale 1:100
- YOR-Booklet YORK, scale 1:100
- CON-Booklet CONSERVATORY
- Garage Booklet GARAGE
- DBD-Booklet BOUNDARY DETAILS
- DEVELOPMENT PLOT SCHEDULE, reference SLO28-D.P.S
- Topographical Survey 1 OF 2, scale 1:500, drawing number SLO28.90.9.SL.TP01

- Topographical Survey 2 OF 2, scale 1:500, drawing number SL028.90.9.SL.TP02
- Externals Outline Area 1 of 3, scale 1:500, drawing number 2546-001 Rev P2
- Externals Outline Area 2 of 3, scale 1:500, drawing number 2546-002 Rev P2
- Externals Outline Area 3 of 3, scale 1:500, drawing number 2546-003 Rev P2
- Drainage Layout Outline Area 1 of 3, scale 1:500, drawing number 2546-004 Rev P2
- Drainage Layout Outline Area 2 of 3, scale 1:500, drawing number 2546-005 Rev P2
- Drainage Layout Outline Area 3 of 3, scale 1:500, drawing number 2546-006 Rev P2
- Site Sections Outline Area 1 of 3, scale 1:500, drawing number 2546-007 Rev P2
- Site Sections Outline Area 2 of 3, scale 1:500, drawing number 2546-008 Rev P2
- Site Sections Outline Area 3 of 3, scale 1:500, drawing number 2546-009 Rev P2
- External Layouts Phase 1A & 1B 1 of 4, scale 1:500, drawing number 2546-010 Rev P2
- External Layouts Phase 1A & 1B 2 of 4, scale 1:500, drawing number 2546-011 Rev P3
- External Layouts Phase 1A & 1B 3 of 4, scale 1:500, drawing number 2546-012 Rev P3
- External Layouts Phase 1A & 1B 4 of 4, scale 1:500, drawing number 2546-013 Rev P2
- Drainage Layout Phase 1A & 1B (1 of 5), scale 1:250, drawing number 2546-014 Rev P2
- Drainage Layout Phase 1A & 1B (2 of 5), scale 1:250, drawing number 2546-015 Rev P2
- Drainage Layout Phase 1A & 1B (3 of 5), scale 1:250, drawing number 2546-016 Rev P3

- Drainage Layout Phase 1A & 1B (4 of 5), scale 1:250, drawing number 2546-017 Rev P2
- Drainage Layout Phase 1A & 1B (5 of 5), scale 1:250, drawing number 2546-018 Rev P2
- Site Sections Phase 1A & 1B (1 of 2), scale 1:250, drawing number 2546-019 Rev P3
- Site Sections Phase 1A & 1B (2 of 2), scale 1:250, drawing number 2546-020 Rev P4
- Longitudinal Sections Phase 1A 1 of 4, scale 1:500, drawing number 2546-022 Rev P2
- Longitudinal Sections Phase 1A 2 of 4, scale 1:500, drawing number 2546-023 Rev P2
- Longitudinal Sections Phase 1A 3 of 4, scale 1:500, drawing number 2546-024 Rev P2
- Longitudinal Sections Phase 1A 4 of 4, scale 1:500, drawing number 2546-025 Rev P2
- Longitudinal Sections Phase 1B 1 of 4, scale 1:100, drawing number 2546-026 Rev P2
- Longitudinal Sections Phase 1B 2 of 4, scale 1:100, drawing number 2546-027 Rev P2
- Longitudinal Sections Phase 1B 3 of 4, scale 1:100, drawing number 2546-028 Rev P2
- Longitudinal Sections Phase 1B 4 of 4, scale 1:100, drawing number 2546-029 rev P2
- Road Construction Details 1 of 2A, drawing number 2546-030 Rev P2
- Road Construction Details 2 of 2A, drawing number 2546-031 Rev P2
- Highways Layout Phase 1A, drawing number 2546-032 Rev P3
- Highways layout Phase 1B, drawing number 2546-033 Rev P4
- Footbridge Plan & Section, scale 1:50, drawing number 2546-034 Rev P2

- Typical Footbridge General Arrangements, drawing number 2546-035 P1
- Typical Abutment Details, scale 1:20, drawing number 2546-036-P1
- Lower SuDs Pond Plan, scale 1:200, drawing number 2546-037-P1
- Lower SuDs Pond Sections, scale 1:200, drawing number 2546-038-P2
- Central SuDs Pond Plan, scale 1:200, drawing number 2546-039-P2
- Central SuDs Pond Sections, scale 1:200, drawing number 2546-040-P2
- Cut & Fill Plan 1 of 2, scale 1:500, drawing number 2546-041-P2
- Cut & Fill Plan 2 of 2, scale 1:500, drawing number 2546-042-P2
- Tree Survey prepared by AJT Environmental Consultants, dated April 2013, reference 587
- Landscape Strategy Concept Masterplan, scale 1:1000, drawing number 587.01
- Landscape Strategy North Ravine Detail, scale 1:1000, drawing number 587.02
- Landscape Strategy South Ravine Detail, scale 1:1000, drawing number 587.03
- North Ravine Detailed Planting, scale 1:250, drawing number 587.07 A
- North Ravine Detailed Planting East, scale 1:250, drawing number 587.08 A
- South Ravine Detailed Planting, scale 1:250, drawing number 587.09
- Centre SUDS Planting Plan, scale 1:200, drawing number 587.10 A
- Southern SUDS Planting Plan, scale 1:200, drawing number 587.11 A
- Street Trees and Root Barriers, drawing number 587.12
- Transport Assessment prepared by i-Transport, dated 05 June 2013, reference SEE/elc/ITM7059-003A R
- Framework Travel Plan prepared by i-Transport, dated 24 September 2013, reference SEE/njg/ITM7059-004B R
- Technical note on highways issues prepared by i-Transport, dated 16 September 2013, reference ITM 7059-006 TN

- Community and Stakeholder Engagement Report, prepared by Positive Planning
- Design and Access Statement prepared by POD, dated June 2013, reference STO-070 D+AS
- Planning Statement prepared by Positive Planning
- Sustainability Appraisal prepared by Tetlow King, dated 31 May 2013, reference STOR130403
- Flood Risk Assessment prepared by Integra Consulting Engineers Limited, dated May 2013, reference RH/2545-6 Rev A
- Phase 1 Geo- Environmental Ground Investigation report prepared by Integra Consulting Engineers Limited, dated March 2009, reference 2074
- Phase 2 Geo- Environmental Ground Investigation report prepared by Integra Consulting Engineers Limited, dated September 2011, reference 2546
- Geotechnical Ground Investigation report prepared by Integra Consulting Engineers Limited, dated September 2011, reference 2546
- Environmental Statement – Non Technical Summary, prepared by NJL Consulting, dated June 2013
- Environmental Statement Volumes 1, 2 and 3, prepared by NJL Consulting, dated June 2013, reference 2011-088
- Educational Impact Assessment Report v 1-2 prepared by EPDS Consultants dated 13 January 2014
- Comment on approach to housing provision at South Whitehaven prepared by Positive Planning
- Drainage Strategy Statement prepared by Integra Consulting Engineers Limited, dated December 2013, reference RH/2546

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Materials

7. Before any of the superstructure is erected representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

8. A sample panel of the proposed external facing materials relating to that phase of development shall be erected on the site for the further written approval of the Local Planning Authority and this approval shall be obtained before any of the superstructure is erected. This panel shall be of sufficient size to indicate the method of jointing and coursing to be used.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Landscaping

9. No development beyond that approved in phases 1 and 2 shall take place until full details of both hard and soft landscape works, including any trees or hedgerows which are to be retained have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with a programmed as agreed with the Local Planning Authority.

Reason

To ensure a satisfactory form of landscaping in the interests of the visual appearance and character of the area.

10. Any trees or other plants, which die, are removed or become seriously damaged or diseased within the first five years following planting shall be replaced during the next planting season with others of similar size or species unless other agreed in writing by the local planning authority.

Reason

To ensure that an acceptable form of landscaping is maintained on the site in the interests of the visual appearance and amenity of the area.

11. Prior to commencement of landscaping works within a particular phase, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a period of not less than 5 years from the commencement of the work for all landscape areas (other than domestic gardens) within each Phase of the development shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall thereafter be fully implemented unless otherwise agreed to in writing by the local planning authority.

Reason

In order to protect and safeguard the amenity of the area.

12. No development within any phase hereby approved in outline (phase 3 plus) shall take place until details of earthworks for that Phase have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The works shall be carried out in full accordance with the approved details unless the local planning authority agree otherwise.

Reason

In order to protect and safeguard the amenity of the area.

Highways

13. The approved Travel Plan shall be implemented in full in accordance with a timetable which has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall continue to be implemented as long as any part of the development is occupied.

Reason

In the interests of highway safety and to aid the delivery of sustainable transport objectives.

14. The carriageway, footways, footpaths, cycleways etc within each phase of the development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval prior to works commencing on each phase of the development other than site preparation works. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide, or any other superseding document. Any works so approved shall be constructed before the development of that phase is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

15. Prior to the first occupation of any dwelling within Phase 1 of the development hereby permitted the pedestrian/cycle link and bridge shall be installed and become operational in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link and bridge shall be retained at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety

16. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval prior to works commencing on the relevant phase other than site preparation works. Any details so approved shall be constructed as part of the development.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

17. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety

18. Details of proposed crossings of the highway verge and/or footway, as well as the footway fronting the site and traffic calming measure on High Road relevant to that phases, shall be submitted to the Local Planning Authority for approval. No works shall commence other than site preparation until the details have been approved and the crossings have been constructed. No dwelling shall be occupied prior to the footway fronting the site being completed.

Reason

To ensure a suitable standard of crossing for pedestrian safety.

19. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

20. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the relevant phases being commenced other than site preparation works. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

21. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes

at all times until completion of the construction works.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

22. The travel plan measures (outlined in the framework document ref: SEE/JT/elc/17M7059/004B dated 24 September 2013) shall be implemented and monitored in accordance with details set out in the plan and the results of monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

23. A copy of both the full residential and school travel plans should be provided to the Local Planning Authority and Highways Agency following completion.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

24. Confirmation of the length of time the Travel Plan Co-ordinator will be provided at the site, as well as commitment to submit the travel survey to Cumbria County Council for approval prior to distribution.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

25. In relation to the school travel plan this should be developed within 6 months of occupation. This travel plan should be developed based upon a site audit, operational characteristics of the school and staff and students behaviour. A copy of this travel plan should be provided to and accepted by the Agency and Cumbria County Council following its development to enable any changes and recommendations to be made.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

26. Prior to the commencement of Phase 3 of the development, details of the route and design of the public right of way which crosses the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the footpath shall remain available for use at all times thereafter.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

Contamination

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

28. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect the quality of groundwater.

29. No development, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:

- the means of access for demolition and construction traffic
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development measures to prevent silt and other contaminants entering surface water drains; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect the water environment from pollution.

30. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays) unless otherwise agreed in by the local planning authority.

Reason

To prevent disturbance to nearby occupants

31. Prior to the commencement of development in any phase, a scheme of ON-SITE noise mitigation measures for that phase shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out fully in accordance with the approved details unless otherwise agreed in writing beforehand by the Local planning authority.

Reason

To prevent disturbance to nearby occupants.

Archaeology

32. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- An archaeological watching brief;

Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination of recording of such remains.

33. The development shall be carried out in phases in accordance with the details illustrated on plan drawing number 070-STO/507 received on 04 November 2013. Any variation to the agreed phasing shall be submitted to and approved in writing by the Local Planning Authority before development on that phase of the scheme commences.

Reason

For the avoidance of doubt and to ensure a satisfactory form of development.

Drainage

34. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority in relation to the particular phase. The scheme shall be implemented as approved.

Reason

To protect the water environment.

35. Development shall not begin until a surface water drainage scheme for the site on a phased basis, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion
- Details of the design parameters used and confirmation that climate change has been incorporated into the design.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve

habitat and amenity, and ensure future maintenance of the surface water drainage system.

36. Before development commences full details of the foul drainage scheme for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

Ecology

37. The development shall implement all of the mitigation and compensation measures set out in the Environmental Statement Report, prepared by NJL Consulting, dated June 2013, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

38. Before development commences an ecological management plan shall be submitted to be approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved scheme.

Reasons

To ensure that adequate measures are provided to protect the ecological interests on the site

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

13/03/2014

Director of Services

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State 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 the 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.