



GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1051

To Ms Amber Beare
Unit 3 Callflex Business Park
Golden Smithies Lane
Rotherham
S63 7ER

DESCRIPTION Erection of 129 dwellings (Phase 2), associated infrastructure and public open space (Full Consent). Residential Development (Phase 3) and associated infrastructure (Outline) - Hybrid Application.

LOCATION Land BMBC Asset ID E00546, Land off Willow Road, Thurnscoe, Rotherham, S63 0PG

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 September 2017 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development of phase 2 hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development of phase 2 hereby approved shall be carried out strictly in accordance with the following plans:

Location Plan Phases 2 & 3

2238-02S Planning Layout

1711.17767 School Street LEAP

10136_LD_01 REV C Soft Landscape Proposals - SHEET 1

10136_LD_02 REV C Soft Landscape Proposals - SHEET 2

10136_LD_02 REV C Soft Landscape Proposals - SHEET 3

10136_LD_02 REV C Soft Landscape Proposals - SHEET 4

10136_LD_02 REV C Soft Landscape Proposals - SHEET 5

10136_LD_02 REV C Soft Landscape Proposals - SHEET 6

10136_LD_02 REV C Soft Landscape Proposals - SHEET 7

10136_LD_02 REV C Soft Landscape Proposals - SHEET 8

2238 04 Rev M Boundary Treatment Plan

2238-05H Boundary Details

2238 08 Rev F Materials Layout

2238 HT15 Rev A 857 Variant Housetype (AS)

2238 HT16 Rev A 857 Variant Housetype (OP)

2238 HT17 Rev A 867 Variant Housetype (AS)

2238 HT18 Rev A 867 Variant Housetype (OP)

2238 HT22 832 Housetype (AS & OP)

2238 HT01 621 Housetype (AS)

2238 HT02 651 Housetype (AS & OP)

2238 HT03 740 Housetype (AS & OP)

2238 HT08 953 Housetype (AS & OP)

2238 HT09 955 Housetype (AS)

2238 HT10 955 Housetype (OP)

2238 HT11 1054 Housetype (AS & OP)

2238-03K Surface Treatment Plan

QD814-04-01 Phase 2 External Levels St 1

QD814-04-02 Phase 2 External Levels St 2

QD814-04-03 Phase 2 External Levels St 3

QD814-05-01 Phase 2 Longsections

QD814-06-01 Phase 2 Road Construction Details

QD814-03-01 Phase 2 Engineering Layout

QD814-08-01 Adoptable Manhole Details

2238-14C External Socket Plan Phase 2

Arboricultural Impact Assessment and Arboricultural Method Statement (Ecus, Nov 2017)

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 3 Phase 2 of the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision as set out on the Planning Layout Phase 2 Drawing (ref: 2238 02 Rev S);
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.

4 The affordable housing dwellings shown on Planning Layout Phase 2 Drawing (ref: 2238 02 Rev S ("the Plan")) shall not be used or occupied for any purposes other than affordable housing (as defined in the NPPF) other than:

- a) any Protected Tenant or any mortgagee or chargee of the Protected Tenant or any person deriving title from the Protected Tenant or any successor in title thereto and their respective mortgagees and chargees;
- b) any Chargee provided that if the Chargee wishes the affordable housing dwellings to be free from the restriction of use and occupation in this condition it shall first give not less than 30 working days notice to the Council of its intention and if the Council indicates within that period that it believes it can make suitable arrangements to secure the use and occupation of the affordable housing dwellings as affordable housing the Chargee shall use its reasonable endeavours to secure those arrangements
- c) any purchaser from a mortgagee of any affordable housing dwelling pursuant to any default by the individual mortgagor

where Protected Tenant means

"any tenant who:

- (a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular affordable housing dwelling; or
- (b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular affordable housing dwelling; or
has been granted a shared ownership lease by a registered provider (as defined by the Housing and Regeneration Act 2008) (or similar arrangement where a share of the affordable housing dwelling is owned by the tenant and a share is owned by the registered provider) in respect of a particular affordable housing dwelling and the tenant has subsequently purchased from a registered provider all the remaining shares so that the tenant owns the entire affordable housing dwelling;

and Chargee means

"any mortgagee or chargee of the registered provider or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925;

Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.

5 Phase 2 of the development shall be carried out in complete accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy, Phase 2 Thurnscoe prepared by Queensbury Design Ltd (Report QD814 dated July 2017).
Reason: In the interest of satisfactory and sustainable drainage in accordance with CSP3.

- 6 No construction in the relevant area(s) of the phase 2 site shall commence until measures to protect the 6" water main that is laid within the site boundary, during the construction and operational phases of the development, have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include the means of ensuring access at all times for repair and maintenance of the infrastructure by the statutory undertaker. If the required protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In order to protect the public water supply in accordance with CSP40
- 7 The mitigation measures for phase 2 identified in the Ecological Appraisal and shown on the approved landscaping plan(s) shall be implemented in accordance with the approved details. Photographic evidence showing the correct installation shall be submitted to the local planning authority for approval prior to occupation of any dwelling hereby approved.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 8 The development of phase 3 hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) means of access
 - (e) landscaping
- Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 9 Application for approval of the matters reserved in Condition No. 8 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 10 Full details of the ecological mitigation and enhancement measures for phase 3, including a timetable for their implementation, shall be submitted with the reserved matters application for approval by the Local Planning Authority. The development of phase 3 shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 11 Detailed plans shall accompany the reserved matters submission for phase 3 indicating existing ground levels for phase 3, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 12 The development (phase 3) shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.**
- 13 The development (phase 3) shall not begin until arrangements are in place to ensure any need for school places arising from the development are met in accordance with relevant local and national planning policies at the time of the submission of the Reserved Matters application.
- Reason: To ensure children can be accommodated in the local primary and secondary schools in accordance with Core Strategy Policy CSP42.**
- 14 No dwellings shall be occupied in Phase 3 until details of a scheme for the provision of public open space infrastructure in accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum 15% of the overall gross total site area as public open space (including formal recreation) and a timetable for such provision to be made and carried out in accordance with the approved details, unless alternative arrangements in accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments are otherwise agreed in writing with the Local Planning Authority.
- Reason: In order to meet the needs of the development for green space and public open space infrastructure in accordance with UDP Policy H6.**
- 15 No development shall take place on phase 3 unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4**
- 16 No piped discharge of surface water from the application site (phase 3) shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
- Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Core Strategy Policies CSP 3 and CSP 4**

- 17 A detailed Noise Impact Assessment Report shall accompany the Reserved Matters application for Phase 3 assessing noise and vibration associated with the railway line and specifying suitable mitigation, in line with BS8233:2014, for any part of the proposed development affected. The development of phase 3 shall be carried out in strict accordance with the approved mitigation.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 18 Prior to the submission of any reserved matters application for phase 3, an archaeological evaluation of the phase 3 area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the local planning authority and then implemented.
Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters in accordance with CSP30
- 19 Unless otherwise agreed in writing with the Local Planning Authority, plans submitted at the reserved matters stage for phase 3 shall make provision for the retention of the existing public footpath passing through the site.
Reason: In order to meet the needs of the development for providing appropriate pedestrian access to surrounding areas in the interests of the sustainability of the site in accordance with CSP25.
- 20 Development of phase 3 shall not commence until details of the phasing of the phase 3 area has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a safe and adequate highway network, in the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 21 The development (phase 3) shall not begin until arrangements are in place to ensure any need for improvements to bus stops on Lingamore Leys and Merrill Road arising from the development are met in accordance with relevant local and national planning policies at the time of the submission of the Reserved Matters application.
Reason: In the interests of highway safety in accordance with CSP26.
- 22 Upon commencement of development of each phase, details of measures to facilitate the provision of high speed broadband for the dwellings/development permitted in that phase, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework
- 23 The parking/manoeuvring facilities, indicated on the submitted plans for each phase, shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development of that phase being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.

- 24 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 25 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 26 Development shall not commence on each phase until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period of that phase.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 27 Prior to any works commencing on each phase, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of each phase of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 28 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 29 Prior to the occupation of the first property in each phase of the development approved, a draft Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by sustainable transport (including electric vehicles), and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of each phase of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development in accordance with Core Strategy Policy CSP25 Sustainable Travel and CSP 28 Reducing the Impact of Road Travel

- 30 No development shall take place in each phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for that phase. The statement shall provide for:-
- The parking of vehicles of site operatives and visitors;
 - Means of access for construction traffic;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement**
- 31 The hours of construction and deliveries shall only take place between Mon-Fri 0800-1800 and Sat 0900-1300. No working on Sundays or Bank Holidays.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**
- 32 Prior to development commencing on each phase, the applicant shall submit to the Local Planning Authority for their approval a noise and dust management plan detailing how they will control noise and dust during demolition and construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**
- 33 No development or other operations being undertaken on site in each phase shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority for that phase:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The scheme shall then proceed in accordance with the approved details.
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity**
- 34 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of each phase of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site for that phase. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- Reason: To safeguard existing trees, in the interest of visual amenity.**
- 35 No hedges or trees on the site, existing or proposed (except those shown to be removed on the approved plan for that phase), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.**

- 36 A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP
- 37 All planting, seeding or turfing comprised in the approved details of landscaping for each phase shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and*
- up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Informative Sequence The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on website at: www.gov.uk/government/organisations/the-coal-authority

The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

The applicant should refer to the attached correspondence from Network Rail (dated 31/10/17) and advised to liaise with them in advance of undertaking any construction works on site.

If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182)

If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority - Contact Wayne Atkins (01226 772182)

Signed 
Joe Jenkinson

Dated 07 March 2018

Head of Planning and Building Control

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions 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 can he 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 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 VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.