BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/1337

To ID Planning
Atlas House
31 King Street
Leeds
LS1 2HL

DESCRIPTION Full application for erection of 143 dwellings, supermarket (Class A1), petrol filling station, additional parking for community campus, public open space, landscaping access, parking and outline application for health centre (Class D1) with all matters reserved, Land at Midland Road, Royston, Barnsley

LOCATION Former Royston High School Site, Midland Road, Royston, Barnsley, S71 4EQ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 10 December 2012 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

The approval is subject on compliance with the following conditions:

1 The development 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 Application for approval of the matters reserved (relating to the health centre) in Condition No. 3 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.

Stephen Moralee

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

Signed
Assistant Director, Planning and Regulatory Services

Dated 26 March 2013

Planning and Regulatory Services **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

3 The development granted outline planning permission (the health centre) 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.

4 The development hereby approved shall be carried out strictly in accordance with the plans (Site Layout: AD(00)02 Rev F & associated development areas/phasing plan - Rev B, Supermarket Layout: AD(00)03, PFS Layout: AD(00)05 Rev A, Supermarket Elevations: AD(00)06 Rev B, PFS Elevations: AD(00)10, Landscape Masterplan: LL02 Rev D,Tree Protection Measures: TP01, House Types: 100-CHE-ASV, 101-CHE-OPV, 104-CRA-ASV, 105-CRA-OPV, 106-HANPST-V, 107-HANPH-ASV, 108-HANPH-OPV, 124-LUM-OPV, 114-ROS-ASV, 115-ROS-OPV, 116-RUFS-V, 117-RUF-ASV, 118-RUF-OPV, 200-SK12-V, 201-SK13-V, 202-SK14-V, 119-SOU2-V, 120-SOU3-V, 203-SWA2-V, 204-SWA3-V, 205-SWA4-V, 500-HAND-ASV, 501-HAND-OPV, Garages: 302-SGAR3-V, 307-DGAR4-V, 306-DGAR3-V, Residential Boundary Treatments: 400-BOUN-01,.) 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 LDF Core Strategy Policy CSP 29, Design.

5 The development shall not commence until precise details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Details shall include which phases of the development shall not be occupied prior to installation of improvements to the Church Street/High Street/Midland Road/Station Road junction to include MOVA and nearside pedestrian detectors. The development shall be carried out in accordance with the approved details.
Reason: In the interests of highway safety and visual and residential amenity, in accordance with Core Strategy policies CSP 26, CSP 29 and CSP 40.

6 No phase of development shall take place until full details of the proposed external materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

7 Prior to the commencement of development of each phase plans to show the following levels relating to that phase shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished 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 Core Strategy Policy CSP 29, Design.
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8 No development shall take place in each phase until full foul and surface water drainage details relating to that phase, including a scheme to reduce surface water run-off from previously developed parts of the site by at least 30% and to retain existing Greenfield run-off rates from the undeveloped parts of the sites, have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

(a) Measures to limit surface water run-off limitation into the watercourse
(b) Improvements to the existing surface water disposal system
(c) A programme of works for implementation

Thereafter, the scheme shall be implemented in accordance with the programme of works for implementation and shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 watercourse.
5 metres either side of the centre line of the 1350 mm sewer, which crosses the site.
3 metres either side of the centre line of the 375 mm and 300 mm sewers, which cross the site.
Reason: To prevent damage to the existing watercourse and maintain adequate access to the sewers in accordance with Core Strategy Policy CSP4.

10 There shall be no piped discharge of surface water from each phase of the development prior to the completion of the approved surface water drainage works for that phase and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works for that phase.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with Core Strategy policy CSP4.

11 Surface water draining from areas of hardstanding in the commercial development (Area 1 - development areas/phasing plan - Rev B) shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained in that phase, and shall be installed prior to the occupation of that phase of development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water, vehicle washdowns and detergents shall not be passed through the interceptor.
Reason: To reduce the risk of pollution to the water environment in accordance with Core Strategy policy CSP4.

12 Before each phase of development commences, no development works shall begin until a report for each phase, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted to and approved in writing by the Local Planning Authority. For each phase the report shall, amongst other matters, include the following:-

1. A survey of the extent, scale and nature of contamination.
2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
3. An appraisal of remedial options, and proposal of the preferred options(s).
4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development of each phase shall thereafter be undertaken in full accordance with the submitted report for each phase. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy policy CSP40.

13 The residential development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of the public open space shown as Area 3 on Plan AD(00)02 Rev A including details of the LEAP. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of residential amenity and to ensure adequate provision of public open space to meet local needs in accordance with the LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'.

14 No development in each phase shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works for that phase, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details for each phase shall be implemented prior to the occupation of the building(s) in that phase.
Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy policy CSP29.

15 All planting, seeding or turfing comprised in the approved details of landscaping 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 other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

16 A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas in that phase, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development in that phase 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

17 No hedges or trees on the site (except those shown to be removed on the approved plan for each 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 in accordance with Core Strategy policy CSP29.

18 No development or other operations being undertaken on each phase in which trees are to be retained on site shall take place until an Arboricultural Method Statement and details of barriers for protection of retained trees for that phase has been 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 methodology and the erection of barriers for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars for that phase before any equipment, machinery or materials are brought on to the area covered by that phase for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials relating to that phase have been removed from the site. 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.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy policy CSP29.

19 The secondary one-way vehicle entry at the existing school access on Midland Road shall at no time be used by any service vehicles.
Reason: In the interests of the amenity of adjacent residential occupiers and in accordance with Core Strategy policy CSP40.

20 Prior to the supermarket and petrol filling station being brought into use the 3m high wall to the service yard, the service yard gates and the 2m high close boarded timber acoustic fence around the petrol station shall be erected and shall thereafter be maintained.
Reason: In the interests of the amenities of any nearby residential occupiers and in accordance with Core Strategy policy CSP40.

21 Prior to the supermarket being brought into use a lighting plot shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in accordance with the approved details and retained thereafter.
Reason: In order to demonstrate that light from the car park will not be intrusive at existing residential premises, particularly Midland Road and Well Hill Grove in accordance with Core Strategy policy CSP40.

22 The supermarket opening hours shall be restricted to between Mondays to Saturdays 07:00 - 23:00 and 10:00 - 18:00 on Sundays and Bank Holidays. The petrol filling station opening hours shall be restricted to between Mondays to Saturdays 06:30 - 23:30 and 09:30 - 18:30 on Sundays and Bank Holidays. No opening is allowed outside these hours.
Reason: In the interest of nearby residential occupiers and in accordance with Core Strategy policy CSP40.

23 Prior to the supermarket use commencing, a Service Yard Management Plan (SYMP) shall be submitted and approved in writing by the Local Planning Authority. Details shall include noise mitigation and control measures to be applied to the supermarket service yard, (particularly for the period 23:00-07:00) and measures to ensure there is no outside storage in the service yard. Thereafter, the service yard shall be operated in accordance with the approved plan.
Reason: In the interests of the amenities of nearby residential occupiers and to ensure adequate space in available for manoeuvring vehicles in accordance with Core Strategy policies CSP 26 and CSP40.

24 The cumulative noise rating level associated with any air-handling plant (supermarket and petrol filling station) must be designed, installed and maintained so as not to exceed a level of 45 dB LAeq for any 1 hour period between 07:00 and 23:00 hours and 40 dB LAeq for any 15 minute period between 23:00 to 07:00 hours. The cumulative noise level associated with any air-handling plant (supermarket and petrol filling station) should be measured at no less than 3.5 metre from the façade of any residential property (but ignoring the effect of that façade). The equipment shall thereafter be retained as such.
Reason: In the interest of nearby residential occupiers and in accordance with Core Strategy policy CSP40.

25 The dwellings shall achieve Code Level 3, in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been submitted to the Local Planning Authority certifying that Code Level 3 has been achieved.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.

26 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

27 The proposed commercial aspects of the development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

28 Prior to any works commencing on-site, 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. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify 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 highway safety, in accordance with Core Strategy Policy CSP 26.

29 Prior to the occupation of any of the buildings in the commercial development (Area 1 - development areas/phasing plan - Rev B), a draft Travel Plan 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 modes other than the private car, and allow a regular reporting and monitoring to be undertaken. Details shall include displaying real time bus information within the supermarket and clear targets for modal shift. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented and monitored in accordance with the approved details.
Reason: In the interests of promoting sustainable transport and highway safety in accordance with Core Strategy Policies CSP 25 and CSP 26.

30 Prior to the occupation of any of the buildings in the residential development (Area 2 - development areas/phasing plan - Rev B), a draft Travel Plan 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 modes other than the private car, and allow a regular reporting and monitoring to be undertaken. Details shall include clear targets for modal shift. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented and monitored in accordance with the approved details. In the event that targets for modal shift from the residential development are not achieved, the first occupier of each dwelling shall be offered a 1 year Travel Master Pass in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of promoting sustainable transport and highway safety in accordance with Core Strategy Policies CSP 25 and CSP 26.

31 Prior to commencement of development of each phase, including any demolition, a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that phase. The Statement shall provide for:
- 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
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policies CSP 26 and CSP 29.

32 Prior to commencement of development of each phase full details of the mitigation measures for each phase identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include 10 bird boxes and 10 bat boxes across the site and the development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

33 The residential development shall not commence until details of the crossing points of Warren Walk throughout the site have been submitted to and approved in writing by the Local Planning Authority. The crossing points shall be installed in accordance with the approved details prior to the dwellings being brought into use.
Reason: In the interests of road and pedestrian safety, in accordance with Core Strategy policy CSP 26.

34 The parking/manoeuvring facilities for each phase shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to 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 areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

35 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit of the residential units such that there is no obstruction to vision 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 CSP 26, New Development and Highway Improvement.

36 No development, including any demolition and groundworks, shall take place in each phase until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation for that phase and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development of each phase shall only take place in accordance with the approved WSI and the development of each phase shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Core Strategy Policy CSP 30.

37 Prior to their installation, details of externally mounted plant or equipment for heating, cooling or ventilation purposes, or grilles, ducts, vents for similar internal equipment relating to phases 1, 4 and 5 (supermarket, petrol filling station and health centre) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of the building/commencement of the use.
Reason: In the interest of visual amenity, in accordance with Core Strategy policy CSP 29.

Reason(s) for Granting Permission

1	The previous education use has been replaced elsewhere and when the site was marketed, there was no demand for a community facility of equivalent scale. The re-use of the site for a mixed use scheme is therefore acceptable when assessed against policy CSP 43. The existing green space that would be lost as a result of the proposal would also be satisfactorily replaced both on and off site and in this respect the scheme accords with policy CSP 35. Subject to the highway mitigation measures, the proposal provide a safe, secure and convenient access for all road users and would not have a severe cumulative impact on the highway network in accordance with policy CSP 26 and the advice in the NPPF. The scheme is also considered acceptable in relation to its impact on Royston centre, residential amenity, visual amenity and when assessed against other material considerations. The proposal therefore complies with other relevant development plan policies and the advice in the NPPF. This is a highly sustainable location within Royston a principal town, which is identified in Core Strategy Policy CSP8 as a location for housing growth. Furthermore given that the site is located on the edge of the centre of Royston it is highly sustainable and the proposed housing development is in line with advice given in PAN 30. This is an edge of centre location and in accordance with both policy CSP31 and the NPPF a sequential approach has been adopted to site selection in order to establish that there are no sequentially preferable suitable sites available. Evidence has been provided to show that there will be no adverse impact on the vitality and viability of Royston and other nearby town centres. Saved UDP policies S1, S2 and S3 are met in this regard.

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.

1	The applicant is advised that Condition 25, relating to the Code for Sustainable Homes, applies specifically to the aspects of the Code not covered by the Building Regulations. The development will therefore need to comply with the standards applicable under the Building Regulations, which may be higher than Code 3 if Building Regulations Approval is obtained after the envisaged changes to the Building Regulations later in 2013.
2	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.
3	Public Rights of Way may be affected during the construction stage of this development, and you should contact Mrs Sarah Ford (tel: 01226 772696) or Mr Mike Gibson (tel: 01226 772569) to discuss the possible need for a temporary closure or diversion.
4	The applicant is advised that the South Yorkshire Travel Master passes that are potentially required by condition 29 would be available 50% discounted rate of £480 per dwelling.
5	Access for fire engines will be required under Part B of the Approved document to the Building Regulations.
6	Appropriate pollution prevention measures will be required. For further information and advice about pollution prevention please refer to the Environment Agency's website to access Pollution Prevention Guidance Notes (http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx) and advice on how to get your site design right (http://www.environment-agency.gov.uk/static/documents/Business/pp_pays_booklet_e_1212832.pdf). You may also wish to contact our National Customer Contact Centre on tel. 08708 506 506 for site-specific advice on pollution prevention.
7	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 www.coal.decc.gov.uk

	Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission 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 The Coal Authority's Property Search Service on 0845 762 6848 or at 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 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

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.

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