Planning Potential Ltd.
1 Cardale Park
Beckwith Head Road
Harrogate
HG3 1RY

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-1057-22 **Date of Decision:** 15th March 2023

Applicant: Aldi Stores Ltd
C/O Planning Potential
1 Cardale Park
Beckwith Head Road
Harrogate
HG3 1RY

Location: Fleet Street Holbeach Spalding

Description: Demolition of existing buildings and construction of foodstore (Use Class E) together with car parking, landscaping, and associated works

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Documents
Application Form
Design and Access Statement by Stoas Architects Reference: J21A89/DAS-01/V1 dated October 2022
Environmental Noise Impact Assessment Acoustic Consultancy Report ADT 3392/ENIA Revision C by Acoustic Design Technology Ltd dated 19 October 2022
Planning & Retail Statement by Planning Potential Ltd Reference: 21/6179 dated

September 2022
Flood Risk Assessment & Drainage Strategy by Craddys Reference: 79-EXXXX-CDY-XX-XX-RP-D-PM_30_30_29-0002 dated 27 September 2022
Lighting Assessment by Tamlite Lighting Reference: 66537 R3 dated 13 April 2022
Statement of Community Involvement dated September 2022
Interim Travel Plan by Andrew Moseley Associates Report No. 45043-002 dated October 2022
Transport Assessment by Andrew Moseley Associates Report No. 45043-001 dated October 2022
Construction Method Statement by DSP Construction Management dated 29 September 2022
Geo-Environmental Appraisal by Groundtech Consulting Reference: GRO-21400-3186 dated May 2022
Preliminary Arboricultural Assessment by Middlemarch Environmental Ltd Reference: RT-MME-157409-01-01 Rev A dated October 2022
Arboricultural Impact Assessment by Middlemarch Environmental Ltd Reference: RT-MME-159040-01 Rev A dated October 2022
Preliminary Ecology Appraisal by Middlemarch Environmental Ltd Reference: RT-MME-158436-01 dated October 2022
Preliminary Bat Roost Survey by Middlemarch Environmental Ltd Reference: RT-MME-158436-02 dated October 2022
Dusk Emergence Surveys by Middlemarch Environmental Ltd Reference: RT-MME-159013 dated October 2022
Biodiversity Metric Assessment by Middlemarch Environmental Ltd Reference: RT-MME-158436-03-Rev B dated January 2023

Plans
Ss_70_80_25-0001 S01 P02 Electrical Engineering Services External Lighting
0001 Rev P01 Site Location Plan
0003 Rev P02 Proposed Site Plan
0004 Rev P01 Proposed Floor Plan
0005 Rev P01 Proposed Roof Plan
0006 Rev P01 Proposed Site Plan Boundary Treatments
2000 Rev P01 Proposed Elevations
5000 Rev C01 Visual 01
5001 Rev C01 Visual 02/03
MEL-535-001 Rev P3 Detailed Soft Landscaping

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

3 The proposed store will not be first occupied until the access, parking and turning facilities shown on drawing as shown on 0003 Rev P02 Proposed Site Plan has been provided.

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework, 2021.

4 No development shall take place until a method statement for the demolition and/or construction of that part of the overall development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The demolition and

DC_FINAL_DECISION - ODB:14

construction works shall be carried out in accordance with the approved method statement. The statement shall provide for:
-the routeing and management of construction traffic;
-the parking of vehicles of site operatives and visitors;
-loading and unloading of plant and materials;
-storage of plant and materials used in constructing the development;
-the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
-wheel cleaning facilities;
-measures to control the emission of dust and dirt during construction;
-protection of Public Rights of Way;
-details of noise reduction measures;
-a scheme for recycling/disposing of waste resulting from demolition and construction works;
-the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework, 2021.

5 Notwithstanding the detail submitted in the Construction Method Statement dated 29/09/22, the development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority before development commences. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

-the phasing of the development to include access construction;
-the on-site parking of all vehicles of site operatives and visitors;
-the on-site loading and unloading of all plant and materials;
-the on-site storage of all plant and materials used in constructing the development;
-wheel washing facilities;
-a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6 Demolition/ground works/construction works/ deliveries and collections during the construction phase of the development, shall not take place outside the following hours:

-Monday to Friday 08.00 - 18.00hrs

DC_FINAL_DECISION - ODB:14

-Saturday 08.00 - 13.00hrs
-There shall be no work on Sundays or Public Holidays

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework, 2021.

7 No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is used. The scheme shall:

-be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
-provide flood exceedance routing for storm event greater than 1 in 100 year;
-provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
-provide attenuation details and discharge rates which shall be restricted to no more than what would be the greenfield run-off rate of the undeveloped land;
-provide details of the timetable for and any phasing of implementation for the drainage scheme and
-provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Retailing from the permitted development shall not be commenced until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the site can be adequately drained
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

8 No building hereby permitted shall be first occupied until details of the noise from fixed plant and machinery (which shall not exceed the background noise level by more than 5dB(A) when measured as a 15-minute L(A)eq on any residential boundary not within the applicant's ownership) have been submitted to and approved in writing by the local planning authority.

Reason: To ensure development would not result in unacceptable impact on residential amenity
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

9 No building hereby permitted shall be first occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the local planning authority.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment or landscape
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

10 The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters as identified in the Geo-Environmental Appraisal as undertaken by Groundtech Consulting (dated May 2022) has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) As identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

11 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 10 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that

DC_FINAL_DECISION - ODB:14

the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

12 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a)samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
b)samples of all hard surfacing materials
c)Sample materials of boundary treatments

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2021.

13 Notwithstanding the information contained in the submitted Biodiversity Metric Assessment, Biodiversity Calculations and Soft Landscaping Plan (ref MEL-535-001 Rev P3), prior to the occupation of development hereby permitted a specification (including methodology and programme of implementation) of compensation and enhancement measures for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of initial aftercare and long-term maintenance as well and details of monitoring and remedial measures. The works so approved shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development. On completion of the agreed compensation and enhancement measure in accordance with the approved programme of implementation, required as part of this condition, the development shall be inspected by a qualified ecologist and a statement of conformity and a copy of any Natural England protected species licenses as appropriate shall be submitted to the Local Planning Authority to confirm whether all of the measures for enhancing biodiversity have been implemented in accordance with the details approved under this condition.

Reason: To enhance biodiversity
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

DC_FINAL_DECISION - ODB:14

14 Unless an alternative landscaping scheme is first submitted to and agreed in writing with the Local Planning Authority all planting, seeding/turfing and hard landscaping comprised in the submitted landscape scheme shown on MEL-535-001 Rev P3, hereby approved, shall be carried out in the first planting season following the first occupation of the development. Once complete the developer shall submit written evidence to be agreed in writing with the Local Planning Authority which demonstrates that the soil cells installation has been completed. All planting shall be watered as necessary and competitive weed growth controlled to ensure successful establishment. Any trees or plants that die, or are removed; or become seriously damaged or diseased within a period of five years from the completion of the planting, shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

15 Notwithstanding the maintenance details submitted as part of the application before the first occupation of the development hereby permitted a schedule of landscape maintenance in perpetuity has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens). The approved landscape maintenance schedule shall be fully implemented.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

16 Where trees are shown to be retained on site they shall be protected during construction work as follows:
i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made;
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire

Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

17 No work shall commence on site until confirmation that a European Protected Species Licence is in place following further survey work that has been undertaken, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure Protected Species are protected.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

18 No work shall commence on site until an Employment, Skills and Local Procurement Strategy has been submitted to and approved in writing by the Local Planning Authority. This strategy shall set out measures to provide local employment, skills and business opportunities during the construction phase of the development hereby approved. The development shall be carried out in accordance with the details so approved.

Within 12 months of the development hereby approved being first brought into use, a Statement of Conformity shall be submitted to the Local Planning Authority, setting out how the approved measures were implemented and shall include a review of Employment, Skills and Procurement outcomes arising from the approved Strategy.

Reason: To ensure that the development provides opportunities for local employment and training opportunities.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

19 No boundary treatments shall be erected until detailed scaled drawings (section) of the hard boundary treatments to be erected, as shown on drawing 0006 Rev P01 , have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected before the development is first brought into use and thereafter retained in that form, notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification).

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity and privacy of nearby occupiers, including impacts to daylight and sunlight.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2021 .

20 Notwithstanding the submitted lighting details, before the development hereby permitted is first occupied details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning

DC_FINAL_DECISION - ODB:14

(General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2021.

21 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Craddys dated 27/09/22 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:
-The finished floor level of all of the proposed buildings shall be raised at least 300mm above the existing ground level
-These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

22 No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

-The programme and methodology of site investigation and recording.
-The programme for post investigation assessment.
-Provision to be made for analysis of the site investigation and recording.
-Provision to be made for publication and dissemination of the analysis and records of the site investigation.
-Provision to be made for archive deposition of the analysis and records of the site investigation.
-Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the development conserves any potential heritage assets.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

23 Unless otherwise agreed in writing with the local planning authority proposed deliveries to the proposed store once opened must not take place outside the following hours:

-Monday to Saturday 06.00 - 21.00hrs (including public holidays)
-Sundays 08.00 - 18.00hrs

Reason: In the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

24 Notwithstanding the detail on the submitted plans, before the development hereby permitted is first occupied details of how the entrance to the store car park will be secured shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework, 2021.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

All wild bird species are legally protected under the Wildlife and Countryside Act 1981 (as amended) from any form of disturbance between the onset of nest building and until such time as any dependent young have left the nest, principally from the beginning of March to the end of August.

All species of bats and their roosts (whether the bats are present or not) are protected from reckless killing, disturbance or destruction under both national and European legislation. Cracks, cavities and holes in trees and buildings can provide suitable places for bats to rest or hibernate; these should be carefully inspected prior to carrying out any works. If bats are discovered during work on trees or are suspected of being present, the relevant work should be halted and Natural England (formerly English Nature) notified and further advice sought (http://www.naturalengland.org.uk/).

For more information about bats and the law, please go to the Bat Conservation Trust website: http://www.bats.org.uk/ For information on surveying for bats in trees and woodland please go to the bsi website: http://shop.bsigroup.com/upload/273444/BSI-Bat-Microguide-UK-EN.pdf

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the highway authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Please contact the Lincolnshire County Council Streetworks and Permitting Team an 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

In order to minimise any nuisance from noise, vibration and dust during the construction phase the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.



Phil Norman
Head of Planning
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

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 grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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 the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant 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 the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) 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 of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.