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# TOWN AND COUNTRY PLANNING ACT 1990
# SECTION 73 MODIFICATION

**Reference:** H14-0706-22 **Date of Decision:** 19th August 2022

**Applicant:** Cecil Francis Ltd.
Cecil Francis Business Park
Bear Lane
Pinchbeck
Spalding
PE11 3XA

**Location:** Cecil Francis Business Park Bear Lane Pinchbeck Spalding

**Description:** Proposed demolition of commercial buildings and HMO and subsequent construction of 3 dwellings and the change of use of offices to dwelling together with a detached garage and associated external works - approved under H14-0012-22. Modification of Condition 2 to allow amendments to previously approved plans.

## 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 18 March 2027.

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 documents:

H14-0706-22

Application Form
Oglesby & Limb Ltd. Supporting letter AJO//A1534 dated 13 July 2022

Oglesby & Limb Ltd. Supporting email dated 08 August 2022 17:02
A1534-01 P1
A1534-11 P4
A1534-18 P2
Site Photo of Tarmac Concrete
Site Photo of Parking

H14-0012-22

Application Form
Supporting letter AJO//A1534 dated 7.1.22
Supporting Statement including Heritage Impact Assessment. A1534. December 2021
Flood Risk Assessment Prepared by S M Hemmings Dated 11 January 2022
Supporting letter AJO//A1534 dated 13.2.22
Asbestos Survey 20969. 3 December 2021
Contamination Screening Assessment Form. 21.2.22
A1534-10 P1
A1534-12 P1
A1534-13 P1
A1534-14 P1
A1534-15 P1

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

3 No demolition work shall commence on site until the Local Planning Authority (LPA) have formally approved in writing either (a) a construction contract with the builder to complete the redevelopment work for the development hereby approved, or (b) an alternative means (such as a Construction Method Statement that includes a clear phasing plan from demolition to completion) of ensuring the LPA are satisfied that demolition on the site will only occur immediately prior to development of the new building. You must only carry out the demolition and development according to the approved arrangements.

Reason: To avoid the creation of a gap site that would be harmful to the character and appearance of the Conservation Area within which the site is located.
This Condition is imposed in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

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.


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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.

5 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the LPA:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. 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 29 of the South East Lincolnshire Local Plan, 2019.

6 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 5 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7 A copy of the final report required in connection with Condition 5 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible

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

8 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (S M Hemmings. 11th January 2022), 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 ground floor level of the proposed houses with all sleeping accommodation on the first floor should be a minimum level of 4.20m ODN.
- The finished ground floor level of the proposed converted existing building is satisfactory as long as it remains the same level as existing (4.23m ODN).
- Following clearance the finished ground level, which will be the rear gardens to the properties, should be no higher than 3.90m ODN, which is 300mm below the proposed level for the new dwellings.
- All future occupiers of the proposed dwellings should register with the Environment Agency's Floodline Warnings Direct Service to receive telephone flood warnings.

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.

9 Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 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 be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of 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


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managed during construction;

In addition the Construction Management Plan and Method Statement shall include;

- Project Overview
- Preliminary Programme, identifying specific construction methods required, which may have been determined from site conditions and/or constraints.
- Schedule of Works
- Roles & Responsibilities with clear contact details
- Hours of working and deliveries during construction
- Environmental Control: Noise & Vibration, Air Quality & Dust Control, including measures regarding piling and significantly noisy activities and equipment

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, and in the interests of adjoining residents.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

11 The trees shown to be retained, as shown on dwg. no. A1534-11 P4, shall be retained. None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. 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 existing trees on and adjacent to the site, in the interests of the visual amenity of the locality.
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.

12 Where trees are shown on dwg. no. A1534-11 P4 to be retained on and adjacent to the 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.


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Reason: To ensure the protection of trees on and adjacent to the site.
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.

13 Prior to the commencement of the development on Plot 4, details of the method of any excavations relating to Plot 4, below the canopy of the trees shown to retained on dwg. no. A1534-11 P4 within and adjacent to the site shall be submitted to and approved by the Local Planning Authority and carried out in accordance with the approved details.

The structural engineer/architect/arboriculturalist with responsibility for the development during construction shall be present during /after hand digging, to ensure that hand digging does take place in accordance with the approved details.

NOTE: Attention is drawn to the **NOTES OF THE SHDC Trees and Nature Conservation Officer** set out below.

Reason: To ensure the protection of existing trees on and adjacent to the site, in the interests of the visual amenity of the locality.
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.

14 Notwithstanding the details set out within the planning application form, before the commencement of the development hereby permitted beyond oversite, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

15 Notwithstanding the details set out within the planning application form, details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintol detailing, and means of opening. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East

Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

16 Notwithstanding the details set out within the planning application form, details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

17 The rainwater goods utilised in the development hereby permitted shall be coloured black and of metal appearance and thereafter so maintained.

Reason: In the interests of the appearance of the development and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

18 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

19 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of this part of the Conservation Area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of this part of the Conservation Area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

22 Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

Notes:

NOTES OF THE SHDC Trees and Nature Conservation Officer

General considerations with regard to development near significant trees:

a) For paths, driveways and roadways in the 'Root Protection Area' of Trees (Please see British Standard 5837:2012), a 'No Dig' method of construction should be used. A cellular confinement system filled with gravel or other permeable filling is likely to be appropriate as a surface treatment to help prevent compaction of soil over tree roots and allow the free flow of water and oxygen. In some circumstances this may be used in conjunction


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with rubberised porous paving materials.
Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees.

b) All trees should be protected to British Standard BS 5837: 2012 before any heavy equipment is brought on site for clearance. This is to protect tree canopies and also their roots. The roots can easily be damaged due to the effects of soil compaction, which can alter the amount of oxygen and water which reaches them. Feeder roots are generally in the top 18 inches of soil, and there is often a concentration of roots near the canopy drip line. If encroachment in the Root Protection Area cannot be avoided, a ground protection product should be used to prevent ground compaction. (This also applies to trees which adjoin a development site).

c) Cement washings must not be deposited and no equipment should be stored beneath the canopies/ Root Protection Areas of trees, nor fires lit beneath trees.

d) Service trenches should not be constructed under the canopies/ Root Protection Areas of trees.

e) New drains and soak-aways should be avoided under the canopies/ Root Protection Areas of trees.

f) Archaeological excavations should be avoided below the canopies/ Root Protection Areas of trees.
g) In the unlikely event that excavation under the tree canopies/ Root Protection Areas of trees is unavoidable, please note:
i) Where excavations below the canopy of the tree or within a Root Protection Area are unavoidable, excavations must be carried out by hand and any roots encountered over 25 mm in diameter should be retained. (Where possible, smaller roots should also be retained and great care taken to minimise damage to them). If severance is unavoidable, roots must be cut back using a sharp tool to leave a clean wound to encourage healing.

ii) Exposed roots must not be allowed to dry out during works.

iii) Should the roots be exposed overnight with the likelihood of frost, they must be covered / wrapped with dry sacking for protection. All sacking should be removed before the trench is backfilled.
h) Backfilling.
When backfilling with soil; care must be taken to protect the roots.
i) In a highway situation, or where tar macadam or a hard surface is being laid,the addition of a granular material mixed with the topsoil or sharp sand (not builders' sand as it is too fine) around the retained roots is suggested. This should allow the surface to be compacted for resurfacing without damage to the roots, and should secure a local aerated zone enabling the roots to survive in the longer term.

ii) In a non-highway situation or where tar macadam or a hard surface is not being used, excavated soil should be backfilled and be lightly 'tamped' and usually left 'proud' to the surrounding surface to allow natural settlement.

iii) In some circumstances trenches should be backfilled and compacted by hand to

minimise the damage to tree roots.
iv) Please refer to National Joint Utilities Group (NJUG) 'Guidelines for the Planning Installation and Maintenance of Utility Services in Proximity to Trees'.

i) The soil levels should not be altered around the base of trees. An increase in soil level around the base of a tree can make conditions adjacent to the trunk damp and suitable for fungal growth. It can also increase the distance for water / gaseous exchange to the tree's roots. Obviously a lowering of the soil level can expose tree roots. Both can be detrimental to the health of the tree.

j) Foundations must take into account the presence of existing trees in their mature form, and of those planted as part of any landscaping scheme.

k) The layout of the proposed development should reflect the requirement for protective fences to be placed at a distance no closer than at least one metre outside of the maximum canopy spread of the tree or as detailed following calculation of the Root Protection Area to comply with British Standard 5837: 2012, as above.

l) Some species of Acers, e.g. Sycamore, and Tilia (Lime) are prone to infections by aphids in the summer months. The aphids produce a honey-dew substance which drips to the ground. This may be a consideration if long term parking is envisaged, or a patio area or conservatory is being considered.

m) A Tree Works Application must be made to carry out works to trees which are the subject of a Tree Preservation Order, similarly a Conservation Area Notification must be made for works to those trees which are not the subject of an Order but are within a Conservation Area. All tree works to be carried out to British Standard 3998 2010.

n) When a site is cleared, please be aware of restrictions under the Wildlife and Countryside Act 1981 (as amended), particularly with regard to nesting birds and roosting bats:
Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree , or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.

Notes of LCC as Local Highway and Lead Local Flood Authority

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

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



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 | | |

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.