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TOWN AND COUNTRY PLANNING ACT 1990 OUTLINE

Reference: H16-0506-24 **Date of Decision:** 17th January 2025
Applicant: South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Location: Castle Sports Complex Pinchbeck Road Spalding Lincolnshire
Description: Replacement of existing swimming pool building with the erection of an extra care housing facility of up to 70 units together with related support infrastructure including substation, car parking and landscaping areas (All matters reserved for future approval)

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

- 1 An application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of all reserved matters, as set out below, shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i) layout
 - ii) scale
 - iii) appearance of the building(s) (including a schedule of external materials to be used);
 - iv) the means of access to the site; and

v) the landscaping of the site (including boundary treatment).

Approval of all reserved matters, as detailed above, shall have been obtained from the Local Planning Authority in writing, before any development is commenced.

The development shall be carried out as approved.

Reason: To ensure the Local Planning Authority can control development in detail, and to ensure that the development is commenced in a timely manner, as required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission, or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To ensure that the development is commenced in a timely manner, as required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents, unless where required or allowed by other conditions attached to this permission:

Documents

Planning Application Form

Design & Access Statement - May 2024 - (2066 Rev B)

Planning Statement - (JEH085/1 Rev 2 June 2024)

Heritage Impact Assessment - (2520887.1 May 2024)

Archaeological Desk-Based Assessment - (AAL2023155 November 2023)

Archaeological evaluation report November 2024

Specification of archaeological evaluation - Amendment 1 (dated 06 August 2024)

Preliminary Ecological Appraisal (PEA) Survey - (SQ-1167 Issue 3 14th May 2024)

Biodiversity Net Gain Report - (SQ-1167.1 Issue 2 24th May 2024)

Biodiversity Net Gain Metric

Air Quality Assessment - (SHH-BWB-XX-ZZ-RP-LA-0002_AQA Rev 1.0 29 May 2024)

Statement of Community Involvement - (JEH0085/Rev 2 May 2024)

Flood Risk Assessment - (M00514-ENG-XX-ZZ-RP-C-0004 Rev P03 30 May 2024)

Drainage Statement - (M00514-ENG-ZZ-XX-RP-C-0005 Rev P02 30th May 2024)

Drainage Strategy - (M00514 ENG-ZZ-ZZ-DR-C-3200 P01)

Preliminary Arboricultural Assessment - (RT-MME-160845-01 Oct 2023)

Arboricultural Impact Assessment - (RT-MME-180244-01 June 2024)

Sequential and Exceptions Test Assessment - (JEH0085/2 Rev 2 June 2024)

Transport Statement - (SHH-BWB-GEN-XX-RP-TR-0004 P03 30 May 2024)

Framework Travel Plan - (SHH-BWB-GEN-XX-RP-TR-0006 P03 30 May 2024)

Sports and Recreation Assessment of the Proposed Development (Report V3 - 04.06.2024)

Ground Investigation Report - (AG3565-23-AR81 May 2024 Issue 1)

Noise Survey & Assessment - 11th October 2024 - (PC-24-0203-RP1) - Amendment 1

Plans

Existing Site Location Plan - (2066 -SBA-XX-00-DR-A-0101 Rev A)

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

- 5 When application is made to the Local Planning Authority for approval of reserved matters, it must be for a building to provide extra care accommodation.

Reason: To define the permission.

- 6 Notwithstanding the detail submitted in the Illustrative Landscaping Plan (N1491-ONE-ZZ-XX-D-L-0801 Rev P02), when an application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance. Such a scheme shall require the approval of the Local Planning Authority, before any development is commenced.

Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years, beginning with the date of completion of the scheme, and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 7 When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by full details of the arrangement for private refuse/recycling collection, including bin store detail.

Reason: In the interests of flood risk, residential amenity and design.

This Condition is imposed in accordance with Policy 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 12 of the National Planning Policy Framework, December 2024.

- 8 When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by full details of the existing and proposed site levels and the proposed floor levels of the buildings, hard surfaced areas, garden/amenity areas and landscaped areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Reason: in the interests of flood risk, residential amenity and design.

This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2024.

- 9 When application is made to the Local Planning Authority for approval of reserved matters, a Section 106 Planning obligation (including affordable housing, mitigation for impacts on the NHS, and on and off site biodiversity net gain implementation and management) has been duly completed.

Reason: To ensure a satisfactory development, mitigating impacts of the development.

This Condition is imposed in accordance with Policy 6 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 4 of the National Planning Policy Framework, December 2024.

- 10 No work shall commence on site until further survey work has taken place, that has been undertaken and submitted and approved by the Local Planning Authority, as recommended in the consultation response from the Lincolnshire Bat Group dated 19th June 2024 with regards the potential presence of bats in the existing buildings on site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of ecology and Protected Species.

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, December 2024.

- 11 No work shall commence above slab level until the submission of a biodiversity gain plan and habitat management and monitoring plan (HMMP) to be approved by the Local Planning Authority.

Reason: In the interest of ecology and Protected Species.

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, December 2024.

- 12 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 construction works shall be carried out in accordance with the approved method statement. The statement shall provide for:
- the routing 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;
- Precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development.

Reason: In the interests of highway safety and the amenity of nearby residents.

This condition is imposed in accordance with paragraph 116 of the National Planning Policy Framework, December 2024.

- 13 No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority. 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.

The Construction Management Plan and Method Statement 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 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.

- 14 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
- 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 116 of the National Planning Policy Framework, December 2024.

- 15 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 1.4 litres per second per hectare unless a higher rate of discharge is agreed with the surface water receiving body;
- 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.

No part of the development hereby permitted shall be occupied 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 the National Planning Policy Framework, December 2024.

- 16 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 the National Planning Policy Framework, December 2024.

- 17 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):

- samples of all brick/facing material, render and tiling (including details of the colour of render/paintwork to be used)
- samples of all hard surfacing materials
- 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, December 2024.

- 18 No development shall commence on site until an Employment, Skills and Local Procurement Strategy shall be 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, December 2024.

- 19 Prior to its required installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

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 of nearby occupiers.

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

- 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 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 (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, December 2024.

- 21 The development hereby permitted shall be carried out in accordance with the advice contained within the submitted Ground Investigation Report, ref (AG3565-23-AR81 May 2024 Issue 1).

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 22 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 21 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 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 Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 23 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 Written

Scheme of Investigation approved 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 the National Planning Policy Framework, December 2024.

- 24 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment flood risk dated 30 May 2024 (ref: 'M00514-ENG-XX-ZZ-RP-C-0004 Rev P03) prepared by Engenuiti Limited 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:

i) Finished floor levels shall be set no lower than 3.9 metres above Ordnance Datum (AOD) with flood resilient construction to a height of 0.3 metres above the predicted flood depth.

These mitigation measures shall be fully implemented prior to occupation of the first unit as approved by any subsequent Reserved Matters 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 the National Planning Policy Framework, December 2024.

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>

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is

that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the

adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

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.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 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.

The Applicants attention is brought to the comments received by Anglian Water dated 9th November 2024.

The Applicants attention is brought to the comments received from the Lincolnshire Police Designing out Crime Officer received 8th November 2024.

The Applicants attention is brought to the comments received from Lincolnshire Fire and Rescue with regards access to buildings for fire appliances and fire fighters and how it should meet the requirements of Building Regulations 2010 Part B5.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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.