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STOCKPORT
METROPOLITAN BOROUGH COUNCIL

**STOCKPORT METROPOLITAN BOROUGH COUNCIL
NOTICE OF PLANNING DECISION**

Town and Country Planning Act 1990

FULL PLANNING PERMISSION NUMBER DC049827

Applicant Details: Mr G Mill Pozzoni LLP Woodville House 2 Woodville Road Altrincham Cheshire WA14 2FH	Agent Details: Mr G Mill Pozzoni LLP Woodville House 2 Woodville Road Altrincham WA142FH
Location SANDRINGHAM ROAD, CHEADLE HULME, STOCKPORT, SK8 5NH	Description of Development Demolition of 13 existing garages and redevelopment of site to provide 6 residential units with ancillary car parking

PARTICULARS OF DECISION

The Stockport Metropolitan Borough Council hereby give notice in pursuance of the Town and Country Planning Act 1990 that **FULL PLANNING PERMISSION HAS BEEN GRANTED** for the carrying out of the development described above. The development must be begun not later than the expiration of **THREE YEARS** beginning with the date of this permission, as required by section 91 of the Town and Country Planning Act 1990 and amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development must be carried out in accordance with the application and plans submitted, and subject to the following terms and conditions:

1. Condition

This permission relates to the following drawings :-

- P2799 - 101 Site Location Plan A4 1:1250;
- P2799 - 102A Proposed Site Layout & Existing Topographical Survey A2 1:500;
- P2799 - 103A Site Layout Plan & Boundary Types A1 1:200/1:50;
- P2799 - 200 Proposed Semi Plans A1 1:50;

- P2799 - 201 Proposed Semi Elevations A1 1:50;
- P2799 - 202 Proposed Terrace Plans A1 1:50;
- P2799 - 203 Proposed Terrace Elevations A1 1:50;
- P2799 - 204 2 Bed Wheelchair Bungalow Proposed Plans A1 1:50;
- P2799 - 205 2 Bed Wheelchair Bungalow Proposed Elevations A1 1:50;
- P2799 - 206 3 Bed 5 Person House Plans & Notes A2 1:50;
- P2799 - 207 2 Bed 3 Person Wheelchair Bungalow Plan & Notes A2 1:50;
- P2799 - 208 Street Elevations & 3D Views A1 1:100; &
- 1715/02 Landscaping Proposals (The Appleton Group), July 2012, A1 1:1250.

Reason

For the avoidance of doubt and to ensure that the development complies with the following policies saved Policies of the adopted Stockport Unitary Development Plan Review and Policies of the adopted Stockport Core Strategy DPD;

Saved Policies of the Stockport Unitary Development Plan Review

LCR1.1: LANDSCAPE CHARACTER AREAS
 LCR1.1a: THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
 EP1.10: AIRCRAFT NOISE.
 L1.2: CHILDRENS PLAY
 HP1.1: HOUSING LAND ALLOCATIONS
 MW1.5: CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy Policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGE
 CS2: HOUSING PROVISION
 CS3: MIX OF HOUSING
 CS4: DISTRIBUTION OF HOUSING
 CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT
 CS9: TRANSPORT AND DEVELOPMENT
 CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

Development Management Policies:

SD-1: Creating Sustainable Communities
 SD-3: Delivering the Energy Opportunities Plans - New Development
 SD-6: Adapting to the Impacts of Climate Change
 H-1: Design of Residential Development
 H-2: Housing Phasing
 H-3: Affordable Housing
 SIE-1: Quality Places
 SIE-2: Provision of Recreation and Amenity Open Space in New Developments

SIE-3: Protecting, Safeguarding and Enhancing the Environment
T-1: Transport and Development
T-2: Parking in Developments
T-3: Safety and Capacity on the Highway Network

2. Condition

No part of the development shall be occupied until a scheme identifying at least two of the six dwellings on the site to be transferred at a discounted price to a registered social landlord for disposal under an affordable rent scheme to people in need of such housing in the Borough has been first submitted to and approved in writing and approved in writing by the local planning authority. The scheme shall demonstrate how the affordable housing will be provided, made available and retained at all times for people who have an identified need for affordable housing. Affordable housing will be provided, made available and subsequently retained at all times in accordance with the details and scheme approved.

Reason

To meet the requirements of Core Strategy Policy H-3 "Affordable Housing" which seeks to provide affordable housing to meet an identified need for people on low or moderate incomes who cannot afford to rent or buy their own home in the Borough in open market conditions.

3. Condition

The Preliminary Site Report submitted has identified potentially unacceptable risks from contamination and further site investigation is required unless confirmed in writing by the local planning authority that an Exploratory and/or Main Site Investigation is not required, no development shall take place until an Exploratory and/or Main Site Investigation in accordance with a scheme to be prior approved in writing by the local planning authority, has been carried out. Any Exploratory Site Investigation conducted shall be used to inform any Main Site Investigation. The Main Site Investigation shall validly conclude what if any remediation works are required. The investigation and reports should be completed by competent appropriately knowledgeable, qualified, trained and experienced person(s).

Reason

To ensure that any unacceptable risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in order to comply with Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment of

the Stockport Core Strategy DPD.

4. Condition

The Main Site Investigation identifies a need for remedial works at the site then unless confirmed in writing by the local planning authority that a detailed remediation strategy is not required, no development shall take place until a detailed remediation strategy and method statement to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The remediation strategy and method statement should be completed by competent, appropriately knowledgeable, qualified, trained and experienced person(s).

The strategy to be submitted shall specify but not be limited to :-

(i) the proposed remediation objectives and remediation criteria

(ii) all remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site.

(iii) the proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document "Model Procedures for the Management of Land Contamination" (CLR11)).

Reason

To ensure that any unacceptable risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in order to comply with Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Stockport Core Strategy DPD.

5. Condition

The development shall not be occupied until the approved remediation scheme works have been implemented and a verification report for the works and all issues relating to the required remediation measures at the site has been submitted to and approved in writing by the local planning authority. The verification report shall provide an accurate and permanent record of remediation and the standard it has achieved to support compliance with agreed remediation objectives and criteria. It shall confirm if any further remediation measures are necessary and indicate how and when these measures will be undertaken. The report must also address

whether ongoing post installation management measures are required to maintain and monitor the effectiveness of the remediation works and how these will be implemented in a monitoring and maintenance plan.

Reason

To ensure that any unacceptable risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in order to comply with Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Stockport Core Strategy DPD.

6. Condition

The site may contain landfill gas, migrated from adjacent landfill. No development shall take place until requirements (i) to (iii) are completed to the approval of the local planning authority as follows:

(i) A method statement for the carrying out of an investigation and assessment of the potential for landfill gas being present at the site is submitted to and approved in writing by the local planning authority.

(ii) On receipt of written approval of the local planning authority, an investigation and assessment is carried out in accordance with the approved method statement.

(iii) A report of the investigation and assessment to include all conclusions and recommendations is submitted to and approved in writing by the local planning authority.

Reason

The land may contain landfill gas migrated from adjacent landfill(s) and it may be necessary to undertake remedial measures in order to comply with Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Stockport Core Strategy DPD.

7. Condition

If the submitted report into the presence of landfill gas at the site has identified landfill gas at a level which requires gas protection measures to the development, then unless confirmed in writing by the local planning authority that a detailed method statement and proposed validation methodology is not required, no development shall take place until a detailed method statement and validation methodology to show how the development will be protected from the ingress of ground gas to remove

unacceptable risks to human health, has been submitted to and approved in writing by the local planning authority. All protective and remedial measures (whether relating to excavation and other site works, building development and construction, gas control measures or otherwise) recommended or suggested by the report and assessment, shall be taken or carried out in the course of the development and completed in full, unless otherwise approved in writing by the local planning authority.

Reason

The land may contain landfill gas migrated from adjacent landfill(s) and it may be necessary to undertake remedial measures in order to comply with Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Stockport Core Strategy DPD.

8. Condition

The development shall not be occupied/brought into use until the approved gas protection scheme works have been implemented and a verification report for the works and all issues relating to the approved gas protection measures at the site has been submitted to and approved in writing by the local planning authority. The verification report shall provide an accurate and permanent record of the gas protection measures installed and the protection standard achieved to support compliance with the approved method statement objectives and criteria. It shall confirm if any further protection measures are necessary and indicate how and when these measures will be undertaken. The report must also address whether on-going post installation management measures are required to maintain and monitor the effectiveness of the gas protection works and how these will be implemented in a monitoring and maintenance plan.

Reason

The land may contain landfill gas migrated from adjacent landfill(s) and it may be necessary to undertake remedial measures in order to comply with Policy SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Stockport Core Strategy DPD.

9. Condition

No development shall take place until a detailed drawing of the sites dropped crossings which shall include the provision of 1.0m by 1.0m pedestrian visibility splays on either side of each individual access has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the access points have been constructed in accordance with the approved drawing and are available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow within the

pedestrian visibility splays.

Reason

In order that the site will benefit from safe and practical access arrangements in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

10. Condition

No development shall take place until a detailed drawing outlining a scheme to reconstruct the existing footway that abuts the site (which shall include the construction of dropped crossings) has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the footway has been reconstructed in accordance with the approved drawing.

Reason

In order to ensure that there are safe and high quality pedestrian facilities adjacent to the site and ensure that development can be accessed in a safe manner in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.30, 'Post development footway reinstatement', of the SMBC Sustainable Transport SPD.

11. Condition

No development shall take place until details of the drainage and surfacing of the approved driveways have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the driveways have been constructed in accordance with the approved drawings. The driveways shall then be retained and remain available for use for parking at all times thereafter.

Reason

To ensure that adequate and useable parking facilities are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 'Transport and Development', and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

12. Condition

No development shall take place until details of a long-stay covered and

secure cycle parking facility to be provided for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the facility has been provided in accordance with the approved details and the facility shall then be retained and shall remain available for use at all times thereafter.

Reason

To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD.

13. Condition

No development shall take place until a scheme, prepared by a suitably qualified person, to protect the occupants of the proposed building(s) from noise caused by aircraft movements to and from Manchester International Airport has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the approved soundproofing measures have been incorporated into the fabric of the building(s) and this has been certified in writing to the local planning authority by the suitably qualified person.

Reason

In order to protect the occupants of the proposed building(s) from excessive noise in accordance with Saved Policy EP1.10, "Aircraft Noise", of the Stockport Unitary Development Plan Review and Policy SIE-3 "Protecting, Safeguarding and Enhancing the Environment" of the adopted Stockport Core Strategy DPD.

14. Condition

No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

Reason

In order to protect existing trees on the site in accordance with Policies SIE-1 "Quality Places" and SIE-3 "Protecting, Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.

15. Condition

No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2005 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Reason

In order to protect existing trees on the site in accordance with Policies SIE-1 "Quality Places" and SIE-3 "Protecting, Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.

16. Condition

No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use.

Reason

To secure additional tree planting in compliance with Policies SIE-1 "Quality Places" and SIE-3 "Protecting, Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.

17. Condition

No hedgerows, trees or scrub shall be removed between the 1st March and 31st August except in accordance with a scheme to be first submitted to and approved in writing by the local planning authority.

Reason

In order not to unduly disturb the habitat of breeding birds in accordance with the provisions of Policy SIE-3 "Protecting, Safeguarding and Enhancing the Environment" of the adopted Stockport Core Strategy DPD.

18. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995 (or any order revoking and re-enacting that order) no development falling within Classes A to F and H of Part 1 of Schedule 2 of the Order shall be carried out.

Reason

In view of the size and form of the development hereby granted permission, the local planning authority wishes to assess the appearance and impact of any future proposals against the provisions of with Policy SIE-1 "Quality Places" of the adopted Stockport Core Strategy DPD and Saved Policy CDH1.8, "Residential Extensions", of the Stockport Unitary Development Plan Review.

19. Condition

No development shall take place until details of all screen and boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the enclosures have been erected in accordance with the approved details.

Reason

To provide a satisfactory level of privacy and amenity for adjoining properties [and to provide safety and security in a way that is acceptable in environmental and design terms] in accordance with Policy SIE-1 "Quality Places" of the adopted Stockport Core Strategy DPD.

20. Condition

The approved landscaping scheme (1715/02 Landscaping Proposals (The Appleton Group), July 2012, A1 1:1250) shall be carried out within 6 months of the date of occupation of the building or substantial completion of the development whichever is the sooner. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality unless the local planning authority gives written approval to any variation.

Reason

To ensure the satisfactory appearance of the site in compliance with Policies SIE-1 "Quality Places" and SIE-3 "Protecting, Safeguarding and Enhancing the Environment" of the adopted Stockport Core Strategy DPD.

21. Condition

No development shall take place until (i) a schedule of all the materials of external construction has been submitted to and approved in writing by the local planning authority and (ii) samples have been made available for inspection on the site. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.

Reason

In the interests of visual amenity and to ensure compliance with Policies SIE-1 "Quality Places" of the adopted Stockport Core Strategy DPD.

REASONS FOR DECISION

The Council has granted planning permission, subject to the conditions listed above, because the proposed development is in accordance with all relevant policies of the Development Plan (Saved UDP Policies, the Core Strategy DPD, the Greater Manchester Joint Waste DPD and the Regional Spatial Strategy for the North-West), as is required by Section 38 of the Planning and Compulsory Purchase Act 2004. There are no material considerations, as specified in the Planning Officer Report, that outweigh this justification to support the grant of planning permission. The relevant Development Plan policies pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 are set out below.

Saved Policies of the Stockport Unitary Development Plan Review

LCR1.1: LANDSCAPE CHARACTER AREAS
LCR1.1a: THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
EP1.10: AIRCRAFT NOISE.
L1.2: CHILDRENS PLAY
HP1.1: HOUSING LAND ALLOCATIONS
MW1.5: CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy Policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGE
CS2: HOUSING PROVISION
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CS9: TRANSPORT AND DEVELOPMENT
CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

Development Management Policies:

SD-1: Creating Sustainable Communities
SD-3: Delivering the Energy Opportunities Plans - New Development
SD-6: Adapting to the Impacts of Climate Change
H-1: Design of Residential Development
H-2: Housing Phasing
H-3: Affordable Housing
SIE-1: Quality Places
SIE-2: Provision of Recreation and Amenity Open Space in New Developments
SIE-3: Protecting, Safeguarding and Enhancing the Environment
T-1: Transport and Development
T-2: Parking in Developments
T-3: Safety and Capacity on the Highway Network

Signed:

Dated: 18/09/2012

On behalf of
Emma Curle - Head of Development Management
BSc (Hons), MRTPI

ADDITIONAL INFORMATION

1. This permission has been issued following the receipt of a financial contribution of £14,956.90 towards the provision and maintenance of formal and casual open space facilities within the Borough in accordance with SIE-2 'Provision of Recreation and Amenity Open Space in New Developments' of the Core Strategy.
2. Any investigation or risk assessment which seeks to establish the presence or otherwise of contamination on or close to the site of a proposed development should be carried out in accordance with current legislation and guidance. QA/QC procedures should be applied at all stages of the investigation. The procedures applied should be capable of confirming the reliability and robustness of the investigation and the data produced. The Local Planning Authority should be fully informed as information is produced, to confirm that the information is sufficient for the purpose intended. Consultation with the Local Authority Environmental Health Officer and, when applicable, the Environment Agency (EA) should cover methods of ground investigation. It is vital to consult the (EA) to ensure that potential risks to controlled waters and underlying aquifers, caused by the creation of migration routes during site investigation measures such as boreholes, are avoided.
3. Should contamination be suspected, found or be caused at any time when carrying out the development that was not previously identified, the local planning authority should be notified immediately and development affected or potentially affected by the contamination should stop and an investigation

and/or risk assessment and/or remediation carried out to establish the most appropriate course of action. Failure to stop and notify may render the Developer/Owner liable for the costs of any investigation and remedial works under Part IIA of the Environmental Protection Act 1990.

4. With regards to condition 5 for a residential end use a minimum of 6 gas monitoring visits over a three-month period is required, which may need to be significantly longer to enable the worst case temporal conditions to be defined. Normally a minimum of three gas monitoring boreholes per residential development is required. The number of boreholes to be used must be justified under the conceptual site model. The key elements are to ensure that the monitoring well has a response zone set in the appropriate place, is adequately sealed above and below this response zone, that the correct stone has been used for the filter pack (i.e. non-calcareous or reactive to ground conditions) and that an air tight cap and valve are fitted.
5. Informative: The applicants attention is drawn to the need to enter into an agreement under the Highways Act 1980 regarding the construction of the proposed dropped crossings and reconstruction of the footway (for which there will be a fee). For further advice the applicant should contact Planning Services (telephone 0161 474 4905).
6. Your attention is drawn to the Councils Supplementary Planning Document entitled "Sustainable Design & Construction" which provides guidance on sustainable design and construction in relation to current development plan policy. The document may be viewed at or purchased from Hygarth House or may be freely downloaded from the Council's web-site (www.stockport.gov.uk).
7. The council encourages the highest standards of construction and invites all developers of new houses to consider and utilise the Code for Sustainable Homes in order to achieve the highest possible sustainability rating. (www.planningportal.gov.uk/england/professionals/en/1115314116927.html)

THE FOLLOWING IS STANDARD INFORMATION ONLY

- 1 **The drawings determined by this notice may be viewed (usually in electronic form) at Fred Perry House, Edward Street, Stockport, by appointment, and are available on line via the Planning & Building pages of the Stockport Council website. www.stockport.gov.uk/planningdatabase [Planning and Building; Search our database].**
- 2 This decision refers only to the legislation under which the application was made and does not include any decision under any other enactment, by law, order or regulation.
- 3 The applicant's attention is drawn to the provision of Section 63 of the Greater Manchester Act 1981 which specifies requirements for fire brigade access when plans for the erection or extension of a building are deposited with a

District Council in accordance with the Building Regulations.

- 4 Where your proposal involves building work, your attention is specifically drawn to the need to check with the Building Inspector with regard to the possible requirement for Buildings Regulations Consent.
- 5 Where applicable, notes on your rights of appeal against the decision are set out on the sheet attached to this decision notice. **The Planning Inspectorate's** details are listed below;

The Planning Inspectorate,
Customer Support Unit,
Room 3/15, Eagle Wing,
Temple Quay House,
2, The Square,
Temple Quay,
Bristol,
BS1 6PN

Telephone: 0117 372 6372
Fax: 0117 372 8782
email: enquiries@planning-inspectorate.gsi.gov.uk
web site: www.planning-inspectorate.gov.uk/

APPEALS TO THE SECRETARY OF STATE
[OTHER THAN IN RELATION TO ADVERTISEMENTS]

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal; then you can do so online at www.Planningportal.gov.uk/pcs. Alternatively you can use a form you can get from: The Planning Inspectorate, Registry/ Scanning, Temple Quay House, 2, The Square, Temple Quay, Bristol, BS1 6PN; Telephone: 0117 372 6372; email: enquiries@planning-inspectorate.gsi.gov.uk
Website: www.planning-inspectorate.gov.uk

For most types of application you have six months to appeal from the date of the attached Decision Notice. However if the decision involved the refusal of planning permission for a householder application then you have 12 weeks to appeal from the date of the Decision Notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving the notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any Directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a Direction given by him.

PURCHASE NOTICES

If either the local authority or the Secretary of State refuses Permission to develop land, or grants it subject to conditions, the owner may claim he/she can neither put the land to a reasonable beneficial use in its existing state, nor render the land capable of a reasonably beneficial use by the carrying out of any development that 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/her interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

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