

Reference No: 13/00947/MOUT
Parish: Burlescombe 06

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF OUTLINE PLANNING APPLICATION

Name and Address of Applicant:

Friends Life Ltd
C/o AXA Real Estate Investment Managers
UK Ltd
155 Bishopsgate
London
EC2M 3XJ

Name and Address of Agent:

Miss Victoria Trotman
RPS Planning & Development Ltd
2420 The Quadrant
Aztec West
Almondsbury
Bristol
BS32 4AQ

Date Registered : 4th July 2013

Proposal: Application to replace extant planning permission 10/00546/MOUT (to extend time limit). Outline for the erection of mixed use facilities building with associated parking and highway works (Revised scheme)

Location: Land at NGR 305036 113872 (Junction 27) Sampford Peverell Devon

Site Vicinity Grid Ref: 305037/113872

MID DEVON DISTRICT COUNCIL HEREBY GRANTS OUTLINE PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. The development hereby approved shall not be carried out other than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority.

6. No work shall commence on site until details of a Sustainable Urban Drainage System for managing surface water have been submitted to and approved in writing by the Local Planning Authority. The sustainable urban drainage system shall incorporate porous paving, swales, filter strips, attenuation ponds and reed beds. The surface water management system shall thereafter be completed on site in accordance with the approved drawings and a timetable to be agreed in writing by the Local Planning Authority and thereafter retained.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage System shall be submitted to and approved in writing by the Local Planning Authority prior to any of the buildings first coming into use.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
9. Oil or chemical storage facilities shall be sited in bunded areas. The capacity of the bund shall be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks shall be regarded as a single tank. There shall be no working connections outside the bunded area.
10. The landscaping details required by Condition 1 above shall include all existing trees and hedgerows on the site, and details of those which are to be retained, with measures for their protection during the course of the development, together with a phasing scheme of planting of trees and shrubs (which shall include details of the species, siting and numbers to be planted).
11. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
12. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for all landscaping areas and existing trees and hedges shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or of any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
13. No work shall commence on site, until tree and hedge protection fencing has been erected on site in accordance with details and in a position to be agreed in writing by the Local Planning Authority. The fencing shall be provided on site and retained for the duration of the works and/or shall only be removed when the development has been completed or as agreed otherwise in writing by the Local Planning Authority. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
14. During the period of construction of the development:
 - (i) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure.
 - (ii) No fires shall be lit within the spread of the branches of the trees.
 - (iii) No materials or equipment shall be stored within the spread of the branches of the trees.

(iv) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate.

(v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details. The boundary treatment once provided shall not be removed.
16. The design and external appearance details required by Condition 1 above shall include details and/or samples of the proposed materials to be used for all the external surfaces of the building(s).
17. No part of the development hereby approved shall be occupied or brought into use until the highway works shown on drawing number C11032/4A (a copy of which is appended to this decision notice) have been completed and are available for use by the travelling public.
18. Occupation of the roadside service area building, petrol filling station and use of the site as a car park for the travelling public shall not begin until:
 - (i) the existing access road (the C107) has been closed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and
 - (ii) the new roundabout junction to provide access to the site and the existing Swallow Court employment development as detailed on Tony Gee drawing reference C108188/R/501E has been completed and is capable of use.

The occupation of the roadside service area building, petrol filling station and use of the site as a car park for the travelling public shall not begin until the works as mentioned at 18 (i) and 18 (ii) above have been certified in writing as complete by the Local Planning Authority (who shall consult with the Local Highways Authority and the Highways Agency on behalf of the Secretary of State for Transport).

19. The maximum floorspace (Gross Floor Area - External) of the amenity building hereby permitted shall not exceed a total of 1750 square metres (including the second floor), and that of the proposed filling station kiosk shall not exceed a maximum floorspace (Gross Floor Area - External) of 50 square metres.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no more than 550 square metres. (Gross Floor Area) of the total floorspace within the amenity building shall be used for a retail use (including 50 square metres. Gross Floor Area which must only be used for the sale of products originating from the region) within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) (with or without modification).

In addition, no more than 800 square metres (Gross Floor Area) within the amenity building is to be used for the purposes of restaurant/café floorspace (A3 use); no more than 30 square metres (Gross Floor Area) within the amenity building is to be used as a Tourist Information Centre (A2 use), and no more than 210 square metres (Gross Floor Area) is to be used for the purposes of private staff accommodation, administration and storage (B1 use).

21. The retail facilities within the development shall only be part of and ancillary to the principal use of the site as a roadside service area. No retail goods within the retail outlets (within the amenity building and proposed filling station kiosk) shall be sold other than food and drink items; confectionery; newspapers and magazines; tobacco; books and maps; audio and video media; non-prescription medicines and first aid items; flowers; toiletries; and car accessories.
22. A comprehensive Travel Plan shall be developed for all elements of the development hereby permitted. The Travel Plan shall be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Local Highway Authority and the Highways Agency acting on behalf of the Secretary of State for Transport), prior to the occupation of the roadside service area building, petrol filling station and use of the site as a car park for the travelling public.

The Travel Plan shall be prepared in line with prevailing policy, best practice and previously agreed Framework Travel Plan (June 2010) and as a minimum shall include:

- (i) The identification of targets for trip reduction and modal shift
- (ii) The methods to be employed to meet these targets
- (iii) The mechanisms for monitoring and review
- (iv) The mechanisms for reporting
- (v) The penalties to be applied in the event that target are not met
- (vi) The mechanisms for mitigation
- (vii) Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter.
- (viii) Mechanisms to secure variations to the Travel Plan following monitoring and review.

A review of the target shall be undertaken within 3 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the annual Travel Plan Report, for a period of five years.

23. No development hereby permitted shall commence until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority (who shall consult with the Local Highway Authority and the Highways Agency acting on behalf of the Secretary of State for Transport). The plan shall include details of construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out strictly in accordance with the approved construction management plan.
24. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan (to include air quality and other nuisance impact mitigation measures). Work shall then be carried out on site, only in accordance with the approved details.
25. The details required by Condition 1 shall include the provision of electric vehicle charging points. The first use of the development hereby approved shall not begin until the electric vehicle charging points have been provided on site and they shall be retained thereafter.
26. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an ecological construction method statement (to include details of how the hedges will be retained and protected for wildlife, the provision and protection of buffer zones, appropriate management, lighting restrictions etc). Work shall then be carried out on site, only in accordance with the approved details.

27. Before the development hereby permitted is commenced specific details relating to the provision of a bus stop on the northern and southern side of the A38 in the vicinity of the application site shall have been submitted to, and approved in writing by, the Local Planning Authority. No other part of the development hereby approved shall be brought into its intended use until the bus stop facilities on both sides of the A38 in the vicinity of the site have been provided in accordance with the approved drawings. Following their provision, these facilities shall thereafter be so retained.
28. No development shall commence on any part of the development hereby permitted until such time as the details of how the County highway known as the C107 shall be closed at its junction with the A38 to vehicular traffic, have been submitted to and approved in writing by the Local Planning Authority. The closure of the access to all traffic, with the exception of pedestrians and cycles, shall be carried out in accordance with the approved details within 24 hours of the new access from the new roundabout on the A38 to the junction of the C107 being open to all traffic and capable of use.
29. This permission shall not constitute an approval of the illustrative site layout plan submitted with the application.
30. The two existing private accesses from the A38 to Jersey Farm shall be permanently closed to vehicular traffic within 24 hours of the new access to Jersey Farm being completed and capable of use.
31. The recommendations in the Extended Phase 1 survey (Devon Wildlife Consultants June 2013), dawn bat survey (Devon Wildlife Consultants July 2013) and Ecological mitigation plan (Devon Wildlife Consultants July 2013) shall be implemented in full in accordance with a timescale that shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of work on the site.
32. Prior to the commencement of work on the site the following shall be submitted to and approved in writing by the Local Planning Authority:
 - i) An ecological management plan based on the recommendations in the ecological mitigation plan (DWC June 2010);
 - ii) An external lighting scheme;
 - iii) A programme of monitoring to assess the effectiveness of the mitigation.
33. The development shall be overseen by an ecological clerk of works
34. No development shall begin until details of measures and calculations to demonstrate how a minimum of 13% of the energy requirements for any new buildings on the site shall come from decentralised on-site renewable or low carbon technologies has been submitted to and approved in writing by the local planning authority. Such approved details shall be implemented and operational prior the first use of the building for its permitted use and thereafter shall be retained as such.
35. No development relating to the construction of the development hereby permitted shall begin until evidence that the development is registered with a BREEAM certification body (or any such equivalent national body which measures sustainable building and which replaces that body) and a pre-assessment report (or design stage certificate with interim rating if available) indicating that the development can achieve the final BREEAM level of a minimum of 'very good' has been submitted to and approved in writing by the local planning authority.

No individual building on the site shall be occupied until a final Certificate has been issued certifying that a minimum of BREEAM (or any such equivalent national measure of

sustainable building which replaces that scheme) rating 'very good' has been achieved for this part of the development and evidence of this has been submitted to and approved in writing by the local planning authority.

REASONS FOR CONDITIONS:

1. The application was submitted as an outline application in accordance with the provisions of Articles 3 and 4 of The Town and Country Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. For the avoidance of doubt and in the interests of proper planning.
5. In the interests of highway safety and the ordered development of the site in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2..
6. To prevent an increase in the risk of flooding downstream of the site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11 and Local Plan Part 3 (Development Management Policies) Policy DM2..
7. To ensure that appropriate measures are in place for the long term maintenance and management of the Sustainable Urban Drainage System within the site to ensure that it continues to operate effectively in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11 and Local Plan Part 3 (Development Management Policies) Policy DM2. .
8. To prevent pollution of the water environment in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
9. To prevent pollution of the water environment in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
10. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
11. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2
12. To ensure that appropriate measures are in place for the long term maintenance and management of landscape areas within the site, in the interest of visual amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.

13. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
14. In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual qualities of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
15. In the interest of preserving the visual amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
16. To ensure the materials used make a positive contribution to the visual appearance of the completed development of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
17. To maintain the safe and efficient operation of the Strategic Road Network in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
18. To ensure that the development is carried out in accordance with the information submitted which forms part of the application and to protect the safe and efficient operation of the local and strategic highway network.
19. To reflect the specific amount of floorspace proposed in the application supporting documents, and to ensure that the facilities are limited in size so as to cater only for the needs of the travelling public without detrimental impact on the safe and efficient operation of the local and strategic highway network in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR18 and Local Plan Part 3 (Development Management Policies) Policy DM20.
20. To reflect the specific amount of floorspace proposed in the application supporting documents, and to ensure that the facilities are limited in size so as to cater only for the needs of the travelling public, and that the retail facilities would not become a retail destination in their own right in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR18 and Local Plan Part 3 (Development Management Policies) Policy DM20.
21. To ensure that the retail facilities only cater for the needs of the travelling public and they do not become a retail destination in their own right encouraging additional trips on the local and strategic road network in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR18 and Local Plan Part 3 (Development Management Policies) Policy DM20.
22. To ensure that the operation of the Strategic Highway Network is protected and that sustainable travel objectives for the site are met and maintained.
23. To ensure the appropriate controls are in place to monitor and manage the site generated construction traffic.
24. To minimise the deterioration of local air quality in particular at the nearest residential dwelling during the construction phase of the development in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
25. To minimise the deterioration of local air quality in particular at the nearest residential dwelling during the construction phase of the development in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.

26. To minimise the effect of the development on protected species
27. In the interests of highway safety.
28. In the interests of highway safety, to ensure the safe operation of the strategic highway network and to prevent a multiplicity of accesses.
29. For the avoidance of doubt.
30. To minimise the number of accesses onto the public highway and to provide a satisfactory access to Jersey Farm.
31. To prevent, reduce or offset adverse effects on the natural environment.
32. To ensure habitats and species are protected and buffered from the development
33. In order to advise contractors regarding ecological issues and ensure mitigation is implemented correctly.
34. To minimise the carbon footprint of this part of the development in accordance with Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
35. In order to ensure that the development utilises sustainable design and construction methods in accordance with Policy DM3 of Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

1. The Environment Agency have advised that:
 - a) In respect of the proposed new private sewage treatment plant to serve the development, an Environmental Permit (Consent to Discharge) will be required. The applicant/agent will need to contact our National Contact & Permitting Centre on 08708 506 506 for the application forms and further advice.
 - b) From the Environment Management (Water Quality) aspect there are no objections in principle to drain the foul effluent from this development via a package treatment plant provided that:
 - (i) The foul drainage is kept separate from clean surface and roof water.
 - (ii) The applicant applies for and is granted a Consent to Discharge from this Agency under the Water Resources Act 1991. The applicant can obtain application forms and further advice by contacting our National Customer and Permitting Centre on 08708 506 506. For information this process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of an application until all the investigations associated with the determination have been completed and an evaluation of the proposal has been made.
2. With regards to Condition 10 (landscaping) above, the following will need to be considered in drawing up the required scheme:
 - a) With regards to the detailed scheme of hedge and tree protection - the eastern and southern boundary lines must be considered as being of particular importance.

b) Landscape planting will be a very important aspect of any development in this area and must seek to reinforce the existing green infrastructure as well as provide wider improvements.

c) Detailed landscape proposals will be required for the entire development to include species lists, sizes and planting specifications. A strong emphasis should be the requirement for long lived specimen trees particularly along the northern and western boundaries.

d) The landscape design will need to respect the local landscape to the south and east. Species choice will reflect locally occurring species and patterns.

e) Consideration should be given to planting a woodland strip along the southern edge of the site to include the lagoon.

f) Tree planting to form a robust screen should be considered around the proposed roundabout off the A38 opposite Swallow Court.

3. You are advised that planning permission does not absolve you from complying with the relevant law, including obtaining and complying with the terms and conditions of any protected species licences required as described in Part IV B of the Circular 06/2005.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This application seeks planning permission to extend the time for implementing an extant planning permission for the provision of motorway service facilities associated with the functioning of J27 of the M5. Since the granting of the earlier planning permission by the Planning Inspectorate both national and local planning policy has changed and the application site is no longer allocated for the provision of a motorway service area. Nevertheless, the need for enhanced and extended facilities at this junction is still considered to exist and both the national and local policies applicable to this type of development accept the principle of the proposal. Subject to the imposed conditions the proposed development would not lead to increased highway safety risks on either the local or strategic highway network and would not have a demonstrably harmful impact upon local ecology and protected species, the amenity and living conditions of neighbouring properties and uses and would not harm the vitality or viability of nearby village and town centres. For these reasons and having regard to all other matters raised the development is in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR9, COR10 and COR18, Allocations and Infrastructure Development Plan Document (Local Plan Part 2) Policy AL/IN/6, Local Plan Part 3 (Development Management Policies) Policies DM1, DM2, DM3, DM7, DM8, DM20 and DM28 and the National Planning Policy Framework.

Statement of Positive Working

In accordance with the requirements of article 31 of the Town and Country Planning (Development Management Procedure) (England) Order, 2010, as amended in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included discussions with the agent.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR8 - Infrastructure Provision
COR9 - Access
COR10 - Strategic Transport Networks
COR11 - Flooding
COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/IN/6 - Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM8 - Parking
DM20 - Rural employment development
DM28 - Green infrastructure in major development

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

101 REV. E - Dated: 19/08/2009 - Site Location Plan
C108188/R/101 REV. F - Dated: 15/03/2010 - Proposed
C108188/R/102 REV. E - Dated: 07/04/2010 - Proposed
C108188/R/103 REV. E - Dated: 07/04/2010 - Proposed
C108188/R/104 REV. C - Dated: 15/03/2010 - Proposed
C108188/R/105 REV. A - Dated: 15/03/2010 - Proposed
C108188/R/106 REV. A - Dated: 15/03/2010 - Proposed
C108188/R/107 REV. A - Dated: 15/03/2010 - Proposed
C108188/R/201 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/202 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/301 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/302 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/401 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/501 REV. E - Dated: 15/03/2010 - Proposed
C108188/R/601 REV. E - Dated: 15/03/2010 - Proposed
C108188/R/801 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/802 REV. E - Dated: 07/04/2010 - Proposed

C108188/R/803 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/951 REV. B - Dated: 15/03/2010 - Proposed
C108188/R/108 REV A - ROUNDABOUT - (Version - **Additional Drawing**) - Proposed
C105039/D/001REV F DRAINAGE - Proposed

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:



**Head of Planning and Regeneration
Mid Devon District Council**

Date: 17th January 2014

**THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE
CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL
DEPARTMENT FOR MORE INFORMATION.**

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

**GENERAL DEVELOPMENT PROCEDURE ORDER 1995
PART 2
TOWN AND COUNTRY PLANNING ACT 1990**

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 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 against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions 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 their decision on a direction given by him.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.