

ESSEX COUNTY COUNCIL

**Town and Country Planning Act 1990 (as amended)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
ORDER 2015**

Town and Country Planning General Regulations 1992

In exercise of its power under Regulation 3 of the Town and Country Planning General Regulations 1992, Essex County Council has considered an application to carry out the following development:

Construction of two-storey standalone teaching block, removal of existing temporary classrooms, extension to existing hard surface play area, and associated works at Cedar Hall School, Hart Road, Thundersley, Benfleet, Essex, SS7 3UQ

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to GRANT PERMISSION FOR the said development subject to compliance with the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended].

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/CPT/52/22 dated 6 June 2022 and validated on 6 June 2022 together with Drawing Numbers:

- 121229-CDP-ZZ-XX-DR-A-2019 P3 – Site Location Plan – 26.5.22
- 121229-CDP-ZZ-XX-DR-A-0105 P2 – Existing Site Plan – 27.5.22
- 121229-CDP-ZZ-XX-DR-A-2021 P1 – Existing Floor Plan 2 of 2 – 27.5.22
- 121229-CDP-ZZ-XX-DR-A-2021 P1 – Existing Floor Plan 1 of 2 – 27.5.22
- 121229-CDP-ZZ-00-DR-A-2001 P4 – Ground Floor General Arrangement – 26.5.22
- 121229-CDP-ZZ-00-DR-C-2004 P1 – Site Levels Plan – 26.5.22
- 121229-CDP-ZZ-01-DR-A-2001 P4 – First Floor General Arrangement – 26.5.22
- 121229-CDP-ZZ-B1-DR-C-2001 P5 – Drainage Plan – 26.5.22
- 121229-CDP-ZZ-R1-DR-A-2001 P5 – Roof General Arrangement – 25.5.22
- 121229-CDP-ZZ-XX-DR-A-2004 P5 – Proposed Elevations – 26.5.22
- 121229-CDP-ZZ-XX-DR-A-2010 P5 – Sections A-A & B-B – 26.5.22
- 121229-CDP-ZZ-XX-DR-A-2011 P5 – Sections C-C, D-D & E-E – 26.5.22
- 121229-CDP-ZZ-XX-DR-C-6001 P2 – Drainage Details – 26.5.22

- 121229-CDP-ZZ-XX-DR-L-2002 P3 – Proposed Site Plan – 26.5.22
- 121229-CDP-ZZ-XX-DR-L-2004 P1 – Outline Planting Plan – 26.5.22
- 2220-WWA-ZZ-XX-DR-L-0703 PO1 – Tree Protection Plan 2 of 2 – 14.4.22
- 2220-WWA-ZZ-XX-DR-L-0702 PO1 – Tree Protection Plan 1 of 2 – 9.5.22
- 2220-WWA-ZZ-XX-DR-L-0700 PO1 – Tree Survey Sheet 1 of 2 – 14.4.22
- 2220-WWA-ZZ-XX-DR-L-0701 PO1 – Tree Survey Sheet 2 of 2 – 14.4.22

And

- Tree Survey, Implications Assessment & Outline Method Statement (Ref: 2220-WWA-ZZ-XX-RP-L-601 PO1) – Wynne Williams Associates – May 2022
- Design & Access Statement Version 1 – Concertus – 26.5.22
- Flood Risk Assessment (Ref: 121229) Version 1 – Concertus – 28.3.22
- School Travel Plan – September 2021
- Framework Travel Plan – May 2022
- Planning Statement – Lanpro – May 2002

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy EC2 (Design), Policy EC3 (Residential Amenity), Policy EC13 (Protection of Wildlife and their habitats), Policy EC22 (Retention of Trees, Woodlands and Hedgerows), Policy EC23 (Tree and Shrub Planting), EC6 (Energy Efficiency), Policy CF14 (Surface Water Disposal), Policy CF2 (Education Facilities), Policy RE3 (Retention of Informal Play Space, Playing Fields and Children's Play Space for Recreational Purposes) and Policy T8 (Parking Standards) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

3. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of the CIRIA SuDs Manual C753.
- Limiting discharge rates to 0.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to

agreement with the relevant third party/all relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours of the 1 in 30 plus 40% climate change critical storm event, OR if impracticable
- Demonstrate that the features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change
- Final modelling and calculations for all areas of the drainage system
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDs Manual C753
- Detailed engineering drawings of each component of the drainage scheme
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy
- Clarification of how roof run-off will be infiltrated into the porous paving substrate in order to benefit from its treatment capacity

The scheme shall subsequently be implemented prior to first beneficial occupation of the development hereby permitted.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDs features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment and to comply with Policy CF14 (Surface Water Disposal) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

4. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and to comply with Policy CF14 (Surface Water Disposal) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

5. Prior to the first beneficial occupation of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the County Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to comply with Policy CF14 (Surface Water Disposal) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

6. No development above slab level shall take place until details of a hard landscaping scheme have been submitted to an approved in writing by the County Planning Authority. The details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials, means of enclosure; hard surfacing materials and minor artefacts and structures. The scheme shall be implemented prior to the occupation of the development hereby permitted.

Reason: In the interest of visual amenity and to comply with Policy EC2 (Design) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

7. No development above slab level shall take place until details and samples of the materials to be used for the entrance canopy, activity workshop canopy and the air source heat pump compound have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the local amenity and to comply with Policy EC2 (Design) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

8. The development hereby permitted shall be carried out in accordance with the landscaping scheme shown on Drawing Number 121229-CDP-ZZ-XX-DR-L-2002 P1 – Outline Planting Plan – May 2022.

Reason: To comply with section 197 of the Town and County Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy EC23 (Tree and Shrub Planting) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

9. Any tree or shrub forming part of the landscaping scheme approved in connection with the development hereby permitted that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have been received the prior written approval of the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy EC23 (Tree and Shrub Planting) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

10. No development or any preliminary groundworks shall take place until:

- All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and
- Notices have been erected on the fencing stating "Protected Area (No operations within fenced area)"

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy EC22 (Retention of Trees, Woodlands and Hedgerows) of the Saved Policies of the Castle Point Borough Council 1998.

11. No retained trees shall be cut down, uprooted or destroyed, nor shall any retained tree branches, stems or roots be pruned.

Reason: In the interest of the amenity of the local area and to comply with Policy EC22 (Retention of Trees, Woodlands and Hedgerows) of the Saved Policies of the Castle Point Borough Council 1998.

12. No works to trees or works within the root protection area of a tree (RPA as defined in BS:5837) shall take place unless written notification of the date of the proposed works has been provided to the County Planning Authority within 7 days of the works to trees or works within the root protection area taking place.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policy EC22 (Retention of Trees, Woodlands and Hedgerows) of the Saved Policies of the Castle Point Borough Council 1998.

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Richard Graves Associates, May 2022) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow Essex County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

14. No development shall take place (including any demolition or preliminary groundworks) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements including Badger)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Containment, control and removal of any invasive species such as non-native species, such as Himalayan Balsam, present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow Essex County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

15. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Detailed designs to achieve stated objectives

- c) Locations of proposed enhancement measures by appropriate maps and plans
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- e) Persons responsible for implementing the enhancement measures
- f) Details of initial aftercare and long-term maintenance

The works shall be implemented in accordance with the approved details prior the first beneficial occupation of the development hereby permitted and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow Essex County Council to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

16. Prior to the first beneficial occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

Reason: To allow Essex County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

17. No fixed lighting shall be erected or installed on site unless details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as to why these are considered appropriate.

The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site, detailing the likely spill from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The details shall identify those areas/features on site that are particularly sensitive for bats and those that area likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging.

The details shall show how and where external lighting would be installed through the provision of appropriate lighting contour plans and technical specification, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and details the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the proposed details.

Reason: To minimise the nuisance and disturbance to neighbours and the impact on ecology and to comply with Policy EC3 (Residential Amenity) and Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

18. The development hereby permitted shall be carried out in accordance with the details of the Construction Management Plan prepared by Morgan Sindall (undated).

Reason: In the interest of highway safety and residential amenity and to comply with Policy EC2 (Design) and Policy EC3 (Residential Amenity) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

19. No development (including any demolition or groundworks) shall take place until a Construction Method Statement is submitted to and approved in writing by the County Planning Authority. The Statement shall include but not be limited to details of working hours, control measures for dust, noise, vibration, lighting, delivery locations. Advance notification to neighbours and other interested parties of proposed works and public display of contact details including phone contact to persons responsible for the site works for the duration of the works.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the amenity of neighbouring occupiers is not adversely affected by noise, vibration, dust or lighting or other emissions from the site during the construction period and to comply with Policy EC3 (Residential Amenity) of the Saved Policies of the Castle Point Local Plan 1998.

20. No demolition or construction work or associated activities audible beyond the site boundary shall take place outside of the following times:

- 08:00 - 18:00 hours Monday to Friday
- 08:00 - 13:00 hours Saturdays

and there shall be no working at any other times including on Sundays, Bank or Public Holidays.

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policy EC3 (Residential Amenity) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.

Informatives

1. Yearly logs of Maintenance

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the County Planning Authority.

2. Drainage features

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

3. Changes to existing watercourses

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

4. Discharge into offsite ditch/pipe

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

5. Safeguarding

If a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require the full co-ordination with the Airport Authority.

Any crane applications should be directed to sam.petrie@southendairport.com 01702 538521.

6. Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fore and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety – Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

7. Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters 01376 576000.

8. Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

9. Notification to neighbours

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of the works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the work and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Reason for Approval

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against the following policies of the development plan:

Castle Point Borough Council Local Plan adopted 1998 (Saved Policies)

Policy EC2 – Design

Policy EC3 – Residential Amenity

Policy EC13 – Protection of Wildlife and their habitats

Policy EC22 – Retention of Trees, Woodlands and Hedgerows

Policy EC23 – Tree and Shrub Planting

Policy EC6 – Energy Efficiency

Policy CF2 – Education Facilities

Policy T8 – Parking Standards

Policy CF14 – Surface Water Disposal

Policy RE3 – Retention of informal open space, playing fields and children's playspace for recreational purposes

Statement of Reasons

In conclusion it is considered that there is an identified need for the proposed removal of existing temporary accommodation at the school and the construction of a standalone two storey building at the school and this should be given great weight in accordance with the provisions of the NPPF. The proposed building would also comply with the encouragement for the enhancement of community facilities as per Policy CF2.

The key considerations are the acceptability of the principle of such development in the Green Belt, the location and design of the stand-alone building and the impact on the amenity of the nearest residential properties.

In terms of the principle of the development, whilst the site is allocated for Green Belt purposes in the adopted Local Plan, the site is an established special needs school site. This factor, coupled with Government advice in respect of the provision of a wide range of high-quality educational opportunities and the identified need for SEND school places in the area, which together with the limited impact of the proposal on the openness and strategic function of the Green Belt in this location are considered to represent the very special circumstances required to outweigh the harm to the Green Belt.

The layout and design of the proposed building is considered appropriate for the school site. It is considered it would take account of its surroundings and provide a focal point for the school. Subject to conditions, the development would be in compliance with Policy EC2.

It would also provide environmental efficiencies in compliance with Policy EC6.

The development proposes ecological enhancements considered to be in accordance with Policy EC13.

New hard and soft landscaping is proposed as part of the new development considered to be in accordance with Policy EC23.

The development is not considered to have unacceptable impacts on privacy, overlooking, security, noise and disturbance, pollution, daylight and sunlight, it is considered that subject to proposed conditions, amenity would be protected in accordance with Policy EC3.

The proposed development would not lead to an increase in pupil or staff numbers at the school. There are not considered to be any reasons for refusal related to traffic and highway impact.

A site-specific Flood Risk Assessment has demonstrated that the site would comply with Policy CF14.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a 'sustainable development' for which there is a presumption in favour. The development would also provide the necessary facilities to support sustainable communities and would be accessible and compatible with the character and needs of the local community in compliance with Policy CF2.

There are no other policies or other material considerations which are overriding or warrant the withholding of permissions.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

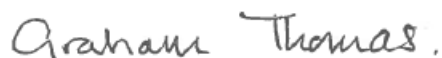
Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Dated: 11 August 2022
COUNTY HALL
CHELMSFORD

Signed



Graham Thomas - Head of Planning Service

IMPORTANT - ATTENTION IS DRAWN TO THE NOTES ON THE NEXT PAGE

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

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 (as amended).
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- 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 a development order.
- 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@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.