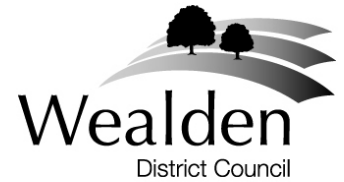


Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2017/0839/MAO**



Tubwell Design
Tubwell Nurseries
Tubwell Lane
Maynards Green
Heathfield
East Sussex
TN21 0BY

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

DEMOLITION OF EXISTING BUILDINGS IN B1/B8 USAGE AND CAFE AND ERECTION OF 24 NO. FAMILY HOUSES.

THE OLD LOOM MILL, ERSHAM ROAD, HAILSHAM, BN27 2RH

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, scale and appearance of the buildings to which this permission relates, the means of access thereto and the landscaping of the site before any development is commenced, such matters being reserved from the permission. STD1A

REASON: To meet the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. STD2

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. (a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and

(b) the development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. STD3

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2012 or any future guidance that replaces it. The scheme shall include:

- (i) The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 35% of housing units;
- (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no RSL involved);
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. AH01

REASON: In the interests of securing affordable housing, having regard to adopted Wealden Local Plan, SPO13, WCS8 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 159 and 174 and the definition in Annex 2 of the National Planning Policy Framework 2012.

5. Before the preparation of ground levels for the development hereby approved, full details of play areas for the development, (including grass seeding/turfing, planting, fencing, safety surfacing, play equipment, seats, litter bins and lighting), together with measures for its long term management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be fully implemented following substantial completion of the development or before occupation of the 100th dwelling, whichever is the sooner and the approved play areas shall be so retained solely for the purposes of children's recreation.

REASON: In the interests of ensuring that sufficient amenity space is provided on the development site for the future occupiers of the dwellings having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy LR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 73 of the National Planning Policy Framework 2012.

6. Before preparation of any groundworks or foundations for the dwellings, details of the amenity open space provision for the development, in accordance with the requirements of the Local Planning Authority's policy, together with measures for its long term management, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include grass seeding/turfing, planting, construction of footpaths and installation of all necessary boundary treatments, equipment and street furniture. The approved scheme shall be fully implemented following substantial completion of the development or before occupation of the 100th dwelling, whichever is the sooner and thereafter shall be so retained for the purpose of amenity open space only. LA14(M)

REASON: In the interests of ensuring that sufficient amenity space is provided on the development site for the future occupiers of the dwellings having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies LR1 and LR5 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 73 of the National Planning Policy Framework 2012.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority. AR01

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of paragraphs 129, 131 and 132 of the National Planning Policy Framework 2012.

8. No work shall be carried out on site for the development hereby approved, until full written details for a Code of Construction Practice has been submitted and approved in writing by the Local Planning Authority. The Code of Construction Practice should detail good practice measures for site working to mitigate potential impacts from construction including protection of retained features and surface water bodies on or adjacent to the site, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing and associated signage, wheel washing facilities, sheeting of lorries during transportation of construction materials, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site. C04 (M)

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Saved Policies EN27 and TR3 of the adopted Wealden Local Plan.

9. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner. DF01

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2012.

10. No development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, including details of treatment of surface water prior to its outfall, have been submitted to and approved by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the related dwelling. DS02

REASON: To prevent an increased risk of flooding, having regard to Saved Policy CS2 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 103 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 4, Sections 8 and 9.

11. Details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains) to be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should specify the responsibilities of each party for the implementation of the SUDS scheme, a timetable for implementation, provide a management plan and maintenance

plan for the lifetime of the development which should include arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its life time. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified. DS05 (M)

REASON: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with Saved Policy CS2 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 103 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 4, Sections 8 and 9.

12. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

REASON: To prevent pollution of the water environment in accordance with Saved Policy CS2 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 4, Sections 8 and 9.

13. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN27 and EN29 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 125 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 3, Section 18; Chapter 8, Section 7.

14. Before the first operation of the development hereby approved, a Travel Plan, shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved. HW07

REASON: The site is within an area of restraint requiring a greater degree of control over sustainable travel to encourage reduced dependence on the car having regard to SPO2, SPO7, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN2 of the adopted Wealden Local Plan 1998. The options for encouraging use of alternative forms of travel must be identified and promoted for this development, coupled with the requirements of paragraphs 32, 34, 35 and 36 of the National Planning Policy Framework 2012.

15. No development approved by this permission shall take place until full details of the means of vehicular access into the site, including the road width, kerb radii, visibility splays, details including sections of construction, finishing materials and the cross falls and longitudinal falls shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sightlines maintained free of all obstruction to visibility above 1.0 metres. HW08 (M)

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in the interests of the visual amenities of the locality having regard to Saved Policy TR3 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 32 of the National Planning Policy Framework 2012.

16. The new estate road shall be constructed to a standard approved by the Local Planning Authority with a view to subsequent adoption as a maintainable highway and the works phased with the progress of building construction to the approval of the Local Planning Authority. HW05

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 32 of the National Planning Policy Framework 2012.

17. The development hereby approved may not commence until full details of the package of off-site highway works have been agreed in writing with the Council, including:
- The vehicular access into the site with a minimum width of 6.1m. New access to include footways on the south side leading onto Ersham Road.
 - A pedestrian crossing on Ersham Road to include dropped kerbs and tactile paving.
 - New footways on Ersham Road connecting the site access with the proposed bus stops on either side of the road.
 - Provision of new bus stops on Ersham Road as detailed above.

All details to be to adoptable standard, incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in the interests of the visual amenities of the locality having regard to Saved Policy TR3 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 32 of the National Planning Policy Framework 2012.

18. No development shall take place until details of car parking and cycle parking facilities to be provided within the site of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved car and cycle parking details shall be implemented prior to the occupation of the associated dwellings and thereafter retained to the satisfaction of the Local Planning Authority. PC06(M)

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 29, 30 and 34 of the National Planning Policy Framework 2012.

19. Before preparation of any groundworks or foundations for the dwellings, the new access(es) shall be completed to base course level, together with the surface water and foul sewers to the approval of the Local Planning Authority in consultation with the Highway Authority. HW11 (M)

REASON: In the interests of highway safety and the amenity of the locality having regard to Saved Policy TR3 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 32 of the National Planning Policy Framework 2012.

20. Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use. RR02

REASON: To preserve the residential and visual amenities of the locality, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 109 of the National Planning Policy Framework 2012.

21. No works shall take place for the development hereby approved until a detailed landscaping and ecological enhancements scheme, which shall include a programme for the implementation of the works and long term management, shall be submitted to and approved in writing to the Local Planning Authority. This detailed scheme shall include:
- (i) Appropriate ecological enhancements, (including wetland habitats incorporated into the SUDS scheme and attenuation pond areas);
 - (ii) Compensatory habitat creation (including replacement ponds) and landscaping planting;
 - (iii) Measures specifically to address retention and enhancement of the site's ecological connectivity through ecological corridors and networks;
 - (iv) Works to all areas of retained habitat and an agreed future management and maintenance strategy for all habitats on the site, including enhancement areas;
 - (v) Details of all management and enhancement works to the existing water-bodies and design and management details for the new water-bodies/reed-beds to be created which shall include:
 - a) Considerations of water quality impacts of surface water runoff on existing ponds/waterbodies, including designs for pollution control and interception facilities;
 - b) How ponds will be designed to maximise wildlife value;
 - c) Clearance of shading and trees and scrub, other vegetation clearance, creation of habitat piles;
 - (vi) A scheme for human access restrictions to the retained and created habitats;

Thereafter, the scheme shall be completed in accordance with the approved plans and programme to the satisfaction of the Local Planning Authority and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified. LA11 (M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Saved Policies EN14 and EN27 of the Wealden Local Plan, coupled with the requirements of paragraphs 17, 109, 117 and 118 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 2; Chapter 3.

22. No development shall take place until there has been submitted to and approved by the Local Planning Authority a wildlife management plan, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts, badgers and dormice, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it. NC08

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to paragraphs 109, 117 and 118 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 2, Chapter 3, Section 15.

23. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. CL01

REASON: To ensure that risks from land 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 off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.

24. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. CL02

REASON: To ensure that risks from land 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 off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.

25. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
CL03

REASON: To ensure that risks from land 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 off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.

26. Before commencement of the hereby approved, all existing buildings at the site shall be demolished and all arising materials shall be removed from the site (or the arising materials re-used or retained in a position on site to be agreed by the Local Planning Authority in writing and thereafter so retained). DE01

REASON: To enable the Local Planning Authority to regulate and control the development of land, to preserve the residential and visual amenities of the locality, and to secure a satisfactory standard of development, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the adopted Wealden Local Plan 1998.

27. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped.	STN40
Habitat Suitability Index Assessment Report	27 June 2017	
LLD1173 Reptile Presence/Absence Survey Report	27 June 2017	
111/247/01	27 June 2017	
Site Plan	27 June 2017	
3418 SWDS Surface Water Drainage Strategy (SWDS)	28 September 2017	
2934 FRA Flood Risk Assessment	27 June 2017	
Transport Statement	27 June 2017	
Detailed Magnetometer Survey	27 June 2017	
Agricultural Land Classification November 2016	27 June 2017	
Phase 1 Ecological Survey November 2016	27 June 2017	
Archaeological Evaluation Report	27 June 2017	
Proposal Statement	27 June 2017	

REASON: For the avoidance of doubt.

The Local Planning Authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at www.planning.wealden.gov.uk

NOTE 1: As this scheme involves the demolition of a building prior to the implementation of this permission, would you please ensure that any person proposing to undertake demolition gives written notice to the Council's Building Control Manager at least six weeks prior to commencing that operation, as required by Section 80 of the Building Act 1984. DEN1

NOTE 2: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house/street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address.
STN8

NOTE 3: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an Ecological Survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

NOTE: Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.
ACCESS FOR FIRE BRIGADE: Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

DISCHARGE OF CONDITIONS: It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the '[Approval of Details Reserved by Condition' Form](#) which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 13 October 2017



Kelvin Williams
Head of Planning & Environmental Services

Application No. WD/2017/0839/MAO

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.planningportal.gov.uk/pcs

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

6 months from the date on the decision notice, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears 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.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered 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 District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.