

Philip Isbell - Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990

Correspondence Address:

Steve Norman
37 Gilderdale Close
Colchester
Essex
CO4 0NL

Applicant:

BAC Woodbridge LTD
C/O Agent

Date Application Received: 30-Mar-21

Application Reference: DC/21/01945

Date Registered: 12-Apr-21

Proposal & Location of Development:

Application under Section 73 of the Town and Country Planning Act - Variation of Condition 2 (Approved Plans and Documents) of planning permission DC/19/02401 dated:12/07/19 - Conversion of barn, workshop and store to form 3no. dwellings and Erection of 6no. dwellings with associated accesses, Landscaping and Parking. To allow changes to the arrangement of the parking facilities, position of dwellings, partial demolition of existing building, larger gardens to units 7 and 8 and internal and external changes to proposed dwellings.

Lower Barn Farm, Lower Street, Baylham, Suffolk IP6 8JP

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2045 DE 10-001A received 17/05/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 2045 DE 10-001 A - Received 17/05/2019
Proposed Site Plan 20-001/CE/001 P6 - Received 12/04/2021
Proposed Plans and Elevations Plot 4 Garage 2004/17 - Received 12/04/2021
Proposed Plans and Elevations Plot 4 Garage 2004/35 B - Received 12/04/2021
Elevations - Proposed Plot 1 2004/31 C - Received 13/04/2021
Elevations - Proposed Plot 2 2004/32 C - Received 13/04/2021
Floor Plan - Proposed Plots 1 and 2 2004/43 B - Received 13/04/2021
Elevations - Proposed Plot 3 2004/31 B - Received 13/04/2021
Floor Plan - Proposed Plot 3 2004/44 B - Received 13/04/2021
Elevations - Proposed Plot 4 2004/32 B - Received 13/04/2021
Floor Plan - Proposed Plot 4 2004/45 B - Received 13/04/2021

Elevations - Proposed Plots 5 and 6 2004/33 B - Received 13/04/2021
Elevations - Proposed Plots 5 and 6 2004/34 B - Received 13/04/2021
Floor Plan - Proposed Plot 5 2004/46 B - Received 13/04/2021
Floor Plan - Proposed Plot 6 2004/47 B - Received 13/04/2021
Elevations - Proposed Plots 7 and 8 2004/36 B - Received 13/04/2021
Elevations - Proposed Plots 7 and 8 2004/37 B - Received 13/04/2021
Floor Plan - Proposed Plots 7 and 8 2004/41 B - Received 13/04/2021
Elevations - Proposed Plot 9 2004/38 B - Received 13/04/2021
Floor Plan - Proposed Plot 9 2004/42 B - Received 14/04/2021
Ecological Survey/Report 1138 Adonis Ecology - Received 30/05/2019
Ecological Survey/Report 1114 Adonis Ecology - Received 17/05/2019
Arboricultural Assessment 7308 - Received 17/05/2019

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than 3 years from the date of the original permission DC/19/02401 (12th July 2019).

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF PHASING OF DEVELOPMENT

Before any development is commenced, a scheme for the carrying out of the development in successive phases shall be submitted to the Local Planning Authority for approval. No development forming part of any phase other than the first, of any scheme subsequently

approved in writing, shall be commenced until 75% of the development in the preceding phase has been occupied.

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development provided in appropriate phases to ensure minimal detriment to residential amenity, the environment and highway safety prior to the commencement of such development.

4. ACTION REQUIRED PRIOR TO WORK ABOVE SLAB LEVEL: SUBMISSION OF MATERIALS AND BOUNDARY TREATMENTS

Prior to work progressing above slab level on the new dwellings hereby approved, details of the external facing and roofing materials (including colour of render, paintwork and colourwash, if applicable) to be used within the construction of the dwellings shall be submitted to and approved in writing with the Local Planning Authority. The works shall be carried out thereafter in full accordance with the approved materials.

Reason: In order to ensure that the materials proposed for use within the development are of an acceptable quality to the area

5. ACTION REQUIRED PRIOR TO COMMENCEMENT: PROVISION OF PHASE 2 LAND CONTAMINATION REPORT

No development shall take place until further site investigation as recommended by the Phase 1 Geo-Environmental Assessment prepared by Rossi Long Consulting and dated March 2019 has been provided to and agreed in writing with the Local Planning Authority. Such further investigation shall address and create a strategy for investigating an contamination present on site (including ground gases, where appropriate) has been submitted for approval by the Local Planning Authority. Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

6. ACTION REQUIRED PRIOR TO WORK ABOVE SLAB LEVEL: CONFIRMATION OF LAND REMEDIATION

Prior to work above slab level on the dwellings hereby approved a written report shall be submitted to and agreed in writing with the Local Planning Authority detailing the findings of the Phase 2 Land Contamination Investigation recommended by the Phase 1 GeoEnvironmental Assessment prepared by Rossi Long Consulting and dated March 2019.

For the avoidance of doubt, this report shall contain:

- a) An assessment of the risk posed to receptors by the contamination including ground gases, where appropriate;
- b) Confirmation that any remediation work has been carried out in accordance with the approved Remediation Scheme; and
- c) Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

7. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT:
ARCHAEOLOGICAL SITE INVESTIGATION

No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

8. ACTION REQUIRED PRIOR TO OCCUPATION: SUBMISSION OF ARCHAEOLOGICAL REPORT

No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

9. ACTION REQUIRED PRIOR TO COMMENCEMENT: DETAILS OF ARBORICULTURAL PROTECTION

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

10. COMPLIANCE REQUIRED: NO BURNING OR STORAGE OF HARMFUL MATERIAL ON SITE

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

11. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Nocturnal Bat Survey (Adonis Ecology Ltd, May 2019) as already submitted with the planning application and agreed in principle with the Local 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 the Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

12. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority, following the recommendations of the Preliminary Ecological Appraisal and Nocturnal Bat Survey (Adonis Ecology Ltd, May 2019).

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) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

13. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

14. ACTION REQUIRED PRIOR TO OCCUPATION: PROVISION OF VISIBILITY SPLAYS

Prior to the occupation of the dwellings hereby approved on site visibility splays to the access shall be provided as shown on Drawing No. 20-001/CE/001 Rev P6 with an X dimension of 2.4m and a Y dimension of 43m and thereafter retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure sufficient visibility is available to vehicles exiting the site such that they can do so in a controlled manner to avoid unacceptably impacting on levels of highway safety.

15. ACTION REQUIRED PRIOR TO OCCUPATION: PROVISION OF FOOTPATH AND PEDESTRIAN CROSSING

Prior to the occupation of the residential dwellings hereby approved the developer shall construct the footpath and pedestrian crossing point to link to existing footway in Lower Street in accordance with Drawing Number 2045DE10/002B (of the original permission DC/19/02401) as submitted and in accordance with construction details which shall first have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that suitable pedestrian links are provided to access the application site and to connect the sites with adjacent footways.

16. ACTION REQUIRED PRIOR TO COMMENCEMENT: DETAILS OF ACCESS AND ASSOCIATED WORKS

Before the development is commenced, details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

17. ACTION REQUIRED PRIOR TO COMMENCEMENT: DETAILS OF HIGHWAYS DRAINAGE

Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

18. ACTION REQUIRED PRIOR TO OCCUPATION: PROVISION OF PARKING AND TURNING AREAS

The use shall not commence until the area(s) within the site shown on drawing no. 20-001/CE/001 Rev P6 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway

19. ACTION REQUIRED PRIOR TO OCCUPATION: DETAILS OF REFUSE/RECYCLING BIN STORAGE

Prior to the occupation of the development hereby approved details of the areas to be provided for presentation and storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

20. ACTION REQUIRED PRIOR TO COMMENCEMENT: HGV CONSTRUCTION METHOD STATEMENT

Prior to the commencement of the development hereby approved a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- 1) haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- 2) provision of boundary hoarding and lighting
- 3) details of proposed means of dust suppression
- 4) details of measures to prevent mud from vehicles leaving the site during construction
- 5) details of deliveries times to the site during construction phase
- 6) details of provision to ensure pedestrian and cycle safety
- 7) programme of works (including measures for traffic management and operating hours)
- 8) parking and turning for vehicles of site personnel, operatives and visitors
- 9) loading and unloading of plant and materials

10) storage of plant and materials

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

21. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING SCHEME

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained.

Reason - In the interests of visual amenity and the character and appearance of the area.

22. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

23. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: PROVISION OF A LANDSCAPE MANAGEMENT PLAN FOR GRAZING LAND

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the retained grazing area shown on the submitted drawings shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

24. COMPLIANCE REQUIRED: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS UNDER SCHEDULE 2 PART 1

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings, including the erection of outbuildings, identified within the submitted plans as forming part of the original barn shall be erected or carried out except in accordance with drawings showing the siting and design of such

enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The building has been specifically designed to retain an agricultural character and further open space serving them is already heavily constrained and any further development on the site would need to be considered at such a time as it were to be proposed.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H07 - Restricting housing development unrelated to needs of countryside
H09 - Conversion of rural buildings to dwellings
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
E04 - Protecting existing industrial/business areas for employment generating uses
NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance

NOTES:

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay

CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/21/01945

Signed: Philip Isbell

Dated: 3rd June 2021

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating 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. 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 six months of the date of this notice, whichever period expires earlier.

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 or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.