

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
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Tim Buxbaum
Brook Cottage
The Avenue
Lower Ufford
Woodbridge
IP13 6DT

Applicant:

David Peachey and Tamlyn Robinson
Peach Barn
Halls Lane
Norton
IP31 3LG

Date Application Received: 25-Oct-21

Application Reference: DC/21/05831

Date Registered: 31-May-22

Proposal & Location of Development:

Full Planning Application - Change of use of barn to form 1No dwelling; Erection of a two storey extension and detached outbuildings (following demolition of existing) as amended by drawings received 31st May 2022.

Peach Barn, Halls Lane, Norton, Bury St Edmunds Suffolk IP31 3LG

Section A – Plans & Documents:

This decision refers to drawing no./entitled Site Location Plan 1:1250 received 31/05/2022 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 Site Location Plan 1:1250 - Received 31/05/2022
Floor Plan - Proposed 907/21/101D - Received 31/05/2022
Elevations - Proposed 907/22/1B - Received 31/05/2022
Elevations - Proposed 907/22/2B - Received 31/05/2022
Elevations - Proposed Cartlodge 907/22/6 - Received 31/05/2022
Existing Site Plan 907/P/1C - Received 31/05/2022
Elevations - Existing 907/P/4A - Received 31/05/2022
Elevations - Proposed Workshop & Pool Building 907/22/5 - Received 31/05/2022
Proposed Site Layout Plan 907/21/100K - Received 04/07/2022
Structural Survey - Received 08/11/2021
Land Contamination Questionnaire - Received 09/11/2021

Land Contamination Assessment 136156_1_EP01 - Received 10/11/2021
Ecological Survey/Report - Received 10/11/2021
Floor Plan - Proposed 907/21/100K - Received 04/07/2022
Daikin Altherma 3 H HT Heat Pump Spec - Received 03/05/2022
Heat Pump Noise Data 3D126757-2 - Received 30/05/2022
Noise Impact Assessment C147-550124 - Received 13/07/2022
Noise Impact Assessment C147-550124 Addendum - Received 26/07/2022
Planning Statement V3 - Received 25/10/2021

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 TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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. 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.

4. SPECIFIC RESTRICTION ON DEVELOPMENT: 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 Roost Assessment (Greenlight Environmental Consultancy Ltd, February 2018), the Bat Emergent Survey (August 2018) and the update Bat Emergent Surveys (Suffolk FWAG, October 2021) as submitted with the previous planning application (DC/18/02040) and agreed in principle with the local planning authority prior to determination.

Reason - To conserve protected and Priority species and allow the LPA 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) as updated by the Environmental Act 2021.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT: GREAT CRESTED NEWT METHOD STATEMENT

Prior to commencement of development, a Non-Licensed Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To conserve protected and Priority species and allow the LPA 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).

6. ACTION REQUIRED PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT LAYOUT

Prior to first occupation, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Roost Assessment (Greenlight Environmental Consultancy Ltd, February 2018), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A 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, insertion of new openings or other alteration of the dwelling house(s) shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: USE RESTRICTION

This permission shall only authorise the use of the hereby approved outbuildings (workshop and pool building) for the purposes ancillary to the principal dwelling known as Peach Barn (or Halls Farn).

Reason - In order to protect residential amenity and minimise disturbance to neighbouring properties.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: CYCLE STORAGE

The use shall not commence until the area(s) within the site shown on Drawing No.907/21/100K for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason - To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: POOL PLANT

The swimming pool plant shall be installed as approved and in accordance with the Noise Impact Assessment (ref: C147-550124) and the addendum. The plant shall be maintained in the approved form while the premises are in use for the permitted purpose.

Reason - To minimise detriment to nearby residential amenity.

11. SPECIFIC RESTRICTION ON DEVELOPMENT: FLUE

The hereby approved chimney flue shall terminate at least 1m above the roof ridge height and it shall discharge vertically upwards, and shall not be fitted with any restriction at the final opening such as a plate, cap or cowl, unless otherwise submitted to and approved, in writing, by the Local Planning Authority.

(Note: an efflux cone may be added to add dispersion, or a rain sleeve to prevent the ingress of rainwater).

Reason - To minimise detriment to nearby residential amenity.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CONSTRUCTION TIMES

Operations related to the construction (including site clearance and demolition) phases of the permitted development shall only operate between the hours of 08.00 and 18.00hrs Mondays to Fridays and between the hours of 08.00 and 13.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

13. SPECIFIC RESTRICTION ON DEVELOPMENT: BURNING

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

Reason - To minimise detriment to nearby residential amenity.

14. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours (to include hours for delivery)
- Details of the scheduled timing/phasing of the development for the overall construction period
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- protection measures for footpaths surrounding the site
- Loading and unloading of plant and materials
- Wheel washing facilities
- Lighting
- Location and nature of compounds, pottraloos and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Method of any demotion to take place, including the recycling and disposal of materials arising from demolition.
- Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling) and;
- Litter and waste management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demotion and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Reason - To minimise detriment to nearby residential amenity.

15. ACTION REQUIRED PRIOR TO USE: HIGHWAYS - PROVISION OF PARKING

The use shall not commence until the area(s) within the site shown on drawing no. 907/21/100K for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason - To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

16. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: HIGHWAYS - ACCESS SURFACE TREATMENT

Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

17. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS - GATES

Gates/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason - To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

18. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS - PD VISIBILITY

The hedge, fence, wall or other means of frontage enclosure along the highway frontage of the site shall be reduced to 0.6 metres above the level of the adjacent carriageway before occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

Reason - In the interests of highway safety by providing and maintaining intervisibility between highway users.

19. ACTION REQUIRED PRIOR TO COMMENCEMENT: HIGHWAYS - SURFACE WATER

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 including any system to dispose of the water. 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. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

20. ACTION REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

Prior to the first occupation of the development details of the areas to be provided for the storage and presentation for collection/emptying of refuse and 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 space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

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. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HEAT PUMP SCREENING

Prior the installation of the hereby approved heat pumps, details of any proposed screening shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be retained as such thereafter.

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

23. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: ARBORICULTURAL REPORT

Prior the erection of the hereby approved cart lodge/garage, an arboricultural report including mitigation measures shall be submitted to and approved, in writing, to the Local Planning Authority. The approved report shall be implemented in full during construction.

Reason - To lessen any potential impact on the Pollarded Oak (T2) to the southern boundary.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB03 - Conversions and alterations to historic buildings
HB04 - Extensions to listed buildings
HB05 - Preserving historic buildings through alternative uses
T09 - Parking Standards
HB06 - Securing the repair of listed buildings
H09 - Conversion of rural buildings to dwellings
H16 - Protecting existing residential amenity
T10 - Highway Considerations in Development

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.

2. **Highways Note**

Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>
or:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

County Council drawings DM01 - DM14 are available from:
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

3. **Building Control Note**

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.

4. **Minimum requirements for dealing with unexpected ground conditions being encountered during construction**

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.

2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.

3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.

5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.

6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.

7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.

8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:

- o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or

- o treatment of material on site to meet compliance targets so it can be re-used; or

- o removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

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/21/05831

Signed: Philip Isbell

Dated: 12th August 2022

**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.