

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Mr Philip Branton
Wincer Kievenaar Architects Ltd
2 Market Place
Hadleigh
IP7 5DN

Applicant:

Landex Ltd
19 Holywells Rd
Ipswich
IP3 0DL

Date Application Received: 02-Nov-21

Application Reference: DC/21/05992

Date Registered: 12-Nov-21

Proposal & Location of Development:

Planning Application. Erection of 5no dwellings following demolition of 5no barns.

Red House Farm, Duke Street, Hintlesham, IP8 3PW

Section A – Plans & Documents:

This decision refers to drawing no./entitled 5646_SU_01_A received 01/04/2022 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 5646_SU_01_A - Received 01/04/2022
Block Plan - Proposed 5646_PA_01_A - Received 02/11/2021
Site Plan 5646_PA_02_A proposed - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_03_A plot 1 - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_04_A plot 2 - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_05_A plot 3 - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_06_A plot 4 - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_07_A plot 5 - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_08_A plots 1&2 garages - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_09_A plots 3 & 4 garages - Received 02/11/2021
3D/Axonometric Drawings 5646_PA_11_A proposed site - Received 02/11/2021
Proposed Plans and Elevations 5646_PA_10_A plot 5 garage - Received 02/11/2021
3D/Axonometric Drawings 5646_PA_12_A proposed site - Received 02/11/2021
5646_PA_13_A perspective image - Received 02/11/2021

5646_PA_14_A perspective image - Received 02/11/2021
5646_PA_15_A perspective image - Received 02/11/2021
5646_PA_16_A perspective image - Received 02/11/2021
Site Plan 5646_SU_02 existing - Received 02/11/2021
Design and Access Statement - Received 02/11/2021
Heritage Statement - Received 02/11/2021
Ecological Survey/Report - Received 12/11/2021
Land Contamination Assessment - Received 12/11/2021
Safe Working - Received 07/12/2021
Landscape and Visual Impact Assessment - Received 02/02/2022

Section B:

Babergh 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. ACTION REQUIRED PRIOR TO COMMENCEMENT DEVELOPMENT: MITIGATION TO BE AGREED

No development shall be carried out until proposals for the mitigation of the impact of the development on protected Suffolk Habitats Sites have been submitted to and approved in writing by the Local Planning Authority, which shall include evidence of completion of the required legal agreement to secure the proposed mitigation. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), or for mitigation to

at least an equivalent effect. The development shall be carried out in accordance with and subject to the proposals as may be approved.

Note:

You will need to secure the provision of appropriate visitor management measures at the Habitats Site(s) before the condition can be discharged. You can contribute to funding the Council's suite of mitigation projects and secure such provision prior to occupation through a legal agreement between the Council and Developer/Applicant and site owners.

You are advised to discuss this matter with the Local Planning Authority prior to submission of details to discharge this condition.

Reason - In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. This condition is required to be agreed prior to the commencement of any development as any construction process to ensure adequate time for any agreement to be secured and be implemented prior to occupation.

4. 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 Ecology Report (MHE Consulting Ltd, November 2021) 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 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. PRIOR TO OCCUPATION: 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. 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 LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

6. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD AND SOFT LANDSCAPING SCHEME

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment 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, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting. The Landscaping Scheme shall include both the red line and blue line areas of Drawing No. 5646_SU_01_A received 01/04/2022.

Reason: In the interests of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of any development to ensure matters of tree and hedgerow protection are secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to important trees and hedgerow that would result in harm to amenity.

7. 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.

8. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN (LMP)

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include:

Drawings showing:

- The extent of the LMP; ie only showing the areas to which the LMP applies.

Written specification detailing:

- All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
 - All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
 - All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
- Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Reason - To support plant establishment and ensure appropriate management is carried out and to maintain functionality and visual aesthetic.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: GARAGE DOORS

Notwithstanding the submitted details, the garage doors shall be constructed of timber and be side hung and painted black. Thereafter the doors shall be retained in this design and colour.

Reason - To ensure that visual character of the complex is appropriate to its setting.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: ACCESS

No other part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. DM02; and with an entrance width of 4.5 metres for a distance of 10 metres measured from the nearside edge of the carriageway and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

11. SPECIFIC RESTRICTION ON DEVELOPMENT: ACCESS SURFACE

Condition: 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 10 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.

12. PRIOR TO COMMENCEMENT: SURFACE WATER DETAILS

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 prior to occupation and shall be retained thereafter in its approved form.

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

13. PRIOR TO COMMENCEMENT: REFUSE BINS

Before the development is commenced, 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 bin storage and presentation/collection area shall be provided for each dwelling prior to its

first occupation 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.

Condition: The use shall not commence until the area(s) within the site shown on drawing no. PA 02 A

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.

Condition: Before the development is commenced details of the areas to be provided for the secure,

covered and lit cycle storage including electric assisted cycles and electric vehicle charging

infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented for each dwelling prior to its first occupation and retained

as such thereafter.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term

maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of

electric vehicles in accordance with Suffolk Guidance for Parking 2019.

Condition: Before the development hereby permitted is commenced 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:

a) parking and turning for vehicles of site personnel, operatives and visitors

b) loading and unloading of plant and materials

c) piling techniques (if applicable)

d) storage of plant and materials

e) provision and use of wheel washing facilities

f) programme of site and all associated works such as utilities including details of traffic management

necessary to undertake these works

g) site working and delivery times

h) a communications plan to inform local residents of the program of works

i) provision of boundary hoarding and lighting

j) details of proposed means of dust suppression

k) details of measures to prevent mud from vehicles leaving the site during construction

l) haul routes for construction traffic on the highway network and

m) monitoring and review mechanisms.

n) Details of deliveries times to the site during construction phase.

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.

14. SPECIFIC RESTRICTION ON DEVELOPMENT: PARKING

The use shall not commence until the area(s) within the site shown on drawing no. PA 02 A 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.

15. PRIOR TO COMMENCEMENT: CYCLE STORAGE

Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electric vehicles in accordance with Suffolk Guidance for Parking 2019.

16. PRIOR TO COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN

Before the development hereby permitted is commenced 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:

a) parking and turning for vehicles of site personnel, operatives and visitors

b) loading and unloading of plant and materials

c) piling techniques (if applicable)

d) storage of plant and materials

e) provision and use of wheel washing facilities

f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works

- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase.

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.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CN01 - Design Standards
TP15 - Parking Standards - New Development
CR04 - Special Landscape Areas
CR08 - Hedgerows
CR10 - Change of use from Agricultural Land
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
NPPF - National Planning Policy Framework
CR07 - Landscaping Schemes

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. Condition Precedent Note

This permission / consent includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the

preparation, and consideration of, any conditional matters before the time limit on this applications expires.

3. Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.
4. 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/standarddrawings/>

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.

5. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

- Specific MAHP BPD 15 METERS
- Specific IP BPD 3 METERS
- Specific AGI BPD (based upon the hazardous area zoning) 10 METERS

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution Your responsibilities and obligations

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [box.eaplantprotectionops@cadentgas.com /

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/21/05992

Signed: Philip Isbell

Dated: 6th April 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.