

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 Luke Thrumble
Dovetail Architects Ltd
Unex Tower
Station Street
Stratford
London
E15 1DA

Applicant:

Burney Estates Ltd
C/O Agent

Date Application Received: 24-Apr-23

Application Reference: DC/23/01962

Date Registered: 25-Apr-23

Proposal & Location of Development:

Planning Application - Erection of a drive-through unit with associated landscaping.

Land At Weavers Meadow, Ipswich Road, Hadleigh, IP7 6BE

Section A – Plans & Documents:

This decision refers to drawing no./entitled 4358_PL01 received 10/01/2024 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:

Proposed Landscaping Plan 4358_PL09 C - Received 10/01/2024
Defined Red Line Plan 4358_PL01 - Received 10/01/2024
Site Plan 4358_PL02 - Received 10/01/2024
Roof Plan - Proposed 4358_PL08 - Received 10/01/2024
Block Plan - Proposed 4358_PL10 B - Received 10/01/2024
Proposed Site Plan 4358_PL03 G - Received 10/01/2024
Floor Plan - Proposed 4358_PL04 A - Received 10/01/2024
Elevations - Proposed 4358_PL05 C - Received 10/01/2024

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. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of two 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. COMPLIANCE REQUIRED: APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above (save for those details reserved by other conditions) 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.

Reason - For the avoidance of doubt and in the interests of clarity on the development.

3. RESTRICTION IMPOSED: COFFEE SHOP USE

The use of the building hereby approved shall solely be a coffee shop with associated drive-through and shall not be for any other use falling within Class E (or any other Sui Generis use). For the avoidance of doubt any change in the sale of goods to be predominantly hot food will require planning permission.

Reason: For the avoidance of any doubt as to the scope of this permission and the permitted use of the building.

4. DISCHARGE REQUIRED: ENTRANCE LOBBY DETAILS

Notwithstanding any submitted information, prior to development above slab level, further details of the entrance lobby to the south facing entrance shall be formally submitted to the Local Planning Authority for their written approval. The entrance lobby shall then be built in accordance with the approved details.

Reason: To ensure the development is of a high-quality design and is sympathetic in relation to the main building and within the wider locality.

5. DISCHARGE REQUIRED: ENTRANCE ACCESS BARRIER

Notwithstanding any submitted information, prior to first operation, further details of an access barrier across the entrance into the site shall be formally submitted to the Local Planning Authority for their written approval. The approved access barrier shall be installed prior to first operation of the drive-through and shall then be retained.

Reason: To ensure appropriate security is in place.

6. DISCHARGE REQUIRED: EXTRACTION

Prior to internal fit out, a scheme of arrangements covering internal air extraction, odour control, discharge to atmosphere from cooking operations, including any external ducting and flues and means of attenuation and isolation to prevent noise nuisance shall be formally submitted to the Local Planning Authority for their written approval. The approved equipment shall be installed in full prior to first operation and shall then be retained for as long as the building operates as a coffee shop and drive-through.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

7. DISCHARGE REQUIRED: EXTERNAL PLANT NOISE

Prior to first operation, details of fixed plant/ machinery, including manufacturer's acoustic information, any proposed attenuation and calculations (in accordance methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) that demonstrate that the rating level of sound emitted by them does not exceed 33dB(A) 15mins, shall be formally submitted to the Local Planning Authority for their written approval. The approved equipment and attenuation shall then be installed prior to first operation and shall then be retained for as long as the building operates as a coffee shop and drive-through.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

8. RESTRICTION IMPOSED: OPENING HOURS

All on-site activity of the hereby approved development shall only occur between the hours of 06:00 and 22:00.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

9. RESTRICTION IMPOSED: DELIVERY HOURS

All deliveries to the hereby approved drive-through shall only occur between the hours of 07:00 and 21:00.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

10. RESTRICTION IMPOSED: OUTSIDE SEATING

The outside seating area shall be restricted to cover a maximum area of 8sqm as shown on the approved site plan 4358_PL03G. There shall be no outside seating in any other area of the site.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

11. DISCHARGE REQUIRED: EXTERNAL LIGHTING

Prior to the installation of any external lighting (except for those required during the construction period), an external lighting scheme which shall include lighting locations, luminance and appearance shall be formally submitted to the Local Planning Authority for their written approval. Any external lighting shall then be installed in accordance with the approved scheme. No other external lighting shall be installed.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

12. RESTRICTION IMPOSED: EXTERNAL MUSIC

No music shall be played externally or amplified to be heard externally at any time.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

13. DISCHARGE REQUIRED: LIVING WALLS

Prior to development above slab level, details of all five living wall panels (two on the northern elevation and 1 on the southern, eastern and western elevations) shall be formally submitted to the Local Planning Authority for their written approval. The details shall include planting specification, irrigation and management of the walls. The approved living walls shall then be installed prior to first operation and shall then be retained and managed in accordance with the approved details.

Reason: To ensure the living walls are appropriate and are managed.

14. DISCHARGE REQUIRED: NORTH WEST LANDSCAPING

Notwithstanding the submitted plans and prior to development above slab level, landscaping details for the northwest corner of the site shall be formally submitted to the Local Planning Authority for their written approval. The approved landscaping shall then be planted in the first available planting season following the approval of this condition.

Reason: To secure appropriate levels of planting and native planting in a prominent corner of the site.

15. DISCHARGE REQUIRED: EASTERN BOUNDARY TREATMENTS

Notwithstanding any submitted plans, prior to development above slab level, details of hard and soft boundary treatments along the eastern boundary of the site shall be formally submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall then be planted/ installed in the first available planting season following approval of this condition/ prior to first operation respectively. All approved boundary treatments shall then be retained.

Reason: To secure appropriate boundary treatments facing onto established trees and hedgerows.

16. COMPLIANCE REQUIRED: LANDSCAPING

Save for landscaping details reserved by conditions 13 and 14, all landscaping shown on plan 4358_PL09C shall be planted in the first available planting season following the commencement of development (or in another phased arrangement to be formally submitted to the Local Planning Authority for their written approval).

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing, including planting as may be approved under conditions 13 and 14) 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 and is managed and retained in an appropriate manner.

17. COMPLIANCE REQUIRED: VISIBILITY SPLAYS

Prior to first use of the access, vehicular visibility splays shall be provided as shown in Drawing No. 4358_PL10B with an X dimension of 2.4 metres and a Y dimension of 43 metres to the nearside edge of the carriageway and shall then be retained.

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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

18. DISCHARGE REQUIRED: ACCESS IMPROVEMENT

Prior to laying of the access surface material, details of the bound surface material to be used on the vehicular access shall be formally submitted to the Local Planning Authority for their written approval.

The access shall then be improved, laid out, completed and made available in accordance with Drawing No. 4358_PL10B and the approved details; with a minimum entrance width of 6.5 metres for a distance of 5 metres measured from the nearside edge of the carriageway and surfaced with the approved bound material prior to first operation. The access shall then be retained.

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.

19. DISCHARGE REQUIRED: SURFACE WATER

Prior to the commencement of development, a scheme showing means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water shall be formally submitted to the Local Planning Authority for their

written approval. The approved scheme shall be implemented in full prior to first operation and shall then be retained.

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

20. COMPLIANCE REQUIRED: PARKING AND EV CHARGING

Prior to first operation, the area(s) within the site shown in Drawing No. 4358_PL03G for the purposes of parking, manoeuvring and electric vehicle charging shall be provided and available for use and shall then be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided in accordance with Suffolk Guidance for Parking (2023) and maintained 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 and promote sustainable modes of travel.

21. COMPLIANCE REQUIRED: CYCLE STORAGE

Prior to first operation, the area(s) within the site shown in Drawing No. 4358_PL03G for the purposes of secure cycle storage shall be provided and available for use and shall then be retained and used for no other purpose.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2023) to promote sustainable travel.

22. DISCHARGE REQUIRED: FOOTWAY

Prior to development above slab level, details of a new shared use footway along the frontage of the development and an associated dropped kerb crossing as indicatively shown on Drawing No. 4358_PL10B shall be formally submitted to the Local Planning Authority for their written approval.

The approved footway shall then be completed and available for use prior to first operation and shall then be retained.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking.

23. COMPLIANCE REQUIRED: BIN PRESENTATION AND STORAGE

The areas to be provided for storage and presentation for collection/emptying of refuse and recycling bins and fencing surrounding the bin store as shown on plan no. 4358_PL03G shall be provided and made available for use prior to first operation and shall then be retained and used 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.

24. DISCHARGE REQUIRED: CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of development, a Construction Management Plan shall be formally submitted to the Local Planning Authority for their approval along with confirmation that the head contractor, or the site, is signed to the Considerate Constructors Scheme (CSC) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

The plan shall include:

- a) access, routing and parking arrangements for contractors vehicles and delivery vehicles
- b) methodology for avoiding soil and dust from the site tracking onto the highway / surrounding area together with a strategy for remedy of this should it occur, including wheel washing (and facility) as necessary
- c) Hours of construction and related deliveries
- d) no burning on site during clearance or construction
- e) litter, waste storage and removal
- f) temporary buildings and boundary treatments
- g) Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling if required)
- h) external lighting
- l) Location and nature of compounds, portaloos and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials
- j) loading and unloading of plant and materials
- k) protection measures for footpaths surrounding the site

All clearance and construction shall take place in accordance with the approved strategy.

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. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

25. DISCHARGE REQUIRED: FOUL WATER DRAINAGE

Prior to commencement of development, details of the foul water drainage shall be formally submitted to the Local Planning Authority for their written approval. The approved foul water drainage scheme shall be implemented and made available for use prior to first operation and shall then be retained.

Reason: To minimise detriment to nearby residential amenity and prevent drainage issues on site.

26. DISCHARGE REQUIRED: LITTER MANAGEMENT STRATEGY

Prior to first operation, a litter management strategy shall be formally submitted to the Local Planning Authority for their written approval. The strategy shall include locations and size of waste bins, emptying regimes and litter picking practices on and around the site. The approved strategy shall then be implemented prior to first operation and shall be adhered to while the building is operational as a coffee shop and drive-through.

Reason: In order to ensure there is no adverse impact on the surrounding environment and nearby amenity.

27. DISCHARGE REQUIRED: SUSTAINABLE ENERGY PLAN

Prior to commencement of development a Sustainable Energy Plan shall be formally submitted to the Local Planning Authority for their written approval. The Plan shall include details of sustainable energy to serve the site and means to reduce energy and resource usage. The approved strategy shall then be implemented prior to first operation and shall be adhered to while the building is operational as a coffee shop and drive-through.

Reason: In order to ensure the development is environmentally sustainable and reduces energy usage. This condition is required to be pre-commencement as sustainable energy should be incorporated into the scheme from the outset.

28. DISCHARGE REQUIRED: GATE AND ACCESS PROVISION

Notwithstanding any submitted plans, prior to first operation, details of a lockable gate and access provision and management to the northern boundary of the site for the purposes of maintenance of adjacent pumping station shall be formally submitted to the Local Planning Authority for their written approval. The approved gate and access, and means for its management, shall be provided and made available for use prior to first operation and shall then be retained in accordance with the approved details.

Reason: In the interests of ensuring appropriate security and access provisions are in place for maintenance of the pumping station.

29. COMPLIANCE REQUIRED: ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology Ltd, March 2023).

Reason: To conserve protected and Priority species and allow the Local Planning Authority 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).

30. DISCHARGE REQUIRED: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to development above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be formally submitted to the Local Planning Authority for their written approval.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The approved strategy shall be implemented in full prior to first operation and shall then be retained.

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)

31. PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN PLAN

No development shall commence unless and until a Biodiversity Net Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Statutory Biodiversity Metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Net Gain Plan should include the following:

1. Proposals for the on-site biodiversity net gain;
2. A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
3. Proposals for any off-site biodiversity net gain provision;
4. A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species) and Policy LP16 of the adopted Babergh & Mid Suffolk Joint Local Plan.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

- SP03 - The sustainable location of new development
- SP05 - Employment Land
- SP06 - Retail and Main Town Centre Uses
- SP09 - Enhancement and Management of the Environment
- SP10 - Climate Change
- LP09 - Supporting a Prosperous Economy
- LP10 - Change from Employment Uses
- LP11 - Retail and Town Centres

LP12 - Tourism and Leisure
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP25 - Energy Sources, Storage and Distribution
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport
NPPF - National Planning Policy Framework
SAPS - Suffolk Adopted Parking Standards (2015)

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. SIGNAGE

For the avoidance of doubt no signage shown on the submitted plans is approved by this permission. This signage requires advertisement consent sought separately from any planning permission.

3. HIGHWAY WORKS

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.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The developer will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

For further information, please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

4. UNILATERAL UNDERTAKING

This planning permission has been granted having regard to a related Unilateral Undertaking. Reference should be made to that document in conjunction with this decision notice.

5. UNILATERAL UNDERTAKING

The local planning authority in determining this application has had regard to the offer made by the applicant at the relevant Planning Committee meeting at which this application was considered, to provide a financial contribution of up to £10,000 (ten thousand) towards the cost of a Traffic Regular Order application to secure parking restrictions on Ellen Aldous Avenue in the event that use of the building resulted in on street parking issues. Consequently the applicant company as part of its submission has confirmed the offer made at the Planning Committee by way of a signed Unilateral Undertaking in an agreed form that will secure this contribution.

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/23/01962

Signed: Philip Isbell

Dated: 23rd February 2024

**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/appeal-planning-decision>.

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.