



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mr Will Edmonds - Montagu Evans
5 - 10 Bolton Street
London
W1J 8BA

APPLICANT: Hawkstone Vale (Clacton) LLP
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00338/FUL **DATE REGISTERED:** 20th March 2019

Proposed Development and Location of the Land:

**Redevelopment of former Gasworks site comprising a mixed use Trade Counter led development classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis uses plus car parking, landscaping, totem sign, reconfigured access arrangements and associated works.
Old Gas Works Site Old Road Clacton On Sea Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall begin not later than three years from the date of this decision

Reason - This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan - Ref: 18/1704/L
Proposed Site/Block Plan - Ref: 18/1704/101p
Proposed Floor & Roof Plans - Ref: 18/1704/102d
Proposed Floor & Roof Plans - Ref: 18/1704/103e
Proposed Plans & Elevations A3 Restaurant - Ref: 18/1704/104e
Proposed Elevations & Sections - Ref: 18/1704/105d
Proposed Totem Sign 18-1704/106
Boundary Treatment & Service Yard Gate Elevations 18-1704/107
Acoustic Report ref 70050045 February 2019
Site-specific Flood Risk Assessment and Surface and Foul Water Drainage Strategy Ref 6072-003 November 2019
Transport Assessment Ref 70050045-TA2 November 2019
Preliminary Ecological Appraisal ref 5055-LLB-RP-EC-0003-S4-P01 29/11/2018
Reptile Report Ref 5055-LLB-RP-EC-0001-S4-P01 25 September 2019

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

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) Units A1, A- H, and J-P as shown on Drawing Ref: 18/1704/101p can be used flexibly within Class B1 and/or B2 and/or B8, along with the ancillary retail function associated with a trade counter (for the avoidance of doubt, 20% ancillary retail would be acceptable) and for no other purpose without the approval of the Local Planning Authority.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to ensure an appropriate mix of uses for the town centre site.

- 4 Notwithstanding Condition 3, Units 2 and E shown on Drawing Ref: 18/1704/101p can be used flexibly within Class B1 and/or B2 and/or B8, along with the ancillary retail function associated with a trade counter (for the avoidance of doubt, 30% ancillary retail would be acceptable) and/or the following sui generis uses:

1. Storage, distribution and sale of hard wall and floor finishes and associated products
2. Auto centre involving fitting and associated sale of tyres and car parts

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to ensure an appropriate mix of uses for the town centre site.

- 5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) Units J, K, L, M, N and P as shown on Drawing Ref: 18/1704/101p can be used flexibly within Class A1, A3 and/or A5. Notwithstanding, this the total Class A5 floorspace within Units J, K, L, M, N and P shall not exceed 254 sq. m gross.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to ensure an appropriate mix of uses for the town centre site.

- 6 No development, including any site clearance, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 7 Prior to first use of any of the buildings hereby permitted a verification report

demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall have been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8 No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 10 The development hereby approved shall be carried out in accordance with a workplace travel plan to be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be actively implemented for a minimum period of 5 years from first occupation.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 11 No works hereby approved shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but

not be limited to a final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Surface Water Drainage Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 13 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason - Infiltration through contaminated land has the potential to impact on groundwater quality.

- 14 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times: Monday to Friday 0800 hours - 1800 hours, Saturday 0800 hours -1300 hours, and Sundays, Public and Bank Holidays - no working.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 15 No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- a scheme to control noise and vibration during the construction phase, including details of any piling operations;
- details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the

construction period for the development.

Reason - In the interests of pollution control and residential amenity for nearby occupiers.

- 16 Prior to commencement of any above ground works, full details of the types and colour of the materials to be used in the external finishes shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure that the development does not prejudice the appearance of the locality.

- 17 The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such thereafter.

Reason - In order to secure the satisfactory development of the site and in the interests of visual and residential amenity.

- 18 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason - To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 19 Prior to commencement of any above ground works a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason - To enhance the appearance of the development and in the interests of amenity.

- 20 No deliveries shall be taken at or despatched from the site outside the hours of 0700 - 2300 Monday to Saturday, and 0800 - 19:00 Sundays and Bank or Public Holidays.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 21 The service yard at the rear of Units A1, A-H, K and J shall be laid out and operated in

accordance with the recommendations of the Acoustic Report, produced by WSP, PROJECT NO. 70050045 , contained at Paragraph 5.2.20.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 22 The Tyre Centre hereby permitted shall not be open for business outside the following hours:- Monday to Friday 0800 hours - 2000 hours Saturdays 0800 hours - 2000 hours Sundays, Public and Bank Holidays 0900 hours - 1700 hours.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 23 The Drive-Thru Restaurant hereby permitted shall not be open to customers either in-store or using the Drive Thru lane, or preparing food for home delivery, outside the hours of 05:00 - 00:00 daily.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 24 The use hereby permitted in Units J, K, L, M, N & P shall not be open to customers, or preparing food for home delivery, outside the following times 0600 - 2200 Monday to Saturday, and 0800 - 22:00 Sundays and Bank or Public Holidays.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 25 Prior to commencement of any above ground works, details of an acoustic barrier, to be erected on the northern boundary of the development site, including details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be installed prior to the first use of any building on the site and permanently maintained as such.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 26 Prior to installation, details of any external refrigeration, ventilation or air handling / extraction equipment to be installed within the site shall be submitted to and agreed in writing by the local planning authority. Details of any proposed external refrigeration, ventilation or air handling / extraction equipment shall include means of minimising the transmission of structure borne sound. The plant shall be installed and maintained in accordance with the approved details.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 27 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason - To ensure appropriate parking facilities are available for users of the development.

- 28 The bicycle parking facilities as shown on the approved plans are to be provided prior to

the first occupation of the development and retained at all times.

Reason - To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 29 All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme to be agreed in writing by the local planning authority.

Reason - To ensure that there are suitable facilities for pedestrians to move around the site and to control the appearance of the development in the interests of visual amenity.

- 30 There shall be no outdoor storage or display of equipment, plant, goods or materials within the site whatsoever.

Reason - To ensure that the proposed development does not prejudice the appearance of the locality and to ensure that parking areas and circulation areas for pedestrians and vehicles are kept clear of obstructions.

- 31 If development is not commenced by the end of March 2021, a site visit by a suitably qualified ecologist shall be undertaken to assess the likely presence/absence of reptiles on the site. No work shall commence on site until the report and any required mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall be carried out in accordance with the approved details.

Reason - To re-assess the quality of habitats on site with respect to reptiles, and the likelihood of reptiles having colonised the site in the 18 months since the original phase 2 reptile survey.

- 32 Prior to the installation of any equipment associated with the approved car wash details of sound attenuation measures for any jet wash, vacuum and air/water facilities shall be submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be fully implemented prior to the commencement of the use and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Reason - To ensure that occupiers of nearby residential premises do not suffer a loss of amenity by reason of noise nuisance from use of the proposed premises.

- 33 The hereby approved car wash shall not operate outside the hours of 8.00 - 18.00 daily.

Reason - To ensure that occupiers of nearby residential premises do not suffer a loss of amenity by reason of noise nuisance from use of the proposed premises.

- 34 Any vegetation or scrub clearance should be carried out outside the main bird breeding season (March to September inclusive). If this is not possible a search should be undertaken to confirm the presence/absence of nesting birds prior to clearance works commencing. If nesting birds are found then work must be delayed until the nest is no longer in use.

Reason - In the interests of protecting wildlife that may be using the site.

- 35 No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for

delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site. The Construction Traffic Management Plan as approved shall be adhered to throughout the construction phase of development.

Reason - In the interests of highway safety and efficiency.

- 36 No occupation of the development shall take place until the site access, the detail of which to be previously submitted to and approved in writing by the Local Planning Authority, has been completed. Access details shall include:
- (i) In response to the Stage 1 Road Safety Audit and as part of the detailed design stage, skid resistance survey/testing on the existing carriageway for Old Road for both approaches to the proposed access to the site.
 - (ii) In response to the Stage 1 Road Safety Audit and as part of the detailed design that the junction geometry and the initial length of the development site access road should be modified, in order to prevent vehicles overswinging the carriageway for delivery vehicles egressing to the north. Due to existing constraints on the site and the detrimental affect the widened access junction would have on pedestrians an option of providing a pedestrian refuge should be explored as part of these investigations.
 - (iii) a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason - In the interests of highway safety and efficiency.

- 37 Prior to first occupation of the development and in accordance with details to have been previously approved in writing by the Local Planning Authority, the following works shall be completed: Introduction of tactile paving and minor improvements to the Waterglade Retail Park arm of the Old Road roundabout; to the existing pedestrian refuge island at the entrance to the Waterglade Retail Park.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated between the two retail parks as a result of the proposed development.

- 38 Prior to first occupation of the development the provision of a vehicular turning facility, of a design to have been previously approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 39 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

DATED: 10th February 2020

SIGNED:

Cath Brennan

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL4 Supply of Land for Employment Development

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER31 Town Centre Hierarchy and Uses

COM1 Access for All

COM2 Community Safety

COM22 Noise Pollution

COM23 General Pollution

EN6A Protected Species

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

CL10 Extension to the Waterglade Centre

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

PP1 New Retail Development

PP2 Retail Hierarchy

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Financial contribution towards highway works and monitoring fee for Workplace Travel Plan.

Anglian water informatives

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.
- A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water.

- The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. In respect of all of these matters the applicant is advised to contact Anglian Water's Development Services Team 0345 606 6087.

Advertisement informative

- The permission hereby granted should not be construed as authorising the erection of advertisement signage within the application site, including the totem advertisement, for which the separate grant of advertisement consent is required.

Highways Informatives

- In situations where retaining walls or other similar methods are required to support land directly adjacent to the highway, their design, construction or composition (in the case of embankments) should be agreed in advance with the Highway Authority.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- Internal Layout - Full details of the internal roads and footways (including layout, levels, gradients, surfacing, and means of surface water drainage, construction details and any lighting requirements) will be agreed during technical approval stage.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: 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 at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ENFORCEMENT

- 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 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.