



**AGENT:** Mr Luke Thrumble -  
Dovetail Architects Ltd  
Unex Tower  
Station Street  
Stratford  
London  
E15 1DA

**APPLICANT:** Mr Daren Burney - Burney  
(Harwich) Limited  
Burney Court  
113 Manor Road  
Chigwell  
IG7 5PS

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 23/00881/VOC

**DATE REGISTERED:** 22nd June 2023

Proposed Development and Location of the Land:

**Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 2 (approved drawings) and proposed new condition of 21/01240/FUL relating to number of drive-thru and business units.**

**Stanton Europark Freshfields Road Harwich 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 be commenced no later than the 16th February 2026.

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 The development hereby permitted shall be carried out in accordance with the following drawings/documents listed 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:

- 3835 - PL02X
- 3835 - PL03D
- 3835 - PL04D
- 3835 - PL13B
- 3835 - PL15D
- 3835 - PL16A
- 3835 - PL17E
- 3835 - PL21
- 3835 - PL14 B
- 3835 - PL18B

- 3835 - PL19B
- 3835 - PL05
- 3835 - PL06
- 3835 - PL10
- 3835 - PL11
- 3835 - PL12
- 3835 - PL20A
- 3835 - PL22D
- Reptile Assessment (November 2022)
- Preliminary Ecological Assessment (June 2022)
- Flood Risk Assessment and Surface Water Drainage/Suds Strategy - May 2021 -  
Report Ref: 2708/Re/05-21/01
- 3835 - PL23A
- 3835 - PL25B
- 3835 - PL24B

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

- 3 Prior to above ground works of Phase 1 of the development hereby approved, a hard and soft landscaping scheme of that Phase shall have first been submitted to and agreed in writing by the local planning authority. Thereafter, the hard landscaping for that Phase shall be implemented in accordance with the details which may have been agreed prior to first occupation of Phase 1. Soft landscaping shall be implemented in full and in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason - In the interests of visual amenity, biodiversity enhancement and landscape protection.

- 4 Prior to above ground works of Phase 2 of the development hereby approved, a hard and soft landscaping scheme of that Phase shall have first been submitted to and agreed in writing by the local planning authority. Thereafter, the hard landscaping for that Phase shall be implemented in accordance with the details which may have been agreed prior to first occupation of Phase 2. Soft landscaping shall be implemented in full and in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason - In the interests of visual amenity, biodiversity enhancement and landscape protection.

- 5 Prior to the construction above damp proof course in Phase 1, a scheme for on-site foul water drainage works, including connection point and discharge rate relating to that Phase, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any of Phase 1, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

- 6 Prior to the construction above damp proof course in Phase 2, a scheme for on-site foul water drainage works, including connection point and discharge rate relating to that Phase, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of any of Phase 2, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

- 7 No works except demolition 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Permeable car parks should be provided to treat polluted runoff generated from vehicles at the site. Further treatment should be provided through SUDS features such as bio-retention basins or swales in the proposed greenspaces at the site. Proprietary treatment device may be used to treat residual pollutants which may not be captured by the permeable car park.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason(s)

- 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.

- 8 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 9 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 10 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved 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.

- 11 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority) which has been approved in writing. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To enable a targeted evaluation to take place in areas where there is potential for the disturbance to below ground archaeological remains and to propose a suitable mitigation strategy for the preservation in situ or by record of any archaeological remains that will be impacted by the proposed development, in line with the National Planning Policy Framework (Paragraphs 194 and 205).

- 12 No development above slab level, within Phase 1, shall commence until a scheme for the installation of solar photovoltaic panels and electric vehicle charging points relevant to that Phase have first been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall have been implemented prior to first occupation of each building to which it relates and retained for the lifetime of the development.

Reason - In order to secure renewable energy generation and promote sustainable transport and contribute towards addressing the climate change implications of the development.

- 13 No development above slab level, within Phase 2, shall commence until a scheme for the installation of solar photovoltaic panels and electric vehicle charging points relevant to that Phase have first been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall have been implemented prior to first occupation of each building to which it relates and retained for the lifetime of the development.

Reason - In order to secure renewable energy generation and promote sustainable transport and contribute towards addressing the climate change implications of the development.

- 14 Prior to the commencement of any work within Phase 1, including any ground works or demolition, a phase Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved phase CTMP shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction, and decommissioning phases. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for but not be restricted to:

- a. safe access to/from the site;
- b. the parking of vehicles of site operatives and visitors;
- c. the loading and unloading of plant and materials;
- d. the storage of plant and materials used in constructing the development;
- e. wheel and underbody washing facilities.
- f. measures to control the emission of dust and dirt during demolition and construction;
- g. a scheme for recycling/disposing of waste resulting from construction works (no burning permitted);
- h. details of hours of deliveries relating to construction of the development;
- i. details of hours of all construction / workers traffic movements;
- j. details of hours of site clearance or construction;
- k. Traffic Management Plan outlining a designated route to and from the development site for all HGV movement together with a management plan for local road maintenance and repair resulting from the development;
- l. a scheme to control noise and vibration during construction, including details of any piling operations.
- m. Registration and details of a Considerate Constructors Scheme.

The approved CTMP shall be adhered to throughout the construction period for the development.

Reason - A pre-commencement condition is required to ensure safe and controlled access, to ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway, to preserve the integrity and fabric of the highway, in the interests of highway safety.

- 15 Prior to the commencement of any work within Phase 2, including any ground works or demolition, a phase Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved phase CTMP shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction, and decommissioning phases. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for but not be restricted to:

- a. safe access to/from the site;
- b. the parking of vehicles of site operatives and visitors;
- c. the loading and unloading of plant and materials;
- d. the storage of plant and materials used in constructing the development;
- e. wheel and underbody washing facilities.
- f. measures to control the emission of dust and dirt during demolition and construction;
- g. a scheme for recycling/disposing of waste resulting from construction works (no burning permitted);
- h. details of hours of deliveries relating to construction of the development;
- i. details of hours of all construction / workers traffic movements;

- j. details of hours of site clearance or construction;
- k. Traffic Management Plan outlining a designated route to and from the development site for all HGV movement together with a management plan for local road maintenance and repair resulting from the development;
- l. a scheme to control noise and vibration during construction, including details of any piling operations.
- m. Registration and details of a Considerate Constructors Scheme.

The approved CTMP shall be adhered to throughout the construction period for the development.

Reason - A pre-commencement condition is required to ensure safe and controlled access, to ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway, to preserve the integrity and fabric of the highway, in the interests of highway safety.

- 16 No above ground works to a building / plot shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials for that particular building / plot to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 17 If during groundworks evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.
- If evidence of potential contamination is encountered and upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
  - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
  - c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 18 Prior to the first use/occupation of the development a Flood Warning Evacuation Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The Flood Warning Evacuation Plan shall remain in force for the duration of the lifetime of the development and shall remain a live document and be updated where required.

Reason - The site lies within flood zones 3 and a detailed evacuation plan is essential to

safeguard occupiers of the development.

- 19 No external lighting shall be installed to any building / plot until details of an illumination scheme relating to that specific building / plot have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Reason - in the interests of amenity to reduce the impact of night time illumination on the character of the area and to ensure that the development employs energy efficient measures.

- 20 Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

Reason - To ensure compliance with the relevant standards and guidelines and to protect the amenity of nearby hotel guests.

- 21 Prior to the first operational use of the hereby approved hotel, a scheme of sound insulation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that the proposed hotel rooms (with the windows closed) meet the required internal noise levels as set out in BS8233:2014 - 'Guidance on sound insulation and noise reduction for buildings'. The approved scheme shall be carried out, in its entirety, before the rooms are first occupied and shall be retained thereafter.

Reason - To safeguard the amenities of future users of the hotel.

- 22 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ Ecology, June 2022).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 23 Prior to commencement of any development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a precautionary method statement for small mammals.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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).

- 24 Prior to any works above slab level 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation 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).

- 25 The hereby approved access and internal road layout within Phase 1 shall be completed in all respects in accordance with the approved drawings and be available for use before first occupation/use of Phase 1 of the development hereby approved. The access shall then be retained in its approved form.

The hereby approved access and internal road layout within Phase 2 shall be completed in all respects in accordance with the approved drawings and be available for use before first occupation/use of Phase 2 of the development hereby approved. The access shall then be retained in its approved form.

Reason - In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

- 26 Prior to the first use of the hereby approved vehicular access to the development, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.



Reason - To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety.

- 27 Prior to the first occupation of Phase 1 of the development, and as indicated on drawing no. 3835 - PL02X, a 3 metre wide shared footway/ cycleway shall be provided along the entire southern boundary (within Phase 1) of the site.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development and to link in with the existing footway/cycleway provision.

- 28 Prior to the first occupation of Phase 2 of the development, and as indicated on drawing no. 3835 - PL02X, a 3 metre wide shared footway/ cycleway shall be provided along the entire southern boundary (within Phase 2) of the site.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development and to link in with the existing footway/cycleway provision.

- 29 The buildings/units shall not be occupied or first used until the area within the site relevant to that building/unit, as shown on approved drawings, for the purposes of manoeuvring and parking (including cycle storage facilities) of vehicles/bicycles have been provided and made functionally available. The parking areas and cycle storage facilities shall then be retained and remain free of obstruction thereafter.

Reason - To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles.

- 30 The approved Travel Plan (as prepared by ttp consulting - dated August 2021) arrangements shall be implemented and adhered to prior to the first occupation/use of each unit/building and retained thereafter in accordance with the approved Plan.

Reason - In the interests of sustainable development.

**DATED:** 10th November 2023

**SIGNED:**




---

John Pateman-Gee  
Head of Planning and Building Control

**NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:**

National:

National Planning Policy Framework July 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)  
 SP5 Employment  
 SP6 Infrastructure and Connectivity  
 SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth  
 SPL2 Settlement Development Boundaries  
 SPL3 Sustainable Design  
 PP1 New Retail Development  
 PP2 Retail Hierarchy  
 PP3 Village and Neighbourhood Centres  
 PP4 Local Impact Threshold  
 PP6 Employment Sites  
 PP7 Employment Allocations  
 PP9 Hotels and Guesthouses  
 PP14 Priority Areas for Regeneration  
 PPL1 Development and Flood Risk  
 PPL4 Biodiversity and Geodiversity  
 PPL5 Water Conservation, Drainage and Sewerage  
 PPL7 Archaeology  
 PPL10 Renewable Energy Generation  
 CP1 Sustainable Transport and Accessibility  
 CP2 Improving the Transport Network  
 DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **INFORMATIVES:**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Highways Informatives

1: 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](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: 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.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

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](mailto: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.