

# **OUTLINE PLANNING PERMISSION**

**Applicant:**

Crest Strategic Projects Ltd  
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Surrey  
KT13 8JL

**Agent:**

D2 Planning  
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BS9 3DL

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Date of application: 9th August 2006

Application code: **DCCW2006/2619/O**

Grid ref: 51327,42272

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Proposed development:

**SITE:** Land to the North of Roman Road, Holmer, Hereford HR1 1LE  
**DESCRIPTION:** Residential development (300 Dwellings) including access from Roman road  
essential infrastructure open space balancing pond landscaping roads  
parking footpaths cycleway and engineering earth works

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that **OUTLINE PLANNING PERMISSION** has been **GRANTED** for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Approval for each phase of the development hereby permitted of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development in that phase is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

4. Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance and landscaping, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. The development shall accord with the layout and design principles detailed on the Master Plan drawing number 14067-14 rev F unless otherwise agreed in writing with the local planning authority.

Reason: To ensure adherence to the Master Plan in the interests of a satisfactory form of development and secure compliance with policies DR1 and H13 of the Herefordshire Unitary Development Plan.

6. The construction of the development shall be phased in accordance with the phasing plan drawing number PH/01 titled 'Phasing Plan' unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the development is properly phased in the interests of visual and residential amenity and secure compliance with policies DR1 and H13 of the Herefordshire Unitary Development Plan.

7. Prior to the commencement of the development on each phase as detailed on the phasing plan, samples of materials to be used externally on walls and roofs shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

8. Flood storage compensation, shall be carried out, in accordance with the details submitted, including the Flood Risk Assessment dated 13.06.06 ("the FRA"), including plan C SA 03 S2 A1, unless otherwise agreed in writing by the local planning authority, in consultation with the Environment Agency.

Reason: To minimise flood risk and enhance the flood regime of the local area in accordance with policy DR7 of the Herefordshire Unitary Development Plan.

9. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems, as detailed within the FRA dated 13.06.06, has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority, in consultation with the Environment Agency.

Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy DR7 of the Herefordshire Unitary Development Plan.

10. Finished floor levels shall be set no lower than 63.9m AOD, unless otherwise agreed in writing by the local planning authority.

Reason; To protect the proposed dwellings from flood risk for the lifetime of the development and to comply with policy DR7 of the Herefordshire Unitary Development Plan 2007.



11. All foul drainage from the development shall be discharged to the mains foul sewer unless otherwise agreed in writing with the local planning authority.

Reason: To provide a sustainable foul drainage system and prevent pollution of the water environment and to comply with policies DR4 and CF2 of Herefordshire Unitary Development Plan.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment and comply with policy DR4 of Herefordshire Unitary Development Plan.

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, garages and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and comply with policy DR4 of Herefordshire Unitary Development Plan.

14. During the construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site and no other works shall take place outside the following times: Mondays to Fridays 07:30 - 18:00, Saturdays 08:30 - 1700 nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

15. No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

16. The access as detailed on drawing number MR09750 Figure 11 shall be constructed in accordance with a specification to be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The access shall be completed in accordance with the approved details prior to the commencement of any other development on site.

Reason: To ensure a safe access is provided prior to the commencement of any other works in the interests of highway and pedestrian safety and to comply with policy DR3 of the Herefordshire Unitary Development Plan.

17. Prior to commencement of development a method statement shall be submitted to and approved in writing by the local planning authority in order to minimise the amount of dust and dirt emanating from the site during the construction period. The development shall be carried out in accordance with the agreed method statement.

Reason: To safeguard the amenities of the locality and in the interests of highway safety and to comply with policies DR3 and DR4 of the Herefordshire Unitary Development Plan.

18. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

19. Notwithstanding the provisions of Schedule 2, Part 1 Class F of the the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no new permeable or impermeable hardstanding shall be created between any highway or footpath and the frontages of the approved dwellings (other than expressly authorised by this permission and any reserved matters approval).

Reason: In order to maintain the visual amenities of the area and to comply with policy H13 of Herefordshire Unitary Development Plan.

20. All integral garages and access thereto must be reserved for the garaging or parking of private motor vehicles and the integral garages shall at no time be converted to habitable accommodation or used for any other purpose incidental to the enjoyment of the dwellinghouse as such.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

21. No development shall take place within each phase as detailed on the phasing plan until there has been submitted to and approved in writing by the Local Planning Authority a plan for each phase indicating the positions, type, design, height and materials of any boundary treatment to be erected. The boundary treatment relating to any dwelling within each phase shall be completed before that dwelling within that phase is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the dwellings have an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

22. Unless otherwise agreed in writing by the local planning authority and save as authorised by reserved matters approvals or to allow the laying, diversion or maintenance of services, access visibility splays and service media none of the existing trees and/or hedgerows on the site shall be removed, felled lopped or pruned without the prior written approval of the local planning authority.

Reason: To safeguard the amenity of the area and ensure the development accords with policy DR1 of the Herefordshire Unitary Development Plan.

23. The details to be submitted under condition 3 shall include:



### Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

### Hard landscaping

- a) Existing and proposed finished levels and contours including floor levels of dwellings
- b) Car parking layout and other vehicular and pedestrian areas
- c) Hard surfacing materials
- d) Minor structures (e.g. play equipment, street furniture, lighting, refuse and recycling areas, signs, covered cycle storage etc.)
- e) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

24. All works approved under Condition 23 above shall be carried out in accordance with the approved details. The hard landscape works shall be completed prior to the first occupation of any dwelling within that phase as detailed on the phasing plan and soft landscaping completed in the first planting season following occupation of any dwelling in that phase. All landscaping shall be maintained for a period of five years from date of planting. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: To ensure each phase of the development is satisfactorily completed prior to occupation of the dwellings in the interests of visual and residential amenity and to comply with policies H13 and LA6 of Herefordshire Unitary Development Plan.

25. In condition 23, 'retained tree/hedgerow' means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars. In relation to these:
- a) No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:
  - b) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837: 2005 - Trees in relation to construction, shown on the site layout drawing and approved by the Local Planning Authority.

- c) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.
- d) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.
- e) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.
- f) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

26. The plans and particulars (submitted in accordance with condition 3 above) shall be in accordance with BS5837: 2005 - Trees in relation to construction, and shall include:
- a) A topographical survey. This shall include all trees present on the site that are over 75mm stem diameter, measured at 1.5 m above ground level. Trees over this size growing on land adjacent to the site, whose branches overhang the site boundary, shall also be included.
  - b) A tree survey. This shall include details of all trees included in the topographical survey. A schedule to the survey shall provide a reference number (to be recorded on the tree survey plan), species, height in metres, stem diameter in millimetres at 1.5 metres above ground level, branch spread in metres, height in metres of crown clearance above adjacent ground level, age class, physiological condition, structural condition, preliminary management recommendations, estimated remaining contribution in years and retention category grading.
  - c) A tree constraints plan. This shall include details of the below ground constraints, represented by defined Root Protection Areas and the above ground constraints that the trees pose by virtue of their size and position.
  - d) An Arboricultural Implications Assessment. This shall identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as the result of any site layout proposal.
  - e) An Arboricultural Method Statement. This shall provide a methodology for any aspect of development that has the potential to result in loss or damage to a tree. (It will include details of a monitoring regime of ongoing development operations by a qualified arboriculturalist to ensure full compliance with the Arboricultural Method Statement and the approved Tree Protection Plan.
  - f) A Tree Protection Plan. This shall include details of trees selected for retention, trees selected for removal, the location of protective barriers and any other physical protection measures, design details of the proposed protective measures and areas of structural landscaping to be protected from construction operations, to prevent soil compaction.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan



27. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the balancing pond area and adjoining land identified for biodiversity enhancement in the Landscape and Ecological Management Plan, other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In order to maintain and enhance the nature conservation interest of the site visual amenity of the area and to comply with Policies NC1 and LA6 of Herefordshire Unitary Development Plan.

28. Save for emergency access, provision shall be made for a single vehicular access onto the A4103 only. Save for emergency access, there shall be no other vehicular access to serve the development.

Reason: To ensure the safe and free flow of traffic using the adjoining highway and to conform with the requirements of policy DR3 of the Herefordshire Unitary Development Plan.

29. The development hereby permitted is for the construction of no more than 300 affordable and open market residential units.

Reason: To define the terms of this permission and to ensure the development is of an appropriate density and character for the site and its surroundings and to conform with policy H13 of Herefordshire Unitary Development Plan.

30. Within 3 months of the commencement of the development details of the main central play area and central area of open space (which shall be no less than 0.4 hectares in area) including equipment, surfacing, landscaping, means of enclosure, provision of seating and litter bins and other minor artefacts shall be submitted for approval in writing by the local planning authority. The play area and central area of open space shall be constructed and completed in accordance with the approved details prior to occupation of the 125th dwelling.

Reason: To ensure the play area is suitably equipped and available for use at the appropriate stage of development in order to comply with policies H19 and RST3 of Herefordshire Unitary Development Plan.

31. Prior to the commencement of the development, details (to include scaled plans) of the off site highway works/improvements to the Munstone Road/Roman Road/College Road junction and the site access including a length of cycleway along the south side of Roman Road linking the site access to Old School Lane shall be submitted for the approval in writing by the local planning authority. These works shall have been completed in accordance with the approved details prior to occupation of the 100th dwelling or in accordance with a timetable to be agreed in writing with the local planning authority.

Reason: To ensure the safe and free flow of traffic on the highway and to comply with policy DR1 of Herefordshire Unitary Development Plan..

32. Development shall not begin until the engineering details and specification of the proposed internal roads and highway drains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of any dwelling within each phase as detailed on the phasing plan.

Reason: To ensure an adequate and acceptable means of access is available before the dwellings within each phase are occupied and to conform with policy DR3 of the Herefordshire Unitary Development Plan.

33. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

34. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

35. Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

36. No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.

37. Prior to the commencement of the development within each phase, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

#### **Informatives:**

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:



S1 - Sustainable development  
 S2 - Development requirements  
 S3 - Housing  
 S6 - Transport  
 S8 - Recreation, sport and tourism  
 S10 - Waste  
 S11 - Community facilities and services  
 DR1 - Design  
 DR2 - Land use and activity  
 DR3 - Movement  
 DR4 - Environment  
 DR5 - Planning obligations  
 DR7 - Flood risk  
 H1 - Hereford and the market towns: settlement boundaries and established residential areas  
 H2 - Hereford and the market towns: housing land allocations  
 H9 - Affordable housing  
 H13 - Sustainable residential design  
 H15 - Density  
 H16 - Car parking  
 H19 - Open space requirements  
 T1 - Public transport facilities  
 T6 - Walking  
 T7 - Cycling  
 T8 - Road hierarchy  
 T11 - Parking provision  
 T14 - School travel  
 T16 - Access for all  
 LA3 - Setting of settlements  
 LA5 - Protection of trees, woodlands and hedgerows  
 LA6 - Landscaping scheme  
 NC5 - European and nationally protected species  
 NC6 - Biodiversity action plan priority habitats and species  
 NC8 - Habitat creation, restoration and enhancement  
 ARCH1 - Archaeological assessment and field evaluation  
 RST1 - Criteria for recreation, sport and tourism development  
 RST3 - Standards for outdoor playing and public open space  
 RST6 - Countryside access  
 RST7 - Promoted recreational routes  
 CF1 - Utility services and infrastructure  
 CF2 - Foul drainage  
 CF5 - New community facilities  
 W11 - Development - waste implications

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

2. For the avoidance of any doubt the plans for the development hereby approved are as follows:- Location Plan Scale 1:10,000, Masterplan - 14067-14 Rev F and Access Plan - MR09750 Figure 11, Phasing Plan PH/01
3. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990 incorporating a residential travel plan.

4. This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
5. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Area Engineer (Development Control) Central], Kemble House, Broad Street, Hereford, HR4 9AR to progress the agreement.
7. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
8. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

9. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway without the prior written agreement of the Area Highways Network Manager.
10. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
11. The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
12. In connection with condition 36 above, advice on formulating Site Waste Management Plans is freely available on [www.netregs.gov.uk](http://www.netregs.gov.uk) , [www.envirowise.gov.uk](http://www.envirowise.gov.uk) , and [www.wrap.org.uk](http://www.wrap.org.uk). The netregs site includes simple step-by-step guidance



13. Nothing in these conditions shall prevent archaeological works and investigations, surveys and ecological works and references to commencement or beginning of development shall be construed accordingly.

Central Planning Services  
PO Box 230  
Hereford  
HR1 2ZB



**Team Leader – Central**

**Decision Date: 28th July 2008**

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

#### **NOTES**

**This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.**

#### **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 6 months of the date of the Council's decision. Both the date of the decision and the date of the application are clearly shown on the front of this notice. Forms are available from the Planning Inspectorate at Room 3/08B Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.