WORTHING BOROUGH COUNCIL

Mr Rob Winnifrith
Accel Consulting Ltd
20 Southwick Street
Southwick
BN42 4TB
United Kingdom

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1194/24

Details of Development

APPLICATION TO VARY CONDITION 1 (APPROVED PLANS), CONDITION 23 (OBSCURE GLAZING & BALCONY SCREEN) AND CONDITION 28 (NUMBER OF UNITS) OF APPLICATION AWDM/1624/22 (AND AMENDED BY NMA APPLICATION AWDM/1718/23): AMENDMENT ALLOWS FOR AN ADDITIONAL THREE FLATS WITHIN THE 2ND FLOOR AND AN INCREASE IN TOTAL UNITS TO 45, ALTERATION TO GROUND FLOOR ACCESS

ORIGINAL DESCRIPTION: FULL PLANNING PERMISSION FOR A MAXIMUM OF THREE ADDITIONAL FLOORS ABOVE THE MONTAGUE QUARTER SHOPPING CENTRE TO PROVIDE SELF CONTAINED RESIDENTIAL UNITS ON THE UPPER FLOORS.

Location of Development

THE MONTAGUE CENTRE LIVERPOOL ROAD WORTHING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 17th September 2024.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Head of Planning & Development
19/03/2026

SCHEDULE

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
LOCATION & SITE PLAN	AF100	17.09.2024
Level 00 Proposed Plan	AF210	04.08.2025
Level 01 Proposed Plan	AF211	17.09.2024
Level 02 Proposed Plan	AF212	17.09.2024
Main entrance - Approved and Proposed	U11.01 A	04.08.2025
Obscure Glazing Details and Elevations	AF402 B	04.08.2025
North & West Elevations	AF400	17.09.2024
Sections	AF300	17.09.2024
Viability report		11.04.2025
Addendum to Acoustic Report	1173. 001 Add.2.0.JP	04.10.2024
Energy & Sustainability Strategy Report	V4.1	04.10.2024
Covering letter	MQ 3FAPP	17.09.2024
Commercial statement		17.09.2024
Planning statement	1983	17.09.2024
Fire Statement	Rev 00	17.09.2024

Others as previously approved:

LIVERPOOL GARDENS SECTION	21251-131	02.06.2023
PROPOSED ELEVATIONS (1)	21251-120	02.06.2023
PROPOSED ELEVATIONS (2)	21251-121	02.06.2023
BUILDING SECTIONS	21251-124	02.06.2023
MANSARD DETAIL	21251-130	02.06.2023
Level 03 Floor Plan	21251-053	14.09.2023
Level 04 Floor Plan	21251-054	14.09.2023
Level 05 Roof Plan	21251-055	14.09.2023

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

2. The development hereby permitted shall be begun before the expiration of 3 years from 06/10/2023.

Reason: *To comply with Section 73 of the Town and Country Planning Act 1990.*

03. High Standard of Works with Ongoing Liaison

The development shall only be carried out in accordance with the details approved within application AWDM/0084/24 unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and paras 126 - 135 of the NPPF, 2021.*

04. Design Details

The following external details shall not be implemented until large scale drawings (typically 1:20 scale or larger) and cross sections where necessary of the following have been submitted to and approved in writing by the Local Planning Authority in accordance with condition 3 ii) of this permission:

a) windows and doors;
b) balconies and balustrades / rails;
c) roof intersections, soffits and eaves;
d) rainwater goods;
e) decorative stonework and cappings;
f) brickwork and brickwork features;
g) Pedestrian entrance to the new dwellings in the former ground floor retail unit;
h) balcony screen for flat 1.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

05. External Materials

External materials shall only be used on external faces of the development hereby approved (including any to be used on the external faces of the existing building), subject to their approval in writing first by the Local Planning Authority in accordance with condition 3 ii) of this permission, following the submission of details and samples where required by the Authority, (which may include sample panels on-site).

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

06. Vehicular Access, Parking and Delivery Areas

i) No dwelling shall be occupied until all vehicle access, delivery areas and parking have been completed in accordance with the approved plans and shall be retained and kept free for that purpose.

ii) Prior to the provision of the parking spaces hereby approved;

a) a large scale drawing (1:50 or larger) and cross-sections shall be submitted to and approved in writing by the Local Planning Authority to show the layout and surface of the parking spaces for wheelchair users, including any ground or levelling works and markings necessary to ensure safe and convenient usage; and

b) details of electronic vehicle charging, power rating /charge rating connection details, location and appearance, which shall be provided with these spaces.

The spaces and electronic vehicle charging shall be provided and permanently retained in full accordance with these approved details as required under part i) of this Condition.

Reason: *In the interests of road safety amenity, air quality and to safeguard the appearance of the Conservation Area and to ensure the retention of delivery and service access for vehicles in accordance with policies DM15, DM22, DM23 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

7. Delivery and Servicing Management Plan

Prior to occupation of the dwellings hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall describe the management of deliveries and waste management, including arrangements for the collection of waste, commercial delivery times and management of delivery accesses and spaces.

Reason: *In the interests of road safety and amenity and to ensure the retention of delivery and service access for vehicles in accordance with policy DM15 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

8. Cycle Stores and Bin Stores

No dwelling shall be occupied until secure cycle parking stores and bin stores have been provided in accordance with the approved plans. These shall be then kept permanently available and maintained for these purposes.

Reason: *In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036.*

9. Travel Plan

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036.*

10. Sustainable Surface Water Drainage

No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and in accordance with the details approved within AWDM/0104/24. The details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and the NPPF 2023.*

11. Drainage Maintenance

Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual and the maintenance and management site-specific plan as approved under planning application AWDM/0104/24.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and the NPPF 2023.*

12. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any dwelling, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriate qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 & NPPF 2023.*

13. Foul Water Drainage

No dwelling within the development hereby approved shall be occupied until the drainage works approved under planning application AWDM/0104/24 have been carried out in accordance with the approved details.

Reason: *To ensure appropriate foul drainage, in accordance with policy DM9 of the Worthing Local Plan 2020 - 2036.*

14. Sustainable Construction and Energy

A) The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy and Sustainability Report 11025 Rev 1 by Phlorum Consultants, dated 17th April 2023 submitted with the current application:

i) Energy efficient building fabric and mechanical ventilation;
ii) Air-source heat pump boiler system (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority);
iii) LED internal & external lighting;
iv) Efficient water goods and fixtures to achieve <110L/Person usage/day;
v) Operational waste management.

B) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction contained in the Phlorum Report below the baseline model including renewable energy, and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day.

The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and the NPPF, 2023.*

15. District Heating

The development shall be carried out in accordance with the details approved under application AWDM/1663/23.

Reason: *To provide for connection to a potential future district heating network in the interests of CO2 reduction through energy efficiency in accordance with policies DM16 & DM17 of the Worthing Local Plan 2020 - 2036.*

16. Amenity and Biodiversity

All planting and biodiversity provisions contained in the submitted Biodiversity Enhancement Plan by David Archer Associates - April 2023 shall be implemented during or before the next planting season following the occupation of the development hereby approved and shall be permanently maintained thereafter. Any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with policy DM18 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

17. External Lighting - Provision and Limitation

No external lighting which is visible from outside the site, shall be installed unless details, including design, position and luminance, have first been submitted to and approved in wiring by the Local Planning Authority.

Reason: *In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, conservation area, neighbouring and amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

18. Aerials

Any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development and conservation area with policy DM5 & DM23 & DM24 of the Worthing Local Plan 2020 - 2036.*

19. Sound Insulation Between Floors and Spaces and Acoustic Glazing

Prior to commencement of any works, other than any dismantling, details of:

i) construction and insulation to minimise risk of noise and vibration between floors, walls and adjoining spaces within the development; and

ii) any acoustic glazing and ventilation (based upon an overheating assessment) and any necessary control of odour risk,

shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented and permanently retained

Reason: *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

20. Noise Mitigation and Ventilation & Odour Control - Verification

No development shall be occupied until all means of noise and vibration mitigation, acoustic glazing and ventilation, (including any odour risk control measures)

approved under condition 19 above have been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

21. External Plant

No external fixed plant, or mechanical vent or duct shall be installed until details including acoustic performance and where relevant, odour management, have been first been submitted to and approved in writing by the Local Planning Authority All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

22. Changes of Use

No existing commercial premises at ground or first floor of the building or associated ground or first floor associated commercial, shall be used for any residential purposes whatsoever (other than the single existing commercial unit which is hereby converted for residential access and cycle storage purposes in accordance with the approved plans), without the prior written approval of the Local Planning Authority. This condition shall apply notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987, as amended or the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any Order revoking or re-enacting these Orders.

Reason: *To safeguard the retail function of the premises in the primary retail area of the town centre in accordance with policy DM13 of the Worthing Local Plan 2020 - 2036 .*

23. Obscure Glazing & Balcony Screen

i) Flats 1 & 13 shall not be occupied until details of a balcony screen for the southern side of flat 1 and partial obscure glazing to southern windows in flats 1 & 13, (these windows shall also be shall be unopenable up to 1.6m above internal floor level), have been installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority so as to minimise risk of overlooking of neighbours to the south.

ii) Flats 7, 8, 22, 23 & 36 shall not be occupied until obscure glazing has been installed in the west elevation in accordance with drawing no. 21251-132, which was received on 20th June 2023 and shall be unopenable up to 1.6m above internal floor level so as to minimise risk of overlooking of neighbours to the west.

iii) Obscure Glazing in the first floor commercial space on the west elevation shall also be permanently installed and retained in accordance with drawing no. 21251-132, which was received on 20th June 2023 and shall be unopenable up to 1.6m above internal floor level so as to minimise risk of overlooking of neighbours to the west.

iv) Flats N2 and N3 shall not be occupied until obscure glazing has been installed in the west elevation in accordance with drawing no. AF402, which was received on 4 August 2025 and shall be un-openable up to 1.6m above internal floor level so as to minimise risk of overlooking of neighbours to the west.

All obscure glazing in i) - iv) above shall provide a degree of obscuration equivalent to Pilkington 4 or similar index, (including the balcony screen at i) if glass is used). The screen and obscure glazing and balcony shall be permanently retained and maintained in accordance with the details thereby approved.

Reason: *To safeguard neighbouring amenities and privacy in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036.*

24. Precautionary Approach

If during development, contamination not previously identified is found to be present at the site, (for example, asbestos containing material, grossly impacted or odorous material), then no further development within that localised area of the site that the contaminated material in question is discovered in shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority as part of the verification reporting.

Reason: *To minimise and manage and residual risks in accordance with policy DM22 of the Worthing Local Plan 2020-2036 and the NPPF, 2023.*

25. Construction Management Plan

All development, including any works of dismantling, shall be undertaken in accordance with the Construction Management Plan approved under application AWDM/1663/23 and shall be adhered to throughout the entire construction period unless an alternative plan is submitted for approval in writing.

Reason: *In the interests of highway safety and the amenities of the area.*

26. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.30 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policies DM13 and DM22 Worthing Local Plan 2020 - 2036.*

27. Safeguarding of Groundwater/ Approval of Piling

Piling or deep foundation using penetrative methods, if used shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *Piling or deep foundation using penetrative methods has the potential to mobilise contamination which could impact on groundwater resources beneath the site, controlled waters in accordance with policy DM22 of the Worthing Local Plan 2020-2036 and the NPPF, 2023.*

28. The number of residential units shall not exceed 45 (forty-five) in number and these shall be laid out in accordance with the plans approved for this permission AWDM/1194/24.

Reason: *In the interests of clarity, to ensure that the amount of development is in accordance with this planning permission.*

Informatives / Notes to Applicant

1. Legal Agreement

This planning permission is subject to the s.106 legal agreement dated 5 October 2023 concerning provisions including affordable housing contribution and review, open space contribution, car club provision, district heating connection and site management and maintenance, including deliveries and servicing.

2. Highway Authority

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

3. Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Please Note: There is a decommissioned distribution main crossing in the development site. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections

Charging Arrangements documents which are available on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Further Information:
- The 300 mm public surface water sewer requires a clearance of 3 metres on either side of the public surface water sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public surface water sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public surface water sewer.
- All existing infrastructure should be protected during the course of construction works.
Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

4. West Sussex County Council - Lead Local Flood Authority

In accordance with West Sussex County Council Sustainable Drainage Policy 2, it is recommended that maintenance of the drainage system is completed prior to any works starting, to restore operational capacity and functionality of the existing drainage system.
Consent from the appropriate body for discharging to existing surface water sewer may be required.
It is advised that access and egress is considered by the developer based on the Defra & Environment Agency's Flood Risk Assessment for New Development Phase 2 technical report (FD2320/TR2, Table 13.1) which advises that the surface water flood risk on adjacent roads that are proposed for access could be a danger for some.

5. Fire Safety

A fire safety assessment will be needed under Building Regulations. The applicant should contact a Building Regulations advisor for guidance. Advice may also be found via the Water and Access Manager at West Sussex Fire and Rescue Service West Sussex County Council, Bognor Fire Station, West Meads Drive, Bognor, PO21 5TB Phone: 0330 222 3117 | E-mail: frs.waterandaccess@westsussex.gov.uk

6. Secure By Design

The applicant's attention is drawn to the comments of the West Sussex Police Designing Out Crime Officer who advises, to reduce the opportunity for crime and the fear of crime the proposal should have regard to Secured by Design (SBD) standards. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Full details can be found at www.securedbydesign.com. including:

- Control of access to buildings building
- Internal compartmentalisation and secure entry systems
- Postal arrangements
- Passive surveillance and lighting of communal areas, including play areas and pathways
- Provision and management of secure cycle and bin stores.

This may assist in the integration of any entrance systems provided as part of the new pedestrian entrance to the new dwellings in the former ground floor retail unit (Condition 4 (g) of this permission).

7. You are advised to ensure that the development works accord with the Party Wall Act 1996, which set out responsibilities for the undertaking of works at or close to the party wall of any neighbouring owner. Further information can be found at: https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

8. 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

9. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new, or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering

Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: llpg@adur-worthing.gov.uk

10. The Applicant is reminded that the development the subject of this decision notice is liable for Community Infrastructure Levy (CIL). A CIL Liability Notice will be issued to the liable person(s) and a CIL Land Charge added to the register. CIL will become liable upon commencement of the development with the liable person(s) required to submit a CIL Commencement Notice at least one day before the development commences. Further information can be found on the Council's website via the link https://www.adur-worthing.gov.uk/planning-policy/infrastructure/

    In calculating individual charges for the levy, regulation 40 (as amended by the 2014 Regulations), requires collecting authorities to apply an index of inflation to keep the levy responsive to market conditions. The index is the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This index presents forecast figures, which are updated and finalised periodically. To reduce the need for repeated recalculation indexing will be applied from the previous 1st November of the date of the CIL Liability Notice to the previous 1st November of the date the payment is due using the national all in Tender Price Index.

Ref: AWDM/1194/24

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. 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.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form 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://acp.planninginspectorate.gov.uk.

3. 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.

4. 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.

5. 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

6. 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 District 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 Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).