

Our ref. PD13086/KM/YD

Planning Department,
Adur & Worthing Councils,
Portland House,
Worthing,
West Sussex,
BN11 1HS

70 St Mary Axe
London
EC3A 8BE
Tel: +44 (0) 20 7493 4002

05 December 2025

Dear Sir / Madam,

**LAND AT SOUTH-WEST CORNER OF CAR PARK, DOWNLANDS RETAIL PARK, LYONS WAY,
WORTHING, BN14 9LA
APPLICATION UNDER SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED) TO CERTIFY THAT PLANNING PERMISSION REF. AWDM/0333/22 HAS BEEN
LAWFULLY IMPLEMENTED**

On behalf of our Client, Worthing Retail Limited ('the Applicant'), we hereby apply to Adur & Worthing Councils for a Certificate of Lawfulness of Proposed Use or Development at land at south-west corner of car park, Downlands Retail Park, Lyons Way, Worthing ('the Site').

The Applicant seeks confirmation from Adur & Worthing Councils that works have been lawfully commenced to implement planning permission reference N/2018/0219, and that the development as permitted can therefore be finished at any time in the future.

BACKGROUND

Planning permission was granted at the Site on 19 December 2022 under permission reference AWDM/0333/22 ('the planning permission') for the following development:

"Construction of a drive-through coffee shop unit (Use Class E(a) and ancillary Sui Generis) and associated works within Downlands Retail Park car park."

The Decision Notice for planning permission reference AWDM/0333/22 is provided at **Appendix 1.0**. The planning permission approved the construction of a Costa Coffee drive thru at the Site.

The planning permission was issued subject to 17 planning conditions. Condition 2 requires the development to commence within three years from the date of permission. Works to commence the planning permission must therefore be undertaken by 19 December 2025.

The planning permission is subject to three pre-commencement conditions that require approval from the Local Planning Authority. The remainder of the conditions are not required to be discharged

prior to the development being commenced. The pre-commencement conditions are Conditions 5, 6 and 12, as follows:

Condition 5:

“No works shall commence on the development hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).”

Condition 6:

“No works shall commence on the development hereby permitted (including site clearance or preparation) until revised details of the proposed planting and Gabion structures within or adjacent to the SRN, including their full dimensions and suitable technical drawings, have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the structures shall proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).”

Condition 12:

“Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. The building shall not be used/occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

Applications to discharge the three pre-commencement conditions have been approved by Adur & Worthing Councils. Condition 5 was approved on 22 July 2025 under application reference AWDM/0726/25. Condition 6 was approved on 13 October 2025 under application reference AWDM/0728/25. Condition 12 was approved on 18 August 2025 under application reference AWDM/0633/25. The Decision Notices are enclosed.

COMMENCEMENT OF DEVELOPMENT

Section 56(1)(a) of the Town and Country Planning Act 1990 states that development of land shall be taken to be initiated ‘if the development consists of the carrying out of operations, at the time when those operations are begun’.

Section 56(2) states that ‘development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out’.

‘Material operation’ is defined in Section 56 (4) as:

- “a) any work of construction in the course of the erection of a building;*
- aa) any work of demolition of a building;*
- b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*
- c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*
- d) any operation in the course of laying out or constructing a road or part of a road; and*
- e) any change in the use of any land which constitutes material development.”*

WORKS UNDERTAKEN

Works commenced by the Applicant on 03 November 2025 to implement the planning permission at Downlands Retail Park by the digging of a trench and the excavation, installation and reinstatement of drainage infrastructure, including a new direct connection into the existing public (Southern Water) sewer network. The works undertaken relate directly to the approved development and are a material operation in the meaning of Section 56(4). Therefore, the works pursuant to planning permission reference AWDM/0333/22 have commenced within the timescales set out within Condition 2 of the planning permission.

The following evidence is submitted with the application:

- Approved Surface Water Drainage Strategy and Drainage Strategy Further Comments, prepared by Evolve, pursuant to Condition 12 Ref. AWDM/0633/25;
- Contractor Scope of Works.
- Drainage Plans, prepared by Evolve:
 - Ref. 3453-EVE-XX-XX-DR-C-9000-CO5 Proposed Drainage Strategy.
 - Ref. 3453-EVE-XX-XX-DR-C-9010-CO2 Drainage Construction Details Sheet 1 of 2.
 - Ref. 3453-EVE-XX-XX-DR-C-9011-CO2 Drainage Construction Details Sheet 2 of 2.
- Building Control Notice dated 27 October 2025.
- Building Control Plan Check Tracker dated 01 November 2025.
- Photos of the construction works having been undertaken at the Site dated 18 November 2025, 20 November 2025 and 24 November 2025.
- Statutory Declaration by Daniel Brinkies of BD Civils and Ground Work Ltd.
- Building Control Declaration of Compliance dated 03 December 2025.
- Final Certificate from Building Control certifying the completion of works dated 04 December 2025.

The application therefore seeks confirmation that the planning permission has been lawfully implemented.

ADMINISTRATIVE MATTERS

In order to allow the determination of this application we enclose the following information:

- Application Cover Letter (this letter) dated 05 December 2025;
- Site Location Plan Ref. 2227-01-L01-B, prepared by Mountford Piggot.
- Planning Permission Ref. AWDM/0333/22 Decision Notice (**Appendix 1.0**);
- Planning Permission Ref. AWDM/0333/22 Approved Documents:
 - Proposed Site Plan Ref. 2227-01-P01, prepared by Mountford Piggot;
- Condition 5 Ref. AWDM/0726/25 Decision Notice;
- Condition 6 Ref. AWDM/0728/25 Decision Notice;
- Condition 12 Ref. AWDM/0633/25 Decision Notice;
- Condition 12 Ref. AWDM/0633/25 Approved Documents:
 - Surface Water Drainage Strategy, prepared by Evolve.
 - Drainage Strategy Further Comments, prepared by Evolve.
- Contractor Scope of Works.
- Drainage Plans, prepared by Evolve:
 - Ref. 3453-EVE-XX-XX-DR-C-9000-CO5 Proposed Drainage Strategy.
 - Ref. 3453-EVE-XX-XX-DR-C-9010-CO2 Drainage Construction Details Sheet 1 of 2.
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The fee of £383 calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (As Amended), has been paid via the planning portal.

We trust that the information submitted is in order and allows you to register and determine this certificate application. Should you have any queries please contact Kirill Malkin (kirill.malkin@montagu-evans.co.uk) or Yasmin Darch (yasmin.darch@montagu-evans.co.uk) in the first instance.

Yours sincerely,

Montagu Evans

MONTAGU EVANS LLP

APPENDIX 1.0 - DECISION NOTICE REF. AWDM/0333/22



WORTHING BOROUGH COUNCIL

Miss Rachel McGall
Montagu Evans
70 St Mary Axe
London
EC3A 8BE

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0333/22

Details of Development

CONSTRUCTION OF A DRIVE-THROUGH COFFEE SHOP UNIT (USE CLASS E(A) AND ANCILLARY SUI GENERIS) AND ASSOCIATED WORKS WITHIN DOWNDLANDS RETAIL PARK CAR PARK.

Location of Development

LAND AT SOUTH WEST CORNER OF CAR PARK DOWNDLANDS RETAIL PARK LYONS WAY 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 14th March 2022.

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

Gary Peck
Planning Services Manager
19/12/2022

SCHEDULE

Conditions

01. 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
PROPOSED ROOF PLAN	2227-01-P03 A	17.11.2022
PROPOSED GROUND FLOOR PLAN (COFFEE DRIVE-THRU)	2227-01-P07 (Indicative)	03.10.2022
AIR QUALITY ASSESSMENT		14.03.2022
PLANNING AND RETAIL		21.03.2022
TREE REMOVAL & RETENTION PLAN	1283-101 REV P1	14.03.2022
TREE PLANTING PLAN	1283-201 REV P1	14.03.2022
PLANTING PALETTE	1283-202 REV P1	14.03.2022
LOCATION PLAN	2227-01-LO1-B	14.03.2022
PROPOSED SITE PLAN	2227-01-P01	14.03.2022
PROPOSED GROUND FLOOR PLAN	2227-01-P02	14.03.2022
PROPOSED ROOF PLAN	2227-01-P03	14.03.2022
PROPOSED ELEVATIONS	2227-01-P04	14.03.2022
PROPOSED ELEVATIONS	2227-01-P05	14.03.2022
PROPOSED SECTIONS	2227-01-P06	14.03.2022
EXISTING LOCATION PLAN	2227-01-X01-B	14.03.2022
DESIGN & ACCESS STATEMENT		14.03.2022
FLOOD RISK ASSESSMENT		14.03.2022
EXTERNAL LIGHTING LAYOUT	P20691-L-00-001 REV A	14.03.2022
VENTILATION & AIR CONDITIONING STATEMENT		14.03.2022
ENERGY STATEMENT		14.03.2022
TRAVEL PLAN STATEMENT		14.03.2022

Reference/Drawing Number	Version	Date Rec
TRAVEL ASSESSMENT		14.03.2022
TRAVEL ASSESSMENT - APPENDICES		14.03.2022
ENVIRONMENTAL NOISE IMPACT ASSESSMENT	TRAFFIC ASSESSMENT	14.03.2022
TRAVEL PLAN STATEMENT		04.04.2022
RESPONSE TO SDNP CONSULTATION	Macgregor Smith	01.06.2022
PLANTING PLAN	1283-201 P2	01.06.2022
INDICATIVE PLANTING PALETTE	1283-202 P2	01.06.2022

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

02. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: *As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

03. Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

04. With the exception of any works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and 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 Policies 13-16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 & 174 of the NPPF, 2021.*

05. No works shall commence on the development hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: *To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

06. No works shall commence on the development hereby permitted (including site clearance or preparation) until revised details of the proposed planting and Gabion structures within or adjacent to the SRN, including their full dimensions and suitable technical drawings, have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the structures shall proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: *To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

07. No surface water, storm water or foul water shall be permitted to run off from the development hereby permitted on to the highway or into any drainage system connected to the highway. No drainage connections from the development hereby permitted may be made to any strategic road network drainage systems.

Reason: *To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.*

08. The premises shall be used as a drive through coffee shop only. Any preparation, sales and consumption of food on the premises shall be ancillary to the main use of the premises as a drive-through coffee shop and shall not involve primary cooking of food on the premises whatsoever but only reheating or warming of pre-prepared food and cold food. The site shall be used for no other purpose (including any other purpose in Class E and/or Sui Generis [Takeaway] Use under the Town and Country Planning (Use Classes) Order 1987 (as amended),

or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: *Only the impact of a drive through coffee shop has been tested on the Strategic Road Network. Other land uses allowed under Class E(a) or Sui Generis (Takeaway) could have an impact requiring the A27/ Lyons Way junction to be mitigated. Therefore any such proposals need to be assessed in their own right in order to avoid the risk of an unacceptable impact on the safety, reliability and/or operational efficiency of the Strategic Road Network, contrary to the policy set out in Department for Transport Circular 2/2013 and the National Planning Policy Framework 2021.*

09. Travel Plan Statement (to be approved) 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 policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

10. No part of the development shall be occupied until the refuse storage space serving it has been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

Reason: *To ensure adequate internal storage space for refuse in accordance with policy In the interests of sustainable transport and in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

11. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £30,903 as identified in the Air Quality Damage calculation contained within the Air Quality Impact Assessment (ref.100491 dated. February 2022) provided as part of the application. Mitigation measures should relate back to the AQAP

Reason: *To minimise emissions and impact on air quality in accordance with Policy RES7 of the Worthing Local Plan 2003.*

12. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. The building shall not be used/occupied until the complete surface water

drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

Reason: *To ensure that the proposed development is satisfactorily drained and managed and manage any risk of contamination which could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). where controlled waters are particularly sensitive in this location. This is in accordance with policies 12 & 15 of the Worthing Core Strategy 2011.*

13. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 08:30 - 13:00 Hours

Sundays and Bank / Public Holidays no work is permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

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 policy 16 of the Worthing Core Strategy 2011.*

14. Details of any external signage for the commercial spaces (whether illuminated or non-illuminated), shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation. Thereafter no additional illuminated signage shall be erected without the prior written approval of the Local Planning Authority.

Reason: *In the interests of visual amenity and in consideration of the site prominence, in accordance with Policy 16 of the Worthing Core Strategy 2011.*

15. The commercial premises shall only be used and open to customers and visiting members of the public between the following hours, (unless otherwise approved in writing by the Local Planning Authority).

Monday - Sunday 06:00 - 23:00

Reason: *To achieve a balance between business needs and the protection from noise and disturbance in accordance with Policies.*

16. No development shall be occupied until all external lighting has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be provided and maintained in

accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of 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, neighbouring amenities and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and para 174 of the NPPF, 2021.*

17. Prior to occupation of the hereby approved development, the final location and layout of the Photovoltaic Panels shall be submitted to and 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 policy 16 of the Worthing Borough Council Core Strategy 2011.*

Informatives / Notes to Applicant

01. The CMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs)
02. The scheme shall include such assessment, drawings, and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges
03. Informative: The design of the attenuation system must have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Any SuDS design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design and demonstrate that flotation resistance has been adequately accounted for. Further details regarding our requirements are available on the following webpage:

<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>.

A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

04. The LPA recommends the applicant erect prominent signs within the site asking drivers to turn engines off whilst queuing to reduce the level of car exhaust emissions with details to be submitted and approved.
05. Condition 8 is intended to allow for sale and consumption of cold or reheated food on the premises such as by means of a microwave oven, panini grill, jacket potato oven, soup kettle, for sale and consumption ancillary to the primary sale and consumption of coffee.
06. Unilateral Undertaking under s106 of the Town and Country Planning Act 1990 concerning Air Quality.
07. 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.

**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 in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).