

NOTIFICATION

DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010 - PART 2 - TOWN AND COUNTRY PLANNING ACT 1990

- 1. Appeals to the Secretary of State (Approvals subject to conditions, or refusals of application for planning permission under the Town and Country Planning Act, 1990 and the Town and Country Planning General Permitted Development Order, 1995)**
 - (i) If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
 - (ii) If this is a decision to refuse planning permission for a householder application, and you want to appeal against the local planning authority's decision then you must do so within **12 weeks** of the date of this notice. For all other applications including applications for Certificate of Lawfulness and decisions (except for Applications for Advertisement Consent or in respect to Applications for Tree Works), if you want to appeal against the local planning authority's decision then you must do so within **six months** of the date of this notice.
 - (iii) Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
 - (iv) 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.
 - (v) 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.
 - (vi) 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.
- 2. Application for Listed Building Consent under the Planning (Listed Buildings and Conservation Areas) Regulations, 1990**
 - (i) If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, the applicant, by notice served within **six months** of the date of this notice, appeal to the Planning Inspectorate in accordance with Section 20 of The Planning (Listed Buildings and Conservation Areas) Act 1990. The Secretary of State has discretionary power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.
- 3. Applications for Express Consent under the Town and Country Planning Act, 1990 and the Town and Country Planning (Control of Advertisements) Regulations, 2007**
 - (i) If the applicant is aggrieved by the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, they may, by notice served within the period of **eight weeks** of the date of this notice appeal to the Secretary of State, in accordance with the provisions of the Town and Country Planning (Control of Advertisements) Regulations, 2007. When giving notice of appeal, the relevant documents must also be submitted to the Planning Inspectorate acting on behalf of the Secretary of State.
 - (ii) The Secretary of State is not, however, required to entertain such an appeal if it appears to him that consent for such display could not have been granted by the local planning authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to all provisions of the Regulations aforesaid.
- 4. Applications for Tree Works**
 - (i) If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed works to a tree subject to a Tree Preservation Order or to grant it subject to conditions, they may appeal by notice served within the period of **28 days** of the date of this notice to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
 - (ii) If the appeal relates to a tree subject to a Tree Preservation Order they must be made on a form which is available from Environment Team, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or e-mail: environment.appeals@pins.gsi.gov
- 5. Purchase Notices**
 - (i) 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.
 - (ii) In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) 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 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 in respect to listed building consent applications.
- 6. Other Approvals Required**

Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent which may be required under the Public Health Acts and Building Control or any other relevant legislation in respect to the proposed development.