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Applicant:
Bloor Homes and Sandleford
Farm Partnership

PART I - DETAILS OF APPLICATION

Date of Application

14th January 2016

Application No.

16/00106/OUTMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Hybrid application seeks planning permission for: (1) Detailed proposal for 321 dwellings, associated means of access and green infrastructure (no matters reserved); (2) Outline proposal for a two form entry primary school on a parcel of land immediately South of Monks Lane (all matters reserved).

Sandleford Park, Newtown Road, Newtown, Newbury Berkshire

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council REFUSES planning permission for the development referred to in Part I in accordance with the submitted application form and plans, for the following reason(s):-

1. The Sandleford Park SPD is clear in its requirement for a single Strategic Landscape and Green Infrastructure Plan for the whole site. This application for part of the allocated site only cannot secure a single Strategic Landscape and Green Infrastructure Plan for the whole of the allocated site. In the absence of a Strategic Landscape and Green Infrastructure Plan for the whole of the allocated site, ensuring the appropriate integration of each character area and phase of development to the adjacent character area or phase across the whole of the allocated site is prejudiced. Furthermore, the lack of a single clear Strategic Landscape and Green Infrastructure Plan for the whole of the allocated site would not provide a holistic approach to the landscape, visual impact and green infrastructure for development of the whole of the Sandleford Strategic Site Allocation. Therefore, this application for part of the allocated site only is considered to prejudice the delivery of the allocated site in accordance with Policies CS3, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026, the Sandleford Park SPD, PPG and NPPF.
2. Insufficient and contradictory information has been submitted to demonstrate that a suitable variety of SuDS can be incorporated within the detailed scheme for the residential development of Development Parcel North 1. The provision of three (possible) SuDS features within Development

Parcel North 1 does not demonstrate that the proposed development will be managed with a variety of SuDS, as required by the Sandford Park SPD and IDP. Furthermore, the lack of SuDS designed into the development within Development Parcel North 1 affects the local hydrology of the site resulting in a potential harmful impact on biodiversity. This has not been sufficiently assessed in the application submissions to take into account the amendments to DPN1. As such the application conflicts with Policies ADPP2, CS3, CS16 and CS17 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006-2026, the NPPF and PPG and the Sandford Park SPD and Quality Design SPD - Part 4.

3. A number of the submitted ecology surveys are out of date. In the absence of up-to-date surveys the presence of protected species at the site cannot be established with sufficient certainty. Therefore, this application fails to provide adequate information to ensure protection and enhancement of ecology and biodiversity within the application site. The lack of sufficient information is contrary to Policies CS3, CS14, CS17 and CS18 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, the NPPF PPG and Sandford Park SPD as well as the statutory obligations of the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981) (as amended).

4. No updated Lighting Assessment has been submitted to detail the impacts arising from the positioning of the proposed main access route alongside a significant section of the ancient woodland (Crooks Copse) as shown in the amended detailed plans for residential development within Development Parcel North 1. This woodland has been shown to support various bat species and the amended proposals introduce a potential significant impact on the ancient woodland and its ecology from artificial lighting. As such a fully informed decision in respect of the impact of lighting on the ecology of the site, following the submission of amendments, cannot be made. Therefore, it is considered that insufficient information has been submitted to demonstrate the likely significant impacts of lighting on ecology. The lack of sufficient information is contrary to Policies CS14 and CS17 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, the NPPF and PPG and Sandford Park SPD.

5. The application fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on the following junctions:

- o A339 / B3421 Kings Road / Bear Lane
- o A339 / A343 St Johns Road / Greenham Road

The lack of appropriate works would result in a severe impact. The proposed development is therefore contrary to Policies ADPP2, CS3, CS5 and CS13 of the West Berkshire District Core Strategy 2006 - 2026 as well as, Policy GS1 of the HSA DPD 2006 - 2026, Policies K2 and K13 of the Local Transport Plan for West Berkshire 2011-2026 and the NPPF and Sandford Park SPD.

6. No updated traffic modelling has been submitted to include the impacts from housing sites allocated within Housing Site Allocations DPD (HSA DPD) and other developments that have been granted planning permission since the summer of 2016. Therefore, it is considered that insufficient information has been submitted in respect of this planning application. The lack of sufficient information is considered to run contrary to Policies ADPP2, CS3, CS5 and CS13 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006-2026, the NPPF and Sandford Park SPD.

7. The application fails to provide an appropriate scheme of works or off site mitigation measures to accommodate pedestrians/cyclists and public transport. The proposal is therefore contrary to Policies ADPP2, CS3, CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Policies K1, K2 and K3 of the Local Transport Plan for West Berkshire 2011-2026, the NPPF and the Sandford Park SPD.

8. The application fails to make suitable provision for an appropriate east to west linkage within the site that would integrate a future access onto the A339. This is considered necessary once the

whole of the Sandleford Strategic Site Allocation has been developed. The proposal is therefore contrary to Policies CS13 and CS14 of the West Berkshire District Core Strategy 2006 - 2026, Policy K13 of the Local Transport Plan for West Berkshire 2011-2026, the NPPF, Sandleford Park SPD and Quality Design SPD.

9. The proposed layout of the residential development within Development Parcel North 1 does not comply with the Local Planning Authority's standards in respect of motor vehicle parking. This could result in on street parking within the development including on the proposed cycleways adversely affecting road safety and the flow of traffic. The proposal is therefore contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 - 2026, Policy P1 of the HSA DPD, the NPPF and the Sandleford Park SPD.

10. The submitted Air Quality Assessment (AQA) is based upon traffic data which has since been superseded and is based on outdated traffic modelling. Therefore, the submitted AQA is considered to be out of date and cannot be relied upon to sufficiently assess the impact on air quality. As such, insufficient information has been submitted to demonstrate the likely significant impacts of the development in respect of air quality. Furthermore, in the absence of the proposed mitigation measures in the AQA, the development fails to accord with the relevant policies as identified in the AQA.

The lack of sufficient information is considered to run contrary to Policy OVS.5 of the West Berkshire District Local Plan Saved Policies (2007) as well as Policy CS13 of the West Berkshire Core Strategy, the NPPF and PPG and Sandleford Park SPD.

11. The Noise Assessment is based upon out-of-date traffic data which, as well as not being based upon the Transport Assessment submitted with this application, has since been superseded with traffic modelling that is now outdated. As such, an informed decision regarding the impact on existing surrounding properties from operational noise generated by the development proposed cannot be reached. The lack of sufficient information is contrary to Policy OVS.6 of the West Berkshire District Local Plan Saved Policies (2007) as well as Policy CS13 of the West Berkshire Core Strategy, the NPPF and PPG and Sandleford Park SPD.

12. Three of the proposed communal bin store areas within the application site are to be located at a significant distance from the public highway. This would result in a development that does not function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, as required by paragraph 58 of the NPPF. Furthermore, it would hinder a high quality, comprehensive and frequent collection service to a number of properties, contrary to the NPPW. Therefore, the application conflicts with Policy CS14 of the Core Strategy, the NPPF and NPPW as well as Manual for Streets (2007), including BS 5906: 2005, the Sandleford Park SPD and Supplementary Planning Document Quality Design Part 1.

13. The submission of this application for part of the Sandleford Strategic Site Allocation only runs contrary to Development Plan Policy GS1 of the HSA DPD and the Sandleford Park SPD. Insufficient justification has been provided to demonstrate why the submission of an application for part of the allocated site only outweighs the requirements of the Development Plan and the Sandleford Park SPD.

14. The inability to take a strategic and holistic approach to the delivery of landscaping and green infrastructure as a result of the submission of this application for part of the Sandleford Strategic Site Allocation only is considered to prejudice the holistic planning and comprehensive delivery of the necessary green infrastructure required as a result of the development of the whole of the allocated site. For example, ensuring sufficient and timely provision of structural planting, provision of a NEAP and LEAP, Country Parkland and Strategic Planting. A condition to secure an appropriate LGIDMP for the whole of the Sandleford Strategic Site Allocation would not be necessary or relevant to the development proposed in this application. Furthermore, a condition would place an unreasonable burden on the applicants to set out the strategic landscape and green infrastructure design and management for a much larger development, including land outside of their ownership, than that being sought in this application. Policy CS3 requires infrastructure improvements to be delivered in

accordance with the IDP. The provision of green infrastructure is considered as necessary infrastructure in the IDP. Those elements of green infrastructure are considered necessary for the development of the whole of the allocated site to mitigate the impact on views from the A339 and historic assets as well as conserving and enhancing ecology and biodiversity and providing sufficient play facilities.

Therefore, this application for part of the Sandleford Strategic Site Allocation only is considered to prejudice the delivery of sufficient landscaping and green infrastructure in accordance with Policies ADPP2, CS3, CS17, CS18 and CS19 of the Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 as well as the Sandleford Park SPD, NPPF and PPG.

15. In order to achieve a well-planned, holistic network of green links throughout the whole of the allocated site, it is considered necessary to plan the layout of green links and spaces holistically and ensure their coordinated delivery. The piecemeal approach to the allocated site is considered to prejudice the ability to achieve this contrary to Policies ADPP2, CS13, CS14, CS17 and CS18 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 and the Sandleford Park SPD, NPPF and PPG.

16. Due to existing landscape and ecology in the location of future accesses onto the A343 via Warren Road and Kendrick Road, mitigation in the form of new landscaping and green infrastructure will be required. It has not been established with sufficient certainty that such mitigation can be achieved. Those accesses are considered necessary to serve the development of the whole of the Sandleford Strategic Site Allocation. However, those accesses are not proposed as part of this application and the burden will fall to the developer of the remainder of the allocated site to provide the necessary mitigation, if it can be achieved. Therefore, the piecemeal approach to the development of the whole of the allocated site prejudices the delivery of the A343/Warren Road access and Kendrick Road access, required to serve the development of the whole of the allocated site. This prejudices the delivery of the allocated site in accordance with Policies ADPP2, CS3, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 and the Sandleford Park SPD, NPPF and PPG.

17. Due to the proposed piecemeal approach to the development of the Sandleford Strategic Site Allocation, the implementation of a comprehensive series of integrated SuDS treatment trains for the whole of the strategic site, and subsequent maintenance, cannot be secured. The submitted FRA is based upon a masterplan for the whole of the allocated site which has not been approved, or agreed by all landowners/developers. Significant lengths of swale channels and two large attenuation basins are indicated to be located within the Country Parkland, outside of the application site. Those SuDS features would mitigate surface water runoff from the development proposed in this application as well as the development of the remainder of the Sandleford Strategic Site Allocation. As such, the provision of SuDS infrastructure across the whole of the Sandleford Strategic Site Allocation and its maintenance, outside of this application site, cannot be secured as part of this application, as this would not be directly related to the development proposed in this application. It has not been sufficiently demonstrated that the provision of SuDS for the remainder of development across the Sandleford Strategic Site Allocation would not be prejudiced by the development proposed.

Policy CS3 requires infrastructure improvements to be delivered in accordance with the IDP. The provision of SuDS is considered as critical infrastructure in the IDP. The application for part of the Sandleford Strategic Site Allocation only is considered to prejudice the delivery of sufficient SuDS across the whole of the allocated site contrary to Policies ADPP2, CS3, CS16 and CS17 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026, as well as the Sandleford Park SPD, NPPF and PPG.

18. A comprehensive drainage strategy for waste water cannot be secured as part of this application for part of the Sandleford Strategic Site Allocation only. It has not been sufficiently demonstrated that adequate waste water drainage can be provided for the detailed residential development proposed in this application without prejudicing the comprehensive delivery of waste water infrastructure for the whole of the allocated site.

This application for the development of part of the allocated site only would therefore prejudice delivery of this critical infrastructure identified in the IDP. As such, this application runs contrary to Policies ADPP2, CS3 and CS5 of the West Berkshire Core Strategy 2006-2026 as well as Policy GS1 of the HSA DPD 2006-2026 and the Sandford Park SPD, NPPF and PPG.

19. Ecology has no boundaries and therefore the comprehensive and holistic ecological enhancement of the allocated site as a whole will not be possible through the development of the allocated site in a piecemeal fashion. The ecological constraints and opportunities of this application site need to be viewed within the context of the wider site, and the principles of ecological survey, impact assessment, mitigation, compensation and enhancement should be consistent across such a large site in order that a coherent strategy is developed.

This application for part of the Sandford Strategic Site Allocation cannot secure a strategic site-wide ecological plan for the whole of the allocated site. Should the whole of the Sandford Strategic Site Allocation be developed in a piecemeal fashion, without securing a strategic site wide EMMP from which future ecological mitigation and management would be derived, the piecemeal approach would result in a fragmented and atomistic approach to ecology. This piecemeal application therefore prejudices the strategic approach to ecology and comprehensive delivery of strategic ecological mitigation and enhancement.

Therefore this proposal for part of the allocated site would prejudice the conservation and enhancement of ecology and biodiversity across the whole of the Sandford Strategic Site Allocation. As such, this application is contrary to Policies CS3 and CS17 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026, as well as the NPPF, PPG, Sandford Park SPD, the Conservation of Habitats and Species Regulations (2010) (as amended) and the Wildlife and Countryside Act (1981) (as amended).

20. No comprehensive planning of the site has taken place through an agreed and approved masterplan or outline permission for the whole of the Sandford Strategic Site Allocation. It has not been demonstrated that a masterplan has been agreed by all landowners. Many of the connections identified in the Sandford Park SPD, as well as connections to the rest of the Sandford site, cannot be properly planned for, or secured, as a result of the piecemeal development proposed. Subsequent parcels of development would have to adhere to access points set out in this application to provide appropriate direct linkages to Newbury College, Newbury Rugby Club or Park House School, improved linkages to the wider area and ensure a hierarchy of streets, spaces and routes which create a legible and permeable place across the whole of the allocated site. It has not been demonstrated that this can be achieved without impacting on the viability of subsequent development. Therefore, access points within the allocated site, fixed through the process of a piecemeal approach, may prejudice the delivery of the whole of the allocated site contrary to Policy CS3 of the Core Strategy. Furthermore, Policy CS13 of the Core Strategy requires applications to demonstrate good access to key services and facilities and improve and promote opportunities for healthy and safe travel. Policy CS14 of the Core Strategy expects development proposals to ensure environments are accessible to all and give priority to pedestrian and cycle access providing linkages and integration with surrounding uses and open spaces. This application is also considered to prejudice the legibility and permeability of later phases of development contrary to Policies CS13 and CS14 of the West Berkshire Core Strategy.

Therefore, this application for part of the Sandford Strategic Site Allocation only is considered to prejudice the delivery of the site in accordance with Policies ADPP2, CS3, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 as well as the NPPF, PPG, Sandford Park SPD and Quality Design SPD.

21. The piecemeal approach to the allocated site is considered to prevent the holistically planned and comprehensive delivery of pedestrian and cyclist mitigation, bus service provision, Framework Travel Plan and Travel Plan Coordinator. Therefore, this application would prejudice the delivery of the whole of the Sandford Strategic Site Allocation in accordance with Policies ADPP2, CS3, CS5, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 well as the NPPF, PPG and Sandford Park SPD.

22. The provision of suitable facilities for a warden/ranger would be required to serve the whole of the Country Parkland required as a result of the development of the whole of the allocated site. Such facilities (office and storage accommodation) cannot be secured through a planning obligation or condition for this application for part of the allocated site only as this would run contrary to the CIL Regulations 2010 (as amended) or NPPF respectively.

As such, the piecemeal approach would prejudice the delivery of necessary facilities required to provide adequate management and maintenance of the proposed Country Parkland in accordance with Policies ADPP2, CS3, CS5, CS17 and CS18 of the West Berkshire Core Strategy 2006-2026 as well as Policy GS1 of the HSA DPD 2006-2026 and the Sandleford Park SPD.

23. The piecemeal approach to the allocated site places greater uncertainty on the likely total dwelling numbers to be achieved across the whole of the allocated site. In addition, the piecemeal approach to the development creates greater uncertainty with regard to the timing of housing. This uncertainty jeopardises the ability to ensure sufficient education provision is in place when it is needed. Furthermore, without knowing the future timetable for housing, the basis of calculating the contributions may have to be different for a piecemeal approach, as compared to a single application for the whole of the Sandleford Strategic Site Allocation, as delivery is likely to become more complicated.

Therefore, this application for part of the allocated site only prejudices the ability to holistically plan for, and comprehensively deliver, education provision. This would prejudice the delivery of the allocated site in accordance with Policies ADPP2, CS3 and CS5 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 as well as the Sandleford Park SPD, the NPPF and PPG.

24. The piecemeal approach to the allocated site places greater uncertainty on the likely total dwelling numbers to be achieved across the whole of the allocated site. In addition, the piecemeal approach to the development creates greater uncertainty with regard to the timing of housing. This uncertainty jeopardises the ability to ensure there is sufficient healthcare provision in place when it is needed. Furthermore, without knowing the future timetable for housing, the basis of calculating the contributions may have to be different for a piecemeal approach, as compared to a single application for the whole of the Sandleford Strategic Site Allocation, as delivery is likely to become more complicated.

Therefore, this application for part of the allocated site only prejudices the ability to holistically plan for, and comprehensively deliver, healthcare provision. This would prejudice the delivery of the allocated site in accordance with Policies ADPP2, CS3 and CS5 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 as well as the Sandleford Park SPD, the NPPF and PPG.

25. Without an agreed and approved masterplan for the whole of the allocated site, or the ability to secure design principles for the remainder of the allocated site through a site wide Design and Access Statement, holistic planning of the whole of the allocated site cannot be achieved. The piecemeal approach prejudices the comprehensive planning necessary to ensure that the development of the whole of the allocated site enhances the character of the area and responds sensitively to its context across the whole of the allocated site, including how different elements would relate to each other. Furthermore, the piecemeal approach also prejudices the ability to comprehensively plan suitable connections from and within the allocated site. Therefore, this application is considered to prejudice the delivery of the allocated site in accordance with Policies CS3, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD 2006-2026 as well as the NPPF, PPG, Sandleford Park SPD and Quality Design SPD.

26. This application for part of the Sandleford Strategic Site Allocation is not considered to justify the monitoring of a planning obligation secured as a result of the development proposed. However, cumulatively a piecemeal approach to the allocated site would increase the complexity of the monitoring of S106 agreements for a number of applications across the whole of the Sandleford

Strategic Site Allocation site, thereby requiring a significant level of monitoring. A monitoring charge for future development and associated planning obligations cannot be secured through this application; as such an obligation would not accord with the CIL Regulations 2010 (as amended). Therefore, this application is considered to prejudice the monitoring of planning obligations associated with the development of the remainder of the allocated site. This, in turn, would prejudice the delivery of those matters to be secured by a planning obligation, contrary to Policies CS3 and CS5 of the Core Strategy.

27. The application fails to secure the necessary infrastructure, facilities and services (Education, Public Open Space including play areas and Country Parkland, SuDS, Healthcare, Highways and Transport). These are considered necessary to mitigate the impact of the development proposed in accordance with the CIL Regulations 2010 (as amended) and the NPPF.

Therefore, this application runs contrary to Policies ADPP1, ADPP2, CS3, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the HSA DPD, Policy RL.1 of the West Berkshire District Local Plan Saved Policies (2007), the Sandleford Park SPD (March 2015), the Planning Obligations SPD (December 2014) and the NPPF and PPG as well as the statutory obligations of the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981) (as amended).

28. The piecemeal approach to the development of the Sandleford Strategic Site Allocation increases the burden on future development of the remainder of the site to provide key infrastructure and facilities, risking the delivery of the remainder of the allocated site being rendered economically unviable. No evidence has been submitted by the applicants to demonstrate that this would not occur. This application for a significantly smaller part of the allocated site only is considered to result in a high risk of this occurring. The application for part of the Sandleford Strategic Site Allocation would therefore prejudice the delivery of housing, including affordable housing over the plan period. Policy ADPP1 of the Core Strategy seeks the delivery of at least 10,500 net additional dwellings and associated infrastructure within West Berkshire over the plan period. Policy ADPP2 of the Core Strategy requires Newbury to accommodate approximately 5,400 new homes over the plan period, which Sandleford would contribute towards. Policy CS3 of the Core Strategy seeks the phased delivery of up to 2,000 dwellings within the Sandleford Strategic Site Allocation, at least half of which is planned to be delivered by 2026.

Therefore, this application for part of the Sandleford Strategic Site Allocation only is considered to run contrary to Development Plan Policies ADPP1, ADPP2 and CS3 of the Core Strategy.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development, however; an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

Decision Date :- 8th November 2017

A handwritten signature in black ink, appearing to read 'Gary Lugg', written in a cursive style.

Gary Lugg
Head of Development and Planning

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online using the Planning Portal at www.planningportal.co.uk.
- 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.