

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2017/1261/F	<b>CASE OFFICER</b> Lisa ODonovan
<b>LOCATION:</b>	NORTH LOPHAM Solly's Piece King's Head Lane North Lopham	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr T Atkins c/o Agent	
<b>AGENT:</b>	Mr James Platt DBH 17A Diss Business Hub	
<b>PROPOSAL:</b>	Erection of dwelling following demolition of existing agricultural storage building	

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the recommendation is contrary to Policy.

#### KEY ISSUES

Principle of development  
Impact on character and appearance of area  
Amenity impact  
Highway safety  
Ecology Impact

#### DESCRIPTION OF DEVELOPMENT

The application seeks approval for the erection of a single storey, four bed dwelling following the demolition of a redundant agricultural storage building. The dwelling proposed will match the scale and form of the existing building. Parking and access will be to the east of the building/dwelling and the existing agricultural access is proposed for use.

#### SITE AND LOCATION

The site lies outside the Settlement Boundary of the village of North Lopham on land known as Solly's Piece, Kings Head Lane. Residential uses are situated further along to the east of Kings Head Lane, agricultural land lies to the south and a recent approval for three dwellings has been issued on land to the north.

#### EIA REQUIRED

No

**RELEVANT SITE HISTORY**

3PN/2016/0040/UC - Change of use from agricultural building to dwelling (permitted development) - refused

3PN/2015/0042/UC - Change of use from agricultural building to dwelling (permitted development) -refused

3PN/2014/0051/UC - Change of use from agricultural building to dwelling (permitted development) -refused

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**NORTH LOPHAM P C**

The North Lopham Parish Council have considered the plans. They have no objection save that the new dwelling should be on the same footprint as the present. The trackway and access to the site should be maintained safely and be made suitable to allow for contractors and deliveries and for all those who regularly use the track.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection subject to condition.

## **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to condition.

## **RAMBLERS ASSOCIATION: NORFOLK AREA**

We note that the Design and Access Statement states (6.65) With respect to public rights of way, the proposal would not prejudice the use of the existing bridleway to the south of the site. Accepting the intention here, we would point out (1) that this route is in fact a Restricted Byway (North Lopham RB5), and therefore open to carriage drivers (not motorised), and (2) that there is another Restricted Byway (RB8) to the north of the site. We would request that both of these route are kept open to all legitimate users throughout any works and any damage to them repaired without delay.

## **PUBLIC RIGHTS OF WAY OFFICER**

I have no objections on Public Rights of Way grounds as although North Lopham Restricted Byway 8 is aligned directly to the north and Restricted Byway 5 directly to the south of the development site, they do not appear to be affected by the proposals. I would like to highlight that paragraph 6.65 of the Design and Access Statement incorrectly only refers to a bridleway to the south of the site. The full legal extent of both of these PROW must remain open and accessible for the duration of the development and subsequent occupation. I would also highlight that access to the proposed site is via the Public Right of Way known as North Lopham Restricted Byway 5 . There is no public right to drive along the PROW, so we assume private rights exist to the plot. There is no responsibility upon the Highway Authority to maintain the route to facilitate private vehicular access. It would be expected that any damage caused to the Restricted Byway by the exercise of the private rights remains with the rights holders to repair.

## **REPRESENTATIONS**

Site notice erected: 09-01-2018

Consultations issued: 03-01-2018

07-02-2018 - Re-consultation issued to NCC Highways, Tree and Countryside Officer and Public Rights of Way Officer following an amendment to the red line and a slight change to the access to avoid a root protection area of a nearby tree.

## **ASSESSMENT NOTES**

The scheme was amended during the course of the application process in order to take account of the Tree and Countryside Officer's comments in respect of moving the access slightly in order to avoid a Root Protection Area of a nearby tree and also to include the red line all the way to the public highway. A re-consultation was carried out on this revision.

### **1. Principle of development**

1.1 The land lies outside of the North Lopham Settlement boundary although the current boundary ends along the rear of the existing dwellings fronting Kings Head Lane, so the site is closely related to the existing, defined settlement.

1.2 The application seeks Full permission for the erection of a single storey dwelling on land outside the settlement boundary. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the

Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. However, as the Council cannot currently demonstrate a 5 year supply of housing land, these policies cannot be considered to be up-to-date insofar as it relates to the supply of housing land and can be given little weight. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

1.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

1.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

1.5 In terms of the economic and social criteria, the proposal would provide one new dwelling and would provide some short-term economic benefits through construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwellings.

1.6 With regard to whether this is a suitable location, the site is outside the Settlement Boundary of North Lopham however the land is closely related to the existing settlement and permission has been granted for the erection of three dwellings on the land to the north-east of the site. Whilst not a service centre village, North Lopham does benefit from community facilities such as a Post Office and shop and public house and a village hall most of which are within walking distance from the site, any new dwelling would therefore further support these village services.

1.7 North Lopham has limited and infrequent bus services. However, as previously stated above it does benefit from some services and facilities and therefore the reliance on the private car to access day-to-day requirements including shopping and community facilities is reduced in this location. Whilst it is appreciated that there would be a reliance on the use of a car to access wider day-to-day services i.e medical provision, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also acknowledged that a wider range of facilities are available a short trip away in the nearby villages of East Harling and Diss, the nearest market town which would be likely to derive some support from the development. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The proposed dwelling would therefore help support the services in nearby East Harling and Diss, in line with paragraph 55 of the NPPF.

1.8 In light of the above, the site and development is considered to meet the economic and social roles of sustainable development.

## 2. Impact on the character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

2.2 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.3 Environmentally, although outside the Settlement Boundary, the site is in a semi-rural location within an enclosed/confined area bounded by trees and hedgerows. As stated above, permission has recently been approved for three dwellings on land to the north-east, therefore the development of a single dwelling here is considered acceptable, and due to the enclosed nature of the site, it is not considered to constitute a further intrusion into open countryside. The proposal would not have a significant impact on the form and character of the existing area given its matching form, scale and footprint of the existing agricultural building on the land. Furthermore, the plot is of ample size to accommodate a dwelling that reflects the spacious characteristics of others along the lane. Whilst this will affect character, the impact would be limited given the following factors:

- the visual containment of the site by screening (vegetation which is proposed for retention);
- generous proportions of the plot will maintain a spacious character;
- the proposal would not appear as an intrusion into the open countryside and would not be isolated; and,
- the proposal would not cause material harm to the character and appearance of the area.

2.4 In light of the above, the proposal is considered acceptable and in line with the environmental role of sustainable development Policy DC16.

### 3. Amenity Impact

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The application proposes a modest, single storey dwelling situated on a large well screened plot. As a result, there are very limited amenity impacts likely to arise from the proposed development, particularly in terms of increased noise and disturbance, overlooking, loss of light and over dominance. In light of this, the application is considered to have due regard to Policy DC1.

### 4. Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy DC19 requires sufficient parking for all new development. The Highway Authority has raised no objection to the scheme subject to a condition requiring the access and parking area to be provided and retained as shown.

4.2 Norfolk County Council Public Rights of Way and Ramblers Association were consulted as the site is accessed and bordered by two public rights of way. No objections have been raised subject to the applicant making sure any damage to the PROW is made good by the developer and that both rights of way are kept open throughout works. The applicant's agent has also been made aware that it is the applicant's responsibility to ensure that there is a private, vehicular right of way along this byway, notwithstanding this, this would be a civil issue between the applicant/developer and the Norfolk County Council Public Rights of Way Team.

4.3 Overall, the application provides sufficient parking and turning within the site and there are no significant highway safety concerns, as a result the proposal is considered to have had due regard to the above policies.

#### 5. Ecology Implication

5.1 The planning application is supported by a Preliminary Ecological Appraisal (PEA) report (Eco-check Consultancy Ltd.; November 2017). The PEA identified a single pond north of the site, however this was found dry at the time of survey. Suitable terrestrial habitat was identified for amphibian foraging and cover, as well as two large brush piles which could be used as hibernaculum and refuges by amphibians. It is also noted that the species rich hedgerows bound the site which have a moderate to high bat roost potential. The PEA included adequate mitigation measures in order to deal with the ecological impacts, on the basis that these are conditioned, the proposal is considered to accord with Policy CP10.

#### 6. Impact on trees

6.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

6.2 The application was accompanied by a Tree Survey which was sent to the Tree and Countryside Consultant for comment. No objections were raised subject to conditions, these will be attached to any forthcoming approval, the application is therefore considered to have due regard to Policy DC12.

#### 7. Conclusion

7.1 On balance, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity and would not adversely impact the character and appearance of the surrounding area. The application is therefore recommended for approval.

<b>RECOMMENDATION</b>
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**Planning Permission**

<b>CONDITIONS</b>
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**MT03**

**External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**LS10**

**Implementation of submitted boundary treatment**

The boundary treatment shown on the plans and particulars hereby approved shall be constructed in the manner shown and completed before the building(s) is first occupied.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with Policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

3949

**Contaminated Land - Site Investigation/Remediation**

Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

**A. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**B. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**INFORMATIVE:-**

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work

is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**3804**

**Precise details of foul water disposal**

Prior to the commencement of any development, a scheme for the provision, implementation, ownership and maintenance of a foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. Mains foul sewerage is available within the village and connection to this system should be the preferred method of foul drainage at the site.

Reason for condition: -

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

**This condition will require to be discharged**

**3006**

**Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.

Reason for condition:-

As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.

**3047A**

**In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

**HA24**

**Provision of parking and servicing - when shown on plan**

Prior to the first occupation of the development hereby permitted the proposed access and parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking area.

**3920**

**Tree Protection**

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) supplied by Greenleaf (updated report 06/02/18). No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are

in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written

approval of the Local Planning Authority has been sought and obtained.

Reason for condition:-

In order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**3920**

**Tree Protection 2**

No development shall take place in pursuance of this permission until details of the no-dig construction, including an auditable system of arboricultural site supervision and inspection for the duration of the no dig construction works associated with the site entrance have first been submitted to and approved in writing with the Local Planning Authority.

Reason for condition:-

The works are required to be undertaken prior to the commencement of work on the site in order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**3920**

**Vegetation clearance - nesting birds**

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

**3920**

**Mitigation measures to be adhered to -ecology**

Mitigation measures including ground clearance works as outlined in the following shall be adhered to throughout construction/development:

- 8.1 of the PEA report;
- Construction and working practices as outlined in section 8.2 of the PEA report,
- Lighting as outlined in section 8.3 of the PEA report; and,
- Tree works as outlined in section 8.4 of the PEA report (Eco-check Consultancy Ltd. November 2017).

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

**3920**

**Buffer strip along the field margins**

A buffer strip of no less than 3m shall be left undisturbed along the field margins of the development site hereby approved and retained as such in perpetuity.

Reason for condition:-

In order to maintain some habitat connectivity within the hedgerows and tree lines in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

- 3920 Additional hedgerow removal/trees**
- Should any additional hedgerows or mature boundary trees be disturbed or require removal as a result of the development, a further survey for breeding birds, roosting bats and reptiles shall first be submitted to and approved by the Local Planning Authority.
- Reason for condition:-
- To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Polices Development Plan Document 2009 and the National Planning Policy Framework.
- 3920 Ecology enhancements**
- The following enhancements as detailed in the Ecological and Protected Species Survey by Eco-Check (Section 9) shall be provided on site within 6 months of the first occupation, and details and evidence submitted to and agreed by the Local Planning Authority:
- Schwegler 2M bird boxes (32mm)
  - Schwegler 2GR nest boxes (27mm)
  - Schwegler 1ZA wren roundhouse boxes
  - Schwegler 1N deep nest boxes for robins
  - Schwegler 1B general nest boxes
  - Plant native broad-leaved trees. Suggested species include; blackthorn (*Prunus spinosa*), crab apple (*Malus sylvestris sens.str*), elder (*Sambucus nigra*), field maple (*Acer campestre*), guelder rose (*Viburnum opulus*), hawthorn, honeysuckle (*Lonicera periclymenum*), holly (*Ilex aquifolium*) and English oak (*Quercus robur*).
  - Any gaps in the hedgerows should be planted up and should include native species and/or species of known ecological value including hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), hazel (*Corylus avellana*), field maple (*Acer campestre*), beech (*Fagus sylvatica*) and dogwood (*Cornus sanguinea*).
- Reason for condition:-
- To ensure the development enhances the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Polices Development Plan Document 2009 and the National Planning Policy Framework.
- 3994 Ecology NOTE**
- Occasionally European protected species, such as great crested newts or bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of a suitability qualified ecological consultant.
- 3994 Right to drive NOTE**
- It is the responsibility of the landowner to ensure that sufficient rights of way exist to enable a public right to drive along the Public Right of Way.
- 3994 PROW NOTE**
- The landowner will remain responsible for repairing any damage to the public right of way caused during construction and for undertaking routine maintenance when required. Additionally, the public right of way must remain available for use by the public throughout the course of works and once the development is complete. If it is envisaged that public access will be affected by works a temporary closure order should be applied for. For further

information regarding matters pertaining to Public Rights of Way please contact the Public Rights of Way Team on 0344 800 8020.

**4000 Variation of approved plans**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

**3996 Note - Discharge of Conditions**

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.

**2001 Application Approved Following Revisions**

The Local Planning Authority has acted positively and proactively in determining this application, and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application 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 as timely a manner, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

**2014 Criterion E - Planning Apps Where Approved**

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your 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 Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.co.uk](http://www.planningportal.co.uk)

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.