



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:08/0625/FUL

George Davidson
251 Mill Road
Cambridge
Cambridgeshire
CB1 3BE

The Council hereby refuse permission for

Addition of new first floor accommodation. Rooms in new roof with dormers to rear and side.

at

21 Belvoir Road Cambridge Cambridgeshire CB4 1JH

in accordance with your application received 20th May 2008 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposal is unacceptable in that it would introduce a new first and second floor to the dwelling, a poor design that is visually in conflict with and does nothing to reflect or recognise the character and appearance of the existing pair of dwellings. The result would be that the application dwelling would unreasonably dominate the other 'half', No.19, creating a severe imbalance between the two 'halves', which would make the 'pair' discordant, incongruous and very visually intrusive, causing significant harm to the character and appearance of the dwellings themselves and the street scene, the local townscape. The failure to achieve good interrelations between buildings also causes the proposal not to be in context with its surroundings. For these reasons the proposals are contrary to policy ENV7 of the East of England Plan (2008), to Cambridge Local Plan (2006) policy 3/4, 3/7 and 3/14 and to advice contained in Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development - in relation to design.

Simon Payne
Director of Environment & Planning
Cambridge City Council The Guildhall Cambridge CB2 3QJ
Telephone 01223 457000 Minicom (non-speaking phone) 01223 457050



INVESTOR IN PEOPLE



Appeal Decisions

Site visit made on 3 November 2010

by **David Harrison BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2010

Appeal Refs: APP/Q0505/C/10/2121824 & 2121825

21 Belvoir Road, Cambridge CB4 1JH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Ian George Michael Jolley and Ms Katrina Julie Petrie-Symes against an enforcement notice issued by Cambridge City Council.
- The Council's reference is P558/332. The notice was issued on 4 January 2010.
- The breach of planning control as alleged in the notice is without planning permission, the carrying out of operational development, namely the erection of a full width roof dormer on the rear and side of the property.
- The requirements of the notice are to remove the roof extension and reinstate the roof to its original condition.
- The period for compliance with the requirements is six months.
- The appeals are proceeding on the grounds set out in section 174(2) [a] [c] [f] and [g] of the Town and Country Planning Act 1990 as amended.

Decision

1. I dismiss the appeals and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matters

2. I requested the submission of copies of the plans illustrating the proposed roof extension that were shown to the Council in October 2008. Copies of Drawing Nos. C.100.1A and C.100.2 both dated September 2008 were produced at the site visit.

Background

3. The plans shown to the Council in Oct 2008 indicate a "hip to gable" roof extension with a flat roofed dormer at the rear approximately 0.8 m lower than the ridge of the semi-detached bungalow, and French windows allowing access to a balcony. A note on Plan C.100.1A states "timber cladding to dormers". The Council advised that if the balcony element of the design were removed, the rest of the development would be permitted under Class B.1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, (GPDO).
4. Drawing Nos. D.100.1 and D.100.2 dated August 2009 show the roof alterations that were actually carried out and were submitted with a retrospective planning application to retain the structure. This application was refused, and this is the development which the enforcement notice requires to be removed.

You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

The appeals on Ground (c)

5. For the appeals on ground (c) to succeed the appellants need to demonstrate that there has been no breach of planning control. Advice relating to the types of development which may be carried out without the need for planning permission are set out in the amended version of the GPDO which came into effect on 1 October 2008. Class B allows *The enlargement of a dwellinghouse consisting of an addition or alteration to its roof* but paragraph B.1 *Development not permitted* sets limitations on what is permitted. B.1 (c) (ii) sets a limit of 50 cubic metres and B.1 (d) (i) excludes a veranda, balcony or raised platform. B.1 (e) requires that the dwellinghouse is not on article 1(5) land, which includes land within a conservation area. The De Freville Conservation Area was designated in March 2009 and includes the appeal property.
6. Paragraph B.2 *Conditions* stipulates that (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
7. The work commenced before the designation of the conservation area but it did not proceed in accordance with the plans shown to the Council in October 2008. It is agreed by both parties that the original plans showed an extension of 50 cubic metres and at one stage both parties agreed that the as built extension was 53 cubic metres. The appellant's agent subsequently maintained in his final comments that it was 51 cubic metres. I have not done any calculations of my own, but rely on the agreement between the parties that it is in excess of 50 cubic metres. There is therefore a conflict with criterion B.1 (c) (ii) of the GPDO.
8. Although the point was not raised in October 2008¹ the Council argues that there is also conflict with condition B.2 (a) which requires the use of materials of "similar appearance". I agree. The green painted timber is not "similar" to the red clay tiles or the buff brick of the original bungalow.
9. Before the designation of the conservation area the addition to the roof failed to qualify as permitted development on two counts. Since designation there is also clearly a conflict with B.1 (e). The appellant maintains that as the development commenced before the designation of the conservation area the "non conservation area permitted development rights" should be "preserved" until completion. Even if I were to adopt this approach there would still be a conflict with the requirements of Class B with regard to the volume of the development (albeit marginal) and the materials used.
10. The roof extension does not constitute permitted development under Class B and there has been a breach of planning control. The appeals on ground (c) therefore fail.

The appeals on Ground (a) : The deemed planning application

11. The deemed application is to retain the roof extension as built. There has been a change in the roof shape from hipped to gable end, with a dormer to the rear. The part of the dormer nearest to the other half of the semi-detached bungalow, No.19, is set into the original rear roof slope of the bungalow and has a French window. The part nearest to No.23 projects further outwards over a single storey extension to the rear of the bungalow.

¹ A note on Plan C.100.1A states "timber cladding to dormers".

Main issues

12. The main issues are (i) the effect of the development upon the character and appearance of the De Freville Conservation Area, (ii) the effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect, and (iii) the weight to be given to the "fallback position" and the advice in PPG 18 *Enforcing Planning Control*.

The effect upon the character and appearance of the conservation area

13. The area comprises mainly late 19th and early 20th century houses with small areas of more recent development, including the appeal premises.
14. There are a number of dormers in the rear roofs of houses which are visible in the local street scene. The appellants maintain that these dormers were part of the character of the conservation area when it was designated in 2009, and I accept this. The upper part of the rear dormer at No.21 is clearly visible from Aylestone Road above the fences and garden vegetation but it is not intrusive. The green colour of the vertical timber boarding does not draw attention to itself, and it is seen against the side wall of the two storey house beyond, No.23, which rises above it. The green painted cladding of the new gable end can be glimpsed from Belvoir Street through the narrow gap between No.21 and No.23 but it has no material impact in my view. Apart from these glimpses of the dormer, views of the development are limited to those obtainable from the rear gardens of the adjoining houses, and I will consider this later. I think the unauthorised development has no harmful impact upon the character and appearance of the conservation area, which can be said to be preserved.

Residential amenity

15. The Council's *Roof Extension Design Guide* has a paragraph relating to development on rear roof slopes which are only visible from other gardens. According to the guide these still matter, since they may have an impact on the amenity of neighbouring houses. However, in these circumstances a more flexible approach may be acceptable and there may be situations in which extensions to the rear roof slope of a less conventional style are appropriate.

Overlooking and loss of privacy

16. I saw that both the windows in the dormer overlook the garden of the adjoining semi-detached bungalow, No.19, and to a lesser extent the adjacent detached two-storey house No.23. The effect is accentuated by the full depth glazing of the French windows nearest to No.19 but also mitigated by the presence of net curtains. However, these are both bedroom windows and the number of occasions when overlooking might occur are limited. Such overlooking is commonplace at the rear of two storey houses and these predominate in the area; the bungalows are an anomaly. The degree of overlooking is not significant enough to amount to a reason for refusing planning permission.

Overbearing effect

17. The roof extension can be seen from the rear garden of No.23, but it is not particularly intrusive. It is also visible through the rooflight in the single storey part of the rear of No.23 but I do not attach any particular significance to this. The dormer is much more intrusive when seen from the rear garden of No.19, the adjoining semi-detached bungalow. Although the "longer" section is nearer No.23, the impact is greater at No.19.

18. The effect is particularly dominating because the flat roof is level with the ridge of the bungalow and the flank wall of the part of the dormer that projects out over the single storey rear extension and which faces towards No.19 is stark in appearance. The Council's Historic Environment Manager describes the design of the development as "very angular making the extensions look as though they have been plonked onto the roof and extension of the bungalow". It is suggested that in order for it to be less imposing it should be reduced to a "full box dormer on the rear of the property, and that the extension over the rear extension is removed". It seems to me that the size of this rear projection is particularly intrusive and has a harmful overbearing effect upon No.19. For this reason I find the development unacceptable, and in conflict with the aims of Policy 3/14 *Extending Buildings* of the Cambridge Local Plan (1996) which requires an extension to, among other things, (b) not unreasonably overlook, overshadow or visually dominate neighbouring properties.

The "fall back position", and the weight to be given to PPG18.

19. I have carefully considered the appellant's argument that if the development cannot be retained in its entirety an opportunity should be allowed to modify the dormer by slightly reducing its volume so that it complies with the permitted development rights available when work began prior to the designation of the conservation area. Paragraph 18 of PPG18 refers to unauthorised development by private householders and concludes that LPAs should not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by the GPDO. However, the significance of a "fall back position" is that it is an actual rather than a theoretical alternative, and in this case if the roof extension was to be removed as required by the notice, it could not be replaced by any other form of roof extension using permitted development rights under Class B as they are all removed by paragraph B.1(e). I reach this conclusion even though the aim of paragraph B.1(e) is to allow the opportunity to control development which could harm the character or appearance of a conservation area, and in this case I have concluded that there is no such harm. The fact remains that there is no "fall back position" in terms of permitted development rights.

Conclusion on the ground (a) appeals

20. My conclusion is that the development which is the subject of the deemed planning application has a harmful overbearing effect upon the amenities of the adjoining semi-detached bungalow and notwithstanding the "fall back position" and the advice in PPG18, planning permission to retain the development should be refused. The appeals on ground (a) therefore fail.

The appeals on Ground (f)

21. For the appeals on ground (f) to succeed the appellants need to demonstrate that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections. Appellants are encouraged to state how they think the wording of the requirements should be varied. The appellants have repeated some of the arguments in favour of allowing the roof extension to be retained and suggest that at most the requirement should be to reduce it to a size that would have qualified as "permitted development" at the time the work commenced. However, these arguments have already been addressed, and no specific alternative requirements are suggested.

22. Although I have concluded as part of the ground (a) appeals that some form of rear roof extension could be acceptable, there is no specific alternative scheme or set of plans that could be referred to in any alternative wording of the requirements of the notice. The appeals on ground (f) therefore fail.

The appeals on Ground (g)

23. The appellants argue that a 12 month compliance period is necessary as they are living in the property and it would be difficult to organise the demolition work within the 6 months required by the notice. In the light of my decision on the ground (a) appeals, time may be needed for the preparation and consideration of an alternative scheme, before any demolition and/or modification work can be carried out. I propose to increase the compliance period to 9 months and to this extent the appeals on ground (g) therefore succeed.

David Harrison

Inspector



Appeal Decision

Site visit made on 16 August 2011

by Hilary Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 August 2011

Appeal Ref: APP/Q0505/D/11/2156579

21 Belvoir Road, Cambridge, Cambridgeshire, CB4 1JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Jolley against the decision of Cambridge City Council.
 - The application Ref 11/0405/FUL, dated 28 March 2011, was refused by notice dated 24 June 2011.
 - The development is described as 'proposed alterations to reduce bulk of existing loft rooms'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of the development, the extension of the hipped roof to gable and the 'L'-shaped rear dormer, as constructed, do not benefit from planning permission. The development the subject of this appeal therefore comprises these existing additions to the property with the proposed alterations shown on the submitted plans.

Main Issues

3. The main issues are the effect of the extension on (1) the appearance of the appeal building and the wider De Freville Conservation Area; and (2) the living conditions of neighbouring residents, with particular reference to outlook.

Reasons

Appearance

4. The appeal property is a semi-detached dwelling with rooms in the roofspace, located in a road of primarily two-storey period houses. As noted above, the dormer window and other roof alterations form part of the appeal proposals. The attached property retains the original hipped roof, and has a rear dormer window.
 5. An appeal to retain the roof extensions as constructed was dismissed under refs. APP/Q0505/C/10/2121824 & 2121825. In dismissing the appeal, the Inspector concluded that some form of rear roof extension could be acceptable, and that the unauthorised development has no harmful impact upon the
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character and appearance of the conservation area. However, the proposals the subject of this appeal would introduce an awkward design, with a part-chamfered and part-flat roof that would be discordant in relation to the main dwelling. Although it is proposed to use matching reclaimed tiles on the slope and the side elevation of the deepest part of the dormer, the mix of tiling and green painted timber to this elevation would exacerbate the disharmony.

6. Whilst I acknowledge the reasons for dismissing the previous appeal, this proposal introduces matters of detailed design which did not arise in the previous scheme, and these conflict with the aims of Policy ENV7 of the East of England Plan (EEP) and Policies 3/4 and 3/14 of the Cambridge Local Plan 2006 (LP), through the failure to reflect or successfully contrast with the form, materials and architectural detailing of the main dwelling. Moreover, the proposals would not accord with national policy set out in Planning Policy Statement 1, *Delivering Sustainable Development* (PPS1), which advises that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.
7. There is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. Although I conclude that the proposed design would be unacceptable in relation to the main dwelling, on balance, glimpses of the extension beyond neighbouring gardens would be limited, and when viewed against the backdrop of the wall of 23 Belvoir Road the character and appearance of the conservation area would be preserved.
8. I conclude that the proposed development would be harmful to the appearance of the appeal building, and would conflict with the aims of PPS1, EEP Policy ENV7 and LP Policies 3/4 and 3/14.

Living Conditions

9. In determining the previous appeal, the Inspector noted that the development was dominating, and that the size of the rear projection was particularly intrusive, causing a harmful overbearing effect upon the occupants of No.19. The change in materials to part of the side elevation and the incorporation of a partly pitched roof would not materially reduce its scale, bulk and visual impact. Due to the depth of the projecting section over the single-storey wing, it would remain an unacceptably overbearing addition that would be harmful to the living conditions of occupants of No.19.
10. For this reason, I conclude that the proposal would conflict with the aims of LP Policy 3/14b, in that it would visually dominate the outlook from that property.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, including the impact on other neighbouring residents, I conclude that the appeal should be dismissed.

Hilary Lock

INSPECTOR



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:12/0322/FUL

Mr Ian Jolley
21 Belvoir Road
Cambridge
CB4 1JH

The Council hereby refuse permission for

To reduce height of dormer.

at

21 Belvoir Road Cambridge Cambridgeshire CB4 1JH

in accordance with your application received 27th April 2012 and the plans, drawings and documents which form part of the application, for the following reason:

1. The rear additions to the roof are of a size and scale that do not reflect or successfully contrast with the form or materials of the existing building. Their size and height, particularly the length and height of the rear projection over the original rear 'wing' and the discord is unacceptable. The additions proposed are intrusive and have a harmful, overbearing and dominating affect upon No.19 which will cause the occupants of that property to suffer a sense of enclosure that will unduly detract from and be harmful to the level of amenity they should reasonably expect to enjoy. For these reasons the proposal is contrary to Cambridge Local Plan 2006 policy 3/14. It follows that the proposal has failed to respond to its context or to draw inspiration from key characteristics of the surroundings and is therefore also contrary to East of England Plan (2008) policy ENV7 and Cambridge Local Plan 2006 policy 3/4.

This decision notice relates to the following drawings:

E.100.2, LOCATION PLAN and E100.1 B.

A copy of the refused plans are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 22 June 2012

Guildhall, Cambridge, CB2 3QJ

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Head of Planning Services

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SEE NOTES ATTACHED

PLANNING PERMISSION

1. 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 permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6th April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from www.planningportal.gov.uk/pes

The Secretary of State can allow for 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, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment 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 (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 & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)

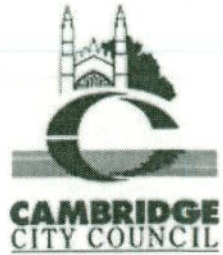
CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:12/1096/FUL



Nick Phillips
Once Architecture Ltd.
The Gallery
96 King Street
Cambridge
Cambridgeshire
CB1 1LN

The Council hereby refuse permission for

Side and rear roof extension
at
21 Belvoir Road, Cambridge CB4 1JH

in accordance with your application received 24th August 2012 and the plans, drawings and documents which form part of the application, for the following reason:

1. The proposed extension, by reason of its very angular nature, and box-shaped mass, fails to reflect, or successfully contrast with, the form, materials and detailing of the existing building, contrary to policies 3/4 and 3/14 of the Cambridge Local Plan (2006).

This decision notice relates to the following drawings: **LOCATION PLAN and P-03.**

A copy of the refused plans are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 22 November 2012

Guildhall, Cambridge, CB2 3QJ

Head of Planning Services
awc

SEE NOTES ATTACHED

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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, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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