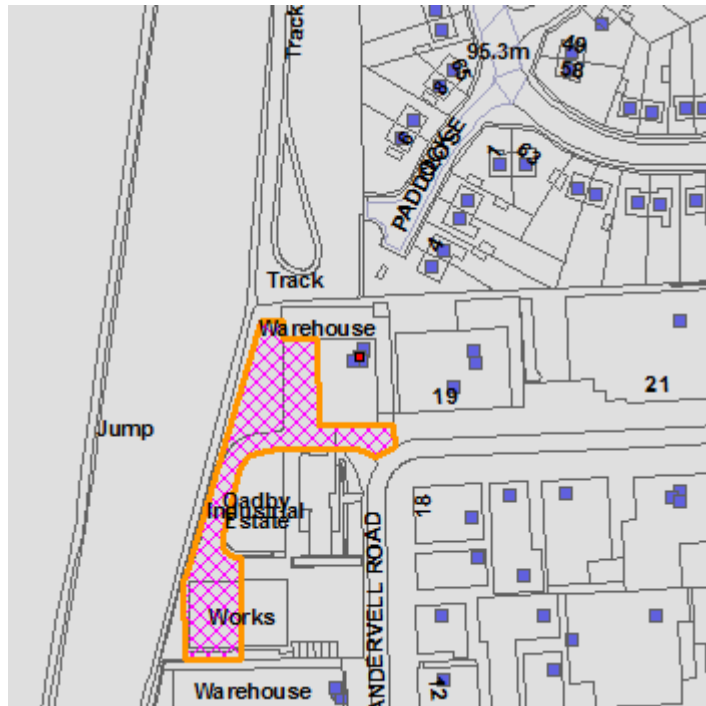


Application Number Address

Report Items

1. 15/00398/COU 17 Mandervell Road
 Oadby
 Leicestershire
 LE2 5LQ

1.	15/00398/COU	17 Mandervell Road Oadby Leicestershire LE2 5LQ
	6 October 2015	Change of use from B2/B8 to D2 (Gymnastics Gym)
	CASE OFFICER	Emma Bailey



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Site and Location

The application site is located on Mandervell Road within the Oadby Industrial Estate. The building is located on Identified Employment Land. The change of use proposal relates to half of the industrial unit. The remaining part of the building is to remain as a storage warehouse/distribution unit.

Description of proposal

The application is for the change of use of 17 Mandervell Road from use class B8/B1 to use class D2 (Gymnastics Gym).

The established business currently runs from Beauchamp College; however members are having to be turned away due to restricted access hours to the college hall. The business currently has approx. 300 members with approximately 150 on the waiting list. The relocation of the business to 17 Mandervell Road would allow the business to expand within the local area.

The application states that the hours of opening will be as follows:

- 11:00am to 13:00 and 16:00 to 23:00 Monday to Friday
- 10:00am to 20:00 Saturdays
- 10:00am to 20:00 Sundays

Relevant Planning History

None Relevant

Consultations

Leicestershire County Council (Highways)

The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

Consider Parking Provision

OWBC Environmental Health

No comment

OWBC Planning Policy

According to the Oadby and Wigston Employment Sites Supplementary Planning Document (September 2011), No.17, Mandervell Road is within the boundaries of an Identified Employment Area. In addition, within the Employment Sites Supplementary Planning Document, Supplementary Employment Policy 1 – Identified Employment Sites Hierarchy lists Mandervell Road as being within the boundary of a Base Employment Site.

The proposal is for a change of use from B2/B8 use class to D2 assembly and leisure. As No.17, Mandervell Road is within a Base Employment Site, this must align with Supplementary Employment Policy 3 – Base Identified Employment Areas, which states the following:

Proposals for non-B Class uses may be acceptable where it can be demonstrated that:

- *The level of employment density generated is broadly similar to that which could be expected from the existing use, or where the premises are vacant, the previous use based on the following employment density assumptions:*
 - *Office development - 18 square metres per full time equivalent employee*
 - *General business development – 30 square metres per full time equivalent employee*
 - *Warehouse development – 50 square metres per full time equivalent employee*
 - *Non-B Use Class development – 40 square metres per employee*
- *The proposed use is ancillary or complementary to an existing or proposed B Class use;*
- *There are insufficient suitable alternative sites for the proposed development;*
- *Refurbishment of the premises or redevelopment of the site for continued B Class employment use is not viable;*
- *The proposed use will not compromise the operating conditions of other remaining employment uses or the existing and potential future use of neighbouring sites for employment;*
- *There is no current or likely future demand for the site or buildings for B Class employment purposes;*
- *In order to enable regeneration or improvement of the remainder of the site for continued employment use, a change of use to a non-B Class use as part of a mixed use scheme be allowed; and*
- *The proposed use is a public or community use and there are no alternative sites available, there is a demonstrable local need for that use and that it will deliver economic development benefits or other uses that provide either:*
 - *employment opportunities*
 - *generates wealth; or*
 - *produces or generates an economic output or product*

Regarding the criteria above, the applicant has provided a limited amount of detail in the supporting evidence to justify the principle of D2 leisure use within this location:

- With regards to the employment density, the criteria deem non-B class use acceptable if proposals offer 40m² of space per employee. The applicant has not provided any details about the number of jobs that will be created and therefore it is not possible to assess the application against this criterion.

- The proposed use is not ancillary or complimentary to the existing B class use on site (storage warehouse).
- The supporting statement references that the applicant has viewed other properties in the area but has not been able to find a more suitable location in Oadby to accommodate their business. Therefore, the applicant has been touched upon, although, more detail of when and where the other properties were viewed would increase the compliance of this aspect of the criteria.
- Once again, the applicant has suggested that there are no other more suitable properties available in the local area. More evidence would ideally be required from the applicant to fully satisfy this criterion of the SPD policy.
- The applicant has not submitted any evidence to suggest that the property is not suitable or could be refurbished to make then suitable for employment use.
- The applicant has suggested that the proposed change of use would not have any impact upon other occupants within the surrounding area. No further evidence to support this statement has been provided.
- The applicant has not provided any evidence to illustrate how long the property has been on the market or whether or not there has been any interest in the unit for employment uses in recent times.
- The proposal has not satisfied the criterion relating to 'enabling regeneration or improvement to the remainder of the site'. However, the applicant has expressed a desire to upgrade the existing property and landscaping as part of the proposal.
- The proposed use is a 'community use', but the applicant has not provided enough evidence to illustrate that there is a demonstrable local need for this facility in the local area.

Therefore, the applicant should prepare further supporting information which explains how they have met the criteria as set out in Supplementary Employment Policy 3 – Base Identified Employment Areas.

Without adequate supporting evidence, this proposal does not satisfy local planning policy and therefore, a non-B class use is not suitable for this location.

OWBC Planning Policy - Reconsultation

Further to the receipt of additional information submitted by the applicant regarding the 'planning policy context' of the application, the following response must also be taken into account.

As previously stated, No.17, Mandervell Road is within a Base Employment Site, this must align with Supplementary Employment Policy 3 – Base Identified Employment Areas, which states the following:

Proposals for non-B Class uses may be acceptable where it can be demonstrated that:

- *The level of employment density generated is broadly similar to that which could be expected from the existing use, or where the premises are vacant, the previous use based on the following employment density assumptions:*
 - *Office development - 18 square metres per full time equivalent employee*
 - *General business development – 30 square metres per full time equivalent employee*
 - *Warehouse development – 50 square metres per full time equivalent employee*
 - *Non-B Use Class development – 40 square metres per employee*
- *The proposed use is ancillary or complementary to an existing or proposed B Class use;*
- *There are insufficient suitable alternative sites for the proposed development;*
- *Refurbishment of the premises or redevelopment of the site for continued B Class employment use is not viable;*
- *The proposed use will not compromise the operating conditions of other remaining employment uses or the existing and potential future use of neighbouring sites for employment;*
- *There is no current or likely future demand for the site or buildings for B Class employment purposes;*
- *In order to enable regeneration or improvement of the remainder of the site for continued employment use, a change of use to a non-B Class use as part of a mixed use scheme be allowed; and*
- *The proposed use is a public or community use and there are no alternative sites available, there is a demonstrable local need for that use and that it will deliver economic development benefits or other uses that provide either:*
 - *employment opportunities*
 - *generates wealth; or*
 - *produces or generates an economic output or product*

Taking into account the additional information submitted by the applicant, the following observations are now relevant for the Case Officer when making a decision over the principle changing the use of this unit to allow D2 leisure use within this location:

- With regards to the employment density, the criteria deem non-B class use acceptable if proposals offer 40m² of space per employee. The applicant has suggested that the proposed D2 assembly and leisure use will employ 10 people and that the total floorspace of the unit is 387m². Therefore, this proposed level of employment satisfies the employment density criteria for a non-B class use in these premises.
- The proposed use is not ancillary or complimentary to the existing B class use of this unit (storage warehouse). The applicant is seeking to change the use of this unit to a non-B class use.
- The supporting statement references that the applicant has viewed other properties in the area over the past 12 months but has not been able to find a more suitable location in Oadby to accommodate their business, mainly due to the nature of their operation in requiring premises with high ceilings to accommodate their gymnastics. The additional information submitted still fails to list when or where other properties were considered, but the applicant has suggested that it is unlikely that more suitable facilities will become available in the near future, hence their determination to secure No. 17, Mandervell Road, Oadby.
- Although this criterion has not explicitly addressed, the 4th bullet point on page 3 of the applicants Planning Supporting Statement states that *“The future occupier will make good use of a soon to be disused building and provide a community asset”*. Therefore, this would suggest that the building is currently in use for storage and warehousing and therefore, refurbishment or redevelopment is not required to make B class use viable.
- The applicant has suggested that the proposed change of use would not have any impact upon other occupants within the surrounding area, due to the isolated setting of the unit and because it is set back from the street.
- Although this criterion has not explicitly addressed, the 4th bullet point on page 3 of the applicants Planning Supporting Statement states that *“The future occupier will make good use of a soon to be disused building and provide a community asset”*. Therefore, this would suggest that the building is currently in use for storage and distribution and therefore, this demonstrates that there is a current demand for B class uses in these premises.
- The proposal has not satisfied the criterion relating to ‘enabling regeneration or improvement to the remainder of the site’. However, the applicant has expressed a desire to upgrade the existing property and landscaping as part of the proposal.
- The proposed use is a ‘community use’, and the applicant has indicated that there is a waiting list of 150 people to join their membership, in addition to the existing 300 (approximate) members. The applicant has also demonstrated that the proposed use

would generate 10 jobs. However, the applicant has not been able to sufficiently demonstrate that there are no alternative sites available.

Representations

Neighbours have been informed and a press/site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 20 November 2015.

Neighbours have been informed and a notice placed with no letters of representation being received at the time of writing this report.

“British Gymnastics

I am writing in support for Oadby and Leicester Gymnastic Club’s application for change of use application to D2 status. The club is affiliated to British Gymnastics and is very active within the local community and offers participation opportunities for local people. All the coaches are fully qualified with British Gymnastics, CRB checked and the club has a trained club welfare officer to ensure the safeguarding of all members of the club.

British Gymnastics research conducted in into the barriers of increasing capacity within affiliated clubs concluded that “availability at venue” was the most commonly sited barrier. To try to tackle this barrier supporting clubs to access facilities and spaces has become one of our strategic priorities.

Nationally 26.2% of our coached sessions take part in dedicated facilities and in the East Midland’s region in 2014, 21% of clubs were housed in dedicated industrial units and this is a trend that we expect to increase year on year. Our membership is increasing yearly and from 2012 we have seen a rise from 201854 to 300790 members which equates to a 49% increase. Clubs are being given the tools to function as sustainable business models and as part of this we saw 29 clubs last year take the step to deliver out of dedicated facilities. We have a business support team to support clubs into their dedicated facility which is where we see our most growth.

The club will be able to offer more opportunities to more people in the local community should they be granted change of use on the building”.

“British Gymnastics and Oadby and Leicester Gymnastics Club

Oadby and Leicester Gymnastics Club (OLGC) is a ‘Gymnastics for All’ club, meaning a club that offers gymnastics activities/disciplines for all ages and abilities. Operating currently from a hired facility in Oadby (Beauchamp College), the club is currently at capacity (with regards to space and time available to operate) with approximately 300 members. The waiting list for children and young people wishing to join the club and enter the sport of gymnastics currently stands at approximately 200, in line with national trends where the demand for gymnastics participation is growing with the profile of the sport.

Oadby and Leicester Gymnastics Club have worked closely with British Gymnastics Club Development Officers in recent years to further the club in the following areas:

Broadening the club’s offer by introducing new activities to attract new participants and help to retain older participants:

Freestyle Gymnastics

Freestyle Gymnastics is a non-traditional gymnastics activity and less structured in its delivery, therefore being more suited to increasing teenage/male participation within gymnastics. The loose structure of these particular sessions encourages freedom and choice for participants, and by introducing this activity, OLGC have aimed to target those who are inactive. Sport England Youth Insight research has suggested that inactive young people are seeking experiences that can be personalised, and they will need to feel that the offer is specific to their needs. Freestyle Gymnastics at OLGC has also provided a worthwhile social platform for young people and has also helped with retaining older male, participants from recreational classes.

MY Club

OLGC have implemented the concepts of the British Gymnastics 'MY Club' initiative into their programme. MY Club is a concept that has been developed by British Gymnastics with the 11-18 age groups in mind, giving participants an active role in the ownership of their sessions. Participants within OLGC's sessions for older, recreational gymnasts have been able to create their own sessions that are tailored for their needs, encouraging young people to work with the coaches to decide on what they would like to do and achieve. Based on the findings of British Gymnastics 'Drop Out' and 'Participant Modelling' research, it has been evidenced that young people (11-18) are more likely to take part in Gymnastics activities if the activities are not repetitive and participants are given a say in what they would like to achieve from sessions.

Increasing club capacity through coach and volunteer development

In their coach development efforts, OLGC have supported and trained a number of coaches to attend courses and achieve qualifications, providing both young people and adult volunteers the opportunity to develop new skills and take on new opportunities and help the club to increase their capacity to accommodate more participants. The club has a number of Young Leaders following the British Gymnastics MY Leadership Academy programme, which is a structured pathway for young people to follow over a period of time (whilst actively participating within sessions) and develop into leadership roles through gymnastics such as coaching, volunteering, judging and club management. OLGC have recently also recruited five Adult Volunteers through the British Gymnastics 'Make a Difference' Volunteering programme. The Adult Volunteers will be supporting the club in a number of volunteer roles such as Administration Assistants and Coach Helpers, and having successfully applied for funding to support the training of these volunteers, all five volunteers will soon be attending the British Gymnastics Award Scheme Coaching course (the first rung on the coaching ladder). This not only opens new doors and experiences for the individuals but also enables increases in capacity for the club, as 'not enough coaches' is one of the three main barriers to increasing participation nationally.

Oadby and Wigston Borough Council Leisure Development Officer

I write in my capacity as Oadby and Wigston Borough Council Leisure Development Officer, and locality Lead for Sport and Physical Activity, to support the Oadby & Leicester Gymnastics Club's planning application for change of use for 17 Mandervell Road, Oadby.

The specialist sport of Gymnastics dictates the size of building required to safely run sports sessions. Not just the square footage/footprint of the building, but most importantly the height, in order to cater for all Olympic Gymnastics apparatus (high rings, asymmetric bars

etc). It has therefore taken the club over 4 years to finally locate an appropriate building within the borough.

It is an established Club which has been running for 30 years, currently based at Beauchamp College. It has a membership of over 300 children and young people aged 4 to 22 years of age, mainly from the Oadby and Wigston area, with an additional 150 on the waiting list. It is well governed, with the required safeguarding policies and procedures in place; it has a team of qualified coaches and parents who provide assistance with all aspects of running the club. Many of the gymnasts compete in county and regional events, whilst others just take part in a recreational capacity.

As well as providing the opportunity for their gymnasts to progress into coaching, the club currently provides local students with work experience, in addition to the opportunity for local pupils to undertake work connected to the Duke of Edinburgh award scheme.

The timing of this planning application could not be better, this is an Olympic year (Rio 2016) and as such experience dictates that due to the popularity of gymnastics 'post Olympics', clubs up and down the country are inundated with parents keen to get their children involved in the sport.

Should planning be approved this dedicated full-time gymnastic facility would allow the club to not only retain the current membership, but attract new members whilst also engaging with those individuals on the waiting list. In addition new opportunities would be possible e.g, cheerleading, mother & child sessions, parkour, trampolining, dance and adult gymnastics, as well as expanding the boys side of the club, thus increasing participation. Use of the facilities would be available to schools; Birkett House Special School has already expressed an interest in using the facility. Coaching clinics will also take place at the venue.

This proposed development meets a number of the Council's key priorities e.g. to 'Improve the Health and Wellbeing' of our local residents, particularly those who are least active; Making the borough a safer place (addressing ASB).

Widening access to sport meets both local and county objectives. It will also help to address a number of key National agendas such as childhood obesity and mental wellbeing, which in turn will encourage lifelong learning and health improvements for our children.

It also fits well with the Department for Culture Media & Sport's new strategy (Dec 2015), a Sporting Future for an Active Nation. It focuses on five key outcomes; physical wellbeing; mental wellbeing; individual development; social & community development; and economic development.

British Gymnastics has confirmed its support for this development. In addition, due to contacts at the club, they are confident that three times Olympic medallist, Louis Smith MBE, would visit the borough to formally open the new facility, thus bringing prestige and publicity to the area.

I have no hesitation in supporting their planning application".

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 1 – Spatial Strategy for Development in the Borough of Oadby and Wigston

Core Strategy Policy 4 – Sustainable Transport and Accessibility

Core Strategy Policy 14 – Design and Sustainable Construction

Core Strategy Policy 16 – Community Facilities and Places of Worship

Oadby and Wigston Local Plan

Landscape Proposal 1 – Design of new development subject to criteria.

Housing Proposal 17 – Criteria for assessing the suitability of domestic extensions.

EM1 – Definition and presumption in favour of development

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Conservation Areas Supplementary Planning Document

South Wigston Conservation Area Appraisal

Town Centre Area Action Plan (AAP)

Planning Considerations

The main issues to consider in the determination of this application are as follows:

- The principle of the change of use
- Highway and parking implications

The application site falls within the identified employment land and, therefore, Employment Proposal 1 is a significant material consideration. Employment Proposal 1 states that proposals to change the use of buildings from B1, B2 or B8 to any use outside Class B1 will not be permitted unless the new use is complimentary or ancillary to an existing or proposed employment use. As the proposal is for the change of use from B1/B8 to D2 it is clear that the proposal conflicts with this policy because the use is not complimentary to the existing B1 use.

The Borough's Employment Sites and Brownfield Land Study (2010) recommends that the Oadby Industrial Site still plays an important role in the Borough's portfolio of employment land and should be safeguarded. The study further recommended that the Oadby Industrial Estate be categorised as a Base Employment Site. On Base sites the loss of employment use should be strongly resisted, except in circumstances where the only way to stimulate re-use of vacant property is through the mixed use redevelopment of the site. The presumption thus is still in favour of retention of premises for primarily employment use.

The Employment Sites and Brownfield Land Study was used to inform the preparation of the now adopted Employment Sites Supplementary Planning Document (September 2011).

Supplementary Employment Policy 3 states that on sites that fall within the Base Identified Employment Areas category, there will be a presumption for the retention of B Class Uses. Proposals for non-B Class uses may be acceptable where it can be demonstrated that it accords with a number of criteria to more effectively manage and determine any release of land. However, the policy states that "retail and other town centre uses will not be acceptable".

The policy requires evidence as to how the proposal accords with the policy to be contained in a Supporting statement. The evidence submitted is assessed against each part of the policy below:

- The level of employment density generated is broadly similar to that which could be expected from the existing use, or where the premises are vacant, the previous use based on the following employment density assumptions:
 1. Office development - 18 square metres per full time equivalent employee
 2. General business development – 30 square metres per full time equivalent employee
 3. Warehouse development – 50 square metres per full time equivalent employee
 4. Non-B Use Class development – 40 square metres per employee

With regards to the employment density, the criteria deem non-B class use acceptable if proposals offer 40m² of space per employee. The applicant has suggested that the proposed D2 assembly and leisure use will employ 9 people and that the total floorspace of the unit is 385m². Therefore, this proposed level of employment satisfies the employment density criteria for a non-B class use in these premises.

- The proposed use is ancillary or complementary to an existing or proposed B Class use

The proposed use is not ancillary or complimentary to the existing B class use of this unit (storage warehouse). The applicant is seeking to change the use of this unit to a non-B class use.

- There are insufficient suitable alternative sites for the proposed development

The supporting statement references that the applicant has viewed other properties in the area over the past 12 months, but has not been able to find a more suitable location in Oadby to accommodate their business, mainly due to the nature of their operation in requiring premises with high ceilings to accommodate their gymnastics. The additional information submitted still fails to list when or where other properties were considered, but the applicant has suggested that it is unlikely that more suitable facilities will become available in the near future, hence their determination to secure No. 17, Mandervell Road, Oadby.

- Refurbishment of the premises or redevelopment of the site for continued B Class employment use is not viable

Although this criterion has not explicitly addressed, the 4th bullet point on page 3 of the applicants Planning Supporting Statement states that *“The future occupier will make good use of a soon to be disused building and provide a community asset”*. Therefore, this would suggest that the building is currently in use for storage and warehousing and therefore, refurbishment or redevelopment is not required to make B class use viable.

- The proposed use will not compromise the operating conditions of other remaining employment sites or the existing and potential future use of neighbouring sites for employment

The supporting statement does not mention when it anticipates the highest levels of use of the building will occur. However, the opening hours of the proposed gym are to be much later than that of a majority of businesses on the Industrial Estate. However, the hours of operation of the gym could potentially conflict with the operation of surrounding businesses. For example, if the gym is busiest in the early evening, this may coincide with the time that businesses are closing and staff are leaving.

- There is no current or likely future demand for the site or buildings for B Class employment purposes

This is not addressed in the statement submitted. Paragraph 5.35 of the Employment Sites SPD states that a Market Demand Appraisal should illustrate how the site or premises has been widely marketed for sale and/or rent at the market price for a minimum of 12 months. Details of the following should be included: the marketing strategy used; how offers received were considered and reasons for rejection; and how adverts were displayed, where they were displayed and circulated and their format.

An email was received from the agent dated 4 January 2016 detailing the following –

- “The existing tenant within the unit is operating on a temporary month to month contract until our client receives planning approval
- The temporary tenancy was agreed as there has been little interest in the unit for a B class use, therefore it is currently being rented at a reduced rate to the occupier of the larger unit to the north of the application site as an “overspill”
- The current arrangement cannot be sustained over the long term, the tenant is occupying the space through convenience rather than necessity and the landlord is receiving a reduced income”

Given the above, it would appear that there is a present demand for this building, albeit at a reduced rate for the landlord. If there was no demand for the building, it would have remained empty even when a reduced rate was offered.

- In order to enable regeneration or improvement of the remainder of the site for continued employment use, a change of use to a non B Class use as part of a mixed use scheme may be allowed

The proposal has not satisfied the criterion relating to ‘enabling regeneration or improvement to the remainder of the site’. However, the applicant has expressed a desire to upgrade the existing property and landscaping as part of the proposal.

- The proposed use is a public or community use and there are no alternative sites available, there is a demonstrable local need for that use and that it will deliver economic benefits or other uses that provide either employment opportunities, generate wealth or produces or generate an economic output or product

The proposed use is a ‘community use’, and the applicant has indicated that there is a waiting list of 150 people to join their membership, in addition to the existing 300 (approximate) members. The applicant has also demonstrated that the proposed use would generate 9 jobs. However, the applicant has not been able to sufficiently demonstrate that there are no alternative sites available.

Conclusion

Ordinarily this application would warrant the refusal of planning permission due to its non-compliance with relevant planning policy regarding the safeguarding of business premises for a continuation of business use and business employment. However, in view of the very strong representations made in its favour, the Committee might see merit in permitting the proposed COU. The “health promotion” issues are certainly a material planning consideration of some weight.

If minded to do so then officers would strongly suggest that any permission be subject to a condition limiting the permission to the applicants use only and, subject to reversion to a business use upon their ceasing to use all or any part of the premises.

Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

RECOMMENDATION: REFUSE

For the reasons set out in the above report then **Refuse** for the following reasons:

- 1 The application site is located in a base employment site which is designated for employment use with a presumption in favour for the retention of B class uses.

Insufficient evidence has been submitted to address the criteria in Employment Proposal 1 of the Oadby and Wigston Local Plan and Employment Policy 3 of the Employment Sites Supplementary Planning Document to fully demonstrate that there are insufficient suitable alternative sites, that refurbishment of the premises or redevelopment for continued B Class employment use is not viable, and that there is no demand for the site for B class employment purposes. In addition, it is considered that the proposed use is not ancillary or complementary to an existing or proposed B Class use, and the proposed use may create conflict with the operating conditions of other employment uses in the area, particularly in terms of parking provision at peak times.

The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, Core Strategy Policyies 1 and 4, Employment Policy 1 of the adopted Oadby and Wigston Local Plan and Supplementary Employment Policy 3 of the Employment Sites Supplementary Planning Document.

Note(s) to Applicant :

- 1 In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

2 **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 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 Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at www.planningportal.gov.uk/pcs.

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 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.

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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.