

Mrs Teresa Critchlow
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Cawdry Buildings Fountain Street
Leek
Staffordshire
ST13 6JP



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C/o Agent

Application no: HPK/2024/0275

Determined on: 31/03/2026

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England)
Order 2015

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990 (as amended).

Location of Development:

LAND OFF Waterswallows Lane Green Fairfield Buxton Derbyshire

Description of Development:

Proposed change of use of agricultural land to B2 general industrial use, construction of a single building for storage and processing of sand and stone aggregate products, ancillary office space, vehicular access and turning space for HGV's, staff and visitor parking and associated hard and soft landscaping works

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:





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- Proposed Site Plan (Ref: 2022-2723-04L)
- Production Warehouse Office Building (Ref: 2022-2723-05D)
- Aggregate Storage Bays (Ref: 2022-2723-07)
- Security Lodge (Ref: 2022-2723-08)
- Location Plan (Ref: 2022-2723-09)
- Block Plan (Ref: 2022-2723-10)
- Landscaping Plan Sheet 1 of 7 (Ref: 23349-LD01)
- Landscaping Plan Sheet 2 of 7 (Ref: 23349-LD02)
- Landscaping Plan Sheet 3 of 7 (Ref: 23349-LD03)
- Landscaping Plan Sheet 4 of 7 (Ref: 23349-LD04)
- Landscaping Plan Sheet 5 of 7 (Ref: 23349-LD05)
- Landscaping Plan Sheet 6 of 7 (Ref: 23349-LD06)
- Landscaping Plan Sheet 7 of 7 (Ref: 23349-LD07)

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. Prior to any development commencing above foundation level a detailed schedule of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:- In the interests of good design and the character of the rural landscape in accordance with Local Plan Policies S1, EQ2, EQ3 and EQ6 and relevant paragraphs contained under Chapter 12 of the NPPF.

4. Notwithstanding the plans hereby approved, and prior to any development commencing above foundation level, amended boundary treatment details including a planting schedule which includes full details of the number, species, and mix of hedgerow and trees, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details and prior to the development being first brought into use.

Reason:- In the interests of providing effective boundary treatment in the interests of good design and implementing an appropriate number, type and mix of tree and hedgerow species in accordance with Local Plan Policies S1, EQ, EQ3, EQ6 and EQ9 and relevant paragraphs contained under Chapter 12 of the NPPF.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which,





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within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include (but not strictly limited to) the following details:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved plan shall be adhered to throughout the demolition/construction period.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with Local Plan Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

7. The development hereby approved shall not come into use until the access, parking (including cycle parking) and turning facilities have been provided in accordance with the approved plans.

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.





8. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

9. The development hereby approved shall not be brought into use until the applicant has submitted a Travel Plan to the Local Planning Authority that promotes sustainable forms of travel to the development site and for this to have been approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

Reason:- In the interests of reducing vehicle movements and promoting sustainable travel modes in accordance with Local Plan Policy CF6 and paragraphs contained under Chapter 9 of the NPPF.

10. The specific sound level resulting from the operation of the development shall not exceed 35dB L_{Ar}, Tr at any noise sensitive receptor when measured or calculated in accordance with BS4142:2014 (as updated).

Reason:- In the interests of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

11. Where reversing alarms are required to be fitted to vehicles operating on the site, these shall be white noise alarms. This applies to all vehicles owned or operated by the site operator including all hired/ loaned vehicles, delivery vehicles, fork lifts and front loaders.

Reason:- In the interests of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

12. No construction works including the delivery of plant and materials shall take place outside the following hours:

a. 0700hours to 1900hours Mondays to Fridays



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- b. 0800hours to 1600hours on Saturdays
- c. At anytime on Sundays or Public/ Bank Holidays

Reason:- In the interests of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

13. Notwithstanding the provisions of Schedule 2, Part 7, Class I of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any subsequent revision to that Order, no external plant or machinery shall be installed without full planning permission being granted by the Local Planning Authority.

Reason:- In the interests of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

14. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason:- In the interests of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

15. The development hereby approved relates solely to that described on this decision notice and does not extend to any other uses that fall within the B2 Use Class as set out within the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting or amending that Order with or without modification.

Reason:- In the interests of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

16. Prior to the commencement of development, a Mineral Recovery Plan (MRP) shall be submitted to and approved in writing by the Local Planning Authority. The MRP shall include an assessment relating the extent to which on site minerals which could be extracted during the proposed development of the site would meet specifications for use on site. The MPR shall detail the amount of mineral which could be reused on site, and for material extracted which cannot be used on site, its movement to an aggregate processing plant.





Reason:- In the interests of protecting mineral assets in accordance with Policy MP17 of the Derbyshire County Council Minerals Local Plan and Policy SP17 of the Emerging Minerals Local Plan

17. Prior to commencement of development, a detailed design and associated management and maintenance plan of surface water drainage for the site shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall be prepared in accordance with the principles outlined within the following documents:

- Keytech Development Design Ltd. (15/01/2025). *Waterswallows Lane Buxton Derbyshire SK17 7JD Flood Risk Assessment*, K24-004/Revision A.
- Design and Management Consultants Ltd. (30/09/2025). *Waterswallows Lane Buxton Derbyshire Drainage Layout*, 25023-C-1000/Revision A.
- Design and Management Consultants Ltd. (30/09/2025). *Soakaway Calc Feb 2025*, Revision A.

including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015). The approved management and maintenance plan shall be fully implemented prior to first occupation.

Reason:- To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided in accordance with Local Plan Policy EQ11 and relevant paragraphs contained under Chapter 14 of the NPPF.

18. Prior to commencement of development, a detailed assessment shall be submitted to and agreed in writing by the Local Planning Authority that demonstrates that the proposed destination for surface water accords with the drainage hierarchy as set out at paragraph 56 Reference ID: 7-056-20220825 of the online Planning Practice Guidance. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with Local Plan Policy EQ11 and relevant paragraphs contained under Chapter 14 of the NPPF.



19. Prior to commencement of the development, the applicant shall submit a scheme detailing how additional surface water run-off from the site will be avoided during the construction phase. The scheme may be required to provide collection, balancing and/or settlement systems for these flows. The scheme shall be approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with Local Plan Policy EQ11 and relevant paragraphs contained under Chapter 14 of the NPPF.

20. Notwithstanding details submitted with the application and prior to the development first coming into use, a scheme of proposed tree planting and pits shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a full planting specification and shall specify the changes made from details originally submitted with the application. The full planting specification shall include the following details:

- Location of all proposed species
- Tree size, species, numbers
- Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - Staking/tying method(s).
 - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive) prior to the development being first brought into use.

The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously





approved.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of the local environment, air quality and adapting to and mitigating climate change in accordance with policies EQ1, EQ2, EQ5 and EQ9 of the Local Plan.

21. No tree clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:- In the interests of protecting species in accordance with Local Plan Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

22. Prior to the installation of any external lighting fixtures, a detailed Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The development shall be carried out in accordance with the approved details.

Reason:- In the interests of protecting species in accordance with Local Plan Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

23. Prior to commencement of development, a Biodiversity Net Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and subsequently maintained in accordance with the approved plan.

Reason:- To comply with paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990

24. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and be approved in writing by the Local Planning Authority. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if



not. The development shall be carried out in accordance with the approved details.

Reason:- In order to ensure that Biodiversity Net Gain is delivered and monitored in accordance with the Environment Act (2021)

25. Prior to the commencement of any works above foundation level, a Biodiversity Enhancement Plan including the mitigation and enhancement recommendations detailed in Section 5.4 of the Preliminary Ecological Appraisal (Peak Ecology, April 2024) shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancement measures shall be implemented in full prior to the development first coming into use and maintained thereafter.

In order to fully discharge this condition, photographs will be required to show the mitigation measures in situ that aligns with a plan showing the location of such measures.

Reason:- In the interests of delivering biodiversity enhancements on site in accordance with Local Plan Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

Informatives

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1. The Local Planning Authority has worked in a proactive and positive manner with the applicant to overcome all outstanding planning issues to achieve a sustainable form of development, as required by the National Planning Policy Framework.
2. The applicant's attention is drawn to the requirements of the Unilateral Undertaking signed by Tarmac Trading Ltd, Pennine Aggregates Ltd, and High Peak Borough Council, dated 20th March 2026.

Lead Local Flooding Authority

- The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.



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- The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- Surface water drainage plans should include the following:
 - Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details
 - Site ground levels and finished floor levels.
- On Site Surface Water Management;
 - The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
 - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
 - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
 - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.
 - For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield





run-off rate for the same event.

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- If infiltration systems are to be used for surface water disposal, the following information must be provided:
 - Ground percolation tests to BRE 365
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells
 - Soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
 - Volume design calculations to 1% probability annual rainfall event – 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.3
 - Location Plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure
 - Drawing details including size and material



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- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included
- All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
- The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

County Highways Authority

- The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.
- Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
 - Drafting the Agreement
 - A Monitoring Fee
 - Approving the highway details
 - Inspecting the highway works
- Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.





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X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council





NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; [Tel:0333 880 2000](tel:03338802000).
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Derbyshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) 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.
 - (b) Variation to the approved plans will require the submission of a new planning application.



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6. 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.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
8. 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.

