

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Joshua Hart
Jigsaw Homes North
Turner House
56 King Street
Leigh
WN7 4LJ

Agent (if used)

Miss Jessica Ward
Bernard Taylor Partnership Ltd
Elizabeth House
486 Didsbury Road
Stockport
SK4 3BS

Part 1 – Particulars of the application/development

Proposal: Variation of conditions attached 2 (specified plans), 3 (materials) and 13 (boundary treatment) attached to planning permission referenced 138437/FO/2023 to allow layout, boundary treatment and elevational changes and the addition of solar panels and air source heat pumps to rear gardens

Location: Land Adjacent To The Footpath At The Terminus Of Kenyon Lane And Duncombe Drive, Manchester

Date of application: 13 February 2025

Application number: 142051/JO/2025

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Condition(s) attached to this decision

- 1) The development must be begun not later than 2 February 2027.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings referenced KL-BTP-00-LP-DR-A-3785_100.A received by the City Council as Local Planning Authority on 3 February 2025 and drawings referenced KL-BTP-00-ZZ-DR-A-3785_104.D, KL-BTP-00-SP-DR-A-3785_105.F, KL-BTP-00-E-DR-A-3785_106.E, KL-BTP-00-E-DR-A-3785_107.E, KL-BTP-00-ZZ-DR-A-3785_110.D, KL-BTP-03-ZZ-DR-A-3785_155.E, KL-BTP-01-ZZ-DR-A-3785_160.E, KL-BTP-01-ZZ-DR-A-3785_161.E, KL-BTP-01-E-DR-A-3785_162.E, y KL-BTP-02-ZZ-DR-A-3785_165.E, KL-BTP-02-ZZ-DR-A-3785_166.E, KL-BTP-02-E-DR-A-3785_167.E and KL-BTP-02-E-DR-A-3785_168.E, received by the City Council as Local Planning Authority on 13 February 2025 and KL-BTP-03-ZZ-DR-A-3785_157.F, received by the City Council as Local Planning Authority on 5 March 2025.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The development hereby approved shall only be implemented in accordance with the external materials detailed within the submitted schedule prepared by John Southworth Builders Ltd, received by the City Council as Local Planning Authority on 24 February 2025.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Planning Authority, in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) The development hereby approved shall only be implemented in accordance with the Construction Management Plan prepared by John Southworth, received by the City Council as Local Planning Authority on 18 October 2024, as agreed as part of discharge of condition application referenced

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) The development hereby approved shall only be implemented in accordance with the following surface water drainage scheme, received by the City Council as Local Planning Authority on 27 November 2024, as agreed as part of discharge of condition application referenced
CDN/24/1024:

-Response from John Southworth (table);

-Drawing referenced KLM-AJP-XX-00-DR-C-0900-P08 (drainage layout);

-Drawing referenced KLM-AJP-XX-00-DR-C-1030-P02 (Plot 5 - Attenuation Tank Section);

-Drawing referenced KLM-AJP-XX-00-DR-C-1070-P03 (Attenuation Tank Details);

-Drawing referenced KLM-AJP-XX-00-DR-C-1090-P03 (Hydrobrake Details);

-222-100 P50 Kenyon Lane S.W Calculations prepared by I DRN ;

-Drawing referenced KLM-AJP-XX-00-DR-C-1020-P02 (Flood Routing Plan);

- Drawing referenced KLM-AJP-XX-00-DR-C-1071-P01 (Porous Paving Details).

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN8 and EN14 of the Manchester Core Strategy.

6) The development hereby approved shall not be occupied until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system, pursuant to policy EN17 of the Manchester Core Strategy.

7) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

8) No construction works or vegetation clearance shall take place during the optimum period for bird nesting (1st March - 31st August inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy.

9) The development hereby approved shall only be implemented in accordance with the biodiversity enhancement measures shown on drawing referenced 7582.01/B, received by the City Council as Local Planning Authority on 19 December 2024, as agreed as part of discharge of condition application referenced CDN/24/1068.

Reason -To mitigate the loss of vegetation and to promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

10) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than those identified with the Tree Survey (Rev C)

produced by LM Ecology, received by the City Council as Local Planning Authority on 30 October 2024.

(b) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

11) The development hereby approved shall only be implemented in accordance with the details contained within the submitted Nesting Bird and Mammal Reasonable Avoidance Measures Method Statement (RAMMS), prepared by FCM Ecology Ltd (V.1), as agreed as part of discharge of condition application referenced CDN/24/0984.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Manchester Core Strategy.

12) The development hereby approved shall only be implemented in accordance with the landscaping scheme shown on drawing referenced 7582.01/B and accompanying Landscape Management Plan prepared by TBA Landscape Architects (Ref: CS/7582/LMP/RevB), received by the City Council as Local Planning Authority on 19 December 2024, as agreed as part of discharge of condition application referenced CDN/24/1068.

The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

13) The development hereby approved shall only be implemented in accordance with the boundary treatment detailed on drawings referenced KL-BTP-00-ZZ-DR-A-3785_105.F and KL-BTP-00-ZZ-DR-A-3785_104.D, received by the City Council as Local Planning Authority on 13 February 2025, together with confirmation by e-mail from BTP dated 24 February 2024 of a litter plate being installed to railings fronting the highway. The boundary treatment/gates shall be completed before any of the houses hereby approved are occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area

within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy

14) Prior to the first occupation of the development hereby approved, full details of electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development and be in place prior to the first occupation of the apartments and retained thereafter.

Reason - In the interest of air quality pursuant to policy EN16 of the Manchester Core Strategy.

15) The development hereby approved shall include a scheme for the illumination of external areas during the period between dusk and dawn. Prior to the first occupation of each phase (save for the enabling works phase), full details of such a scheme for that phase shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of each phase and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using and ensure that lighting is installed which is sensitive to the bat environment the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy.

16) If any external lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as Local Planning Authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

17) Notwithstanding details submitted, no part of the development hereby approved shall be occupied until full details of the space and facilities for bicycle parking have submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed cycling parking space and facilities shall the implemented as part of the development and retained thereafter.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

18) Prior to first occupation of the development hereby approved, the City Council as Local Planning Authority must acknowledge in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

19) The development hereby approved shall only be implemented in accordance with the measures contained with the Environmental Standards Statement (Ref: Z57879 revB) prepared by the Energy Counsel, received by the City Council as Local Planning Authority on 12 November 2024, agreed as part of discharge of condition application referenced CDN/24/1049.

Reason - In order to minimise the environmental impact of the development, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

20) The development hereby approved shall only be implemented in accordance with the waste management strategy and details shown on the site layout plan referenced 105/F, received by the City Council as Local Planning Authority on 11 December 2023 and 24 February 2025, respectively. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. No bins shall be stored outside the curtilage of the site other than on the day of collection.

Reason - In the interests of public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

21) The development hereby approved shall only be implemented in accordance with the details contained within the Noise Assessment prepared ADC Acoustics (Ref: ARR/C/3881.02 Rev A), received by the City Council as Local Planning Authority on 27 January 2025, agreed as part of discharge of condition application referenced CDN/25/0072.

Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria has been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenity of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

22) The development hereby approved shall be implemented in accordance with the landscaping maintenance details outlined with the submitted Landscape Management Plan prepared by TBA Landscape Architects (Ref: CS/7582/LMP/RevB), received by the City Council as Local Planning Authority on 19 December 2024, as agreed as part of discharge of condition application referenced CDN/24/1068.

The agreed Landscape Maintenance Plan shall be implemented as part of the development and shall remain in operation for the lifetime of the development.

Reason - To prevent neglect of communal areas of landscaping and in the interest of visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and to reflect guidance contained within the National Planning Policy Framework (NPPF).

23) Prior to first occupation of the development hereby approved, full details of all necessary off-site highway works to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

- The creation of a vehicular access and dropped kerbs on Kenyon Lane;

- The provision of a footway or necessary resurfacing of the footway adjacent to the site on Kenyon Lane.

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation. The development shall only be occupied in accordance with the agreed works.

Reason - In the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

24) The development hereby approved shall only be implemented in accordance with the internal access road arrangements shown on the following drawings, received by the City Council as Local Planning Authority on 27 January 2025, as agreed as part of discharge of condition application referenced CDN/25/0072.

KLM-AJP-XX-00-DR-C-1630-P02- S278 CONSTRUCTION DETAILS;
KLM-AJP-XX-00-DR-C-1631-P02- PRIVATE SURFACING AND KERBING CONSTRUCTION DETAILS;
KLM-AJP-XX-00-DR-C-1655-P01- S278 SURFACING & KERBING LAYOUT;
KLM-AJP-XX-00-DR-C-1656-P01- PRIVATE SURFACING & KERBING LAYOUT;
KLM-AJP-XX-00-DR-C-1690-P01- S278 ADOPTION LAYOUT.

Reason - In the interests of amenity and highway safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and National Planning Policy Framework (NPPF).

25) The development hereby approved shall be implemented in accordance with the details contained with the approved Phase I Preliminary Risk Assessment prepared by Curtins (Ref: 077873-CUR-00-XX-RP-GE-019 - VO1) received by the City Council as Local Planning Authority on 10 May 2021 and received by the City Council as Local Planning Authority on 30 October 2023.

Notwithstanding these details and the details contained within the Phase 2, Geo Environmental Site Assessment, prepared by E3P (Ref: 16-717-R1-1), dated September 2023 an updated Phase 2 report outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) shall be submitted to and approved in writing by the City Council as Local Planning Authority prior to the commencement of development. The development shall only be implemented in accordance with the agreed details.

Reason - Further investigation is required in the area of dense vegetation/woodland which currently runs through the centre of the site and as ground gas monitoring at the site has not been completed. To ensure that the presence of or the potential for any

contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

26) The development shall only be implemented in accordance with the following ground remediation details, as agreed as part of discharge of condition application referenced CDN/24/1024:

- Curtins Phase 1 Preliminary Risk Assessment (Ref: 077873-CUR-00-XX-RPGE-019, Dated: 10 May 2021);

- E3P Phase II Geoenvironmental Site Assessment (Ref: 16-717-R1-1, Dated September 2023);

- E3P Ground Gas Addendum Report (Ref: 16-717-R2, Dated: November 2023);

- Remedial Strategy Report produced by IGE Consulting (Ref: 4260-01) dated October 2024, received by the City Council as Local Planning Authority on 5 November 2024;

- E-mail from John Southworth dated 20 December 2024 confirming the woodland area is not to be developed.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

27) a. The air source heat pumps hereby approved shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

b. Prior to first operation of the air source heat pumps hereby approved, a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority to validate that the equipment conforms to the required noise levels. A report shall be submitted to demonstrate post completion testing to confirm that the noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to Policy DM 1 of the Manchester Core Strategy and DC26 of the Extant Unitary Development Plan.

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order

with or without modification) none of the residential units hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

29) The residential units hereby shall be used only as private dwellings (which description shall not include serviced properties or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as short-term lets, serviced apartments/apart hotels, do not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building or roof extensions shall be erected to the proposed dwellinghouses without the prior consent of the City Council.

Reason - To prevent over development and to protect the amenity of nearby residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted within the exterior of the dwellinghouse hereby approved, other than that expressly authorised by the granting of this planning permission.

Reason - In the interests of residential amenity, since any additions to the approved dwelling may adversely impact upon visual amenity or the amenity of neighbouring occupiers, pursuant to Policies DM1, EN3 and SP1 of the Manchester Core Strategy.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Mining Remediation Authority.

Date: 7 April 2025

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision . The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. 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 they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.