

Application: 20241161

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Sister A O'Connell, Sisters Of Mercy
C/O Mr Kasan Goh, Clay Architecture Ltd
Great Lines Studios
Marlborough Road
Gillingham
Kent
ME7 5HB**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**St Josephs Convent Of Mercy
Hillside Drive
Gravesend
Kent
DA12 1NY**

and being **Change of use of surplus convent buildings into two 6-bedroom townhouses, demolition of existing single-storey extensions to the west and construction of a 2-bedroom attached chalet bungalow, reorganisation of the convent car park and alterations to create a front entrance, erection of two single-storey bays to the rear elevation, dividing up the existing garden, and forming a new driveway to access the gardens to the rear.** Your application dated 14th January 2025 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Application form
Covering Letter
BNG Calculations
Transport Statement by Stantec
Biodiversity Net Gain by Lizard
Ecological Impact Assessment by Lizard
Planning Statement by CB Wright and Associates
Design and Access Statement
Arboricultural Report by Sylvanarb
Tree Survey Plan

Tree Protection Plan

Drawing no. 5287/PL/105 rev D (proposed site plan)
Drawing no. 5287/PL/114 (existing roof plan)
Drawing no. 5287/PL/103 (existing site plan)
Drawing no. 5287/PL/113 (existing second floor plan)
Drawing no. 5287/PL/102 rev A (proposed block plan)
Drawing no. 5287/PL/101 (existing block plan)
Drawing no. 5287/PL/100 (proposed location plan)
Drawing no. 5287/PL/116 (existing section)
Drawing no. 5287/PL/112 (existing first floor plan)
Drawing no. 5287/PL/120 (proposed basement plan)
Drawing no. 5287/PL/124 rev A (proposed roof plan)
Drawing no. 5285/PL/121 rev A (proposed ground floor plan)
Drawing no. 5285/PL/122 (proposed first floor plan)
Drawing no. 5287/PL/127 rev A (proposed cross section)
Drawing no. 5285/PL/123 (proposed second floor plan)
Drawing no. 5287/PL/117 (existing cross section)
Drawing no. 5287/PL/126 (proposed section and cross section)
Drawing no. 5287/PL/125 rev A (proposed elevations)
Drawing no. 5287/PL/115 (existing elevations)
Drawing no. 5287/PL/110 (existing lower ground floor)
Drawing no. 5287/PL/104 (existing site plan, detail of Hillside Drive)
Drawing no. 5287/PL/111 (existing ground floor plan).

Reason: For the avoidance of any doubt and in the interest of proper planning.

3. No development shall commence above ground until details of the facing materials including bricks, tiles, rainwater goods, windows and doors, to be used in the construction of the external surfaces of the new dwelling hereby permitted 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: To ensure the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

4. No development shall be undertaken (including any site and/or vegetation clearance) until an updated badger survey report for the site (including any necessary mitigation, compensation and licensing measures) has been provided to, and approved in writing by, the Local Planning Authority.

Reason: In accordance with paragraph 187 of the NPPF 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

5. No on-site building demolition, or works affecting the bat roost within Building B01 (as identified within Lizard Landscape Design and Ecology (25/11/24) Ecological Impact Assessment. Ref: LLD3294-ECO-REP-001-01-EcIA) shall be undertaken (including any site clearance) until one of the following has been provided to the Local Planning Authority which clearly shows that the impacts from the development with regards to roosting bats have been appropriately compensated for:
- A copy of the relevant granted protected species licence; or
 - A copy of a statement in writing from Natural England stating that such a licence is not necessary for the specified development.

Reason: In accordance with paragraph 187 of the NPPF 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

6. Non-bitumen coated roofing membranes (or breathable roofing membranes) shall not be used in any new roofing on-site or a certificate shall prove the roofing membrane has passed a 'snagging propensity test' if using a non-bitumen coated roofing membrane. This is to prevent bat entanglement and death.

Reason: In accordance with paragraph 187 of the NPPF 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

7. From commencement of works (including site/vegetation clearance) and for the duration of construction, all mitigation measures for habitats and protected and priority species shall be carried out in accordance with the details contained in section 4 of the Ecological Impact Assessment for The Convent of Mercy, Hillside Drive, Gravesend, by Lizard Landscape, Design and Ecology (Rev 01; Ref: LLD3294-ECO-REP-001-01-EclA; dated 25th November 2024). With regards to bats, all mitigation and compensation measures for bats shall be carried out in accordance with the aforementioned Ecological Impact Assessment unless additional and/or alternative measures are required by Natural England through the licensing process. Should Natural England require less mitigation than that detailed within the Ecological Impact Assessment, then all remaining measures shall be included as enhancements under the National Planning Policy Framework 2024. Bat mitigation, and any enhancements, shall be implemented as above and retained thereafter.

Reason: In accordance with paragraph 187 of the NPPF 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

8. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Statement (Ref: LLD3294-ECO-REP-003-00-BNG), submitted with the planning application, for The Convent of Mercy, Hillside Drive, Gravesend, dated 27th November 2024 and prepared by Lizard Landscape Design and Ecology.

Reason: In accordance with paragraph 187 of the NPPF 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

9. The development shall not commence until a Habitat Management and Monitoring Plan(s) (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and including the information required by (a) to (e) below, has been submitted to, and approved in writing by, the Local Planning Authority:
- (a) A non-technical summary;
 - (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) The planned habitat retention, creation and enhancement works to conserve, create and/or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan and the NPPF 2024. This shall include the provision of scaled and detailed soft landscaping plans, as well as planting schedules. This shall also include details of habitat features to be provided (e.g., hedgehog highways, bat and bird boxes) shown on scaled plans with details regarding numbers, target species, make and model, and precise locations (including height);
 - (d) The management measures to conserve, maintain and improve habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) The monitoring methodology and frequency by suitably qualified person, in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP(s) shall be managed, created and maintained in accordance with the approved HMMP(s).

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy and Schedule 7A of the Town and Country Planning Act 1990.

10. Prior to any ground works taking place, a plan shall be submitted to the Local Planning Authority for approval showing full details of hard landscaping and surface finishes for the development, including details of a porous access drive and car parking area, any patio areas, any screening or boundary treatment by walls, fences or other means and any steps. The scheme shall be constructed in accordance with the approved details and completed, in its entirety, prior to the first occupation of the dwellings hereby permitted.

Reason: In order to protect and enhance the appearance and character of the site and locality in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

11. Prior to the first occupation of the dwelling hereby approved, details of a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. The approved scheme shall be carried out in full during the first available planting season following first occupation of the dwelling hereby approved. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the soft landscaping scheme is implemented shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development and the wider area, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

12. In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) 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: To protect and enhance the appearance and character of the site and locality, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

13. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason: To prevent harm to human health and pollution of the environment in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

14. Prior to the installation of any external lighting and prior to the first occupation of the dwelling (whichever is earliest), a detailed lighting plan to include the following:

- Plan showing location of lighting, light fittings and light spill
- Downward facing
- On a motion sensor (where possible)
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

must be submitted to and approved in writing by the Local Planning Authority. It must demonstrate that the lighting plan has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and the replacement bat roosts will not be impacted by artificial lighting. The plan must be implemented as approved and maintained thereafter.

Reason: In order to limit the impact of the lighting on wildlife with regard to Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

15. Notwithstanding the provisions of Article 3 and Classes A, B, C and E of Schedule 2 to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification), no enlargement, improvement or other alteration of the dwellings hereby permitted shall be carried out, including any alterations to the roof, including the installation of additional dormers and rooflights, and no additional buildings required for a purpose incidental to the enjoyment of the dwellings shall be provided in the curtilage of the dwelling houses.

Reason: In the interests of controlling development to protect amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 135f National Planning Policy Framework 2024.

16. Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species from adverse impacts during construction.

17. Within three months of the commencement of development full details of cycle storage at a provision of 1 space per bedroom shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be retained thereafter.

Reason: To ensure that the development is built in accordance with Policies CS11 of the Gravesham Local Plan Core Strategy 2014 and T5 of the Gravesham Local Plan First Review 1994.

18. Notwithstanding the provisions of Article 3 and Class L of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification), no change of use to HMO is permitted to either of the three dwellings herein approved.

Reason: In order that any proposal to convert to an HMO shall be subject of a planning application that the Local Planning Authority would wish to determine on its merits, having particular regard to protecting the amenity of adjoining properties.

INFORMATIVES:-

1 BIODIVERSITY GAIN PLAN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Gravesham Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

4 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming> Please submit the application and the requisite fee in accordance with the guidance on the form.

5 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 2 July 2025 to the inclusion of the following pre-commencement conditions.

Condition 3 - materials
Condition 4 - badger survey
Condition 5 - roosting bats
Condition 9 - habitat management and monitoring plan
Condition 10 - hard landscaping
Condition 16 - construction environment management plan.

6 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

7 SOUTHERN WATER

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Please read their New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>

8 MAINS DRAINAGE

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

DOMESTIC REFUSE ARRANGEMENTS: SINGLE DWELLINGS

The dwelling should have sufficient storage capacity to cope with the waste generated in between collections (1 week).

DOMESTIC REFUSE ARRANGEMENTS: ADVISORY NOTES

Plastic sacks are issues for solid waste storage and collection will be from the front entrance to the property adjacent to the road or footpath.

9 ASBESTOS

Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenities of the surrounding area and safety.

Dated: 9 July 2025

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

NOTIFICATION TO APPLICANT

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 this is a **householder application*** which has been refused 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**.
- For all other applications, refused or permitted, 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.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- 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.

***Householder applications**

These are:

- applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- an application for change of use;
- an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she 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.