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## Decision Notice & Statement of Reasons

Site visit made on: Thursday 13 July 2023

Section 62A Hearing held on: Thursday 13 July 2023

**By Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**a person appointed by the Secretary of State**

**Decision date: 27 July 2023**

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**Application Reference: s62A/2023/0017**

**Land at Tilekiln Green, Start Hill, Great Hallingbury, CM22 7TA**

(Easting 551726, Northing 221351)

- The application was made under Section 62A of the Town and Country Planning Act 1990 (TCPA) by FKY Limited.
  - The site is located within the local planning authority area of Uttlesford District Council.
  - The application was dated 5 April 2023, with a valid date of 18 April 2023.
  - Consultation took place between 18 April and 9 June 2023.
  - The development proposed is described as '*Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities.*'
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### Decision

1. Planning permission is **refused** for the development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities at Land at Tilekiln Green, Start Hill, Great Hallingbury, CM22 7TA for the reasons set out in this notice.

### Procedural Matters

2. The application was submitted under s62A of the *Town and Country Planning Act 1990*, as amended (TCPA). This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) have been designated for major applications since February 2022. The SoS has appointed a person under section 76D of the TCPA 1990 to determine the application instead of the SoS.
3. The application was screened under *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017*, (as amended) by the SoS. On 25 April 2023, the Secretary of State considered the Application in accordance with Regulation 12(1) of the *Environmental Impact Assessment Regulations 2017 (SI 571/2017)*. They directed that this development is not Environmental Impact Assessment (EIA) development.
4. Following the closure of the representation period, Article 22 of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* requires the SoS (or appointed person) to consider the application either by hearing or on the basis of representations in writing.

5. Taking into account Section 319A of the TCPA and the *Procedural guidance for Section 62A Authorities in Special Measures*<sup>1</sup> published by the SoS (including Paragraph 5.1.1), the appointed person considered that the issues raised in this case required a hearing.
6. An unaccompanied site visit was carried out on the morning of Thursday 13 July 2023: after the consultation period had ended. The inspection included viewing the site and the surrounding area from public vantage points.
7. A hearing under s62A was held on Thursday 13 July 2023, in the council chamber at Saffron Walden. This was live streamed for persons to watch online. In total, 14 district or parish councillors, or members of the public spoke. In addition, the designated authority (and County Highways Authority) was represented by four officers. The Applicant was represented by seven individuals. All parties in attendance were given an opportunity, and exercised it, to make oral representations to myself as the appointed person. I have taken account of all written and oral representations in reaching my decision.

### **Background and recent planning history**

8. The application seeks the creation of an open logistics facility for a kitchen installation business. In the main, the site would consist of a large area of hardstanding to provide parking for lorries and cars. The *Design and Access Statement* Issue March 2023, indicates that there would be parking for roughly 107 car parking spaces, 20 cycle spaces, and 7 motorcycle spaces with 4 HGV parking zones.
9. The total site area is around 5.13 hectares in size, with the hardstanding set back from the boundaries of the site. Boundaries along the east/north-eastern/south-eastern edges of the hardstanding would be lined with acoustic fencing. The proposal would also see the use of two porta-cabin style buildings of single storey height, to be used as office and staff welfare areas.<sup>2</sup>
10. The application site has been subject to two earlier schemes which were refused planning permission by the local planning authority; referenced: 21/0332/FUL (refused 26 May 2021) and 22/0267/FUL (refused 14 February 2023). The applicant has sought to address the reasons for refusal further through the submission of this proposal.
11. The operations envisaged to be undertaken at the application site are currently carried out at an existing Stansted depot; to the north of Stansted Airport<sup>3</sup>. However, the nature of the short-term three-year rolling lease does not provide suitable certainty for the operator, and therefore the application site is sought.

### **Main Issues**

12. In the *Issues Report and Outline Agenda* document, and also at the start of the hearing, I set out that the main issues, in my opinion, were:
  - (i) Whether the proposed development, which would be within an area designated locally as a Countryside Protection Zone (CPZ), is required

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<sup>1</sup> [Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100100/Procedural_guidance_for_Section_62A_Authorities_in_Special_Measures.pdf)

<sup>2</sup> See 11008-PL 1001-K- Proposed layout available at [Section 62A Planning Application: S62A/2023/0017 - Land at Tilekiln Green, Start Hill, Great Hallingbury - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100100/Section_62A_Planning_Application_S62A_2023_0017_Land_at_Tilekiln_Green_Start_Hill_Great_Hallingbury.pdf)

<sup>3</sup> As detailed in the *Land to the west of Tilekiln Green, Stansted Airport- Economic Report, Final Report January 2021* undertaken by Lichfields

to be there, appropriate to a rural area, whether it would promote coalescence between the airport and existing development in the countryside, and whether or not it would adversely affect the open characteristics of the zone; and,

- (ii) The effect of the proposed development on the character and appearance of the area; and,
- (iii) The effect of the proposal on nearby heritage assets; and,
- (iv) The effect of the proposed development on the living conditions of nearby occupiers, with specific regard to noise, disturbance and light; and,
- (v) the benefits of the proposal, compliance with the development plan, and the overall planning balance.

## Reasons

### *Countryside Protection Zone (CPZ)*

13. The application site lies within the Countryside Protection Zone (CPZ). Policy S8 of the *Uttlesford Local Plan 2005* (LP) sets out that within the CPZ planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development. The policy goes on to state that '*In particular development will not be permitted if either of the following apply: a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside; b) It would adversely affect the open characteristics of the zone.*'
14. In this case, the *Economic Report* produced by Lichfields<sup>4</sup> sets out the approach to searching for a new location for the operators Stansted depot. Amongst others, the criteria included the driving distance from the company's base in Barton, the distance from the southern network from depots at Heathrow and Rochester, the catchment area, the use of electric vehicles, the labour catchment area, and the environmental constraints of national significance including areas within flood zones, Green Belt(s) and protected areas under Footnote 6 of the Framework.
15. Notwithstanding the *Economic Report* cited above, it does not necessarily detail why the development is 'required' to be in this particular location. Whilst appreciating that there are factors which makes this location convenient or desirable above others, that is not the same as the need for the development to be in this location. Clearly, there are other locations in the district where the development and use proposed can and do take place in planning terms – for example the existing site. However, in its ordinary sense, it is not 'required' for the development to be in this location. Even if the argument was accepted that there was a requirement for the proposal to be on this undeveloped site, the policy is clear in that there will be strict controls on new development, which the application seeks here.
16. In terms of coalescence, the application site currently provides a buffer between the M11 motorway to the west and residential buildings with the

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<sup>4</sup> *Land to the west of Tilekiln Green, Stansted Airport- Economic Report, Final Report January 2021* undertaken by Lichfields

Stansted Distribution Centre industrial estate to the east along the B1256. The airport, its runway and associated supporting infrastructure is located a short distance to the north beyond the A120 and Priory Wood Roundabout. In this location, however, the development of the application site would not result in a coalescence between the airport and existing development given the distance between the site and the airport, and also given its relationship to the extreme southwest of the airport grounds. The proposal would not, therefore, promote a coalescence between the airport and existing development in the surrounding countryside.

17. The development, due to its size, contrasting nature as a large area of hardstanding on an existing green/grassed area, and the activity that would occur on it; including parking for about 107 cars and a mixture of HGVs, smaller lorries and/or vans, the provision of 13 HGV and 20 car EV charging bays, stationing of portacabins, secure bicycle shelter and 2.4 m high close boarded sound retardant fencing, would contrast starkly with the currently green and rural characteristic of the application site and its equally verdant context. The hardstanding would become more noticeable when vehicles are stationed on it, further eroding its currently open nature.
18. As a result, the currently open appearance of the application site, where there is generally an absence of built form, would be eroded. Accordingly, the proposal would adversely affect the currently open characteristics of the CPZ. Whilst mitigation has been proposed in the form of landscaping to screen the development, this would not disguise the fact that the previously open site without built form would no longer be such, and instead its open characteristic would be adversely affected. The proposal is therefore contrary to Policy S8 of the LP.

#### *Character and appearance*

19. The application site is currently an open area of land which was most recently used as a Christmas tree farm. At the time of my site visit, the site did not exhibit any obvious evidence of its former use. Its appearance being of open undulating fields with post and rail fencing along the verge of the boundary with the highway Tilekiln Green and established trees along many of the boundaries. In terms of character and appearance, the site appears as fields that one would expect seeing in the countryside.
20. The proposal would see a significant part of the over 5-hectare site area covered by concrete hardstanding<sup>5</sup> with artificial lighting provided on columns<sup>6</sup>. The effect of this would be that the currently open and rural character and appearance of the area would be radically and noticeably altered with the introduction of an overtly utilitarian infrastructure into the open countryside. This would be exacerbated further when vehicles, including not only cars but tall HGVs and trucks are parked, stationed or charging on the hardstanding. Moreover, the use of solid acoustic fencing would introduce further contrasting features within this rural location.
21. As a result, the proposal would be perceived as a contrasting and permanent feature within this locality, and at significantly at odds with the site's currently rural and countryside characteristics and appearance. Whilst there would be

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<sup>5</sup> See Planning Application form

<sup>6</sup> See *External Lighting Strategy Report*, October 2021 and associated plans

some screening and use of landscaping to mitigate some of the impacts arising, it would nonetheless not completely screen the site from public vantage points. This would be further exacerbated at night and in autumn/winter months; especially given the potential for operations between 00:00 to 00:00 every day of the week and including weekends and Sundays and bank holidays<sup>7</sup>.

22. Accordingly, the proposal would have a significantly harmful effect on the rural character and appearance of the area through adversely eroding the intrinsic beauty of the countryside. As such the proposal is contrary to Policy S7 of the *Uttlesford Local Plan 2005* (LP) which sets out that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area and that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
23. The proposal is also contrary to Paragraph 174 of the *National Planning Policy Framework* (the Framework) which sets out that planning policies and decisions should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

#### *Heritage assets*

24. The Old Elm is a Grade II listed building located to the east of the application site. There are several other listed buildings located on Dunmow Road and at Great Hallingbury, as identified in the evidence. However, given their distance from the site and intervening physical features including landscape, I do not consider that the setting of these heritage assets are affected by the proposal.
25. The significance of The Old Elm derives from its age; being a timber framed rural vernacular building dating from the 16<sup>th</sup> Century. In terms of its setting, the area around The Old Elm has undergone substantial change since the building was erected in the 16<sup>th</sup> Century. For example, nearby farms and farmhouses have subsequently been demolished or turned to alternate uses, with warehouses to the east of the listed building. In terms of its setting, the site contributes to the rural setting of this listed building.
26. The proposal would erode the previously rural setting of the listed building by severing the last link between the listed building and the surrounding countryside, which itself has been eroded through developments since the 16<sup>th</sup> Century. This would result in a negative change to the building's setting.
27. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, (PLBCA) requires that the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In this case, the proposal would fail to preserve the setting of the listed building through the loss of the last rural and open context of the listed building. Accordingly, the proposal would fail to preserve the setting of the listed building.
28. The Framework requires that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should

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<sup>7</sup> See Planning Application form

- be. In this case, the harm arising to the setting The Old Elm as a Grade II listed buildings would be no greater than less than substantial and therefore Paragraph 202 of the Framework applies.
29. The public benefits of the proposal are set out in the '*Benefits*' section of this decision. Whilst these benefits weigh moderately-to-significantly in favour of the proposal, they do not outweigh the less than substantial harm identified to the setting of the listed building. As such the proposal fails to preserve the setting of the listed building, this being contrary to the clear expectations of s66(1) of the PLBCA, which anticipates special regard being had to that preservation, and adjudged by the Courts to be a matter of considerable importance and weight.
30. Moreover, the proposal would also conflict with Policy ENV2 of the LP which requires that development affecting a listed building should be in keeping with its scale, character and surroundings.
31. The proposal is also at odds with Chapter 16. Conserving and enhancing the historic environment of the Framework, which include in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
32. Consideration has been given to the potential archaeology *in situ* on the application site; as identified in the Applicant's *Heritage Impact Assessment* January 2022 and the representations made by interested parties. However, given the overall refusal of permission in this case, and the fact that archaeological recording and further investigation in this instance could be secured through suggested conditions, this matter is not considered any further here. It does not constitute a reason for the refusal of permission in this instance.

#### *Living conditions*

33. Concerns have been raised by interested parties including apprehension over noise, disturbance and light arising from the proposal. Policy GEN4 of the LP sets out that development will not be permitted where noise or vibrations generated, or smell, dust, light, fumes, electromagnetic radiation, or exposure to other pollutants would cause material disturbance or nuisance to occupiers of surrounding properties. Drawing PL\_1001 Revision K shows the relationship between the application site and the closest residential properties which are labelled as including The Old Elm, The Old Stables, Willow House, Brookside, Rivendell and Gerald Terrace.
34. The proposal would use sound retardant or acoustically protective fencing alongside the boundaries facing these buildings and/or their gardens. It would be possible to secure a level of acoustic protection through means of a planning condition. Conditions have also been suggested by the local planning authority's Environmental Health Officer – though at the hearing this was made on the basis that the submitted noise assessments were representative of the future use of the site.

35. Nonetheless, the proposed site is sought to be used for 'decanting logistics' 24 hours a day, every day of the week including Sundays and Bank Holidays<sup>8</sup>. This may be how the current site on Northside, Stansted Airport is currently used. However, that location is situated in a light industrial/commercial business park close to the Stansted Airport runway. Contrastingly, the application site is near to a number of residential dwellings where occupiers would and should expect some relief at points in the week, typically at the weekends.
36. Instead, even with details of acoustic fencing being submitted and approved, nearby occupiers are likely to be subject to noise and disturbance at their residential dwellings including their private gardens. Such noise and disturbance is likely to include the charging of electric vehicles at the 20 spaces near to the boundary with Brookside, the sound of engines idling and/or revving due to manoeuvring, the noise associated with the decanting and re-arranging of stock in the open from both machinery and/or operatives, light pollution from a number of lighting columns across the site, and light pollution and noise disturbance from vehicles (including large trucks) turning into and out of the site up and down the 1:40 access road.
37. Even taking into account the suggested conditions – which would only control noise from the EV charging points and not hours of operation for the site - these noise and light disturbances could conceivably take place every day and at all times. This would be further exacerbated by the fact that currently the site creates very little noise or light pollution. In this respect, the proposal fails to be sensitive to its surroundings.
38. Accordingly, the proposal would give rise to material disturbance to occupiers of surrounding properties which would amount to a moderate level of harm. It is, therefore, contrary to Policy GEN4 of the LP which sets out that development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where noise or light would cause material disturbance to occupiers of surrounding properties. It would also be contrary to Paragraph 130 of the Framework which sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and create places that promote health and well-being.

### *Benefits*

39. The applicant has put forward a number of benefits<sup>9</sup> which they consider weigh in favour of the proposal. These include:
- (i) Enabling a local business to remain within the District, and re-locate to an optimal location with good quality links to the motorway network and proximity to the market it serves;
  - (ii) During the construction period, the provision of 116 gross direct FTE construction jobs; and 129 gross indirect/induced FTE jobs;
  - (iii) During the construction period, £11.4m direct GVA and £13.6 million indirect GVA generated in Uttlesford and regionally;

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<sup>8</sup> See Planning Application form @ [Planning Application Form Redacted.pdf \(publishing.service.gov.uk\)](#)

<sup>9</sup> See Applicant's *Planning Statement to support the creation of a new open logistics facility*, dated 5<sup>th</sup> April 2023, Pages 23 to 24

- (iv) Once the facility is operational, a total of 196 jobs will be sustained including 130 jobs safeguarded from the existing facility and 66 extra jobs from the expansion of operations; and,
  - (v) Economic output of £12.4m per annum in Uttlesford and £13.8m per annum across the East of England, with £3.1m per annum generated for National Insurance and PAYE tax purposes.
40. The Framework sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt, that significant weight should be placed on the need to support economic growth and productivity, and planning policies and decisions should recognise and address the specific locational requirements of different sectors<sup>10</sup>. The factors are recognised and significant weight is placed upon the need to support economic growth. Given the above factors indicated by the Applicant and within the context of the wider local economy, the proposal would result in significant economic benefits which weigh in favour of the proposal accordingly.
41. Whilst not listed in that part of the Applicant's case, I note that the proposal would also result in other public benefits including biodiversity enhancements, the relocation of the highway Tilekiln Green away from The Old Elm towards the junction with the B1256 (Start Hill), and the potential for landscaping enhancements. The biodiversity enhancements are afforded moderate weight in favour of the proposal. The highway and landscaping works, as benefits, are primarily needed to mitigate the visual impact from the proposal in order to screen views of the site or are a result of the development proposed. As such, the landscaping benefit would amount to no more than neutral in the planning balance.
42. A unilateral undertaking has been submitted by the Applicant under s106 of the TCPA to secure monies for Flitch Way improvements, travel plan, and monitoring costs. The latter two are sought as a direct result of the proposal in order to mitigate or manage its potential impact on the local road network. The monies for the Flitch Way improvements, whilst sought so that employees can access the site using this footpath, would improve the footpath for all users. The provisions under s106 seek to make the development acceptable in planning terms. Accordingly, these provisions may be taken into account in my determination of the application.
43. Taken in the round, these benefits amount to no greater than moderate to significant public benefits to weigh against the less than substantial harm to the setting of The Old Elm, which, as a Grade II listed building, is a designated heritage asset.

*Development plan and national policy*

44. Since the adoption of the LP in 2005, a number of national planning policy documents have been published, including the National Planning Policy Framework 2021 (the Framework). Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with*

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<sup>10</sup> The Framework, Paragraphs 81 and 83



*the plan unless material considerations indicate otherwise.*' The Framework is an important material consideration.

45. The first step is to assess whether the proposal accords with the adopted development plan or not. In this case, as set out in the reasoning above, the proposal would conflict with Policies ENV2, S7, S8 and GEN4 of the LP. Moreover, when considered as a whole, the proposal conflicts with the adopted development plan for the area.
46. Turning to material considerations, the Applicant has referred to planning appeal decisions (ref 3243727, 3291524 and 3243744 respectively). These set out where Inspectors have considered that Policies S7 and S8 should be accorded little weight given that the Framework's 'recognition' of the countryside is not consistent with 'protection' of the countryside as set out in the Policy. The Applicant considers that this means these policies should be accorded very little weight in this instance. Moreover, they should be considered as 'out of date' and Paragraph 11 of the Framework is engaged<sup>11</sup>.
47. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development. It goes on to state that:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>fn8</sup>, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>fn7</sup>; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.<sup>12</sup>*
48. In this case, Policies S7 and S8 are amongst those most important for determining the application given its location within the countryside and in the CPZ. I also see little reason to disagree with the appeal decisions cited above (ref 3243727, 3291524 and 3243744) in that Policies S7 and S8 are in effect 'out of date' in the context of Paragraph 11 of the Framework in this instance. As such, section d) of Paragraph 11 of the Framework is engaged.
49. I have found that the proposal would be contrary to Policy ENV2, relating to development affecting listed buildings. In applying Paragraph 11, section d), subsection ii, and footnote 7 of the Framework, the application specifically of heritage Policies of the Framework, including Paragraph 202, provide a clear reason for refusing the development proposed. This is because the proposal would result in less than substantial harm to the setting of the designated heritage asset which would not be outweighed by the public benefits of the proposal.
50. Accordingly, the Framework, as a material consideration, does not indicate a decision should be made otherwise than in accordance with the development

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<sup>11</sup> Applicant's *Planning Statement to support the creation of a new open logistics facility*, dated 5<sup>th</sup> April 2023, Pages 20 to 23

<sup>12</sup> I have inserted fn7 and fn8, which relate to footnotes in the Framework.

plan. This matter is considered further in the overall planning balance and conclusion section.

51. Subsection ii of Paragraph 11 d) is not engaged in this instance. However, for the avoidance of doubt, were it engaged I find that the adverse impacts arising in this case – which include the loss of the open characteristics of the site, the significant harmful effect on the rural character and appearance of the area, the material disturbance to living conditions of neighbouring occupiers, and the harmful effect on the setting of the listed building<sup>13</sup> - significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

## **Other Matters**

### *Planning obligation*

52. The Applicant submitted a unilateral undertaking under s106 of the TCPA to secure monies for the Flitch Way improvement, a travel plan monitoring fee, and a travel plan. The designated planning authority submitted a *CIL compliance* document, which sets out the planning basis for seeking these obligations.
53. In the main, the monies sought seek to provide infrastructure to serve employees or visitors to the proposed development. I recognise that, for example, the improvements to the Flitch Way, being a nearby footpath available to the general public, will be of benefit to the wider community and have considered such benefit in the relevant part of this decision. Nonetheless, as I have found that permission should not be granted in this case, I have not considered this matter further.

### *Conditions*

54. I note that conditions have been suggested by the designated planning authority and other parties. The details of these were discussed at the Hearing. Whilst my considerations of the planning merits indicate that permission should be refused, I am satisfied that the use of planning conditions would not mitigate or address the harms arising in this case in order to make the proposal otherwise acceptable.

## **Planning balance and Conclusions**

55. The proposal would clearly result in wider benefits including those set out in the 'Benefits' section of this Decision Notice & Statement of Reasons. I afford these benefits moderate-to-significant weight accordingly in favour of the proposal.
56. However, these benefits fail to negate the moderate to significant harms identified to the CPZ through it not being development appropriate to a rural area and the erosion of its open characteristics, the adverse impact on the character and appearance of the area, the less than substantial harm to the setting of the nearby designated heritage asset The Old Elm, and the material disturbance to the living conditions of neighbouring occupiers in terms of light and noise from a continual operation of the open logistics site every day of the

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<sup>13</sup> Recognising that this is 'captured' by subsection ii. for completeness and clarity I have included it here.

week. The benefits in this case are clearly and demonstrably outweighed by the harms identified.

57. Accordingly, the proposed development would not accord with the adopted development plan when considered as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it. It would also conflict with significant parts of national planning policy identified, including those principally contained within the Framework.
58. Correspondingly, planning permission is refused for the aforesaid reasons.

*C Parker*

INSPECTOR (appointed person for the purposes of s62A and 76D TCPA)

## **Informatives**

- (i) *In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice in advance of, and during the application of the expectation and requirements for the submission of documents and information, ensured consultation responses were published timeously, and gave clear deadlines for any additional submissions and responses.*
- (ii) *The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 is final. This means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.*
- (iii) *These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>*