

NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED, OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE PLANNING INSPECTORATE (PINS)

1) Refusal of Householder Permission

- If you, the applicant are aggrieved by the decision of the local planning authority (LPA) to **refuse** permission for the proposed development, you can appeal to PINS.
- You must appeal within **12 weeks** from the date of the decision notice or if the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice you must appeal within **28 days** of the date of this notice. If an enforcement notice is subsequently served then you have **28 days** from the date of the enforcement notice or 12 weeks from this decision whichever period expires earlier. Forms and guidance are available from:
The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at – <https://www.gov.uk/appeal-householder-planning-decision>
- PINS will not normally extend this period unless there are special circumstances that excuse the delay in giving notice of appeal.
- PINS will decide the Householder appeal using the written representations method
- PINS will **ONLY** consider: - the submitted application details; the Local Planning Authority's report and Refusal Decision Notice; and your arguments made in your appeal submission.

2) Planning Permission

- If you, the applicant, are aggrieved by the decision of the local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to conditions, you can appeal to the PINS under Section 78 of the Town and Country Planning Act 1990.
You must appeal within **SIX MONTHS** of the date of the decision notice, unless the proposed development is for minor commercial development (shop fronts and similar) in which case any appeal must be made within **12 weeks** of the date of this notice, or if the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 12 weeks from this decision whichever period expires earlier. Forms and guidance are available from:
The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or Online at – <https://www.gov.uk/appeal-planning-decision>
- PINS will not normally extend this period unless there are special circumstances that excuse the delay in giving notice of appeal.
- PINS need not consider an appeal if it seems to him that the **LPA** could not have granted permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, PINS does not refuse to consider appeals solely because the **LPA** based its decision on a direction given by him.

3) Listed Building Consent

- If you, the applicant, are aggrieved by the decision of the **LPA** to refuse listed building consent for the proposed works, or to grant it subject to conditions, you can appeal to the **PINS** under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- You must appeal within **6 MONTHS** of the date of the decision notice. Forms and guidance are available from:
The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at – <https://www.gov.uk/appeal-listed-building-consent-decision>
- PINS will not normally extend this period unless there are special circumstances which excuse the delay in giving notice of appeal.
- Similar provisions in relation to purchase notices and compensation to those for refusals of planning permission apply to refusals of listed building consent, under Sections 32 and 27 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4) Advertisement Consent

- If you, the applicant are aggrieved by the decision of the **LPA** to refuse consent for proposed display of an advertisement, or to grant it subject to conditions, you can appeal to **PINS** in accordance with Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992.
- You must appeal within **8 WEEKS** of the date of this decision notice, using a form you can get from:
The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN <https://www.gov.uk/appeal-decision-consent-display-advertisement>
- PINS will not normally extend this period unless there are special circumstances which excuse the delay in giving notice of appeal.

5) Purchase Notice

- If either the **LPA** or **PINS** refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he 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 his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

6) Compensation

- In certain circumstances compensation may be claimed from the **LPA** if permission is refused or granted subject to conditions by **PINS** on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

NOTES ON THE DECISION NOTICE

PLANNING PERMISSION AND LISTED BUILDING CONSENT

- The grant of planning permission or of listed building consent does not relieve developers of the necessity for complying with the Building Regulations, any local Acts, regulations, and general statutory provisions in force in the area. Nor does it modify or affect any restrictive covenants, easements, etc., applying to, or affecting, either the land to which the permission relates or any other land. Nor does it affect the rights of any persons or authorities (including the London Borough of Harrow) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property.
- Listed building consent does **not** include planning permission and such permission should not be implemented before such consent (if it is necessary) has been obtained.
- This planning permission or listed building consent is based on the drawings and documents submitted with the application. Any changes whatsoever to the plans should be brought to the attention of the planning division without delay. Any building work which is not in accordance with the plans granted permission or consent by the Council is undertaken entirely at the risk of the applicant or developer.
- The applicant or developer should inform the site contractor or builder of any conditions or informatives attached to the permission or consent, where they relate to the carrying out of building operations.
- In addition to any informatives that may be included on the decision notice, particular attention is drawn to the code of practice below.

CONSIDERATE CONTRACTOR: CODE OF PRACTICE

Be Committed

Carry out all work with proper consideration for residents, neighbouring businesses, pedestrians, road users and persons working on the site, and in such a way as to minimise disturbance. Show special care to the needs of those with sight, hearing or mobility difficulties and those in wheelchairs or pushing prams and pushchairs.

Be Quiet

Keep noise from building works, machinery, vehicles, site staff, radios and other sources to a minimum. No works should be audible at the site boundary outside the following permitted hours unless there has been prior agreement with the Council or an emergency situation has arisen:

Monday - Friday: 8 am - 6 pm; Saturday: 8 am - 1 pm; Sunday and Bank Holiday: No works

Ensure that only the quietest suitable plant and equipment is used, properly silenced as appropriate and maintained in accordance with the manufacturer's instructions.

Be Clean

Keep footways and carriageways affected by works in a clean and safe condition. Mud and spillage should be cleaned off pavements and roads immediately. Hoardings, scaffolds and warning lights should also be kept clean and in good order.

Be Tidy

Keep the site tidy by regular removal of litter and rubbish. Do not let temporary buildings, storage of materials, etc., detract from the appearance of the site. Burning of waste materials on site should be avoided.

Be Safe

Make sure that works and vehicle movements are carried out with proper regard for the safety of pedestrians and workers. Maintain machinery in safe working order and regularly check the safety of scaffolding and other structures. Sheeting or netting should be provided around the site as appropriate above the site hoarding which should be of solid construction, with small viewing panels if required.

Be Responsible

Ensure that employees, agents, sub-contractors, drivers and others working on the site are aware of the requirements of the Code of Practice and comply with it.

Be Co-operative

Display a contact board at the site entrance giving names and telephone numbers of staff who can readily be contacted to respond to complaints from residents and others.

Be Secure

Police crime-prevention officers advise builders and developers to keep plant, equipment, tools and materials secure. There are regular thefts from building sites across London, including Harrow. In the last year the most popular equipment to be stolen from Harrow building sites are wacker / plate vibrators followed by breakers - regular thefts are also made of building materials.

Ensure that the site, together with any ladders, scaffolding and other building equipment, is secured at the end of each working day. Keep tools, plant and equipment securely locked away or removed from site overnight and at weekends. Where sites are working for more than a few months consider installing a CCTV system.