

DECISION NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under:

- Section 78 and 79 of The Town and Country Planning Act 1990,
- Section 20 of The Planning (Listed Building and Conservation Area) Act 1990,
- Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012,
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 or
- Section 195 of the Town and Country Planning Act 1990

You must appeal **within the following timescales**:

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here: <https://www.gov.uk/appeal-decision-about-tree-order>
- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: <https://www.gov.uk/appeal-decision-consent-display-advertisement>
- **12 weeks** from the date on the decision notice for householder applications using the form available here: <https://www.gov.uk/appeal-householder-planning-decision>
- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here: <https://www.gov.uk/appeal-minor-commercial-development-decision>
- **6 months** from the date on the decision notice for Listed Building Consent using the form available here: <https://www.gov.uk/appeal-listed-building-consent-decision>
- There is **no time limit** for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here: <https://www.gov.uk/appeal-lawful-development-certificate-decision>
- **6 months** from the date on the decision notice for all other applications using the form available here: <https://www.gov.uk/appeal-planning-decision>

You can contact the Planning Inspectorate's customer support team if you need help using the online service above by email: enquiries@planninginspectorate.gov.uk or telephone: 0303 444 5000 Monday to Friday, 9:00am to 12:00pm (noon) (except public holidays).

Purchase Notices

- 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

Notes in Respect of All Applications

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before the work can commence.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the Somerset Council, as Highway Authority should also be obtained: <https://www.somerset.gov.uk/roads-travel-and-parking/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/roads-travel-and-parking/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department of Somerset Council, for assignment of the official address/es. Details are available at <https://www.somerset.gov.uk/planning-buildings-and-land/street-naming-and-numbering/>

Discharging Planning Conditions

Obtaining permission or consent is often not the end of your involvement with the Council.

Your decision notice may include conditions that require the further agreement of details by the Local Planning Authority prior to commencing on site or certain works. When a condition requires the submission of further details, this is referred to as a Discharge of Condition application, or a DOC application.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Each submission of a DOC application relating to a planning permission will incur a fee (currently) of £145 and each submission of a DOC application relating to a householder application will incur a fee (currently) of £43. Subsequent submissions will incur additional fees so it is advisable to submit details for all relevant condition in one go. There is no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent however if the request concerns conditions relating to both a planning permission and Listed Building Consent then a fee will be required.

For more information, please visit: [Approval \(Discharge\) of conditions - Consent types - Planning Portal](#)

Community Infrastructure Levy (CIL)

Somerset Council South adopted CIL on 3rd April 2017 with a levy of £40 per m² (plus indexation) for new dwellings (Use Class C3) and £100 per m² (plus indexation) for convenience- based supermarkets and superstores and retail warehouse parks.

Please be advised that approval of this application (or a subsequent reserved matters application) in South Somerset may attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development.

If your development is liable you are required to complete and return Form 1 – additional information and Form 2 - Assumption of Liability as soon as possible and you will then be notified of the amount of CIL to be charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that liability and any exemptions are agreed before you commence the development and Form 6 – Commencement is submitted to us and acknowledged.

You are advised to visit these websites for further details <https://somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/> or Community Infrastructure Levy - GOV.UK (www.gov.uk)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. The Council can only make an assessment of CIL liability based on the information provided.