

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00772/MOUT
PROPOSAL: Outline planning application for 43 residential dwellings and associated infrastructure - all matters reserved other than for layout, scale and access (1.46 ha)
LOCATION: Land Off Swineherd Lane Swineherd Lane Kirkbymoorside North Yorkshire
APPLICANT: W&W Estate Ltd (Mr Dan Warrington)
DATE: 23rd June 2025

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP3 Affordable Housing Local Plan Strategy – Policy SP4 Housing Type and mix of New Housing
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP13 Biodiversity
Local Plan Strategy - Policy Infrastructure networks
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issue
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy
Local Plan Strategy - Policy SD2 Residential Land Allocations
Local Plan Strategy - Policy SD7 Allocation Policy

CONDITIONS AND ASSOCIATED REASONS

- 01 The development permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

- 02 An application for approval of the reserved matters relating to design and landscaping and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

- 03 The development hereby approved shall be carried out in accordance with the application detail and accompanying drawings as submitted and hereby approved:

- i. Revised Location Plan, 1614/3P Received 21 February 2023
- ii. Off Site Highway Layout 11359/001 Received 12 July 2021
- iii. Site Access REV.A Received 12 July 2021
- iv. Illustrative levels/section drawing 1614/6 Received 14 February 2023

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

- 04 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users

- 05 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

- 06 There shall be no access or egress by any vehicles between the highway and the application site at Land off Swineherd Lane Kirkbymoorside until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

07 The following schemes of off-site highway mitigation measures shall be completed as indicated below:

- Proposed Footway Improvements as shown on submitted Drawing No. 11359/001 at Swineherd Lane / Old Road prior to the occupation of any dwelling as indicated on the submitted Site Layout Plan Drawing No. 1614/3M.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users. MHi-F Delivery of off-site highway

08 For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme shall take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users. MHi-F Delivery of off-site highway

09 Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 or, a combined Section 38/278 Agreement of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Reason: In the interests of highway safety.

10 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

11 No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of Old Road, Kirkbymoorside (north of the proposed footway improvements) for construction purposes;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction
- protection of contractors working adjacent to the highway;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of the measures to be taken for the protection of trees;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

- 12 There shall be no vehicular access to or egress from the site other than via the approved access point.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to comply with Policy SP20 of the Ryedale Local Plan.

- 13 Any gates or barriers must be erected a minimum distance of 2 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

- 14 Development shall not commence until a scheme detailing foul and surface water drainage to separate systems has been submitted to and approved in writing by the Local Planning

Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

- 15 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.5 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

- 16 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

- 17 The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reed beds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site

- 18 Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To accommodate flows in storm events and allow for future maintenance

- 19 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site

- 20 No piped discharge of surface water from the application site shall take place until works to provide for a satisfactory outfall, other than the existing local public sewage, for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the site is properly drained, and in order to prevent overloading of the system, The surface water is not discharged into the foul sewer network.

- 21 No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.

- 22 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 18. The development shall not be occupied until the

site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured

Reason: In order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.

- 23 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area and to ensure that completed landscaping is of an appropriate standard and to comply with Policy SP13 of the Ryedale Local Plan.

- 24 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling constructed as part of this approved development. The landscape management plan, once approved, shall be strictly adhered to.

Reason: In the interests of the amenity of the area and to ensure that completed landscaping is of an appropriate standard and to comply with Policy SP13 of the Ryedale Local Plan.

- 25 No demolition or construction works shall take place outside the hours of:

07:30-18:00 Monday to Friday;
09:00-13:00 Saturday; and
No Activity on Sundays or Bank Holidays

Reason: In the interests of the amenity of the area and to comply with Policy SP20 of the Ryedale Local Plan.

- 26 No vegetation clearance works shall take place during the bird breeding season (1 March to 31 August (annually) inclusive). Where works must take place during this period all vegetation should first be checked by a suitably qualified ecologist.

Reason: In the interests of the Ecology of the area and to comply with Policy SP14 of the Ryedale Local Plan.

- 27 The layout and scale of the development shall be in accordance with the details contained in the Revised Location Plan, 1614/3M received by the local Planning Authority on 26 July 2021. Any dwellings to be erected within the development site shall not exceed 2 storeys in height nor shall they exceed 9 metres in height at apex level unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity and visual amenity of the area and to comply with Policies SP1, SP2 and SP20 of the Ryedale Local Plan.

- 28 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the external appearance of the development hereby approved is appropriate to the locality and in accordance with policy SP16.

- 29 Details of a lighting scheme for the site to minimise glare, reduce energy usage and to protect the general amenities of the area is to be submitted to the local planning authority for approval prior to the commencement of any above ground works.

Reason: In the interests of the visual , residential and general amenities of the locality and to seek to reduce energy consumption on site in accordance with the requirements of Policies SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy

- 30 Classes B and Class C - 'Permitted Development' rights as set out in Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and consolidated are hereby removed from all of the dwellings hereby approved. Any alterations and extensions to any of the dwellings hereby approved under Classes B and C of the abovementioned order shall be the subject of a further planning application to the local Planning authority.

Reason: In the interests of the residential and visual amenities of the locality and to ensure that the development is carried out as anticipated by the local planning authority in granting this planning permission.

- 31 Class A - 'Permitted Development' rights as set out in Schedule 2, Part1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and consolidated are removed from the dwellings on Plots 1-5 inclusive and Plots 8-13 inclusive. Any alterations and extensions to these dwellings hereby approved under Class A of the abovementioned order shall be the subject of a further planning application to the local planning authority.

Reason: To ensure that adequate amenity space remains available within these plots to serve the needs of the future occupiers of the dwellings and to satisfy Policy SP20 of the adopted Ryedale Plan- Local plan Strategy.

- 32 Each dwelling hereby approved shall be provided with an electric vehicle charging point. Prior to its installation, full details of the nature and siting of the EV charging point shall be submitted to an approved in writing by the LPA. The approved EV charging point shall be installed and functional prior to the residential occupation of the property.

Reason: To facilitate the use of low emission vehicles in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy

INFORMATIVE(S)

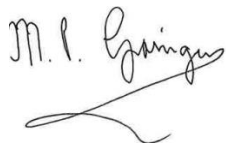
- 01 This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
- 02 Any wastewater assets intended for adoption by Yorkshire Water shall be subject to the applicant and developer liaising with them to ensure the process progresses in line with their procedures.
- 03 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.
- 04 Other Permissions required from the Local Highway Authority Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.
- 05 Public Rights of Way - The Public Right of way which crosses the site is not to be obstructed during construction works. Formal process for minor diversion to is required.
- 06 The LLFA recommends that the following information is submitted to complete the application and comply with the recommended conditions:
 - Topographic survey clearly showing the watercourse the proposed surface water discharge is to run to, along with clarification as to where the unnamed watercourse leads to.
 - Assessment of the impact of development flows on the receiving watercourse and downstream flood risk.
 - Drainage Maintenance Plan for the development.
- 07 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These

additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

- 08 Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 OR COMBINED SECTION 38/278 AGREEMENT of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
- 09 Informative to Condition MCH-01 - MHi-B Detailed Plans of Road and Footway Layouts
It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Planning Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.



Martin Grainger
Head of Development Management

Date: 23rd June 2025

W&W Estate Ltd (Mr Dan Warrington)
C/O PB Planning Ltd (Mr Paul Butler)
PO Box 827
York
YO31 6EE

NOTES

This is an approval under the Town and Country Planning Act only.

YOUR RIGHTS OF APPEAL

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.

Where this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Otherwise, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission or prior approval for a householder application, if 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.

If this is a decision to refuse planning permission for a minor commercial application, if 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.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

Otherwise, 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.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

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